

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/16/2003

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. Lasker and unanimously adopted, the public hearing re: proposed conforming amendment to the Comprehensive Plan in relation to proposed zone change (M to R-15) for properties along Pine View Road, West Nyack .was opened, time: 8:20 pm

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: : proposed conforming amendment to the Comprehensive Plan in relation to proposed zone change (M to R-15) for properties along Pine View Road, West Nyack was closed, time: 8:50 pm

A presentation was made to the Valley Cottage Indians Pop Warner Football Team, New York State Champions. Head Coach, Robert McKinley, praised and congratulated his team. A certificate of recognition was presented to all of the players, coaches and team moms by the Town Board.

The Nyack High School Football Team was then recognized for being the Class A New York State Champions. Coach Castellano thanked the Town Board for inviting them here this evening. He spoke about his team's determination and hard work and said they were a pleasure to coach.. The Town Board presented each of the players with a certificate of recognition. The Town Board expressed their appreciation and complemented all involved for their achievements.

Supervisor Holbrook opened the public portion of the meeting.

Appearance: John Lodico
New City

Spoke regarding Item #12, Tri State Inspection Agency. Complemented the Board for allowing competition.

RESOLUTION NO. (914-2003)

Co. Maloney offered and Co. Mandia seconded

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

On roll call the vote was as follows:

Councilwoman LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith . . Abstained
Supervisor HolbrookYes

RESOLUTION NO. (915-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to the final plat of the Anthony Capasso Subdivision, last revised July 10, 2003, filed with the Rockland Count Clerk on October 22, 2003, as Map 7619, in Book 123 at Page 51, Anthony Capasso has provided the Town with a Conservation Easement for property known as Tax Map 52.12-2-1, Congers, New York, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Conservation Easement, dated July 15, 2003, and orders the recording of same with the Rockland County 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. (916-2003)

Co. Maloney offered and Co. Lasker seconded

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

BID #8-2004 – PRINTING OF SPRING/SUMMER AND FALL/WINTER PARKS AND RECREATION BROCHURE

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 announced 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. (917-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #5 – 2004 – Athletic and Recreation Supplies

ANACONDA SPORT, INC., 1221 Ulster Avenue, Kingston, NY for items #3, 5, 6, 28, 62, 102 and 103, as per specifications at a net bid price of \$1,351.92.

ARC SPORTS, 487 Federal Road, Brookfield, CT 06804 for items #1, 2, 4, 21, 34, 35, 37, 69, 109, 110, 112, 113, 115, 121 and 126 as per specifications at a net bid price of \$3,243.10.

FLAGHOUSE, 601 Flaghouse Drive, Hasbrouck Heights, NJ 07604 for items #7, 17, 25, 36, 48, 51, 55, 57, 74, 79, 80, 82, 92, 93, 94, 95, 96, 99, 107, 108, and 132 as per specifications at a net bid price of \$2,188.36.

KENMAR SHIRTS, 1578 White Plains Road, Bronx, NY 10462, for items #136, 143, 146, 147, 148, and 149, as per specifications at a net bid price of \$3,345.36.

MAINLY MONOGRAMS, 260 West Nyack Road, West Nyack, NY 10994, for items #41, 137, 140, 142, 144, 145, 150, 155, 156, 157, 158, 159, 160, 161, 162, and 163 as per specifications at a net bid price of \$17,929.40.

PASSON'S SPORTS (BSN), P.O. Box 49, Jenkintown, PA, 19046, for items #9, 10, 12, 13, 16, 18, 19, 20, 22, 26, 30, 38, 39, 42, 43, 44, 45, 47, 49, 52, 53, 54, 56, 58, 63, 64, 65, 66, 67, 70, 71, 72, 73, 75, 78, 81, 83, 84, 85, 87, 89, 90, 97, 98, 100, 101, 104, 105, 106, 111, 116, 117, 118, 119, 123, 131, 138, 139 and 141 as per specifications at a net bid price of \$9,418.90.

S&S WORLDWIDE, 75 Mill Street, Colchester, CT. 06415, for items #8, 11, 14, 15, 23, 24, 31, 32, 33, 46, 59, 68, 76, 86, 88, 91, 114, 120, 122, 124, 127, 128, 129, 130, 134, and 135 as per specifications at a net bid price of \$3,264.95.

