

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/18/2003

8:00 P.M.

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

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

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Petition of Bernhardt for use of Town Law 280-a(4) to seek subdivision approval to create an additional building lot for a proposed one-family residence by dividing premises known as 78 Van Houten Fields was opened, time: 8:10 p.m.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition of Bernhardt for use of Town Law 280-a(4) to seek subdivision approval to create an additional building lot for a proposed one-family residence by dividing premises known as 78 Van Houten Fields was closed, time: 8:15 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed local law entitled "Amendment to Chapter 262 (Taxation) of the Clarkstown Town Code" was opened, time: 8:16 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed local law entitled "Amendment to Chapter 262 (Taxation) of the Clarkstown Town Code" was closed, time: 8:20 p.m.

A presentation was made by Co. Smith to the volunteers of St. Paul's Church Food Cupboard represented by Deacon Dominick Buonocore. Supervisor Holbrook and members of the Town Council thanked them for all the work they do throughout the county.

Supervisor Holbrook opened the public portion of the meeting.

Appearance: Martin Bernstein
New City

He spoke about the snow removal on North Main Street in New City. He said the town passed a resolution to clear the sidewalk on North Main Street. He asked if this could be researched. He said that sidewalks are cleared for all schools and wanted to know why it is not done for St. Augustine's school.

Appearance: Greg Tobin
West Nyack

He thanked Mr. Costa for the Title Search of West Street. He said the section where the school buses, fire trucks and ambulances pass is owned by heirs to the Klein family. He said there is no plowing and he has concerns because the school buses and emergency vehicles traverse this road.

Appearance: John Kozma
West Nyack

He asked why he has not received an answer to a letter he wrote to the Town Board on October 3, 2003. He said the matter has been going on for years.

RESOLUTION NO. (831-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, BRIAN BORDAS and CHRISTINE BORDAS have petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation pursuant to the provisions of Section 290-IIA, Table 4 of General Use Regulations for an R-15 District, Column 3, Section B-4 and Section 290-17L of the Zoning Local Law of the Town of Clarkstown, for property located at 197 Massachusetts Avenue, Congers, New York, more particularly described on the Clarkstown Tax Map as: Map 52.12-2-4, and

WHEREAS, after due notice published and posted, a public hearing had been held before the Town Board of the Town of Clarkstown on October 28, 2003 at 8:00 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form and report pursuant to the State Environmental Quality Review Act (SEQRA), from the Director of the Department of Environmental Control, which the Board has reviewed and considered in making its determination herein;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

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

- 1. Will be properly located with respect to transportation, water supply, waster disposal, fire and police protection and other public facilities;
- 2. Will not cause undue traffic congestion or create a traffic hazard;
- 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 same district;
- 4. Will not adversely affect the character of, 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;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Director of Environmental Control dated October 29, 2003, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit will not have any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that the Special Permit to conduct a landfill on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

- 1. Petitioner must comply with Section 290-17L of the Zoning Local Law of the Town of Clarkstown annexed hereto;

RESOLUTION NO. (831-2003) continued

2. The fill material that has already been placed on the property shall be certified as to source by the applicant and further certified by a licensed professional engineer to consist solely of materials acceptable to the Director of the Department of Environmental Control and free of any unacceptable contaminants, as was represented and agreed to by the applicant;

3. Petitioner shall provide the Town Board with information regarding the source and quantity of additional fill material which is planned to be placed on the site for the prior approval of the Director of the Department of Environmental Control who shall determine its suitability for use and may require testing for contaminants;

4. If any material already on the site is found unacceptable by the Director of the Department of Environmental Control, it shall be removed and disposed of at an acceptable facility;

5. The proposed retaining wall shall be constructed a minimum of five feet from the property line to allow the maintenance of the existing drainage and avoid any impacts on adjacent properties. The construction of the wall shall be inspected by a professional engineer who shall provide a final certification as to its suitability for the purposes intended;

5. A silt fence shall be installed prior to the installation of any additional fill material and shall be maintained until the site has been stabilized in the opinion of the Director of the Department of Environmental Control;

6. The filled area shall be compacted, graded, topsoiled and seeded at the direction of the Director of the Department of Environmental Control;

7. Prior to commencement of any further filling, the applicant shall provide a security deposit to be held in escrow by the Town in the amount of \$3,500 to guarantee the restoration of all disturbed areas;

8. The applicant's proposals shall be provided to the Palisades Interstate Park Commission for its prior review and comments before any additional work is done;

9. Applicant shall maintain a 20' buffer along all Palisades Interstate Park property. This buffer shall remain undisturbed by construction vehicles in order to protect the root systems of trees on Park property;

10. Applicant shall obtain or be responsible for obtaining any transportation or hauling permits, and any other permits which may be required from any other agency having jurisdiction, and shall comply with all applicable provisions of law, rules and regulations;

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (832-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

RESOLUTION NO. (832-2003)

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into a agreement with the County of Rockland for the period April 1, 2003 to March 31, 2004, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown, and be it

