

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/23/2003

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Mandia & Smith
Council Member Maloney, 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. Smith the public hearing Re: Proposal for Road Improvement District – Glen Eagles Court, New City was opened, time: 8:00 pm.

On motion of Co. Mandia seconded by Co. Lasker the public hearing Re: Proposal for Road Improvement District – Glen Eagles Court, New City was closed, time: 8:10 pm.
RESOLUTION NO. (715-2003) ADOPTED

On motion of Co. Mandia seconded by Co. Smith the public hearing Re: Proposal for Road Improvement District –Dustman Lane, Bardonia was opened, time: 8:10 pm.

On motion of Co. Mandia seconded by Co. Lasker the public hearing Re: Proposal for Road Improvement District – Dustman Lane, Bardonia was closed, time: 8:20 pm.
RESOLUTION NO. (716-2003) ADOPTED

Supervisor opened the public portion of the meeting.

Appearance: Karen Tarapotter
Trustee – Village of Upper Nyack

Item #15 – She expressed the support of the Village Board of Upper Nyack proposal saying the Village is behind the purchase of Peterson’s Boatyard. She read a resolution that was passed by the Nyack Village Board on July 17, 2003.

Appearance: Winston Perry
Upper Nyack

Item #15 – He thanked and congratulated the Board on the proposed resolution. He said the boatyard is the oldest boat repair facility on the Hudson. He gave a short history of the boatyard. He said the neighborhood has been placed on the National Register of Historic Places.

Appearance: Phil Nicholas
Trust for Public Land

Item # 15 – He explained that the Trust for Public Land is a national non-profit conservation organization. He said the organization is involved in this transaction of acquiring the boatyard.

Appearance: Martin Bernstein
New City

Item #15 – He asked what the approximate cost would be for the acquisition. He also asked how this property will be utilized. Much discussion ensued regarding this transaction. Item #19 – He asked if High Tor Road is a private road. He expressed concern that the Town is not using the \$22 million allotted for acquiring Open Space land properly. Item #14 – He asked how many acres there are on the Pineview Road property.

Appearance: John Lodico
New City

Item #15 – He said his father, brother and he worked at the boatyard. He said this acquisition should not come under the nomenclature of Open Space. He believed it should be bonded. He commented on the dedication of the West Nyack Park.

Appearance: Daniel Wolff, President Van Houten’s Landing Association
Upper Nyack

Item # 15 – He thanked the Town of Clarkstown for considering this purchase and it has been a pleasure to work with the Board and the Town Attorney. This is a way for the Town to connect with the river for the purposes of education and preservation of the longstanding business.

Appearance: Mike Reilly
Nanuet

Item #3 – He asked if this is a financial matter. He said the Nanuet Library is a taxing authority which gives them the ability to raise funds. He said this will give permission to move money from one taxing authority to another taxing authority.

Appearance: Joe Schleimer
New City

He said he has not seen work being done in the hamlet of West Nyack as of yet. He said he does not want the park in West Nyack dedicated as it is swamp. He said the newspaper reported that he wanted this painted white which is incorrect. He said the structure there is very unattractive and he wants removed. He would like it removed. He said the landscape is pretty and it is an historic district.

RESOLUTION NO. (715-2003)

Co. Mandia and Co. Lasker seconded

RESOLVED, that the Town Board hereby approves the Road Improvement District for GLEN EAGLES COURT, New City, New York, subject to the adoption of a formal resolution with findings, as required by law, which further resolution shall be subject to Permissive Referendum.

On roll call the vote was as follows:

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

RESOLUTION NO. (716-2003)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby approves the Road Improvement District for DUSTMAN LANE, Nanuet, New York, subject to the adoption of a formal resolution with findings, as required by law, which further resolution shall be subject to Permissive Referendum.

