

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/09/2003

8:00 P.M.

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

Supervisor Holbrook declared the Town Board Meeting open. Assemblage saluted the Flag.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition of Vangas for use of Town Law 280-a (2) to obtain access to property at 4 Park Avenue, Valley Cottage was opened, time: 8:00 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Petition of Vangas for use of Town Law 280-a (2) to obtain access to property at 4 Park Avenue, Valley Cottage was closed, time: 8:15 p.m.

Supervisor opened the public portion of the meeting.

Appearance: Martin Bernstein
New City

Item 17 – He inquired as to the two items up for appraisal and asked the Board to attend to buying them.

Item 23 – He inquired about the Keesler property and asked if the Town Board intends to purchase it.

Item 2 – Tutor Time – He asked if the Town has had a Traffic Study done because he foresees a problem when parents are picking up children from the site.

Appearance: Joseph Schleimer
New City

He spoke regarding the construction of the Gazebo in the Park in West Nyack. He said it was an historic district, it is ugly and he wants it removed.

Appearance: George Rummelt
New City

He spoke regarding Tutor Time – he believes there will be a traffic problem. He said there is a child care center on Phillips Road and there is a problem leaving that site.

Appearance: Margaret Hook
Clarkstown

Item 2 - She is opposed to Tutor Time citing the Post Office as an example.

Appearance: Robert Knight
Congers

Item 3D – He is opposed to any road going in and asked the Board to send any plans to the Historical Review Board.

Appearance: John Lodico
New City

Item 21e – He said he his sewer is not working. He suggested the Town acquire more modern TV inspection equipment.

RESOLUTION NO. (652-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown has received the Short Environmental Assessment Form, pursuant to SEQRA, from Luke Kalarickal, Director of the Department Environmental Control, with respect to the petition of Dimitrios Vangas and Mary Vangas for the use of Town Law 280-a(2) on property designated on the Clarkstown Tax Map as Map 59.07-1-20, which report the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the SEQRA report prepared by K. Luke Kalarickal, dated September 5, 2003, acting as staff to the Town Board as lead agency for subject proposed petition to utilize the provisions of Town Law 280-a(2) for private right of access to property owned by Vangas, designated on the Clarkstown Tax Map as Map 59.07-1-20, the Town Board hereby determines that the matter is an unlisted action, that approval will not result in any significant impact on the environment, and that no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

On roll call the vote was as follows:

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

RESOLUTION NO. (653-2003)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of August 12, 2003 and August 25, 2003 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (654-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, TUTOR TIME LEARNING SYSTEM, INC., by petition dated November 4, 2002, has applied for a Special Permit to conduct a Child Day Care Center pursuant to the provisions of Section 290-17(Z) and Section 290-11(A), Table 9, PO District, Column 3, Item B-4 of the Zoning Local Law of the Town of Clarkstown, for property located on the west side of North Main Street, New City, New York at 227 North Main Street, New City, New York, which premises is designated on the Clarkstown Tax Map as Map 43.7-1-29, and

WHEREAS, by Resolution dated June 24, 2003 a public hearing was duly scheduled and thereafter held by the Town Board of the Town of Clarkstown on July 22, 2003, at which time all parties in interest were heard, and

WHEREAS, by Resolution dated August 12, 2003 the Town Board has determined to grant a Special Permit to Tutor Time Learning System, Inc. subject to Special Findings of Fact and determination as required by Section 290-17(Z), and

WHEREAS, the Town Board has received a recommendation from Robert Geneslaw, agent for the Town Board with respect to the New York State Environmental Quality Review Act (NYSEQRA), who has advised that the approval sought herein shall have no negative environmental impact, and the Town Board has considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Robert Geneslaw, who has reported upon the action taken by the Town of Clarkstown Planning Board pursuant to 6-NYCRR, Part 617 (SEQRA), the Town Board hereby determines that issuance of the Special Permit to Tutor Time Learning Systems, Inc. shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Local Law of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. The property is located within the PO District that provides for a Child Day Care Center as a permitted use by Special Permit of the Town Board, and shall be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard provided the applicant conforms to the terms and conditions of the permit granted herein;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the PO District;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use, including but not limited to the provisions of Section 290-17(Z);

RESOLUTION NO. (654-2003) continued

7. The Applicant has demonstrated that the requested reduction in the buffer requirement from 75 feet to 25 feet shall not impair or adversely affect the public interest, and said reduced buffer shall be adequate to provide necessary screening for the adjacent residentially zoned property;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a Child Day Care Center as defined in Section 290-3 of the Zoning Local Law on the property described is hereby GRANTED to the applicant subject to the following conditions:

- A. Applicant must comply at all times with Section 290-17(Z) and all other applicable provisions of the Zoning Local Law of the Town of Clarkstown;
- B. Applicant shall return to the Clarkstown Planning Board and obtain final site plan approval and, provided however, that Howard L. Lampert, P.E., the Town's Highway and Traffic Engineering Consultant, shall provide his report with analysis and recommendations with respect to any traffic flow or traffic control issues for consideration by the Clarkstown Planning Board during said site plan review;
- C. That should the Planning Board determine that the proposed twelve (12) parking spaces in the designated drop-off area are insufficient to accommodate the peak morning drop-off and the peaking evening pick-up parking demands, or if it subsequently appears that the proposed twelve parking spaces are inadequate, either in the planning stage or after operations have commenced, the Applicant shall be required to return to the Planning Board for further consideration, and that at no time shall the Special Permittee allow vehicles to queue along North Main Street while attempting to enter the site;
- D. That the Applicant shall provide to the Planning Board a proposed operating plan to establish that there shall be no loading or unloading of school buses during operation, or that in the event the use of school buses is intended, the Applicant shall return to the Town Board to seek amendment to the Special Permit and may be required to obtain a revised site plan approval providing for a bus loading area on its site plan;
- E. That the Applicant shall obtain any necessary permits from the NYSDOT with respect to any curb cuts or any work within the New York State Route 304 right-of-way;
- F. That the Applicant shall comply with all requirements of its approved site plan and remain in compliance at all times during operation;
- G. Applicant should comply with all applicable law and all rules and regulations adopted pursuant to the New York State Social Services Law and remain in compliance at all times;
- H. The Applicant shall comply with all other provisions of law with respect to the operation of a Child Day Care Center;
- I. The Applicant is granted a reduced buffer requirement from 75 feet to 25 feet as requested in the Petition, and be it