SPORTSMaster, P.O. Box 5000, Pittsburgh, PA. 15206, for items #27, 29, 50, and 60, as per specifications at a net bid price of \$524.83.

SPORTIME, One Sportime Way, Atlanta, GA. 30340, for item #77 as per specifications at a net bid price of \$1,976.00.

GROSS TOTAL FOR ALL ITEMS: \$43,242.82

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. (918-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Chief of Police of the Town of Clarkstown that

BID #57-2003 – POLICE UNIFORMS

is hereby awarded to: D & E UNIFORMS
213 CLOSTER DOCK ROAD
CLOSTER, NJ 07624

PRINCIPALS: CHARLES AMOROSSO

SOME'S UNIFORMS, INC.
314 MAIN STREET
P.O. BOX 68
HACKENSACK, NJ 07602-0068

PRINCIPALS: JEROME SOME

MAINLY MONOGRAMS
260 WEST NYACK ROAD
WEST NYACK, NY 10994

PRINCIPALS: DAN ALEXANDER
LOU ANN ALEXANDER
DAN ALEXANDER, JR.

NEW ENGLAND UNIFORM
356 MAIN STREET
DANBURY, CT 06810

PRINCIPALS: EDWARD MC GEE

as per the attached item/price schedule. (On file)

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. (919-2003)

Co. Maloney offered and Co. Lasker seconded

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

BID #4-2004 – PAPER & PLASTICS SUPPLIES

hereby awarded to: SOFCO, INC.
702 POTENTIAL PKWY
SCOTIA, NY 12302
PRINCIPAL: A PUBLIC CORPORATION

MT. ELLIS PAPER
PO BOX 4083
NEW WINDSOR, NY 12553
PRINCIPALS: SEYMOUR KAPLWITZ
CLIFFORD J. KAPLAN

RESOLUTION NO. (919-2003) continued

COUNTRY COFFEE PAPER & SUPPLY
6 EAST DEXTER PLAZA
PEARL RIVER, NY 10965
PRINCIPALS: LORI VAIL
TOM CARECCIA

ALL AMERICAN POLY
40 TURNER PLACE
PISCATAWAY, NJ 08854
PRINCIPAL: JACK KLEIN

BORDA PRODUCTS
80 BRUCKNER BLVD
BRONX, NY 10454
PRINCIPALS: ZOLTAN WEIDER
DAVID BORDA

INTERBORO PACKAGING CORP
114 BRACKEN ROAD
MONTGOMERY, NY 12549
PRINCIPALS: EDITH JEREMIAS
ABRAHAM JEREMIAS

As per the attached item/price schedule (On file)

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. (920-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 852-2003 adopted on November 18, 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:

RESOLUTION NO. (920-2003) continued

- 1. On Buena Vista Rd. at New Hempstead Rd.
- 2. On Buena Vista Rd. at Saw Mill Road
- 3. On Saw Mill Rd. at North Little Tor Rd.
- 4. On Saw Mill Rd. at Buena Vista Rd.
- 5. On Conklin Rd.;
- 6. On Buena Vista Rd. at Ramapo Town Line;
- 7. On Culver Drive at Little Tor Rd., and
- 8. On Tor Terrace at Little Tor Rd.,

And be it

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to Wayne T. Ballard, 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. (921-2003)

Co. Maloney offered and Co. Mandia seconded

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

- “Town Speed 30 MPH” signs at the following locations:
 On Buena Vista Road at New Hempstead Rd.
 On Sawmill Rd. at North Little Tor Road, New City.

And be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (922-2003)

Co. Maloney offered and Co. Mandia seconded

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

RESOLUTION NO. (922-2003) continued

“Four Ton Weight Limit” signs except for Local Delivery”
at the following locations:
On Klein Avenue at West Nyack Road
On Hunter Place at Strawtown Road
On West Street at Strawtown Road, West Nyack

And be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (923-2003)

Co. Maloney offered and Co. Mandia seconded

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

A “T” intersection sign with a panel beneath to read “20 MPH” and “Limited Sight Distance” on Pigeon Hill Rd. at Terrace Avenue, Nanuet.

And be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (924-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, residents have requested the installation of stop signs at certain locations in Nanuet, New York, and

NOW, THEREFORE, be it

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

RESOLUTION NO. (924-2003) continued

- 1. On Alan Road at Frederick Street;
- 2. On Frederick Street at Alan Road;
- 3. On Briar Road at Alan Road;
- 4. On Wells Street at Briar Road;
- 5. On Briar Road at both sides of the intersection of Wells Street.

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to Wayne T. Ballard, Superintendent of Highways, for implementation.

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. (925-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. S00047919 issued by Bank of New York to Danny Clapp Landscaping, Inc. in the amount of \$172,500, which was provided in connection with Bid No. 27-2003 – Mosquito Control Service Contract, is no longer required as all work under the bid has been completed; and said Letter of Credit may be released.

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. (926-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, the following Letters of Credit, issued by Union State Bank to Ascape Landscape & Construction Corp., are no longer required as all work under the bids has been completed; and said Letters of Credit may be released:

- Letter of Credit No. 1995 for \$20,000 (Bid No. 13-2003 – Site Maintenance)
- Letter of Credit No. 1994 for \$28,000 (Bid No. 20-2003 – Commuter Parking)

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. (927-2003)

Co. Maloney offered and Co. Lasker seconded

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

BID #9-2004 – REPAIR AND RESURFACING OF TENNIS AND HANDBALL COURTS – CONGERS LAKE MEMORIAL PARK, CONGERS, NEW YORK

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. (928-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #708-2002 awarded bid #47-2002; 401 Phillips Hill Road Drainage Improvements to Let It Grow, Inc., and

WHEREAS, unforeseen field conditions require additional materials and labor to replace the existing culvert; and

WHEREAS, one (1) change order on contract has been reviewed and found acceptable by the Department of Environmental Control as Follows:

- C.O. #1: Installation of 3' section of aluminum box culvert, additional stone base material, backfill material, and asphalt driveway.
- Installation of +/- 70 LF of concrete footings for vertical spillway walls. Installation of +/- 425 SF of 6" concrete slab over 12" of ¾" clean gravel. \$24,750.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$89,559.00 to \$114,309.00 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account H 8752 409 76 21.

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. (929-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #247-2003 awarded Bid #12-2003; Congers Downtown Improvements to WJL Equities Corporation; and

WHEREAS, Rockland County Highway Department required additional drainage work, road alignment work, and crosswalks which created substantial changes to the plans, and,

WHEREAS, requirements of Rockland County Highway Department for work during winter months added additional cost to for the contractor to perform winter work, and,

WHEREAS, WJL Equities submitted prices for the additional work which has been reviewed by the Department of Environmental Control and recommends the additional work as per attached letters from WJL Equities Corporation be approved by the Town Board as Change Order #1, and,

NOW, THEREFORE, BE IT RESOLVED that the total approved costs of changes for this project for Change Order #1 is \$254,049.50 and

BE IT FURTHER RESOLVE that the current allowance for this project be increased from the original bid amount of \$1,780,000 to \$2,034,049.50 reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account #H 8752 409 0 6 28.

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. (930-2003)

Co. Maloney offered and Co. Lasker seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire computer hardware and software for use by the police department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$500,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

RESOLUTION NO. (930-2003) continued

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," and/or in the "ROCKLAND COUNTY TIMES," each having a general circulation within said Town and hereby designated as the official newspapers of the Town for such publication.

RESOLUTION NO. (-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. (931-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Clarkstown Police Department has received a federal grant from the U.S. Department of Justice, Office of Community Policing (COPS Homeland Security Overtime Program), for the purpose of paying police officers overtime while they train for Homeland Security sessions and other law enforcement activities that are designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes, and

WHEREAS, a local cash match of 25 percent of the Federal HSOP grant is required, and the Town of Clarkstown is eligible to receive HSOP funding of \$85,009.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute any and all documents necessary to receive the grant funds for the purposes provided for in the grant.