On roll call the vote was as follows:

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

RESOLUTION NO. (717-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, The Trust for Public Lands, Mid-Atlantic Region, (TFPL) has advised the Town of Clarkstown that it has been attempting to arrange for the preservation of the historic Petersen's Boatyard located in the Town of Clarkstown, and has obtained a purchase option agreement with the current owners which is assignable, and

WHEREAS, the TFPL has proposed assignment of its option rights to the Town of Clarkstown so that the premises may be acquired by the Town of Clarkstown as parkland, open space, and for recreational, educational and other public river access purposes, and

WHEREAS, the Petersen's Boatyard site has been in continuous operation as a boatyard since 1896, and the site has been used as an access point to the Hudson River since pre-revolutionary times, and

WHEREAS, this property is especially worthy of preservation because of its historic value, potential for public recreational use, and for preservation from further development which would threaten the existing view-scapes of and from the Hudson River and adjacent Hook Mountain, and

WHEREAS, by Resolution adopted on July 17, 2003, the Board of Trustees of the Village of Upper Nyack have supported and encouraged the Town Board of the Town of Clarkstown to consider the acquisition of this unique property with the recommendation that it be allowed to continue to operate as a boatyard while introducing additional auxiliary recreational and educational uses in keeping with the level of activity presently existing, all of which would comply with the existing zoning of the Village of Upper Nyack, and

WHEREAS, the Town Board believes that there is great merit to the proposal described herein and wishes to further investigate and analyze the obvious public interest attributes of this proposed acquisition;

NOW, THEREFORE, be it

RESOLUTION NO. (717-2003) continued

RESOLVED, the Town Board hereby indicates its intention to acquire Petersen's Boatyard, subject to further study and analysis, for the purposes of providing for the preservation of its existing structures, its continued use as a boatyard, with enhancements of the site, for use as a history and learning center for the Hudson River's marine history and ecology, and for the preservation of the presently existing Hudson River view-scapes with Hook Mountain as a back drop, all of which are in the best interests of the community and consistent with the Town of Clarkstown Open Space Initiative, and be it

FURTHER RESOLVED, that the Town Attorney, the Director of Environmental Control, the Town Comptroller and the Town Planner are hereby authorized and directed to continue in their efforts to evaluate the site for its suitability for purchase, including but not limited to completion of: (a) Phase I - Environmental Assessment, (b) Phase II - Environmental Assessment, if determined necessary, (c) physical inspection/examination by qualified personnel of existing structures, bulkheads and other installations to determine their soundness and compliance with all environmental standards for continued use and operation under present conditions, and (d) analysis of the current commercial activity on the site to determine if it can be carried on as existing for the public benefit, and be it

FURTHER RESOLVED, that the Town Comptroller and the Town Attorney are authorized to seek the advice and guidance of the Town's bond counsel to develop a plan for use of appropriate municipal bonding for the funding of such proposed acquisition, and be it

FURTHER RESOLVED, that the Town Attorney and the Director of Environmental Control are authorized to retain the services of such professionals as may be necessary to provide the expertise needed for evaluation of the physical characteristics of the subject premises and its suitability for the uses referred to herein, and be it

FURTHER RESOLVED, that the Town Attorney and the Town Planner are authorized to retain the services of a qualified marina consultant or other consulting firm for the purposes of the developing an interim and a long term marina/boatyard management plan for the operation of the facility without public subsidy, and be it

FURTHER RESOLVED, that any final decision to acquire Petersen's Boatyard shall be subject to further resolution of the Town Board after the information and analysis provided for herein shall have been obtained and have been given due consideration by the Town Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (718-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes September 9, 2003 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (718-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (719-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, DIMITRIOS VANGAS and MARY VANGAS, reputed owners of premises described on the Clarkstown Tax Map as 59.07-1-20, commonly known as 3 Park Avenue, Valley Cottage, New York, 10989, have petitioned the Town Board of the Town of Clarkstown for permission to utilize a portion of mapped but privately maintained street known as PARK AVENUE, to obtain ingress and egress access pursuant to Town Law 280-a(2), for a proposed one family dwelling to be built on their premises which is proposed to be subdivided into two (2) building lots, and

WHEREAS, the Town Board of Clarkstown Planning Board has referred the property owners to the Town Board to consider allowing access to continue for the existing house by way of privately maintained street and has recommended that the Town Board allow the use of Town Law 280-a(2) for access to the proposed new one family dwelling, and

WHEREAS, the Town Board duly scheduled and held a public hearing on this matter on September 9, 2003, at which time the applicants and all other persons in interest were heard, the Town Board determined that the matter was an unlisted action for New York State Environmental Equality Review (SEQRA) purposes and that the proposal would not result in any significant negative environmental impact, and otherwise closed the public hearing and reserved decision, and

WHEREAS, the Town Board has duly considered the comments of all persons in interest, and the recommendations placed in the Record, so that a determination may now be made;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the provisions of 280-a(2) of the Town Law, the Town Board hereby determines, subject to the conditions and other requirements set forth herein, that an additional single family residence (a proposed one family dwelling) may utilize that portion of mapped but privately maintained PARK AVENUE as and for ingress and egress from the nearest public street, to wit: Kings Highway, a distance of approximately 385± lineal feet from the intersection of Park Avenue with Kings Highway, which encompasses all of the frontage of the applicants' premises, provided however, that all applicable regulations regarding subdivision of the premises and Zoning Law provisions are complied with, and said determination is based on the following Findings of Fact by the Town Board:

FINDINGS OF FACT

1. The proposed ingress and egress right-of-way will have a length of approximately 385± lineal feet from the curb cut for the existing one-family residents known as 3 Park Avenue, traversing Park Avenue to the intersection of Kings Highway.

RESOLUTION NO. (719-2003) continued

2. Kings Highway is the nearest public street maintained by the Town of Clarkstown.
3. Although the subject portion of Park Avenue is utilized for access by several existing premises, the proposed access by the additional residence may require improvements to the travel way to be able, in the event of an emergency, to provide adequate, safe, and reasonable access.
4. The Director of the Department of Environmental Control has made no recommendation regarding what, if any, improvements to the travel way should be made to insure that safe and reasonable access is properly planned.
5. That the existing pavement within Park Avenue is approximately ten (10') feet in width, and although shared by several families it is not maintained pursuant to any road maintenance or other shared maintenance agreement among the present users.
6. The applicants have tendered a proposed road maintenance agreement for consideration by the current residents utilizing the private right-of-way, which, if duly executed by all parties in interest will provide for proper maintenance of the subject access.
7. There is no petition presently pending with respect to any proposed road improvement district for the subject mapped but privately maintained street.
8. The Record of the public hearing contains no comment or recommendation from the Valley Cottage Fire District or Congers Volunteer Ambulance Corps regarding the sufficiency of the access to the proposed structure and other users of Park Avenue. The Town Board, on the basis of the Record before it, cannot determine that if the existing travel way is sufficient to provide sufficient access for fire department or other emergency apparatus.
9. That the access under consideration shall continue to be a private access unless and until a petition for a road improvement district shall be made and accepted by the Town Board;
10. That the Town Board has no authority to compel the present users of the subject access route to join with the applicant in a road maintenance agreement, although same would be highly desirable.
11. Comments of residents suggested that the existing roadway was in disrepair and that drainage problems existed which might be exacerbated by construction of an additional dwelling;

NOW, THEREFORE, be it

FURTHER RESOLVED, that in accordance with the provisions of Section 280-a(2) of the Town Law, pursuant to recommendations of the Town of Clarkstown Planning Board, and the Record and proceedings had herein, a Building Permit for the erection of a single family residence may be issued to DIMITRIOS VANGAS and MARY VANGAS subject to obtaining final subdivision approval and compliance with all applicable provisions of the Zoning Local Law of the Town of Clarkstown, for premises designated on the Tax Map as 59.07-1-20, provided further that the owner shall, prior to the issuance of said building permit, execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and which shall provide the following:

RESOLUTION NO. (719-2003) continued

1. That the property owners shall acknowledge that no Town services consisting of maintenance, paving, or snow removal shall be provided along the relevant portions of Park Avenue;

2. That the declarant owners irrevocably agree to participate in a road improvement district for any frontage of said premises (both existing and planned dwelling) on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown;

3. That the declarant owners shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the declarant owners in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to fifty feet (50') in width;