FURTHER RESOLVED, that the within Special Finding and Resolution setting forth the reasons for granting said Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (655-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the U. S. Department of Justice, has advised the Town of Clarkstown that, pursuant to the 2003/2004 Local Law Enforcement Block Grant Program, the Town of Clarkstown has been awarded a grant in the amount of \$23,368.00 subject to appropriation of matching funds of \$2,596.00 for use by the Clarkstown Police Department for its "Operation Safe Shopper" at the Palisades Center Mall during the upcoming 2003 holiday season;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the U.S. Department of Justice, in a form approved by the Town Attorney, to accept a grant award of \$23,368.00 and hereby appropriates matching funds in the amount of \$2,596.00, in accordance with the grant award requirements for the Town of Clarkstown Operation Safety Shopper at the Palisades Center Mall, to be charged to Account No. A 3120-III.

On roll call the vote was as follows:

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

RESOLUTION NO. (656-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the County of Rockland, through its Department of Public Transportation, and the Town of Clarkstown wish to implement camera surveillance at the New York State Thruway Exit 14 Park and Ride Lot and to upgrade existing camera monitoring system, and

WHEREAS, the County of Rockland, by Resolution No. 742 of 2002, has appropriated the necessary funds for said project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, for the period commencing October 1, 2002 and terminating on December 31, 2004, to provide services to the County of Rockland to implement camera surveillance at the Exit 14 Park and Ride Lot and to upgrade existing camera monitoring system, and be it

FURTHER RESOLVED, that the agreement referred to herein shall provide that the Town of Clarkstown shall be reimbursed by Rockland County for the required installation in a sum not to exceed \$180,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (657-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the County of Rockland, through its Department of Public Transportation, and the Town of Clarkstown wish to coordinate bus fares as it relates to cash paying, full fare, adults on the "Transport of Rockland" (TOR) and the "Clarkstown Mini Trans" (CMT), and

WHEREAS, the Town Board of the Town of Clarkstown wishes to participate in the County of Rockland Department of Public Transportation "Super Saver" Discount Program for the Clarkstown Mini Trans;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to provide for the coordination of bus fares as it relates to cash paying, full fare, adults on the Transport of Rockland and the Clarkstown Mini Trans, and for the Town of Clarkstown to participate in the County's "Super Saver" Discount Program.

On roll call the vote was as follows:

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

RESOLUTION NO. (658-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has reviewed the proposal of Brooker Engineering dated June 4, 2003, revised August 12, 2003, to provide engineering services in connection with the reconstruction of the Demarest Mill Creek Dam, to replace the engineer previously retained for said project, and has recommended acceptance by the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with BROOKER ENGINEERING, P.L.L.C., in a form satisfactory to the Town Attorney, to provide engineering services as described in said proposal, and be it

FURTHER RESOLVED, that the 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, and be it

FURTHER RESOLVED, that the compensation of Brooker Engineering, P.L.L.C., for such services in the amount of \$36,000.00 plus \$4,000.00, if an emergency action plan is necessary, shall be charged to Account No. H 8739-409-60-1.

RESOLUTION NO. (658-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (659-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has reviewed the proposal of Brooker Engineering dated January 2, 2003, for the preparation of plans and specifications for the replacement of culverts along the Demarest Mill Creek, which was solicited to obtain replacement engineering services for a project which another engineer did not complete, and has recommended acceptance by the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with BROOKER ENGINEERING, P.L.L.C., in a form satisfactory to the Town Attorney, for the preparation of plans and specifications as described in said proposal, and be it

FURTHER RESOLVED, that the 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, and be it

FURTHER RESOLVED, that the compensation of Brooker Engineering, P.L.L.C., for such services in an amount not to exceed \$54,500.00.00 without further authorization of the Town Board, shall be charged to Account No. H 8739-409-60-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (660-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an Inter-municipal agreement, in a form approved by the Town Attorney, with Rockland County and the Towns of Ramapo, Orangetown, Haverstraw and Stony Point, to provide for County Wide Revaluation and to guarantee reimbursement to Rockland County for funding if the Towns do not unanimously adopt such revaluation plan.

RESOLUTION NO. (660-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (661-2003)

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:

DeSIMONE & SONS, INC.
 35 Madison Avenue
 Garnerville, NY 10923
 Paul DeSimone, Jr., President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 03-23 DeSIMONE & SONS, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (662-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #53-2003
 OVERHEAD DOOR AND HIGHWAY GARAGE REPAIRS

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on October 3, 2003 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department upon payment of the prescribed fee of \$25.00.

RESOLUTION NO. (662-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (663-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #55-2003 – VENDING MACHINE SERVICES

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

RESOLUTION NO. (664-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #56-2003 – SOUTH GRANT AVE ROAD IMPROVEMENT

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on September 22, 2003 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (665-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #57-2003 – POLICE UNIFORMS

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

RESOLUTION NO. (666-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #46-2003 – EAST ALLISON AVENUE GROUNDWATER INTERCEPTOR DRAIN

is hereby awarded to: CAL MART ENTERPRISES, INC.
 357A ROUTE 59
 WEST NYACK, NY 10994
 PRINCIPALS: CARL V. WORTENDYKE
 MARTIN C. WORTENDYKE
 PETER T. WORTENDYKE

as per their proposed project cost of \$24,742.00 and be it

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

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of 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

RESOLUTION NO. (666-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (667-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of Patricia A. Betz, Utility Services Coordinator and Howard Lampert, Project Engineer that