FURTHER RESOLVED, that this resolution is retroactive to April 1, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (833-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposal has been received from Han-Padron Associates, LLP, dated October 28, 2003, to provide consulting services regarding the proposed acquisition of the Petersen's Boatyard, and

WHEREAS, Dennis M. Letson, Deputy Director of Environmental Control, has recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Han-Padron Associates, LLP, in a form satisfactory to the Town Attorney, to provide consulting services with regard to the proposed acquisition of the Petersen's Boatyard, and be it

FURTHER RESOLVED, that the fee for such services shall be \$15,000.00 and shall be charged to Account No. H 8753-409-0-77-32, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to November 6, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (834-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposal has been received from Lawler, Matusky & Skelly Engineers, LLP dated October 28, 2003, to provide consulting services regarding the proposed acquisition of the Petersen's Boatyard, and

WHEREAS, Dennis M. Letson, Deputy Director of Environmental Control, has recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers, LLP, in a form satisfactory to the Town Attorney, to provide engineering consulting services with regard to the proposed acquisition of the Petersen's Boatyard, and be it

FURTHER RESOLVED, that the fee for such services shall be \$15,000.00 and shall be charged to Account No. H 8753-409-0-77-32, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to November 6, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (835-2003)

Co. Mandia offered and Co. Maloney 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.

New City Library \$3,000

On roll call the vote was as follows:

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

RESOLUTION NO. (836-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has received the Short Environmental Assessment Form, pursuant to SEQRA, from K. Luke Kalarickal, Director of the Department Environmental Control (DEC), acting as agent for the Town Board, with respect to the proposed acquisition of property designated on the Clarkstown Tax Map as Map 60.18-1-13, and

WHEREAS, on October 29, 2003 K. Luke Kalarical, Director of Environmental Control, acting as agent for the Town Board, distributed the Short Environmental Assessment Form with initial determination to ten agencies for their comments;

NOW, THEREFORE, be it

RESOLVED, that based upon review, discussion and consideration of the Environmental Assessment Form prepared by K. Luke Kalarickal, dated October 29, 2003, acting as agent to the Town Board, and the Phase I Environmental Site Assessment prepared by Ecosystems Strategies, Inc., the proposed acquisition of property known as 60.18-1-13, which is known as Petersen's Boatyard, the Town Board hereby determines that the proposal is an unlisted action, that such acquisition will not result in any significant impact on the environment as there shall be no significant change in the use of the property, and that no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required at this time.

On roll call the vote was as follows:

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

Co Smith said that in light of the fact there are conflicting reports regarding the amount of contamination on the property, she asked Luke Kalarickal, Director of Environmental Control, as to why the DEC agreed on the short SEQRA rather than the long form. She said it would be less risky for the Town to use the long form under these circumstances.

RESOLUTION NO. (837-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, ASSOCIATES OF ROCKLAND, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 52.15, Block 1, Lot 2 (formerly known as 124-C-41.01), for the years 2000/01, 2001/02, 2002/03 and 2003/04, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

RESOLUTION NO. (837-2003)

On roll call the vote was as follows:

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

RESOLUTION NO. (838-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, ASSOCIATES OF ROCKLAND, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 52.15, Block 1, Lot 3 (formerly known as 124-C-41), for the years 2000/01, 2001/02, 2002/03 and 2003/04, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (839-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, ASSOCIATES OF ROCKLAND, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 52.15, Block 1, Lot 85 (formerly known as 124-C-46), for the years 2000/01, 2001/02, 2002/03 and 2003/04, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

RESOLUTION NO. (839-2003)

On roll call the vote was as follows:

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

RESOLUTION NO. (840-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, ASSOCIATES OF ROCKLAND, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 52.15, Block 1, Lot 86 (formerly known as 124-C-45), for the years 2000/01, 2001/02, 2002/03 and 2003/04, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (841-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, SUGA DEVELOPMENT, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 52.11, Block 3, Lot 2 (formerly known as 124-C-42), for the years 2000/01, 2001/02, 2002/03 and 2003/04, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

RESOLUTION NO. (841-2003)

On roll call the vote was as follows:

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

RESOLUTION NO. (842-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, GEORGETOWN OFFICE PLAZA CONDOMINIUM has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 34.19, Block 1, Lot 7./1010+ (formerly known as 60-B-1+), for the years 2000/01, 2001/02, 2002/03 and 2003/04, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (843-2003)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes John A. Costa, Town Attorney, to attend a seminar at the Sheraton Crossroads Hotel, One International Boulevard, Mahwah, New Jersey, on January 28, 2004, dealing with management of multiple projects, and be it

FURTHER RESOLVED, that the cost of \$149.00 for the conference, and travel expenses, will be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (844-2003)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes Nancy Davidson, Employee Benefits Clerk, and Frances Hunt, Senior Clerk, and Penny Leonard, Deputy Supervisor – to attend the 2003 New York State Health Insurance Program Regional Meetings for Participating Agencies – a free seminar conducted by the Department of Civil Service – on November 20, 2003 – at the Holiday Inn Hotel and Conference Center – 3 Executive Boulevard, Suffern, New York, and be it