4. That the declarants shall obligate themselves as owners of the existing dwelling and of the proposed one family residence to maintain the right-of-way so as to be free and clear of ice and snow during inclement weather and to otherwise be repaired and kept free of potholes and other defects at all times, provided however, that nothing herein is intended to prevent the declarants from entering into a shared maintenance agreement, in recordable form, with any others using the right-of-way, so as to obligate all such users to pay their fair share of required maintenance and repair costs, but should such agreement not result, the applicants or their successors in interest, running with the land, shall be obliged to perform such services;

5. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein, and shall be subject to same whether or not such recitation is included in the deed;

6. That any Certificate of Occupancy issued for said premises shall be conditioned upon observance and shall recite that it is subject to the Declaration of Covenant provided for herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Building Permit, the applicants shall provide the Director of the Department of Environmental Control with an acceptable plan for the improvement of Park Avenue, so as to address all issues regarding access, drainage or other necessary improvements to Park Avenue, which shall not be subject to escrow deposit for performance guarantee but must be completed prior to issuance of any Certificate of Occupancy, which said Director shall believe to be reasonably needed to provide for the public welfare, and be it

FURTHER RESOLVED, that prior to issuance of any Certificate of Occupancy, the applicants shall install any required improvements to Park Avenue in accordance with the approved plan, and shall obtain the written approval of the Board of Fire Commissioners of the Valley Cottage Fire District stating that its emergency equipment may safely utilize said improved travel way should any emergency need arise, and be it

FURTHER RESOLVED, that the applicants shall comply with all other requirements of the Building Department and the Department of Environmental Control with respect to the construction of the proposed one family dwelling and the improvement of its environs.

On roll call the vote was as follows:

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

RESOLUTION NO. (720-2003)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2003.

Nanuet Public Library \$3,000

On roll call the vote was as follows:

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

RESOLUTION NO. (721-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the extension of the existing sidewalk on the west side of Lindberg Lane is necessary for the safety and protection of pedestrians; and

WHEREAS, the Department of Environmental Control investigated and prepared a plan for the extension of the existing sidewalk; and

WHEREAS, The Department of Environmental Control has solicited proposals from three qualified contractors to perform said improvements in accordance with the plan; and

WHEREAS, three contractors provided proposals in response to said solicitation, and after review by Department of Environmental Control staff, it was found that the lowest responsible proposal was by Bellavista Construction Corp. in the amount of \$4,128.00; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Bellavista Construction Corp., P.O. Box 753, Ardsley, New York, 10502 for their low proposal of \$4,128.00; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this amount shall be a proper charge to account # H-8753-409-0-77-25

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

RESOLUTION NO. (722-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Chief of Police, William E. Sherwood, has advised that the County of Rockland has received a grant from the New York State Division of Criminal Justice Services to assist local police departments in expenses incurred by the existing Motor Vehicle Theft and Insurance Fraud Task Force, and

WHEREAS, the Town of Clarkstown may be eligible to receive funding pursuant to a sub-grant agreement which is recommended by Chief Sherwood;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes William Sherwood, Chief of Police, to execute a sub-grant agreement with Rockland County to participate in the New York State Division of Criminal Justice Services grant (DCJS# - MV02017180) "Motor Vehicle Theft and Insurance Fraud Prevention," to facilitate receipt of funds available for Clarkstown Police Department participation in the grant purpose of reducing the incidence of motor vehicle insurance fraud and theft in Rockland County.

On roll call the vote was as follows:

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

RESOLUTION NO. (723-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, ANONYMOUS CONTENT, INC., a production company, has requested permission to film in Clarkstown on Tuesday, September 16, 2003;

NOW, THEREFORE, be it

RESOLVED, that ANONYMOUS CONTENT, INC., of 588 Broadway, Suite 1005, New York, New York 10012, is hereby authorized to film in the Town of Clarkstown, at 17 Charles Street, Nanuet, New York 10954, between 8:00 A.M. and 6:00 P.M., on Tuesday, September 16, 2003, upon the following conditions:

- (1) Permittee obtains permission to film at 17 Charles Street, Nanuet, New York.
- (2) A permit fee of \$250.00 shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;

RESOLUTION NO. (723-2003) continued

(5) The Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;

(6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;

(7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town, and

(8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day, and be it

FURTHER RESOLVED, that this resolution shall be retroactive as of September 16, 2003 and shall be deemed the filming permit.