BID #47A-2003 – TRAFFIC SIGNAL INSTALLATION ON PASCACK ROAD AT THE COMMUNITY CENTER

is hereby awarded to: VERDE ELECTRIC CORP.
 89 EDISON AVENUE
 MT. VERNON, NY 10550
 PRINCIPAL: GIULIO C. MONACO, JR.

as per their proposed project cost of \$24, 740.00 and be it

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

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Worker's Compensation insurance coverage
- f) 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 Absent
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (668-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the firm of Glen F. Kubista & Associates, representing T-Bone's of Rockland, Inc., d/b/a "T-Bone's," has advised the Town Clerk by letter dated August 13, 2003, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that said corporation has applied for an on-premises liquor license at 56 North Route 303, Valley Cottage, New City, New York, and

WHEREAS, to expedite processing T-Bone's of Rockland, Inc. license application, Glen F. Kubista & Associates has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 62 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of T-Bone's of Rockland, Inc., d/b/a "T-Bone's," for a license at premises 56 North Route 303, Valley Cottage, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (669-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to accept and record a Right-of-Entry agreement from Ambrogio and Lucy Vippolis with respect to the Third Street, New City, Improvements (Bid No. 57-2001).

On roll call the vote was as follows:

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

RESOLUTION NO. (670-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, TMCD Realty Corp., Index Nos. 4087/99, 4093/00, 4073/01 and 4555/02, affecting parcel designated as Map 51.11, Block 4, Lot 73, (formerly known as 56-A-19.1) and more commonly known as 490 Route 304, New City, New York for the years, 1999 through 2002, and

RESOLUTION NO. (670-2003) continued

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 Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Map 51.11, Block 4, Lot 73 be reduced for the year 1999 from \$552,500.00 to \$469,600.00 at a cost to the Town of \$1,222.41; for the year 2000 from \$552,500.00 to \$469,600.00 at a cost to the Town of \$1,196.99; for the year 2001 from \$552,500.00 to \$442,000.00 at a cost to the Town of \$1,594.98; and for the year 2002 from \$552,500.00 to \$442,000.00 at a cost to the Town of \$1,610.53;

2. Reimbursement for the years 1999 through 2002 on the parcel described as Map 51.11, Block 4, Lot 73, 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. The proceedings commenced by the petitioner respecting Map 51.11, Block 4, Lot 73 be discontinued for the years 1999 through 2002;

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

RESOLUTION NO. (671-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Justices, Scott Ugell and Craig Johns, and Town Justice Court Clerk, Joann Geary, have requested permission to attend the New York State Magistrates Association and the New York State Magistrates Court Clerks Association Annual Joint Conference being held at Saratoga Springs, New York, from September 28, 2003 to October 1, 2003;

NOW, THEREFORE, be it

RESOLUTION NO. (671-2003) continued

RESOLVED, that the Town Board hereby authorizes attendance at said conference by Town Justices, Scott Ugell and Craig Johns, and by Justice Court Clerk, Joann Geary, to be held at Saratoga Springs New York, from September 28, 2003 to October 1, 2003, and be it

FURTHER RESOLVED, that the total cost of said training course of \$1,925.91, and the cost for reasonable expenses for travel, lodging, and food shall be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (672-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Frank Fee, Transit Operations Supervisor, has requested permission to attend the New York State Department of Motor Vehicles Certified Examiner Training Course which is being held in Harriman, New York, on October 7, 2003, at a cost of \$72.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes attendance by Frank Fee, Transit Operations Supervisor, to attend the New York State Department of Motor Vehicles course referred to herein, and be it

FURTHER RESOLVED, that the cost of \$72.00, and the reasonable expense for travel and food shall be charged to Account No. A 5630-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (673-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, have requested permission to attend the Annual Government Technology conference in Albany, New York on September 17 to 19, 2003.

NOW, THEREFORE, be it

RESOLUTION NO. (673-2003) continued

RESOLVED, that the Town board hereby authorizes Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, to attend the Annual Government Technology Conference in Albany, New York on September 17 to 19, 2003.

FURTHER RESOLVED, that the cost of the conference including lodging, meals, travel and parking shall not exceed \$2,000.00 and shall be charged to Account No. A-1680-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (674-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, B&B POOL & SPA CENTER has requested a refund of Building Permit fee (No. 03-915) it paid in the amount of \$512.00 for premises located at 2 Assembly Court, New City, New York, because the owner, Mr. Begley, canceled the work on his home, and the Building Inspector has recommended a partial refund;

NOW, THEREFORE, be it

RESOLVED, that as recommended by the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid in the amount of \$362.00 to B&B Pool & Spa Center, to be charged to Account No. B 02-6-2555-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (675-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, RAYMOND & ANN MARIE MANFREDI have requested a refund of Building Permit fee (No. 03-545) paid in the amount of \$740.00 for premises located at 40 Ludvigh Road, Nanuet, New York, because they have canceled plans for their home, and the Building Inspector has recommended a partial refund;

NOW, THEREFORE, be it

RESOLVED, as recommended by the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid in the amount of \$600.00 to RAYMOND & ANN MARIE MANFREDI, to be charged to Account No. B 02-6-2555-0.

RESOLUTION NO. (675-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (676-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

Curve signs: Map – 51.12, Block 3 Lots 12, 13 and 14.
 On the northside of Pepperidge Drive a W1-1 sign. On the eastside a W1-2 sign per the NYS MUTCD. Beneath the curve signs erect panels 15 MPH Pepperidge Drive, New City.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (677-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "Stop" sign and a Stop line on Stonewall Lane at Congers-New City Rd., Congers, New York.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (678-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a result of a citizen's inquiry, Howard L. Lampert, P.E., Traffic and Engineering Consultant for the Town of Clarkstown, inspected traffic signage on North Pascack Road at Lauren Drive and observed that a non-conforming "School Crossing" sign had been installed at a school bus stop in conflict with the New York State Manual of Uniform Traffic Control Devices, and by report dated August 25, 2003, Mr. Lampert has recommended replacement of said non-conforming sign with a conforming sign "School Bus Stop Ahead," to be installed approximately 200 feet south of Lauren Drive;

NOW, THEREFORE, be it

RESOLVED, that in accordance with the recommendation of Howard L. Lampert, the Town Board hereby authorizes and directs the Superintendent of Highways to replace the non-confirming sign with a conforming sign "School Bus Stop Ahead," as recommended in the August 26, 2003 report referred to herein.