FURTHER RESOLVED, that costs for mileage and travel shall be charged to Account No. A 1040-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (845-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Frank Fee, Transit Operations Supervisor of the Town of Clarkstown Mini-Trans system, has requested monetary assistance from the County of Rockland in order to maintain the Clarkstown Mini Trans bus fleet and to keep it in safe and workable condition, and

WHEREAS, the County of Rockland has authorized a grant to the Town of Clarkstown in the amount of \$60,000.00 to maintain the Town's bus fleet;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes acceptance of the grant of \$60,000.00 from the County of Rockland, Department of Public Transportation, to maintain and keep the Clarkstown Mini Trans system in safe and working order.

On roll call the vote was as follows:

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

RESOLUTION NO. (846-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board authorized the solicitation of proposals for appraisals of property located at 462A and 464-466 Mountainview Avenue, Valley Cottage and property located at 80 and 90 Mountainview Avenue, Central Nyack, which properties are designated on the Tax Map as 59.15-1-38, 59.15-1-39, 59.19-1-23 and 59.19-1-24, and

RESOLUTION NO. (846-2003) continued

WHEREAS, the Town Attorney has received competitive proposals from appraisers and recommends hiring the firm of Metropolitan Appraisals to perform said appraisals;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire the firm of Metropolitan Appraisal, in accordance with its proposal of September 15, 2003, to appraise Town property designated as Tax Map as 59.15-1-38, 59.15-1-39, 59.19-1-23 and 59.19-1-24, and be it

FURTHER RESOLVED, that the cost of \$2,350.00 for said appraisal shall be charged to Account No. H 8750-409-0-74-1, and be it

FURTHER RESOLVED, that this resolution is retroactive to November 12, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (847-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland Economic Development Corporation has developed a prototype of an Online Permit Assistance website to assist business' desiring to relocate and/or expand in Rockland County by reducing the time, red tape and costs involved in the permitting process;

WHEREAS, such Online Permit Assistance Website could greatly benefit the Town of Clarkstown in that new and existing businesses would be encouraged to take advantage of this assistance;

WHEREAS, the Rockland Economic Development Corporation intends to submit a grant application to the New York State Archives for the funds to develop the website;

WHEREAS, the Town of Haverstraw has agreed to be a partner in the grant application with the Town of Clarkstown;

WHEREAS, the Rockland Economic Development Corporation has assumed the administrative responsibilities for the development of the website, including research, data collection, marketing and grant writing;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown , New York, that it fully supports and concurs with the Town of Haverstraw and the REDC to submit a joint grant application to the New York State Archives and be it

FURTHER RESOLVED, that the Town of Clarkstown supports the administration by REDC for the development of an Online Permit Assistance website and hereby provides funding in the amount of \$5,000 for that purpose.

RESOLUTION NO. (847-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (848-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has investigated a complaint concerning the illegible and missing traffic control signs located on Middletown Road, in the vicinity of Route 59 south to Church Street, Nanuet, New York, and he has recommended that certain faded traffic control signs be replaced and additional signage be added;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highways to install or reinstall the traffic control signs listed on the attached Schedule "A." (On file in Town Clerk's Office).

On roll call the vote was as follows:

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

RESOLUTION NO. (849-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has investigated complaints from property owners residing near Rockland Avenue and South Middletown Road, Nanuet, New York, and has recommended the following:

1. Installation of "Stop Sign" and "Stop Line" on Rockland Avenue, just west of the end of the sidewalk;
2. Installation of "No Standing Here to Corner" sign with a right arrow on Rockland Avenue fifty (50) feet west of South Middletown Road;
3. Clarkstown Police Department to provide increased enforcement of the Stop sign located Old Middletown Road in the vicinity of Rockland Avenue;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to install the following traffic signs:

RESOLUTION NO. (849-2003) continued

- 1. Installation of "Stop Sign" and "Stop Line" on Rockland Avenue, just west of the end of the sidewalk;
- 2. Installation of "No Standing Here to Corner" sign with a right arrow on Rockland Avenue fifty (50) feet west of South Middletown Road; and be it

FURTHER RESOLVED, that the Town Board hereby requests the Clarkstown Police Department to increase enforcement of the Stop sign located Old Middletown Road in the vicinity of Rockland Avenue.

On roll call the vote was as follows:

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

RESOLUTION NO. (850-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has investigated complaints regarding traffic accidents in the vicinity of Elmwood Drive and Tor View Road, New City, New York, and he has recommended the installation of a "Stop" sign and a "Stop Line" on Tor View Avenue at Elmwood Drive;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highways to install a "Stop" sign on Tor View Avenue at Elmwood Road, New City, New York, and a "Stop Line" on Tor View Avenue at Elmwood Drive.

