

**TOWN OF CLARKSTOWN  
TOWN BOARD MEETING**

Town Hall

12/09/2003

8:00 P.M.

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

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

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The Special Meeting of the Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc. was moved to December 16, 2003 because of a question posed by Jim Trimble, representing Mr. Jay Kim regarding the bid for kitchen cabinets. He asked if A-1 was related to ARCO.

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Supervisor Holbrook opened the public portion of the meeting.

Appearance:   Martin Bernstein  
                  New City

Item #2 – Mazzuca Property. He questioned the Town buying the development rights. . He said the Town should purchase the property outright.

(After Meeting) He inquired about snow removal on No Main and suggested it be done on So. Main Street with a path of two (2)-(3) feet wide to facilitate pedestrians.

Appearance:   Steve Levine  
                  Congers

He asked if there had been any written report regarding the Building Department since his inquiry in June. He inquired about Bordas' special permit. He questioned the dumping and filling operations going on and inquired about the testing of the soil by an independent testing lab.

Appearance:   John Lodico  
                  New City

He spoke regarding Item #7 designating Tri-State Inspection Agency, Inc to provide electrical inspections. He referred to the Local Law in 1965 regarding the licensing of electrical contractors.

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RESOLUTION NO. (896-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2004, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

RESOLUTION NO. (896-2003) continued

**TOWN BOARD MEETINGS**  
**8:00 P.M. - Auditorium**

**WORKSHOP MEETINGS**  
**7:30 P.M. - Room 311**

January - 6 (Reorganization)

January - 13 and 27

February - 10 and 24

March - 9 and 23

April - 13 and 27

May - 11 and 25

June - 8 and 22

July - 20

August - 17

Sept. - 14 and 28

October - 12 and 26

November - 9 and 23

December - 14 and 21

January - 20

February - 3

March - 2 and 16

April - 20

May - 4 and 18

June - 1 and 15

July - 13

August - 10

Sept. - 7 and 21

October - 5 and 19

November - 16

On roll call the vote was as follows:

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

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RESOLUTION NO. (897-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an updated appraisal of property known as 59.8-1-31 and 59.8-1-19 Valley Cottage, New York from Valuation Plus, Inc.

FURTHER RESOLVED, that the cost of said updated appraisal shall not exceed the sum of \$2,000.00 and shall be charged to Account No. H 8750-409-0-74-1.

FURTHER RESOLVED, that this resolution shall be retroactive to November 20, 2003.

RESOLUTION NO.(897-2003) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (898-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the following has applied for Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

J.M.C. Industries, Inc.  
 33 Madison Avenue  
 Garnerville, NY 10923  
 Jerry Cioffi, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 03-27 J.M.C. INDUSTRIES, INC.

On roll call the vote was as follows:

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

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RESOLUTION NO. (899-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final site plan approval by the Planning Board with regard to a site plan known as "NEW CITY JEWISH CENTER" (43.19-3-43), the New City Jewish Center has provided a deed to the Town of Clarkstown, dated March 25, 2003, for road widening purposes on Old Schoolhouse Lane, New City, New York, and a Covenant, dated March 25, 2003, with respect to road maintenance for Sylvan Lane, New City, New York, in a form approved by the Town Attorney, and

WHEREAS, the Town Attorney has recommended acceptance and recording of said Deed and Covenant;

RESOLUTION NO. (899-2003) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a Deed for road widening purposes and a Covenant for road maintenance from the New City Jewish Center and orders same recorded in the Rockland County Clerk's Office, subject to receipt of the recording fees from the applicant.

On roll call the vote was as follows:

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

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RESOLUTION NO. (900-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Joseph Sorce and Marlene Sorce have requested a refund of Building Permit fee (No. 03-1643) they paid in the amount of \$248.00 for premises located at 728 West Nyack Road, West Nyack, New York, because they have cancelled plans to construct a garage;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of the \$248.00 Building Permit fee, retaining the sum of \$90.00 for processing, and refunding the balance of \$158.00 to Joseph Sorce and Marlene Sorce, to be charged to Account No. B 02-6-2555-0, subject however, to surrender of the Building Permit by the applicant.