On roll call the vote was as follows:

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

RESOLUTION NO. (679-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a result of citizens' concerns regarding safety conditions on West Burda Place in the vicinity of West Clarkstown Road, Howard L. Lampert, P.E., the Town's Traffic and Engineering Consultant, was assigned to investigate traffic safety conditions at the subject location, and by report dated July 30, 2003, has made certain recommendations for improved signage, trimming of shrubbery, and other recommendations which the Town Board has received and reviewed;

NOW, THEREFORE, be it

RESOLVED, that in accordance with the recommendations made by the Town's Traffic and Engineering Consultant, the Superintendent of Highways is hereby authorized and directed to install two 12"x18" Chevron signs facing north in front of House No. 16 West Burda Place opposite the curve at this location; replace the defaced northbound "Left Turn" sign panel and the "20 MPH" advisory speed sign underneath it on West Burda Lane at House No. 16, approximately 200 feet south of the end of the curve, for which the sign is intended to provide warning; installation of fifty feet (50') of heavy post blocked out corrugated beam guide rail in front of House No. 16; removal or trimming of shrubs to no higher than thirty inches (30") at West Burda Place at its intersection with West Clarkstown Road; install 200 feet of double yellow center lines on West Burda Place from West Clarkstown Road to House No. 16 West Burda Place, which is approximately 200 feet north of the intersection, provided, however, the residents of West Burda Place in the vicinity of the proposed center lines are consulted with prior to installation and have no objection to such improvement, and be it

RESOLUTION NO. (679-2003) continued

FURTHER RESOLVED, that in accordance with the recommendations made by Mr. Lampert, Patricia Betz, Utilities Service Coordinator, is hereby authorized and directed to investigate with Orange & Rockland Utilities the proposed need for additional street lighting on the utility pole located at West Burda Place between House Nos. 14 and 16, to determine if additional night lighting is needed, and be it

FURTHER RESOLVED, that in accordance with the further recommendation of Mr. Lampert, the Town Board hereby requests the Clarkstown Police Department to assess the need for increased speed enforcement on West Burda Place, and in the event such a need is apparent, to provide the necessary attention to said location.

On roll call the vote was as follows:

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

RESOLUTION NO. (680-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Howard L. Lampert, Traffic Engineering Consultant, has investigated parking conditions in the vicinity of 161 South Middletown Road, Nanuet, New York, and by memo dated July 31, 2003 has recommended that parking be restricted in this area;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways, Wayne T. Ballard, to install traffic signs that permit parking for a period not to exceed ten (10) minutes on the west side of South Middletown Road, from 92 feet north of Prospect Street to 112 feet north of Prospect Street, and additional signage as recommended by Mr. Lampert in his report referred to herein.

On roll call the vote was as follows:

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

RESOLUTION NO. (681-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

“No Parking Anytime” signs on the west side of North Rockland Avenue, Congers, the entire length.

RESOLUTION NO. (681-2003) continued

Replace the existing "No Stopping Anytime:" and the "No Parking" signs with the "No Parking Anytime" signs.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (682-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

Two "T" intersections signs (W2-4 per the NYS DOT MUTCD)
The first: eastbound on Second Street west of Park Avenue, New City.
The second, westbound Second Street, east of Park Avenue

Install a W2-10 sign, northbound Park Avenue south of Second Street, an intersection sign.

Install a W2-11 intersection sign, southbound Park Avenue north of Second Street, New City

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (683-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a resident has expressed concerns over littering in the area of Route 9W and Route 303, and has requested "No Littering" signs be installed at this intersection;

RESOLUTION NO. (683-2003) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the New York State Department of Transportation authorize and install six "No Littering" signs at the intersection of Route 9W and Route 303.

On roll call the vote was as follows:

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

RESOLUTION NO. (684-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as "Csernelabics," the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Conger Avenue and Harrison Avenue, Congers, New York, and

WHEREAS, the Deputy Director of Environmental Control has recommended acceptance of the conveyance; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Deputy Director of Environmental Control of the Town of Clarkstown, deed dated July 29, 2003 from August G. Csernelabics to the Town of Clarkstown, gratuitously conveying a strip of land along Conger Avenue and Harrison Avenue, Congers, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (685-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is party to a Solid Waste Disposal Service Agreement and Site Lease Agreement with Clarkstown Recycling Center, Inc., and

RESOLUTION NO. (685-2003) continued

WHEREAS, by Resolution No. 516-2003, duly adopted on June 24, 2003, the Town Board authorized amendment to said agreement which now has been signed and tendered for execution by the Town, and

WHEREAS, the Town Attorney has advised that said agreement conforms to the terms and conditions approved by the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the 6th Amendment to the Agreement referred to herein.

On roll call the vote was as follows:

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

RESOLUTION NO. (686-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has been informed by Gilsem LLC that it may wish to sell its property located at 549-555 North Little Tor Road, New City, New York, which is designated on the Tax Map as 34.5-1-6, consisting of approximately 8.9 acres of land, and that said premises may be suitable for inclusion in the Clarkstown Open Space Acquisition Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of premises referred to herein, and for the purpose of determining the reasonable purchase price for a fee simple absolute interest, and to accept the lowest reasonable proposal to provide such appraisal to be charged to Account No. H 9750-409-0-74-1, and be it

FURTHER RESOLVED, that this matter is hereby referred to Robert Geneslaw, Planning Consultant, and the Clarkstown Planning Board for recommendation regarding the inclusion of the subject property in the Open Space Initiative.