On roll call the vote was as follows:

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

RESOLUTION NO. (851-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Howard L. Lampert, Highway and Traffic Engineering Consultant, has investigated the intersection of Strawtown Road, Germonds Road and Old Mill Road, West Nyack, New York, and has found that traffic safety would be improved by the installation of a "Four Ton Weight Limit" sign at the northbound side of Strawtown Road, approximately 100 feet south of Old Mill Road, in order to provide adequate notice to operators of large trucks of the weight limit restriction which presently exists on said roadway;

RESOLUTION NO. 851-2003) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a "Four Ton Weight Limit" sign on the northbound side of Strawtown Road approximately 100 feet south of Old Mill Road, West Nyack, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (852-2003)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that Resolution No. 806-2003 adopted on October 28, 2003 is hereby amended to read:

WHEREAS, residents have advised that there is increasing truck traffic traversing through the Buena Vista Road and Saw Mill Road, New City vicinity which are residential areas and not planned or mapped as truck routes; and

WHEREAS, the Town Board is concerned about the safety issues presented by such activity;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highways to install "Weight Limit 4 Tons" signs at the entrances of Buena Vista Road and Saw Mill Road at the following locations:

- a) On Buena Vista Road at its intersection with New Hempstead Road,
- b) On Buena Vista Road at its intersection with Saw Mill Road, and
- c) On Saw Mill Road at its intersection with North Little Tor Road

and be it

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation and to the Chief of Police for his information and for enforcement purposes.

On roll call the vote was as follows:

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

RESOLUTION NO. (853-2003)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Michael A. August, 86 Old Phillips Hill Road, New City, New York, is hereby appointed to the position of Assistant Maintenance Mechanic -- Sewer Department -- at the current annual salary of \$42,592., effective and retroactive to November 10, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (854-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03193 RC/NCP Senior Clerk Typist, which contains the name of Marianne Antolino,

Now, therefore, be it

RESOLVED, that Marianne Antolino, 33 Amarillo Drive, Nanuet, New York, is hereby appointed to the (permanent) position of Senior Clerk Typist -- Building Department -- at the current annual salary of \$44,487., effective and retroactive November 10, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (855-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 651-2003 awarded Bid #41-2003 to BBR Contracting Corp to provide labor and materials to remove existing roof and install new roof at Street Community Center and

WHEREAS, a change in the scope of the work has become necessary to provide new decking, gutters and drains; and

WHEREAS, Charles Connington, Superintendent of Recreation and Parks has solicited proposals from qualified contractors to perform additional work; and

WHEREAS, the Superintendent of Recreation and Parks has reviewed said proposals and found them to be acceptable;

RESOLUTION NO. (855-2003) continued

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to retain BBR Contracting Corp. to provide additional work as per their lowest proposed cost of \$13, 204.55; and

BE IT FURTHER RESOLVED, that this shall be a proper charge to Account H 8753-409-0-77-6.

On roll call the vote was as follows:

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

RESOLUTION NO. (856-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #68-2003 – TICKET MANAGEMENT SYSTEM FOR THE CLARKSTOWN JUSTICE COURT

Bids to be returnable to the office of Purchasing, 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 Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (857-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #7-2004 – JANITORIAL/MAINTENANCE 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.

RESOLUTION NO. (857-2003)

On roll call the vote was as follows:

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

RESOLUTION NO. (858-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Purchasing Department that

BID #1-2004 – OFFICE SUPPLIES

is hereby awarded to: CORPORATE EXPRESS, INC.
 160 AVON STREET
 STRATFORD, CT 06615
 PRINCIPALS: A PUBLIC CORPORATION

 NORTHEAST OFFICE PRODUCTS
 P.O. BOX 602
 SUFFERN, NY 10901
 PRINCIPALS: DEBBIE TORTORA
 PAUL TORTORA

 NEW CITY OFFICE SUPPLY
 93 MAPLE AVENUE
 NEW CITY, NY 10956
 PRINCIPALS: LARRY ROTH

as per the attached item/price schedule

On roll call the vote was as follows:

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

RESOLUTION NO. (859-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Transit Operations Supervisor and Transit Resource Center, Consultant that

BID #49-2003 – SEVEN (7) BUSES FOR TRANSIT APPLICATION FOR THE CLARKSTOWN MINI-TRANS DEPT.

RESOLUTION NO. (859-2003) continued

is hereby awarded to: ARCOLA SALES & SERVICES CORP.
 51 KERO ROAD
 CARLSTADT, NJ 07072
 PRINCIPALS: A PUBLIC CORPORATION

as per their low bid quote of \$53,449.00 per bus and a total of \$374,143.00 for all seven (7) buses and be it

FURTHER RESOLVED, that said award is subject to Arcola Sales & Services Corp. meeting the conditions in the bid specifications including, but not limited to, meeting the Buy America Pre-Award Audit, In-Plant Quality Control Inspection and Post Delivery Buy America Audit.