On roll call the vote was as follows:

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

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RESOLUTION NO. (901-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown, as property owner, has a month to month tenancy with Epic Pool Corp. for property located at 40 First Street, New City, New York, and

WHEREAS, the Town of Clarkstown wishes to terminate said tenancy because the premises are needed to prepare for the construction of a municipal parking lot; NOW, THEREFORE, be it

RESOLUTION NO. (901-2003) continued

RESOLVED, that the Town Board authorizes the Town Attorney to arrange for service of the thirty day notice of termination of the month to month tenancy by Epic Pool Corp., and be it

FURTHER RESOLVED, that this Resolution is made retroactive to November 25, 2003.

On roll call the vote was as follows:

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

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RESOLUTION NO. (902-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves a Side Letter of Agreement to the Collective Bargaining Agreement between the Town and the Town of Clarkstown Special Unit of the Civil Service Employees Association dated December 3, 2003 and further authorizes the Supervisor of the Town to execute same.

On roll call the vote was as follows:

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

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RESOLUTION NO. (903-2003)

Co. Lasker offered and Co. Mandia 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.

RESOLUTION NO. (903-2003) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (904-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Patrick Ferguson, 104 Parkway Trailer Court, Pomona, New York – Custodian I – Parks and Recreation – is hereby accepted – effective and retroactive to November 29, 2003.

On roll call the vote was as follows:

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

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RESOLUTION NO. (905-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Rodney Williams, 18 Waldron Avenue, Apartment #7C, Central Nyack, New York (Part-time) Municipal Bus Driver – Clarkstown Mini-Trans – is hereby accepted – effective and retroactive to November 23, 2003.

On roll call the vote was as follows:

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

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RESOLUTION NO. (906-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, William Sherwood, Chief of Police, Clarkstown Police Department, has proposed to purchase a computer and proprietary software to be used for the Police Department Pistol Range, from Caswell International Corporation, at a cost not to exceed \$13,900.00, and

RESOLUTION NO. (906-2003) continued

WHEREAS, Robert Stritmater, Director of Automated Systems, and Sergeant Harry Baumann, Clarkstown Police Department, have reviewed the proposal and advised that Caswell is the sole source vendor of the required interface device needed to upgrade the pistol range control system and have recommended the purchase referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a software license and service agreement with Caswell International Corporation and to provide a computer, upgraded software and maintenance contract for the Clarkstown Police Department Pistol Range, and be it

FURTHER RESOLVED, that the cost of \$13,900.00 shall be charged to Account No. A 3120-407.

On roll call the vote was as follows:

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

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RESOLUTION NO. (907-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board authorized the solicitation of proposals for an appraisal of property located at 230 Little Tor Road, New City, New York, which property is designated on the Tax Map as 51.10-3-1, and

WHEREAS, the Town Attorney has received competitive proposals from appraisers and recommends hiring the firm of Lawrence & Shedler Appraisals to perform said appraisal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire the firm of Lawrence & Shedler Appraisals, in accordance with its proposal of November 3, 2003, to appraise property designated as Tax Map 51.10-3-1, and be it

FURTHER RESOLVED, that the cost of \$1,750.00 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 December 8, 2003.

On roll call the vote was as follows:

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

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RESOLUTION NO. (908-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the State of New York is engaged in pollution recovery efforts with respect to investigation, mediation, and closure of the Clarkstown Sanitary Landfill (Site No. 344001), and

WHEREAS, the State of New York has proposed to enter into a confidentiality agreement with the Town of Clarkstown with respect to negotiations and settlement of claims and anticipated litigation relating to such site;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into a confidentiality agreement referred to above, in a form approved by the Town Attorney, which will facilitate cooperation between the State and the Town with respect to negotiation and potential settlement of claims and anticipated litigation referred to above, and be it

FURTHER RESOLVED, that the Supervisor is also hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the State of New York whereby, in the distribution of proceeds of any settlement with respect to the claims referred to herein, the Town may recover its costs incurred including the reasonable value of the municipality's attorneys' time and disbursements, including the fees of experts which are not reimbursable by any insurer of the municipality;

FURTHER RESOLVED, that it is the intention of the Town Board to utilize the services of staff attorneys in the Town Attorney's Office for the purposes set forth herein.