On roll call the vote was as follows:

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

RESOLUTION NO. (687-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has been informed by Loring K. Manley, attorney for Robin Eckerle and Peter Waldron, that his clients may wish to sell their property known as Tax Map 59.15-1-38, located at 462-A Mountainview Avenue, Valley Cottage, approximately .16 acres; Tax Map 59.15-1-39, located at 464-466 Mountainveiw Avenue, Valley Cottage, approximately 3.30 acres; Tax Map 59.19-1-23, located at 80 Mountainview Avenue, Central Nyack, approximately 1.22 acres; and Tax Map 59.19-1-24, located at 90 Mountainview Avenue, Central Nyack, approximately 1.00 acres, and that said premises may be suitable for inclusion in the Clarkstown Open Space Acquisition Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of premises referred to herein, and for the purpose of determining the reasonable purchase price for a fee simple absolute interest, and to accept the lowest reasonable proposal to provide such appraisal to be charged to Account No. H 9750-409-0-74-1, and be it

FURTHER RESOLVED, that this matter is hereby referred to Robert Geneslaw, Planning Consultant, and the Clarkstown Planning Board for recommendation regarding the inclusion of the subject property in the Open Space Initiative.

On roll call the vote was as follows:

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

RESOLUTION NO. (688-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Board of Education of the Clarkstown Central School District and the Clarkstown Police Department desire to provide law enforcement services of two (2) Police Officers to be assigned to the school district on a full time basis, and

WHEREAS, a School Resource Officer Program has been proposed for the Clarkstown Central School District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Clarkstown Central School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of two (2) Police Officers to the Clarkstown Central School District on a full time basis, for the period from September 1, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that the agreement shall provide, along other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

RESOLUTION NO. (688-2003) continued

FURTHER RESOLVED, that this Resolution is subject to the financial contribution of the Clarkstown Central School District in the amount of \$30,000.00 per School Resource Officer.

On roll call the vote was as follows:

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

RESOLUTION NO. (689-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Board of Education of the Nanuet Union Free School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) Police Officer to be assigned to the school district on a full time basis, and

WHEREAS, a School Resource Officer Program has been proposed for the Nanuet Union Free School District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nanuet Union Free School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) Police Officer to the Nanuet Union Free School District on a full time basis, for the period from September 1, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that the agreement shall provide, along other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this Resolution is subject to the financial contribution of the Nanuet Union Free School District in the amount of \$30,000.00 per School Resource Officer.

On roll call the vote was as follows:

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

RESOLUTION NO. (690-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Board of Education of the Nyack School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) Police Officer to be assigned to the school district on a full time basis, and

RESOLUTION NO. (690-2003) continued

WHEREAS, a School Resource Officer Program has been proposed for the Nyack School District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nyack School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) Police Officer to the Nyack School District on a full time basis, for the period from September 1, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that the agreement shall provide, along other provisions required by the Town Attorney, for contractual indemnification of the Town. professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this Resolution is subject to the financial contribution of the Nyack School District in the amount of \$30,000.00 per School Resource Officer.

On roll call the vote was as follows:

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

RESOLUTION NO. (691-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning August 15, 2003 to August 15, 2005, as follows:

American Legion Wm. E. DeBevoise, Jr., Post No. 1682:
.1 mile segment of American Legion Way from
Congers Road to Route 304, New City, New York

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLUTION NO. (691-2003) continued

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning August 15, 2003 to August 15, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (692-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning September 1, 2003 to September 1, 2005, as follows:

Clarkstown Sunrise Rotary Club: .6 mile segment of
West Nyack Road, from Route 304 to the west end of
St. Anthony's Church, Nanuet, New York

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning September 1, 2003 to September 1, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (693-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning August 15, 2003 to August 15, 2005, as follows:

Curti's Landscaping, Inc.: .3 mile segment of Demarest Mill Road, from Route 304 to West Nyack Road, Nanuet, New York

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning August 15, 2003 to August 15, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (694-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning August 15, 2003 to August 15, 2005, as follows:

McDonald's, New City: .2 mile segment of Cavalry Drive, from North Main Street to Route 304, New City, New York

and

RESOLUTION NO. (694-2003) continued

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning August 15, 2003 to August 15, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (695-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands; and

WHEREAS, the following group wishes to participate in the Adopt-A-Road Program, and adopt a segment of various town roads for a period of two (2) years beginning September 1, 2003 to September 1, 2005, as follows:

Aldan Press, 57 Bardonia Road, Bardonia, New York
.9 mile segment of Ludvigh Road, from
Route 304 to Middletown Road, Bardonia, New York

And

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning September 1, 2003 to September 1, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

RESOLUTION NO. (695-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (696-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Karen Dowling, 48 Townline Road, Nanuet, New York, is hereby appointed to the position of (Provisional) Account Clerk Typist – Town Justice Department – effective and retroactive to August 18, 2003 – at the current annual salary of \$32,783.

On roll call the vote was as follows:

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

RESOLUTION NO. (697-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Claudia Hartwick, 77 Eagle Ridge Road, Nanuet, New York – Clerk Typist – Clarkstown Highway Department – is hereby accepted – effective and retroactive to August 14, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (698-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Rosemary Sanfratello, 3 Cygnet Lane, Valley Cottage, New York, Paralegal Specialist I – Office of the town Attorney – is hereby granted an extension of her Sick Leave of Absence, at one-half pay – effective and retroactive to August 15, 2003 to September 2, 2003.