On roll call the vote was as follows:

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

RESOLUTION NO. (860-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #67-2003 – SOUTH MOUNTAIN ROAD DRAINAGE EXTENSION

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

as per their proposed project cost of \$59,595.00 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. (860-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (861-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, by resolution adopted October 14, 2003, the Town Board authorized the Superintendent of Highways to solicit proposals from qualified engineering consultants to perform an independent engineering study and analysis of traffic and emergency access conditions for the Palisades Center Mall Ring Road to provide independent data to the Clarkstown Planning Board and emergency service agencies with respect to review and possible amendment of the Palisades Center Mall final site plan, and

WHEREAS, various proposals were solicited and reviewed by a selection committee consisting of the Rockland County Office of Fire and Emergency Services, the Rockland County Highway Department, the Town of Clarkstown Highway Department and the Town of Clarkstown Planning Department, and

WHEREAS, a proposal dated November 5, 2003, as amended by Tectonic Engineering and Surveying Consultants, P.C., has been recommended for acceptance by said committee;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposal by Tectonic Engineering and Surveying Consultants referred to herein at a cost not to exceed \$151,000.00, which fee shall be charged to the EklecCo Account, as required by the Clarkstown Planning Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (862-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has been notified by Camp Venture, Inc. that it has been issued a Certificate pursuant to Section 41.34 of the New York State Mental Hygiene Law to establish a group home at 136 North Middletown Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers this matter to the Town of Clarkstown Planning Board for its review and comments, if any, with report to the Town Board on or before December 16, 2003.

RESOLUTION NO. (862-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (863-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, WINTER PASSING, LLC, a production company has requested permission to film in Clarkstown, on November 20th and November 21st, 2003 or rain dates of November 24th and November 25th, 2003.

NOW, THEREFORE, be it

RESOLVED, that WINTER PASSING, LLC, of 517 West 35th Street, 7th Floor, New York, NY 10001, is hereby authorized to film in the Town of Clarkstown, at the Gulf Gas Station, 66 Lake Road, Congers, New York 10920, on Thursday, November 20, 2003, between the hours of 10:00 A.M. and 3:00 P.M., and at Rockland Lake State Park and Rockland Lake Road, on Thursday, November 20th and Friday, November 21st, 2003 between the hours of 9:00 A.M. and 2:00 A.M., and between both entrances on Route 9W to Rockland Lake Park on Friday, November 21st, 2003 between the hours of 7:00 P.M. and 3:00 A.M.; or rain dates of Monday, November 24th and Tuesday, November 25th, 2003, upon the following conditions:

- (1) Permittee obtains permission from named parties to film at the above mentioned filming sites;
- (2) A permit fee of \$250.00 per day 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;
- (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 deemed the filming permit.

RESOLUTION NO. (863-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (864-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is preparing plans and specifications for renovations to the existing warehouse located on the Congers Station property in Congers for the use of offices and maintenance garage for the Sewer Department, and

WHEREAS, the improvements necessary will be completed in the spring of 2004, and

WHEREAS, it is imperative that a heating system be installed in order to protect the Town's sewer jet trucks from the effects of freezing during cold weather, and

WHEREAS, the Deputy Director of Operations, Department of Environmental Control, has solicited three (3) proposals from qualified contractors for the installation of the heating system, and

WHEREAS, the Deputy Director of Operations has received two (2) written proposals from qualified contractors. and

WHEREAS, the Deputy Director of Operations recommends using John Conlon Plumbing and Heating, Inc., 7 Foxwood Road, West Nyack, New York for the installation of the heating system in accordance with his proposal dated October 15, 2003.

NOW THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire John Conlon Plumbing and Heating, Inc., 7 Foxwood Drive, West Nyack, New York for the installation of the heating system in accordance with their proposal dated October 15, 2003, and

BE IT FURTHER RESOLVED, that the cost shall for the installation of the heating system shall not exceed \$18,000.00 and shall be a proper charge to account H 8751 409 0 75 16.

On roll call the vote was as follows:

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

RESOLUTION NO. (865-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the services of a qualified engineering consultant are required in connection with density testing for the placement of the final pavement for Third Street Reconstruction Project, and

WHEREAS, the Department of Environmental control has obtained a proposal from Tectonic Engineering and Surveying Consultants, P.C., to perform the required compaction testing.

NOW THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain:

Tectonic Engineering and Survey Consultants, P.C.
70 Pleasant Hill Road
Mountainville, New York 10953

to prepare the required report in accordance with their proposal dated November 10, 2003, and

BE IT FURTHER RESOLVED, that the cost shall be on a time and materials basis and shall not exceed \$1,310.00 and shall be a proper charge to account H 8736 409 0 67 6.

On roll call the vote was as follows:

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

RESOLUTION NO. (866-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the access road to the Brush and Recycling facility at the Solid Waste Facility, West Nyack, New York is in disrepair and requires reconstruction in order to return it to a safe and adequate condition, and

WHEREAS, the Department of Environmental Control has undertaken the reconstruction of the access road utilizing Department personnel, and

WHEREAS, it is necessary to rent paving equipment and operators perform the paving new asphalt access road, and

WHEREAS, the Department of Environmental Control has obtained a proposal from Tilcon, New York, 162 Old Mill Road, Valley Cottage, New York 10994 for the rental of the required equipment and operators necessary to complete the work, and

WHEREAS, additional asphaltic concrete required to complete the roadway will result in additional trucking costs, and

WHEREAS, the additional \$4.00 per ton cost for trucking is in accordance with the original proposal dated August 12, 2003, and

WHEREAS, the additional cost of trucking is \$4,844.00.