On roll call the vote was as follows:

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

RESOLUTION NO. (724-2003)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Town Board has surplus municipal real estate located at 3 East Evergreen Road, New City, New York, and has been approached by Country Corners Real Estate, Inc., 468 Route 304, New City, New York for an "Open Listing" of the property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Country Corners Real Estate, Inc., in a form approved by the Town Attorney, to provide real estate services to the Town with respect to the "Open Listing" of property located at 3 East Evergreen Road, New City, New York, and be it

FURTHER RESOLVED, that the fee for said services shall be 6% commission if an acceptable purchaser is procured, which shall be subject to further approval of the Town Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (725-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Clarkstown Mini Trans system is in need of new equipment which is presently pending a bid pursuant to the General Municipal Law and interim rental of equipment is necessary to maintain services, and

WHEREAS, Frank Fee, Transit Operations Supervisor, has determined there is a need for two (2) seven passenger vans to be placed in immediate service pending the acquisition of new equipment and he has recommended rental of same from Enterprise Car Rental at a rental charge of \$939.00 per unit per month, which includes 2,500 miles per month;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Transit Operations Supervisor, the Town Board hereby authorizes the rental of two (2) seven passenger vans from Enterprise Car Rental for a term not to exceed three (3) months without further authorization at a rental cost of \$939.00 per unit per month which sum shall be charged to Account No. 5630-402, and be it

FURTHER RESOLVED, that this resolution is retroactive and effective as of September 17, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (726-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, John W. Coyle, Safety Manager, has requested permission to attend the 2003 PERMA Safety Advisory Committee Meeting being held in Albany, New York, on October 7, 2003;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes John W. Coyle, Safety Manager to attend the 2003 PERMA Safety Advisory Committee Meeting being held in Albany, New York, on October 7, 2003, at no expense to the Town.

On roll call the vote was as follows:

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

RESOLUTION NO. (727-2003)

Co. Smith offered and Co. Mandia seconded

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

BID #1-2004 – OFFICE SUPPLIES

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (728-2003)

Co. Smith offered and Co. Mandia seconded

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

BID #2-2004 – PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (729-2003)

Co. Smith offered and Co. Mandia seconded

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

BID #3-2004 – PRINTING OF TOWN ENVELOPES, STATIONERY & BUSINESS CARDS

RESOLUTION NO. (729-2003) continued

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (730-2003)

Co. Smith offered and Co. Mandia seconded

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

BID #4-2004 – PAPER AND PLASTIC SUPPLIES

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (731-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Resolution No. 616-2003 is hereby amended to read:

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

BID #49-2003 - Seven (7) buses instead of five (5) buses for transit application for the Clarkstown Mini-Trans Department

RESOLUTION NO. (731-2003) continued

Bids are to be returnable to the Office of Purchasing, 10 Maple Avenue, New City, New York by 11:00 a.m. on October 2, 2003 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that the bid specifications, proposal documents, and addendums can be obtained at the Office of the Clarkstown Purchasing Department, and be it

FURTHER RESOLVED, that the Purchasing Department is directed to contact any prospective bidders and notify them of the changes in the aforementioned bid.

On roll call the vote was as follows:

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

RESOLUTION NO. (732-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that resolution #664-2003 is amended to read as follows:

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 3:00 P.M. on OCT. 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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (733-2003)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that Ivan Sipilief, 83 Lake Road, Valley Cottage, New York, is hereby appointed to the position of (Provisional) Engineer II – Department of Environmental Control – effective September 24, 2003 – at the current annual salary of \$63,527.