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. (932-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, proposals from three suppliers of natural gas and electricity were reviewed,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Supervisor is hereby authorized to enter into an agreement with Hudson Energy Services, 545 Route 17 South, Ridgewood, New Jersey for supply of natural gas and electricity on a month to month basis. Said agreement to be effective December 15, 2003 in order to meet a deadline for supply of such fuel as of January 1, 2004, with the provision that the Town may cancel this agreement with Orange and Rockland Utilities, Inc. until December 22, 2003 without penalties. Hudson Energy Services agrees to supply gas with monthly guarantee of 7% savings. For electric supply, a guaranteed price of 0.695 cents per kwh fixed rate, which is an offer of a monthly guarantee to be lower than Orange and Rockland Utilities, Inc. published electric rates, and be it

RESOLUTION NO. (932-2003) continued

FURTHER RESOLVED, that this resolution shall be retroactive to December 15, 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. (933-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, premises known as 3 East Evergreen Road, New City, New York, more particularly known on the Clarkstown Tax Map as 43.15-1-26, has been previously declared surplus municipal property and offered for sale, and

WHEREAS, the Town Board wishes to list said premises in the Greater Hudson Valley Multiple Listing System, in accordance with Resolution No. 461-2003, adopted by the Town Board on June 10, 2003;

NOW, THEREFORE, be it

RESOLVED, that the open listings with Country Corners Real Estate, Inc. and Rockland Realty are to be canceled in accordance with their terms, and the Town Attorney to take all necessary steps with respect thereto.

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. (934-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Peter Beary, Building Inspector, has recommended the designation of Tri-State Inspection Agency, Inc. as an additional electrical code inspection agency to provide supplemental and alternative inspection capability in the Town of Clarkstown to the presently designated New York State Board of Fire Underwriters, and

WHEREAS, pursuant to Section 133-3 of the Clarkstown Town Code, the Town Board may designate such additional inspection agency to provide the services referred to herein;

NOW, THEREFORE, be it

RESOLUTION NO. (934-2003) continued

RESOLVED, that the Town Board hereby designates, pursuant to Section 133-3 of the Town Code, the Tri-State Inspection Agency, Inc., P.O. Box 1034, Warwick, New York 10990, to be an approved agent of the Town of Clarkstown to provide electrical inspections and re-inspections in the Town of Clarkstown commencing on December 10, 2003, which designation shall remain in effect unless and until revoked by further resolution of the Town Board, and be it

FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

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. (935-2003)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Resolution No. 1047-2002 adopted on December 10, 2002 scheduling the meetings of the Town Board for the year 2003 is hereby amended by canceling the Town Board Meeting scheduled for Wednesday, December 31, 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. (936-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to renew the Town's insurance coverages and claims-administration agreement through Arthur J. Gallagher & Co. of New York, Inc. for a period of one year, commencing on January 1, 2004 and expiring December 31, 2004, and be it

FURTHER RESOLVED, that the cost of said policies and agreement shall not exceed \$940,493.

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. (937-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to purchase through Arthur J. Gallagher & Co., excess workers compensation coverage, provided by Safety national Casualty Insurance Company, with a \$350,000 (Municipal)/\$450,000 (Law Enforcement) self insured retention, for a period of one year, commencing on January 1, 2004 and expiring December 31, 2004, and be it

FURTHER RESOLVED, that the cost of said policy shall not exceed \$82,913.

FURTHER RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the supervisor is hereby authorized to enter into a claims-administration agreement with Triad Group, L.L.C., period of one year, commencing on January 1, 2004 and expiring December 31, 2004, and be it

FURTHER RESOLVED, that the cost of said agreement shall not exceed \$38,500.

On roll call the vote was as follows:

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

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker, the Town Board meeting was closed. Time: 8:50 PM

Respectfully submitted,



Patricia Sheridan
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

12/16/2003

8:20 PM

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

Re: Proposed Conforming Amendment to the Comprehensive Plan in Relation to Proposed Zone Change (M to R-15) for Properties along Pine View Road, West Nyack

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Public Hearing and affirmed that posting and publication are in compliance.

Supervisor Holbrook read correspondence from the Town Planning Board dated December 16, 2003 as follows:

“The above resolution was reviewed at the Planning Board Meeting of December 10, 2003. The Planning Board took the following action:

Motion of Yacyshyn, Second of Cain, carried 5.0, with they Ayes of Paris, Heim & Nowicki approving the following...