RESOLUTION NO. (698-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (699-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Catherine Bender, 40 Oak Road, New City, New York – (temporary) Clerk Typist - Supervisor’s Office – is hereby accepted – effective and retroactive to September 4, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (700-2003)

Co. Mandia offered and Co. Smith seconded

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

BID #58-2003 – CRUSHER – 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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (701-2003)

Co. Mandia offered and Co. Smith seconded

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

BID #59-2003 – HIGH PRESSURE SEWER JET/VACUUM TRUCK SEWER DEPARTMENT

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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (702-2003)

Co. Mandia offered and Co. Smith seconded

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

BID #60-2003 – 5000 GALLON SEWAGE TANK TRUCK – SEWER DEPT

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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (703-2003)

Co. Mandia offered and Co. Smith seconded

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

BID #61-2003 – PORTABLE TRAILER MOUNTED GENERATORS
SEWER DEPT

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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (704-2003)

Co. Mandia offered and Co. Smith seconded

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

BID #62-2003 – T. V. INSPECTION SYSTEM –SEWER DEPT

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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (705-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Department of Environmental Control is responsible to prepare, review and/or inspect erosion control plans and stormwater pollution prevention plans for Town projects and private development work within the Town, and

RESOLUTION NO. (705-2003) continued

WHEREAS, a training program is being offered by the NYS Department of Environmental Conservation to provide information on preparation of such plans to insure conformance with the NYSDEC "General Permit for Stormwater Discharge for Construction Activity", and

NOW THEREFORE BE IT RESOLVED that Dennis Letson, Deputy Director; Richard Westervelt, Engineer II; Ronald Haelen, Environmental Resource Specialist; Sal Pagliuca, Environmental Inspector III and David Secor, Principal Engineering Technician of the Department of Environmental Control are authorized to attend the workshop on stormwater pollution prevention plan preparation and implementation to be held September 17, 2003 at a cost of \$15.00 per person, and

BE IT FURTHER RESOLVED that the total cost of \$75.00 shall be a proper charge to account number A 1010 414.

On roll call the vote was as follows:

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

RESOLUTION NO. (706-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby confirms the recommendation by the Town Attorney that the firm of Metropolitan Appraisals be retained to appraise property located at 101 Old Route 304, New City, New York, and designated on the Clarkstown Tax Map as Map 34.16-1-52, for the purpose of determining its present market value for open space, and be it

FURTHER RESOLVED, that the fee for said appraisal shall not exceed \$2,200.00, which shall be charged to Account No. H 8750-409-0-74-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (707-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$60.00 in donations to the Child Passenger Safety Program, \$12,339.36 from Geico Insurance, \$1,998.62 from Metlife Auto & Home Insurance, and \$1,982.06 from Robert Dibiseglie,

THEREFORE BE IT,

RESOLUTION NO. (707-2003) continued

RESOLVED, to increase Revenue Account A 01 9 2705 0 (Gifts & Donations) and Budgetary Account A 3120-326 (Police-Law Enforcement Supplies) by \$60.00 and increase Revenue Account A 01 8 2650 0 (Insurance Recoveries) and Budgetary Account A 3120-406 0 (Police-Repairs to Vehicles) by \$16,320.04 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 3320-409 (Traffic Signals-Fees for Services) and increase A 3320-219 (Traffic Signals-Equipment) by \$3,075.

On roll call the vote was as follows:

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

RESOLUTION NO. (708-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, by memoranda dated August 15, August 27 and September 5, 2003, the Town's Design Consultant, Howard L. Lampert, P.E., and the Director of the Department of Environmental Control, K. Luke Kalarickal, have reported upon the need for two Change Orders with respect to Bid No. 36-2003 and have recommended acceptance of same for the necessary removal of trees which many endanger the project design and performance and for additional unanticipated work with respect to property access at House No. 33 Demarest Mill Road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Bid No. 36-2003 Change Order No. 1 for the sum of \$5,100 for tree removal in accordance with the August 15, 2003 memo of Howard L. Lampert, and Change Order No. 2 for the sum of \$1,400 for additional required clearing, grubbing and excavation work as described by memo of August 27, 2003 of Howard L. Lampert, both of which have been recommended for acceptance in the September 15, 2003 memo of the Director of Environmental Control, K. Luke Kalarickal, and be it

FURTHER RESOLVED, that the total expenditure of \$6,500 shall be charged to Account No. H 8752-409-0-76-10.

On roll call the vote was as follows:

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

RESOLUTION NO. (709-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by petition dated September 3, 2002, O'Sullivan Tree Care, Inc. applied for a Special Permit to operate a Recycling Facility for premises designated on the Clarkstown Tax Map as 65.13-2—14, and said Special Permit was granted subsequent to a duly scheduled public hearing pursuant to Resolution No. 177, adopted by the Town Board on March 11, 2003, and

WHEREAS, the Special Permittee thereafter petitioned to amend its Special Permit to authorize reduction of the buffer area pursuant to Section 290-11(A), Column 8, Item 4 of Table 15, from 75 feet to 50 feet, and by Resolution dated May 13, 2003, a further public hearing was duly scheduled and held on May 27, 2003 to consider said application, and by Resolution No. 504, dated June 24, 2003, the Town Board approved the proposal to reduce the buffer area subject to review and recommendation by the Rockland County Department of Health with respect to the potential for noise, odors, and water quality, and

WHEREAS, by report dated July 3, 2003, the Rockland County Department of Health has reported that it does not have jurisdiction with respect to the type of installation contemplated by the applicant, and

WHEREAS, at the time of the public hearing the applicant presented evidence sufficient for the Town Board to determine that a reduction of the buffer would have no negative affect on the environment, nor would such reduced buffer area be inconsistent with reasonable requirements of the Rockland County Highway Department, the Town of Clarkstown Planning Board, or the Rockland County Department of Planning provided that, any determination would be in accordance with the Rockland County Department of Planning requirement that additional landscaping be provided adjacent to Bradley Industrial Park and Western Highway;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board makes the following FINDINGS OF FACT with respect to the application for a mendment of the Special Permit previously issued to O'Sullivan Tree Care, Inc:

1. The Findings of Fact previously made with respect to the issuance of Special Permit, as contained in Resolution No. 177 of March 3, 2003, shall in no way be affected by or changed as a result of the reduction of the required buffer, or after the determination that no negative environmental impact shall result from issuance of the Special Permit, and that all such Findings which are relevant to the determination herein are hereby re-adopted, and be it

FURTHER RESOLVED, that the petition to amend Special Permit referred to herein to authorize the reduction of the buffer from form 75 feet to 50 feet is hereby granted to the petitioner subject to the provision that additional landscaping adjacent to Bradley Industrial Park and Western Highway be provided in accordance with the June 5, 2003 report of the Rockland County Department of Planning, and be it