RESOLUTION NO. (733-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (734-2003)

Co. Mandia offered and Co. Smith seconded

WHEREAS, NANCY BERNHARDT has requested permission from the Town Board to utilize the provisions of Town Law 280-a(4) (Open Development Area) to seek subdivision approval to create an additional building lot for a proposed one family residence by dividing premises known or commonly referred to as 78 Van Houten Fields, West Nyack, New York, Map 64.12-2-55, where access is obtained by easement rights over private roads in the community known as Van Houten Fields, and

WHEREAS, such approval shall add additional traffic to existing rights of way, and the Town Board desires to obtain public participation and comment prior to making a determination;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby schedules a public hearing for November 18, 2003, at 8:00 p.m., or as soon thereafter as possible, at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, with respect to the application by Nancy Bernhardt for permission to use the provisions of Town Law 280-a(4) (Open Development Area) for access to authorize the Town of Clarkstown Planning Board to grant the proposed subdivision of premises known as Map 64.12-2-55, and be it

FURTHER RESOLVED, that the applicant shall adhere to the notice requirements pursuant to Section 290-33 (C) of the Zoning Local Law of the Town Code, and provide proof of mailing of this notice of public hearing to property owners within five hundred feet of affected property on or before the date of the public hearing, and be it

FURTHER RESOLVED, that this resolution is hereby referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board, for review and recommendations, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby requested to submit his report prior to the public hearing containing his recommendations regarding the adequacy or the need for improvements to the existing right(s) of way to be able to serve any additional traffic which may be caused by re-subdivision of the applicant's premises, or for access by emergency vehicles, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Van Houten Fields Association be notified by the Town Clerk of the pendency of this matter and be requested to submit its recommendations regarding the subject application being sought.

RESOLUTION NO. (734-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (735-2003)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Deputy Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from LaBozz-2 Builders Corp., 10 Sugarhill Road, Nyack, New York, executed by William Bosley, as President, conveying the following road:

SUGARHILL ROAD 925 L.F. +/-

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of The Farm at Nyack are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office subject, however, to receipt of the Maintenance Guaranty and security as further provided herein, and be it

FURTHER RESOLVED, that upon receipt of a Maintenance Guaranty for a five (5) year period in the amount of not less than \$24,342.00, if in the form of a surety bond issued by a licensed surety company, or \$12,171.00 if in the form of cash or an Irrevocable Letter of Credit in a form approved by the Town Attorney, provided however, the Performance Bond previously secured by Letter of Credit No. 1532, filed with the Town in the amount of \$35,000.00, may be amended and serve as the Maintenance Guaranty if the Accreditor provides its consent to modification of the Letter of Credit, in a form approved by the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (736-2003)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the property owners listed below have petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Local Law of the Town be amended by redistricting their properties from an M District to the F-15 District, which properties are designated on the Clarkstown Tax Map as follows:

MAP DESIGNATION PROPERTY OWNER ADDRESS

65.9-2-28	Kohut	41 Pine View Road
65.9-2-29	Colorito	35 Pine View Road
65.9-2-30	Anderson	29 Pine View Road
65.9-2-31	Bofetiado	25 Pine View Road
65.9-2-34	LeVier	12 Pine View Road

RESOLUTION NO. (736-2003) continued

- 65.9-2-35 Pugliese 16 Pine View Road
- 65.9-2-36 Rivera 20 Pine View Road
- 65.9-2-37 Voges 24 Pine View Road
- 65.9-2-38 Charlemagne 28 Pine View Road
- 65.9-2-39 Bimbo 32 Pine View Road

NOW, THEREFORE, be it

RESOLVED, that on motion of the Town Board, the property owners' petition and this resolution are hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on November 25, 2003 at 8:00 p.m., or as soon thereafter as possible, relative to the proposed zone change, and be it

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

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

RESOLUTION NO. (737-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the New York State Government Finance Officers' Association Downstate Council is holding their regional Fall Training Seminar on Friday, October 3, 2003. at West Point, New York,

NOW, THEREFORE BE IT RESOLVED, that the following persons are hereby authorized to attend:

- Charles E. Holbrook, Supervisor
- Edward J. Duer, Comptroller
- Penny Leonard, Deputy Supervisor
- Mary Maloney, Account Keeping Supervisor
- Doris Fogel, Administrative Assistant I

RESOLUTION NO. (737-2003) continued

and be it

FURTHER RESOLVED, that all proper charges, including the registration fee of \$60 per person shall be charged to A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

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

RESOLUTION NO. (738-2003)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Supervisor Town Board of the Town of Clarkstown is authorized and directed to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of 2003 Community Development Block Grant Program funds to the Town of Clarkstown in the amount not to exceed \$20,000.00, for the purpose of tutoring literacy by trained volunteers to adults in Rockland County.