RESOLUTION NO. (866-2003)

NOW, THEREFORE, BE IT RESOLVED, that Town Board Resolution No. 643-2003 is hereby amended to provide for the cost for an additional truck rental with operator for the asphaltic concrete, and

BE IT FURTHER RESOLVED, that the total cost for the rental of the asphalt paving equipment and operators shall not exceed \$21,281.20, and all work shall be performed under the direct supervision and control of Town employees, and shall be a proper charge to account #H 8751-400-409-75-40.

On roll call the vote was as follows:

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

RESOLUTION NO. (867-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, a pond exists within a Town drainage easement running through the properties located at 79 & 81 Branchville Road; and

WHEREAS, over the years the pond has silted in and requires dredging in order to restore it to its original condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from five qualified contractors to dredge the pond; and

WHEREAS, five proposals were received in response to said solicitation, and after review by Department of Environmental Control Staff, it was found that the lowest proposal was provided by MRJ Excavating, Inc. in the amount of \$8,225.00

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to MRJ Excavating, Inc. of New City, New York;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

MRJ Excavating, Inc.
7 Beaver Court
New City, New York 10956

To restore the pond located in the vicinity of 79 and 81 Branchville Road in accordance with their proposal for an amount not to exceed \$8,225.00 without further Town Board resolution; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H-8753-409-0-77-33.

On roll call the vote was as follows:

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

RESOLUTION NO. (868-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Town Board Resolution 533-2003 authorized the Department of Environmental Control to retain the services of MRJ Excavating, Inc., to alleviate an adverse drainage condition in the vicinity of #18 Green Avenue in Valley Cottage; and

WHEREAS, excavation of a trench through the driveway at #16 Greene Avenue was necessary to perform said drainage improvements; and

WHEREAS, paving the driveway at #16 Greene Avenue in its entirety is necessary to restore the driveway to its original condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from three qualified contractors to pave the driveway at #16 Green Avenue; and

WHEREAS, three proposals were received in response to said solicitation, and after review by Department of Environmental Control staff, it was found that the lowest responsible proposal was provided by E.R. Gabrielson Blacktop Paving in the amount of \$1,195.00; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to E.R. Gabrielson Blacktop Paving of Nyack, New York;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of E.R Gabrielson Blacktop Paving, 221 Midland Avenue Nyack, New York 10960 to pave the driveway at #18 Green Avenue in accordance with their proposal for an amount not to exceed \$1,195.00 without further Town Board resolution; and

BE IT FURTHER RESOLVED that this amount continue to be a proper charge to account H 8753-409-0-77-22.

On roll call the vote was as follows:

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

RESOLUTION NO. (869-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board did authorize the Director of Environmental Control to retain the services of Tectonic Engineering and Surveying Consultants, P.C. by resolution 828-2002 and 956-2002, dated September 24, 2002, and November 12, 2002 respectively resulting in a total fee of \$7872.00, and

WHEREAS, additional work was necessary to adequately evaluate the condition of roadway structures, provide recommendations and complete the report to the Town, and

RESOLUTION NO. (869-2003) continued

WHEREAS, the Department of Environmental Control had received a supplemental proposal dated June 6, 2003 from Tectonic Engineering Consultants for said additional work, with the amount of additional work being \$1,363.79 as shown on Tectonics invoice, and

WHEREAS the supplemental proposal has been reviewed and recommended for approval by the Deputy Director (Survey & Design) of the Department of Environmental Control,

NOW THEREFORE, BE IT RESOLVED that Director of Environmental Control is authorized to retain Tectonic Engineering and Surveying Consultants, P.C. to provide additional consulting services at a cost not to exceed \$1363.79, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number A 8730 409 0, and

BE IT FURTHER RESOLVED that this resolution is retroactive to and effective as of June 9, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (870-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2003 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

THEREFORE, BE IT

RESOLVED, that the 2003 budget is hereby amended.

On roll call the vote was as follows:

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

RESOLUTION NO. (871-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$70,000 in seized property, \$440.96 in D.A.R.E. Donations and \$6,725.83 from Rockland County for DWI,

RESOLUTION NO. (871-2003)

THEREFORE BE IT,

RESOLVED, to increase Revenue Account A 01 11 4320 0 (Seized Property) and Budgetary Account A 3120-409 0 (Police-Fees for Services) by \$70,000 and increase Revenue Account A 01 9 2705 0 (Gifts & Donations) and Budgetary Account A 3230-319 (D.A.R.E-Misc Supplies) by \$440.96 and increase Revenue Account A 01 9 3618 0 (Rockland County DWI) and Budgetary Account A 3120-111 (Police-Overtime) by \$6,725.83; and

WHEREAS, various Budgetary Accounts need additional funding,

THEREFORE BE IT,

RESOLVED, decrease A 1620-438 (Bldg Maintenance-Maintenance Agreements) and increase A1620-217 (Bldg Maintenance-Maintenance Equipment) by \$8,000 and decrease SR 8160-443 (Sanitation-Auto Repairs) and increase SR 8160-312 (Sanitation-Private Equipment Rental) by \$29,316 and decrease A 3020-460 6 (Communications-Secured Internet Service) and increase A 7020-460 3 (Recreation-Frame Relay) by \$4,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (872-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, GBR ONE CROSFIELD LIMITED LIABILITY COMPANY and GBR THREE CROSFIELD LIMITED LIABILITY COMPANY have tendered a deed, dated September 30, 1997, for dedication of 761 L.F. of Centerock Road (part of Lot 7.1 & part of Lot 7.3) as shown in a subdivision known as "Rockland Corporate Center", and NEW YORK SMSA LIMITED PARTNERSHIP has tendered a Temporary Turn-Around Easement on Lot 4 in a subdivision known as "Rockland Corporate Center" to provide for turn-arounds until such time as Centerock Road may be extended to connect to the nearest public road, and

WHEREAS, the Deputy Director of the Department of Environmental Control and the Superintendent of Highways have recommended acceptance of said conveyances; and the Town Attorney has advised that all documents are in proper legal form; and

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless has also provided the required Maintenance Bond for the sum of \$120,827.00, for the agreed upon period of five (5) years;

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a deed from GBR One Crosfield Limited Liability Company and GBR Three Limited Liability Company for Centerock Road, and the temporary turn-around easement on Lot 4 from New York SMSA Limited Partnership in connection with ROCKLAND CORPORATE CENTER Subdivision; and be it

RESOLUTION NO. (872-2003) continued

FURTHER RESOLVED, that said deed and temporary easement are hereby ordered recorded in the Rockland County Clerk's Office, subject to payment of the recording fees by the applicants.

On roll call the vote was as follows:

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

RESOLUTION NO. (873-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by report dated October 22, 2003, revised November 14, 2003, Richard Westervelt, Engineer II, Department of Environmental Control, has reported to the Town Board that as a result of the installation of the storm drainpipe and the backfilling of an open channel in an existing watercourse on premises 9 Fayva Court, New City, New York, intermittent flooding to property located at 10 Emerald Court, New City, New York has resulted due to the inability of the altered watercourse to handle the volume of runoff it previously handled, and that said alteration was done without a permit from the Department of Environmental Control, and is in violation of §128-2 of the Town Code (Drainage and Watercourses);

NOW, THEREFORE, be it

RESOLVED, in accordance with §128-3 of the Town Code, the Town Board hereby directs the Director of the Department of Environmental Control, with the advice and consent of the Town Attorney, to prepare and serve formal notice and order upon the property owner directing removal of the obstruction in accordance with the provisions of § 128-3 of the Town Code; and be it

FURTHER RESOLVED, that this matter is referred to the Building Department for assignment to a code enforcement official to monitor compliance with the Town Board's order.

On roll call the vote was as follows:

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

RESOLUTION NO. (874-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02089 Senior Clerk Typist, which contains the name of Teresa A. Fortier,

Now, therefore, be it

RESOLUTION NO. (874-2003) continued

RESOLVED, that Teresa A. Fortier, 3 Maplewood Lane, New City, New York, is hereby appointed to the (Permanent) position of Senior Clerk Typist – department of Environmental Control – at the current 2003 annual salary of \$28,248., effective November 24, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (875-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby ratifies and approves a Side Letter of Agreement with the Clarkstown Unit of the C.S.E.A. dated November 17, 2003 and authorizes the Supervisor to execute the same.

On roll call the vote was as follows:

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

RESOLUTION NO. (876-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a sight visibility hazard has been identified in the area of the intersection of Elks Drive and Blauvelt Road in the Hamlet of Nanuet, and more specifically described as the Town Right of Way on property known as Twohig, 1 Elks Drive (64.13-4-24 f/k/a 31-A-18.9), and

WHEREAS, a competitive proposal has been obtained from Pat Scanlan Landscaping, Inc., 14 Plains Drive, New City (Vendor# 9576) in the amount of \$3900.- for the removal of overgrown shrubbery and the restoration of property along with the installation of fencing to cure this sight distance visibility hazard and replace the screening lost by shrub removal,

NOW, THEREFORE be it

RESOLVED, that the Town Board hereby authorizes the above described work to be done and the cost of \$3900.- be charged to Account No. A 8511-409 0.