FURTHER RESOLVED, that the within Findings of Fact and Determination, setting forth the rationale for granting the amendment to the Special Permit, shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (710-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by memo dated September 3, 2003, K. Luke Kalarickal, Director of the Department of Environmental Control, has reported upon the August 28, 2003 request from West Solutions, Inc., the design professional previously retained by the Town of Clarkstown with respect to the Hackensack River Natural Improvement Project, which report advises that as a result of the complexity of the site conditions and the need for additional design alternate evaluations, the previously estimated and funded budget for the subject project is insufficient and there is needed for its completion additional funding in the amount of \$279,000, and

WHEREAS, the Director of the Department of Environmental Control has recommended funding of the amount requested because it is necessary to assure that the construction phase of the project could begin by the end of October 2003;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of K. Luke Kalarickal, Director of the Department of Environmental Control, the Town Board hereby authorizes the additional budget amount of \$279,000 for design and construction supervision of the Hackensack River Natural Improvement Project by Weston Solutions of New York, Inc., and be it

FURTHER RESOLVED, that the sum referred to herein shall be charged to Account No. H 7186-409-0-59-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (711-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board authorized M.G. McLaren, P.C., consulting engineers to prepare plans and specifications for the widening of Lawrence Street and installing sidewalks from Valley Drive east to Pascack Road; and

WHEREAS, at a public hearing residents requested to investigate the possibility of a connecting sidewalk from Pascack Road to New Clarkstown Road; and

WHEREAS, in order to obtain sidewalk easements from New Jersey Transit Railroad, the location of newly installed fence along the railroad track, property line stake out and topographic surveys are required; and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from Jay A. Greenwell, PLS to perform the surveying services;

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Jay A. Greenwell, PLS, to provide the surveying services; and

RESOLUTION NO. (711-2003) continued

BE IT FURTHER RESOLVED, that the cost for the surveying services shall not exceed \$3,350 and shall be a proper charge to Account H 8751-409-0-75-14.

On roll call the vote was as follows:

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

RESOLUTION NO. (712-2003)

Co. Maloney offered and Co. Mandia seconded

Whereas, the Town Board of the Town of Clarkstown is desirous of constructing approximately 350 linear feet of asphalt sidewalk and related improvements along the west side of Sickletown Road from Valley View Road to Foxwood Drive; and

Whereas, the Department of Environmental Control has prepared a plan for said improvements; and

Whereas, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to implement the improvements in accordance with said plan; and

Whereas, the Department of Environmental Control has received three (3) responses to its solicitation and, upon review, found these proposals to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Pinebrook Industries, Inc.
 P.O. Box 723
 New City, New York 10956

to construct the sidewalk and perform related work in accordance with their proposal in the amount of \$19,750.00; and

Be It Further Resolved that this shall be a proper charge to account # H 8753-409-0-77-27.

On roll call the vote was as follows:

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

RESOLUTION NO. (713-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, by resolution 63-2002, the Town Board awarded Bid Number 73-2002 to Danny Clapp Landscaping, Inc., and

WHEREAS, by resolution 624-2003, the Town Board did authorize a change in the scope of work for said bid to extend the scope of work and provide a greater degree protection of roadway and adjacent properties, and

WHEREAS, the location of the additional drainage facilities requires a greater amount of asphalt paving to properly create a valley gutter to direct stormwater flow, and

WHEREAS, the Contractor has submitted change order #2 in the amount of \$2100.00, to provide for the additional paving installation, and

WHEREAS, the Deputy Director of the Department of Environmental Control has reviewed the proposed change, and recommended that the additional work be authorized by the Town Board,

NOW THEREFORE, BE IT RESOLVED that Change Order #2 in the amount of \$2100.00 is hereby authorized, and

BE IT FURTHER RESOLVED that the total amount of contract is increased to \$34,604.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (714-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, in an effort to preserve South Main Street, from Second Street southbound to Route 304, until future reconstruction efforts, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways and Ralph A. Lauria, Deputy Director of the Department of Environmental Control, recommend the hiring of New York Bituminous Product Corporation, for the purpose of microsurfacing this portion of South Main Street in accordance with their proposal of September 9, 2003, to ensure the integrity of the road through the upcoming winter months, as the majority of the construction for this project will not be completed until 2004,

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with New York Bituminous Product Corporation, in accordance with the New York State Office of General Services State Contract Award No. 02722 (Contract #PC-60191), in a form approved by the Town Attorney, to provide microsurfacing on South Main Street, New City, as outlined above, for the Town of Clarkstown, and be it

RESOLUTION NO. (714-2003) continued

FURTHER RESOLVED, that the cost for said contract shall not exceed the sum of \$25,000.00 and shall be charged to Capital Account H 5111 409 0 4 16.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the Town Board Meeting was closed, time 9:05 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9-9-2003

8:00 PM

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Smith
Councilwoman Lasker - Absent
Marsha Coopersmith, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Petition of Vangas for Use of Town Law 280-a(2) to Obtain Access to Property at 4 Park Avenue, Valley Cottage

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

Town Attorney John Costa attested to proper publishing and posting of the Notice of Public Hearing.

There was not a recommendation from the County Planning Board because they said this matter was not within their jurisdiction. The Clarkstown Planning Board gave a favorable recommendation.

The Department of Environmental Control reported a Short Environmental Form is complete and there are no adversarial effects.

Supervisor read the following letters into the record:

This is in response to your letter of 7-23-03 regarding the Vangas' petition for use of Town Law 280-a(2). I very much want to attend the town board Meeting on 9-9-03, but I will be an election inspector for the primaries on that day and will be tied up all day.

My wife and I have put together a compilation of reasons why we feel granting a two lot subdivision on property 59.07-1-20 is not in the best interests of the residents of Park Avenue and the surrounding 500 ft. radius.

We have lived on Park Avenue for 37 years and the spring fed stream has always caused a water problem in our cellar and it's getting worse. The road is in disrepair and an addition of another house and pool will give us all less ground to absorb the water. We are on the low part of the street and get all the run off. We are in a protected water shed area so that's something else to consider.

On the other side of the coin, if the Vangas petitioners would get the Town a private engineer to come in, inspect the property and re-engineer the drainage problem that effects all in the area and install sidewalks to make things bearable for pedestrian residents, things would be better.

If the petitioner were to get all of the above in order, I see no reason why all parties concerned would oppose the sub-division.

Thank you for your time,

Mr. And Mrs. John Sheehan

Dear Mr. Holbrook:

My name is Mrs. Mary Pathil and I am the property owner at 1 Park Avenue, Valley Cottage, NY 10989.

Since I work eve shift at RPC, I am unable to attend the public hearing scheduled on September 9, 2003 at 8 PM, but I will take this opportunity to raise some concerns regarding the drainage in the surrounding area.

When it rains, due to absence of curbing and inadequate drains, drain water runs through my property like stream. When there is heavy downpour, it causes damage to trees and shrubs in my backyard. Though I installed drainage to avoid this situation, it still is inadequate.

By adding another house to the parcel of land, I am afraid that situation will get worse and cause more runoff problems.

Therefore, I request that the county would require an environmental study of the area and find way to catch the drainage to avoid the runoff since the runoff is coming from the property known as 59-07-1-20.

Thank you for your time and consideration, and if you have any questions, please call me at 845 268-3404.

Signed by Mary Pathil

As Clarkstown Town Historian and as Chairman of the Town of Clarkstown Historical Review Board, I would respectfully request that any plans for the proposed reconstruction of the Demarest Mill Creek dam in West Nyack be referred to the Historical Review Board at some point prior to their adoption, for a review of any historical significance regarding this project.

This should not be viewed as a blockage of progress on this project in any way, as same can continue unfettered while the HRB review proceeds simultaneously. Assuming tonight's action is merely to enter into an agreement with Brooker Engineering, POLC 'for engineering services' on this project, this request would not hinder or delay that action in any way.

What I and the board are concerned about is the potential for destruction of any historical resources or artifacts at this site, which has great historical significance to both West Nyack in the town and hamlet's histories.

This dam, of stone and earth and admittedly unstable at this time, would appear to be the same dam that provided water power for the adjacent mill, on the Korngold property, which was the site for the famous (or infamous) last Witchcraft trial in the State of New York in 1816.

Attached is information shared with the Town Board at the time of their consideration of the access road, since it is all pertinent to the dam as well.

The attached photograph clearly shows the dam behind the mill, circa 1880. Also attached are maps of the area from the 1876 Rockland County Atlas, clearly showing the Demarest Mill Creek and the dam, and the pond it created.

After the Historical Review Board has had the opportunity to review this project in more detail, we will submit our recommendations back to the council for their determination on an appropriate plan of action.

Signed by Robert Knight

As per our phone conversation today, I'm faxing you my concerns regarding the attached Notice of Public Hearing.

My name is Peter Haight, and I am the property owner located at 519 Kings Highway, Valley Cottage, NY (Bloch & Lot 59.6-3-82)

Due to overlapping schedules, I will be unable to attend the public hearing and would like to raise some concerns that I, and after discussing this with my neighbors, their concerns as well in regards to the drainage on Park Avenue and the surrounding area.

Park avenue, although it is a private road and not a town road, encounters rainwater runoff almost every time it rains. Due to inadequate storm drains, the absence of curbing, natural springs and the existing grading, my backyard, as well as my neighbor's yards encounters large volumes of this runoff and in some cases, damage to our yards and house. Three of the parcels below the grade of the proposed structure in question will always have to deal with this water issue. I myself have gone as far as installing berms and lawn drains across my backyard to help alleviate some of this ongoing problem. On a few occasions, I as well as two of my neighbors had to deal with damage to our houses and property after being flooded by this runoff.

By adding another structure to this parcel of land, will not only affect the ground saturation rate for the area, but will cause even more of a runoff problem that already exists. If I may suggest to you and to the board, that in order to approve any new structure on that parcel, you require an environmental impact study of the proposed site as well as the surrounding area and possibly engineer the area to accommodate the existing runoff as well as curbing and proper grading and drainage. I do know that some towns do have ordinances that prevent runoff to neighbors caused by new construction and that water runoff is to be engineered if a potential problem may exist.

Thank you for your time and consideration, and if you have any questions, please call me between 8 AM and 4 PM at 201-358-8000, or my cell phone at 201-538-0541.

Signed by Peter Haight

Supervisor opened the meeting for public comment.

Appearance: Donald Tracy, Esq.
 New City
 Attorney for the Petitioner

He stated was shown on an official map and its 1,057 acres of land. Applicant has home on one lot and the other is what they want to build on.

He spoke about the favorable review by the Planning Board which is a matter of record and he said the road has been maintained by the resident. He said the applicant was in agreement to maintaining this road they want to sub-divide into two lots. Mr. Tracy said they will go back to the Planning Board.

Appearance: Mary Vangas
 Valley Cottage

She attested to the fact that she is the property owner and said there would be no impact on the other property across the street. There is no problem with the neighbors.

Mr. Tracy asked her if she would abide by the recommendations of the Planning Board to which she replied she would.

John Costa said the Town Board's role is to determine whether to grant 280a(2) which can be created but is an exception to the rule. There must be safe access and he said the DEC will make recommendations regarding the road. He also said there will be a Declarative Agreement.

Mr. Tracy said he submitted a road maintenance agreement. Mr. Costa said the road must be safe for travel. However, the owner must shoulder the responsibility.

Co. Mandia told the Vangas' that the letters from the surrounding neighbors agree with them but they still must go back to the Planning Board.

Mr. Tracy said this is for the purpose of the access road.

Supervisor said there were conditions for approval and the drainage would be taken under consideration.

Mr. Tracy presented his closing statement. He stated that his client had applied in March for this approval and emphasized there was a Negative Declaration.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was CLOSED. Time: 8:15 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 652-2003 ADOPTED