On roll call the vote was as follows:

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

RESOLUTION NO. (739-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Frank Fee, has reported that there is one 1991 International Bus (Bus 28), which is no longer needed and may have some residual value which can be recovered by offering same for sale at auction;

NOW, THEREFORE, be it

RESOLVED, that the vehicle set forth above is hereby declared surplus municipal property, and the sale of same is authorized by auction to be conducted on or about October 5, 2003 by Scherrer Auctions, 808 Borden Road, Cheektowaga, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (740-2003)

Co. Smith offered and Co. Lasker seconded

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

BID #45-2003
ASPHALT PATCHING AND POTHOLE REPAIR, HIGH TOR ROAD, NEW CITY

is hereby awarded to:

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

as per their bid price of \$153.75 per ton of asphalt in place; 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 (2) sets
- b. Performance Bond
- c. Labor and Materials Payment Bond
- d. Certificate of Contractor’s Liability, Property Damage Coverage including 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 award; and

BE IT FURTHER RESOLVED that the total cost of this project shall not exceed \$30,000.00 without further resolution of the Town Board; and

BE IT FURTHER RESOLVED that the costs associated with this project shall be a proper charge to account # H 8753 400 409 77-18.

On roll call the vote was as follows:

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

RESOLUTION NO. (741-2003)

Co. Mandia offered and Co. Smith seconded

Whereas, the Town Board resolution 774-2002 authorized the Director of the Department of Environmental Control to enter into an agreement with Tectonic Engineering Consultants, P.C. to provide engineering support and construction inspection services for the Strathmore Creek Remediation project; and

Whereas, the amount allotted for these services is about to lapse; and

RESOLUTION NO. (741-2003) continued

Whereas, the Department of Environmental Control desires to continue said engineering support and construction inspection services in accordance with the aforementioned agreement;

Now, Therefore, Be it Resolved that the fee for said engineering support and construction inspection services be increased by \$50,000.00 to an amount not to exceed \$150,000.00; and

Be It Further Resolved, that said amount may not be increased without further resolution of the Town Board; and

Be It Further Resolved that this shall be a proper charge to account H 8749-409-0-73-27.

On roll call the vote was as follows:

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

RESOLUTION NO. (742-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, has recommended that several streets in the Town would benefit and last longer if crack sealed at this time.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with New York Bituminous Products Corporation, in accordance with the NYS Office of General Services Contract, Award Number 02870 (Contract #PC-59905), Item PG 64-22, in a form approved by the Town Attorney, to provide crack sealing on Town Roads, for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for said contract shall not exceed the sum of \$100,000.00 and shall be charged to DB 5110-300-381.

On roll call the vote was as follows:

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

RESOLUTION NO. (743-2003)

Co. Mandia offered and Co. Lasker seconded

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

BID #64- 2003 – SIX ROLL OFF BOXES WITH SIDE ROLL TARP SYSTEM

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

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

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Absent
- 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. Smith and unanimously adopted the Town Board Meeting was closed, time: 9:10 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9-23-2003

8:00 PM

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

Re: Proposal for Road Improvement District – Glen Eagles Court, New City

On motion of Co. Mandia, seconded by Co. Smith and unanimously adopted, the Public Hearing was declared open. The Notice of Public Hearing was read into the record. Supervisor Holbrook asked Town Attorney, John Costa if the Notice of Public Hearing was published. Mr. Costa replied that it was published in the Journal News on September 9, 2003 and that the Affidavit of Posting in compliance with the Town's Zoning Law indicating it was posted on September 8, 2003 is on file in the Town Clerk's office.

Supervisor read a memorandum dated September 29, 2003 from Luke Kalarickal, Director of Environmental Control into the record. (On file in the Town Clerk's office)

Supervisor asked Lori Zaccaro-Madden, Confidential Assistant to the Supervisor, to distribute copies of the breakdown of figures for the road improvement to the residents of Glen Eagles Court. Ms. Zaccaro-Madden distributed the copies.

Supervisor explained the road improvement district as being one that the Town can create after a Public Hearing and apportion the costs of road improvements up to Town standards across the owners' property on a front footage basis. He said the estimated cost of this project is \$56,000.00. He said the ability of the residents to repay the town for these improvements can be in one lump sum or over a period of 15 years. It is the objective of the Town to improve these roads at the least possible cost but to insure they are constructed to Town standards. He said the concurrence of both the Highway Department and Environmental Control is needed.

Supervisor asked Dennis Letson, Assistant Director of Environmental Control if he would like to add anything to the record. Mr. Letson said that currently the Town is holding \$15,000 in escrow for wearing costs on the roadway from the original developer. Supervisor clarified that the \$15,000 may reduce the \$56,000.00 cost.

Co. Mandia asked Mr. Letson why there are five (5) properties on one and six (6) on the other. Mr. Letson said in reply that this is part of one original sub-division, there are five (5) lots that are on the road and take access to Zukor Road. The sixth property has frontage on the road but takes no access from road.

Supervisor asked Mr. Costa in regard to the Road Improvement District, would that property be required to be part of this district. Mr. Costa replied that the Town Board has some latitude; however, essentially the law requires that the costs be apportioned to the properties that are benefited by the improvement. The one property that has frontage on Zukor Road does not gain the same benefit that the other properties do. He said the Town Board could provide for some equitable distribution of that cost.

Co. Mandia asked if that property is sub-dividable. Supervisor replied that the zoning is two-acre zoning.

Mrs. Patricia Sheridan, Town Clerk noted that Virginia Lacavella has sold the house. Supervisor said that was correct.

Appearance: Burt Steinberg
Glen Eagles Court
New City

He requested on behalf of the residents of Glen Eagles Court that their road be made into a Road Improvement District for the purpose of bringing the road up to standards so it may be dedicated as a town road. He said they have been trying to do this since 1997.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted, the Public Hearing was CLOSED AND ADOPTED, SUBJECT TO A RECONFIGURATION OF THE COST. Time: 8:10 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 715-2003 ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9-23-2003

8:10PM

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

Re: Proposal for Road Improvement District - Dustman Lane, Bardonia

On motion of Co. Mandia, seconded by Co. Smith and unanimously adopted, the Public Hearing was declared open. The Notice of Public Hearing was read into the record. Supervisor asked Town Attorney, John Costa if a Notice of Public Hearing was published. Mr. Costa replied that it was published in the Journal News on September 9, 2003 and that the Affidavit of Posting in compliance with the Town's Zoning Law indicating it was posted on September 8, 2003 is on file in the Town Clerk's office.

Supervisor Holbrook explained that the unimproved portion of Dustman Lane is from Route 304 to the beginning of the public portion of Dustman Lane. It does not include Schweitzer Lane or anything down the road to the right.

Supervisor asked Lori-Zaccaro Madden, Confidential Assistant to the Supervisor to distribute copies of the breakdown of figures for the road improvement to the residents of Dustman Lane. Ms. Zaccaro-Madden distributed the copies.

Supervisor said the purpose of the project is to bring the unimproved portion of Dustman Lane up to standards and the estimated cost is \$128,000.00. He said the frontage measures 1,197 feet.

Appearance: Mr. Bierker
Bardonia

He said he recently moved from the northend of Schweitzer Lane to the southend of Schweitzer Lane. He said he was relieved to hear that his portion of the property will not be improved. He said the area is a confluence of some major roads. He said he would like to keep the quiet atmosphere of the road. He said he hopes this road improvement does not have serious impact on his road.

Appearance: Katherine Bekas
Bardonia

She said she has lived on Dustman Lane for 21 years. She said she shares Mr. Bierker's concern. She asked what benefits she will receive for the \$10,000.00 she and her husband must pay.

Supervisor said in reply that they will receive the Town services.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Mandia and unanimously adopted, the Public Hearing was CLOSED AND ADOPTED, SUBJECT TO RECONFIGURATION OF THE COST. Time: 8:20 PM

Respectfully Submitted,


Patricia Sheridan
Town Clerk

RESOLUTION NO. 716 ADOPTED