On roll call the vote was as follows:

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

RESOLUTION NO. (877-2003)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks that

BID #42-2003 – PLAYGROUND AT GERMONDS PARK

is hereby awarded to: LOUIS BARBATO LANDSCAPING, INC.
135 JOHNSON AVENUE
RONKONKOMA, NY 11749
PRINCIPALS: ANTHONY BARBATO
DEBRA BARBATO

as per their proposed project cost of \$81,950.00 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

On roll call the vote was as follows:

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

RESOLUTION NO. (878-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 269-2003, dated March 25, 2003, the Town Board of the Town of Clarkstown approved payment of \$3,000.00 to Linda Kleban for a permanent easement for the purpose of constructing and maintaining a stone retaining wall adjacent to Old Phillips Hill Road, New City, New York; and

WHEREAS, the property owner has tendered a permanent easement to the Town of Clarkstown, the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said easement on behalf of the Town of Clarkstown, and be it

RESOLUTION NO. (878-2003) continued

FURTHER RESOLVED, that said easement is hereby ordered recorded in the Office of the Rockland County Clerk and the recording fees charged to Account No. H8752-409-0-76-20.

On roll call the vote was as follows:

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

RESOLUTION NO. (879-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

“AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilwoman Lasker at a Town Board meeting held on October 14, 2003, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 14, 2003, directed that a public hearing be held on November 18, 2003, at 8:00 p.m., or as soon thereafter as possible, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 3, 2003, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 30, 2003, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 18, 2003;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5 - 2003, entitled:

“AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

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

TBM 11/18/03

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There being no further business before the Board and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, the Town Board meeting was closed. Time: 8:30 PM

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11-18-2003

8:10 PM

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

Re: Petition of Bernhardt for Use of Town Law 280-a(4) to seek Subdivision Approval to Create an Additional Building Lot for a Proposed One-Family Residence by Dividing Premises Known as 78 Van Houten Fields

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Public Hearing. Supervisor Holbrook asked John Costa, Town Attorney, if the proper Notices of Publication and Posting have been received. Mr. Costa replied the Notice was published in the Journal News on November 3, 2003 and, the Affidavits of Posting and Mailing have been filed with the Town Clerk.

Supervisor read correspondence from the following:

Rockland County Department of Planning dated November 18, 2003 (On File in the Town Clerk's Office).
Town of Clarkstown Department of Planning and Development, Joe Simoes, Town Planner, and Robert Geneslaw, Planning Consultant dated November 18, 2003 (On File in the Town Clerk's office).
Department of Environmental Control, Luke Kalarickal, Director, dated November 17, 2003 (On File in the Town Clerk's Office).

Supervisor asked Mr. Costa if there was any more correspondence to which Mr. Costa replied there was not.

Supervisor asked the applicant or her representative to give her presentation.

Appearance: Theodore Atzl
Represents Nancy Bernhardt

He said the applicant lives on a private road which does not receive town services. He said they have applied for use of Town Law 280-a-4. They also submitted a letter to the Van Houten Fields Association and he said the Board of Directors have no objections to the application being sought.

Mr. Costa asked Mr. Atzl about the recommendation from Mr. Kalarickal regarding a maintenance agreement. Mr. Atzl said they agree there will be a maintenance agreement with the Van Houten Fields Association for the existing lot and the new lot subject to the Town Attorney's approval. Mr. Costa asked if the Van Houten Fields Association is accepting of this and will the Association include this lot within the due structure they currently maintain. Mr. Atzl said yes and there is a letter to the Town Board dated September 18, 2003 which he submitted for the record.

Supervisor asked Mr. Costa if Findings of Fact are needed for this matter. Mr. Costa said in reply that a resolution was not prepared because all of the required information had not yet been provided. Supervisor said the matter will be on the agenda for the next Town Board meeting on November 25, 2003.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney, the Public Hearing was closed. Time: 8:15 PM.

Respectfully Submitted,


Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11-18-2003

8:16 PM

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

Re: Proposed Local Law Entitled "Amendment to Chapter 262 (Taxation) of the Clarkstown Town Code"

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

Supervisor asked Cathy Conklin to give an explanation of the proposed Local Law.

Appearance: Cathy Conklin
Tax Assessor

She said the State Legislature and the Governor signed into law a local option to permit an increase of \$2,500 to the gross income for both low income seniors as well as low income disability exemptions. She said it is an unusual increase but at the maximum it raises the gross income standards to \$32,400 gross combined income per year from all owners for a five (5) percent exemption and it raises the income requirement to \$24,000 gross income to be eligible for the full 50% exemption. She said there is a sliding scale that also runs in between.

Supervisor asked Ms. Conklin if this applies to town and county taxes to which she replied it applies to town and the county acts on its own behalf. Supervisor confirmed with Ms. Conklin that this is separate from the STAR Program.

Co. Maloney asked if the required income includes all sources of income to which she replied that it does.

Co. Mandia asked Ms. Conklin what criteria is required to prove disability. Ms. Conklin said in reply that the state has very specific criteria for low income disability such as being legally blind. She said it only covers extremely specific circumstances.

Appearance: Martin Bernstein
New City

He said that Clarkstown was the first in 1963 to ask for this type of law. He said the Legislature began this program and the Town should be proud.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia, the Public Hearing was CLOSED and ADOPTED. Time: 8:20 PM

Respectfully Submitted,


Patricia Sheridan
Town Clerk

RESOLUTION NO. 879 ADOPTED