The Planning Board recommends to the Town Board that the zoning of the properties known as Map 65.9-2-28, 65.9-2-29-30, 65.9-2-31, 65.9-2-34, 65.9-2-35, 65.9-2-36, 65.9-2-37, 65.9-2-38, 65.9-2-39, 65.9-2-32, 65.9-2-33, 65.9-2-40, 65.9-2-41 by changed from the M district to an R-22 district instead of the R-15 district proposed by the Town Board, in order to limit the future subdivision of the properties. Changing the zoning of said properties will bring the zoning map in conformity with the existing residential land uses.

The Planning Board further recommends that a conforming amendment be made to the Comprehensive Plan. Since the are is primarily residential , the changing of the zoning of the area from M to a residential zone is an exception from the policy of retaining industrial land in order to encourage economic development opportunities to meet the occupational needs of Town residents. A SEQRA review will be forthcoming from the Department of Planning and findings as required by the Zoning Law Section.

Thank you for the opportunity to review this resolution.”

Signed by: Richard J. Paris – Chairman, Planning Board (On file in the Town Clerk’s office)

Supervisor asked John Costa, Town Attorney, if there was any further correspondence. Mr. Costa replied that correspondence from the County Planning Board has not yet been received.

Supervisor opened the meeting for public comment.

Appearance: Donald S.Tracy, Esq.
New City

He said he represents 6.1 acres of the 15.76 acres proposed to be rezoned. He distributed a Petition of Protest against a change in the Master Plan. He asked if the Notice was sufficient to identify the property. He said that in his opinion, it is not. He also said that the Comprehensive Plan is for the community, not for a specific segment of the community.

Appearance: Bart Fitzsimons
Pineview Road

He takes issue with the acreage surrounded by wetlands and Hackensack River. He asked if it has ever been determined what portion of the property has to be dedicated to the wetlands. He referred to a building behind Pineview Road which is part of Bradley Corporate Park. He said the building was constructed three (3) years ago and has never been completed due to an encroachment on the wetlands by the owners of Bradley Park. He said the residents want the zoning to go back to residential.

Appearance: Brian Klemick
 Partner of Bill Fowler

He said he is against the zone change because there are very few affordable places in Rockland County to run a commercial business. He spoke about the condition of the road. He said his business does not contain any heavy equipment or trucks. He said the businesses will get together to fix it.

Appearance: Bill Fowler
 Landscaper

He said about two months ago the residents of Pineview Road came together and discussed proposing a zone change. He said the issue of the landscaping businesses did not come up. He said he against the zone change. He also said down the road, the residents would be able to sell their houses either as residential or commercial.

Appearance: Michael Naclerio
 Owner - 36 Pineview Rd.

He said he found 36 Pineview Rd. through an ad in the paper attracting landscapers. He said that at the time he met with Peter Beary, Building Inspector and Jeffrey Millman, Deputy Town Attorney. He also said that he is concerned with the road and would help fix it. He is against the zone change because he bought the property as commercial and wants it to remain as such.

Appearance: John DiGiacamo
 Works for Michael Naclerio

He said there have been for sale signs for the past two (2) years stating commercial property. He said the homeowners should have raised this issue before properties were sold.

Appearance: Frank Colarito
 35 Pineview Road

He said they had a meeting about the zoning change and everyone was invited. He said he bought his property as residential and his son runs his business from his home. He also said the road is in the worst shape it has ever been. He also said there are not too many properties that can be sold as commercial.

Co. Mandia asked Mr. Colarito if he has a problem with the zone being changed from R-15 to R-22 to which Mr. Colarito replied that he did not.

Co. Smith asked Mr. Costa that since there is not a member of the Planning Board present, with the suggested change to R-22, could he ascertain how many of the properties would not conform to that zone. Mr. Costa said in reply that he could not; however, the Planning Board or the Department of Environmental Control could do so.

There being no further business before the Board and no one further wishing to be heard, the Public Hearing was CLOSED and DECISION RESERVED at 8:50 PM

Sincerely,



Patricia Sheridan
 Town Clerk