On roll call the vote was as follows:

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

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RESOLUTION NO. (909-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of September 23, 2003, September 30, 2003, October 14, 2003, October 28, 2003, November 6, 2003, November 18, 2003 and November 25, 2003 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (910-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Bruce Hoehn, Vehicle Maintenance Supervisor, Town Garage, has requested permission for the seasonal use, for commuting purposes, of the Town's 4-wheel drive vehicle during the period of November 15th through April 15th, so as to facilitate his commute to and from work on occasions when inclement weather requires his presence at other than normal working hours, and

WHEREAS, the use of a Town owned vehicle will facilitate efficiency of operations at the Town facility during such periods of inclement weather;

NOW, THEREFORE, be it

RESOLVED, that Bruce Hoehn, Vehicle Maintenance Supervisor, is hereby authorized to use a Town owned 4-wheel drive vehicle for commuting purposes to and from his home in the Village of Nyack to the Town of Clarkstown Vehicle Maintenance Garage for the period of November 15th through April 15th, which authorization may be reviewed by the Town Board on an ongoing basis and may be rescinded at any time.

On roll call the vote was as follows:

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

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RESOLUTION NO. (911-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists in the vicinity of #76 Branchville Road in Valley Cottage; and

WHEREAS, said condition results in a potentially hazardous icing condition; and

WHEREAS, the Department of Environmental Control has investigated said condition and prepared a plan to remediate same; and

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) contractors to implement the improvements in accordance with said plan; and

WHEREAS, the Department of Environmental Control has received four (4) responses to its solicitation; and

WHEREAS, the Department of Environmental Control has reviewed said proposals and found them to be acceptable and has recommended the lowest cost proposal;

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

RESOLUTION NO. (911-2003) continued

Environmental Construction, Inc.  
P.O. Box 563  
Stony Point, New York 10980

to implement said corrective drainage measures as recommended by the Director of the Department of Environmental Control in the amount of \$18,695.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8753 409 0 77-36.

On roll call the vote was as follows:

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

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RESOLUTION NO. (912-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is and has been an equal opportunity employer, and

WHEREAS, the U.S. Department of Justice has approved the application of the Clarkstown Police Department for funding under the COPS Homeland Security Overtime Program, and

WHEREAS, the Town Board of the Town of Clarkstown seeks to reaffirm its equal employment opportunity policy;

NOW, THEREFORE, be it

RESOLVED, that it is the policy of the Town of Clarkstown to provide, through positive and effective programs, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed color, religion, national origin, sex, age, marital status, veteran status or disability, and be it

FURTHER RESOLVED, that this Policy and its provisions shall be provided for publication and dissemination, internally and externally, to ensure its availability to interested citizens and groups, and be it

FURTHER RESOLVED, that the Personnel Department, with the assistance of the Town Attorney, shall establish a grievance procedure that provides for the prompt and equitable resolution of complaints alleging discrimination such that those intending to file a grievance due to alleged discrimination must follow the grievance procedures as approved by the Town Board with such procedure to be communicated to all employees.

On roll call the vote was as follows:

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

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RESOLUTION NO. (913-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, complaints regarding parking and dumping in the "T" turn-around (dead end) of Lenox Avenue, Hamlet of Congers have been received by the Supervisor's Office and,

WHEREAS, these complaints were investigated and it was found that residents of other areas were using this turn-around for long term parking and dumping, thus causing a safety hazard and nuisance to the residents of Lenox Avenue,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highways to install "No Parking" and "No Dumping" signs in the Dead End "T" Turn-around of Lenox Avenue as indicated on the attached section of Tax Map 52.8-1 and be it

FURTHER RESOLVED, that this resolution be forwarded for the attention of the Chief of Police for the purpose of increased enforcement of the parking restrictions at this location.

On roll call the vote was as follows:

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

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There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the Town Board Meeting was adjourned in memory of Harold Schweitzer, Planning Board Member closed, time 8:45 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk