

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

05/25/2004

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Maloney, Mandia & Nowicki  
Council Member Lasker - Absent  
John Costa, Town Attorney  
Jessica M. Marquez, Deputy Town Clerk

Supervisor Holbrook declared the Town Board Meeting open. Assemblage saluted the Flag. Supervisor opened public portion of the meeting.

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Public Portion:

J. Schleimer, New City – spoke about the need for road signs in West Nyack

J. Lodico, New City – stated that the Town lost the services of the most qualified person in John Danahy when the Board abolished the Police Commission; requested a camera at the Veterans’ Park in Nanuet because nine flags were lost during the past three months

F. Voce, Congers – inquired about the requirements to have a carnival and fireworks display in Congers during the July 4<sup>th</sup> weekend; thanked the Board for considering affordable housing in No. Little Tor Road

S. Mandell, New City – asked about the appraisal of Dellwood Country Club and said that the Town should just leave Dellwood alone

J. Banks, Nanuet – thanked the Board for the help, cooperation, and enthusiasm in obtaining the property at 255 So. Middletown Road

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RESOLUTION NO. (461-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of May 11, 2004 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (462-2004)

Co. Maloney offered and Co. Nowicki seconded

Whereas, Resolution No. 851-2003 adopted on November 18, 2003 authorized the installation of a Weight Limit sign, and

Whereas, said resolution mistakenly omitted a supplemental regulatory sign to be installed with the Weight Limit sign,

RESOLUTION NO. (462-2004) cont.

Now, Therefore Be It Resolved, that Resolution No. 851-2003 is hereby amended to read:

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 stated in his report dated October 29, 2003, that traffic safety would be improved by the installation of a "Weight Limit 4 Tons" (R5-1C) sign with a modified supplemental regulatory sign (R7-1X) with the legend "Old Mill Road" placed above it, on northbound 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 currently exists on said roadway;

Now, Therefore Be It Resolved, that the Town Board hereby authorizes the Superintendent of Highways to install a "Weight Limit 4 Tons" (R5-1C) sign with a modified supplemental regulatory sign (R7-1X) with the legend "Old Mill Road" placed above it, on northbound Strawtown Road approximately 100 feet south of Old Mill Road, West Nyack, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (463-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Edward J. Duer, Comptroller and Penny Leonard, Deputy Supervisor, are hereby authorized to attend the New York State Government Finance Officers Association conference on June 4, 2004 at White Plains, New York and

BE IT FURTHER RESOLVED, that the cost of \$ 60.00 each (\$120.00 total) for such conference and other reasonable expenses for tolls, and travel shall be charges to Appropriation Account A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

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

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RESOLUTION NO. (464-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received a donation of \$990.00 from the Annual Senior Citizen Show,

BE IT THEREFORE RESOLVED, to increase Revenue Account No. A 01-002001 (Parks and Recreation charges) and Appropriation Account No. A 7610-301 (Food) by \$990.00.

RESOLUTION NO. (464-2004) cont.

On roll call the vote was as follows:

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

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RESOLUTION NO. (465-2004)

Co. Maloney offered and Co. Nowicki seconded

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

Bid # 42-2004 Fieldstone Farm Subdivision Rehabilitation

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by (time and day to be determined) at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (466-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control and the Deputy Town Attorney – Purchasing that

Bid #24A-2004 – 2004 Site Maintenance Project

is hereby awarded to:      Ascape Landscape  
    1047 Route 45  
    Pomona, NY 10970  
 Principals:                  Stuart Chaitin, President

as per their proposed total project cost of \$25,000.00 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 Security – Irrevocable Letter of Credit
- c) 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

RESOLUTION NO. (466-2004) cont.

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

On roll call the vote was as follows:

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

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RESOLUTION NO. (467-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control and the Deputy Town Attorney – Purchasing that

Bid #29-2004 – New Valley Road, Drainage Improvements

is hereby awarded to: 58A JVD Industries  
261 West Lincoln Ave  
Mount Vernon, NY 10550

Principals: John D. Del Bene

as per their proposed total project cost of \$43,950.00 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 Security –Performance Bond and Labor and Materials payment bond in an amount equal to 100% of the contract amount;
- c) 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 . . . . Absent  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Nowicki . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (468-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

Bid #34-2004 – Roll Off Truck

is hereby awarded to:

Gabrielli Truck Sales  
3333 Conner Street  
Bronx, NY 10475  
Principals: Armando Gabrielli  
Amendeo Gabrielli

as per their proposed cost of \$128,700.00 per unit as the lowest responsible bidder meeting all specifications and delivery date, and be it

FURTHER RESOLVED that said purchase shall constitute a proper charge to Account No. H8753-409-0-77-19.

On roll call the vote was as follows:

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

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RESOLUTION NO. (469-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 14, 2004 that the position of Senior Recreation Leader – Parks Board and Recreation Commission – can be created,

Now, therefore, be it resolved, that the position of Senior Recreation Leader – Parks Board and Recreation Commission – is hereby created – effective and retroactive to April 26, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (470-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03174 Assistant Fire Safety Inspector which contains the name of Gary E. Siegel,

RESOLUTION NO. (470-2004) cont.

Now therefore, be it resolved, that Gary E. Siegel, 14 Green Bower Lane, New City, New York, is hereby appointed to the (permanent) position of (part-time) Assistant Fire Safety Inspector – Building Department – at the current 2004 hourly rate of \$22.80 per hour – effective and retroactive to May 24, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (471-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Joseph T. Stritmater, 72 Seven Lakes Road, Sloatsburg, New York – Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to May 15, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (472-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the 2004 Salary Schedule is hereby amended to reflect the corrected salary of \$44,000., for Amy Wagner-Mele, 42 Newport Drive, Nanuet, New York – Deputy Town Attorney – Office of the Town Attorney – effective and retroactive to January 1, 2004.

On roll call the vote was as follows:

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

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## RESOLUTION NO. (473-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Congers-Valley Cottage Volunteer Ambulance Corps desires to construct an addition to its existing building located at 122 Kings Highway, Congers, New York, and is in need of additional adjacent land area for such building purposes, but the surrounding land is designated as Clarkstown park land, and

WHEREAS, the Town Board by Resolution No. 650-2003, adopted on August 12, 2003, and Resolution No. 225-2004, adopted on March 9, 2004, has supported the introduction of Home Rule legislation to be sponsored by Senator Thomas P. Morahan and Assemblyman Alexander Gromack, which would authorize the transfer by sale of a portion of the adjacent park land to the Ambulance Corps, which would provide additional land for the expansion effort, and

WHEREAS, by Resolution No. 247-2004, adopted on March 23, 2004, the Town Board authorized and directed Jose Simoes, Town Planner, to act as agent for the Board with respect to SEQRA review of the proposed Home Rule legislation, and his report dated May 17, 2004, has been received and duly considered by the Town Board;

NOW, THEREFORE, be it RESOLVED, that based upon the May 17, 2004 report of Jose Simoes, acting as staff to the Town Board as lead agency, it is hereby determined that this action is an Unlisted Action which requires no further notification, and the Town Board hereby further determines that enactment of the Home Rule legislation referred to herein shall not have any significant impact on the environment provided the conditions set forth in said report are implemented by restrictive covenant on the consent of the Ambulance Corps in mitigation of potential adverse environmental impacts, and that no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required for this action, and be it

FURTHER RESOLVED, that the Town Board hereby supports and encourages Senator Morahan and Assemblyman Gromack to introduce Home Rule legislation, to authorize alienation of Clarkstown park land consisting of a strip of land approximately 40 feet wide and 167.62 feet deep, more particularly described in Schedule "A" attached, adjacent to the north side of the Ambulance Corps property, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to sign a Home Rule Request concerning Senate Bill No. S.6030-A and Assembly Bill No. A.9659-A, regarding the alienation of Clarkstown park land consisting of a strip of land approximately 40 feet wide and 167.62 feet deep, adjacent to the north side of the Ambulance Corps property, and be it

FURTHER RESOLVED, that conveyance of the parklands, upon approval of the State Legislature and Governor, shall be upon the condition that the Ambulance Corps shall, by restrictive covenant, agree to observe the following restrictions that are substantially those previously established by the Zoning Board of Appeals:

1. The Ambulance Corps will be restricted to using sirens in the immediate vicinity only when there is traffic that needs to be cleared from the roadway during an emergency call;
2. The parking area shall be confined to the area directly to the rear of the building;
3. There will be no public address system used on the premises;
4. Use of the premises for other than the operation of providing emergency service is limited to social affairs for members of the Corps which shall end no later than 9:00 p.m. daily, except on Saturday night at which time the use may continue to no later than 12:00 midnight. No use of the facility for hire or other commercial enterprise shall be permitted;

RESOLUTION NO. (473-2004) cont.

- 5. No electrical amplification can be used for musical instruments or other entertainment;
- 6. Ingress and egress must be completed for the rear of the building to the parking area and all parking areas must be resurfaced on the property owned by the Corps;
- 7. The occupancy of the lower level is to be limited solely to the use by authorized members of the Corps, and
- 8. All other local laws and ordinances of the Town of Clarkstown shall be observed.

On roll call the vote was as follows:

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

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RESOLUTION NO. (474-2004)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to continue to adopt the following segments of various town roads for an additional period of two (2) years, beginning May 14, 2004 to May 14, 2006, as follows:

Sponsor: Steve Botto Inc., Landscaping  
 19 Short Hill Road  
 New City, NY 10956

Road: 1.03 mile segment of Red Hill Road, New City, from  
 intersection of LittleTor Road to intersection of  
 West Clarkstown Road, New City, NY 10956

and, WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Steve Botto, Inc., Landscaping, will perform a public service in removing trash from above roadways that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning May 14, 2004 to May 14, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Steve Botto, Inc., Landscaping, to remove trash from the roadways.

RESOLUTION NO. (474-2004) cont.

On roll call the vote was as follows:

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

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RESOLUTION NO. (475-2004)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to continue to adopt the following segments of various town roads for an additional period of two (2) years, beginning May 14, 2004 to May 14, 2006, as follows:

Sponsor: McLaren, P.C., Engineering Group  
 100 Snake Hill Road  
 West Nyack, NY 10994

Road: .21 mile segment of Snake Hill Road from  
 100 Snake Hill Road to intersection of  
 Palisades Center Drive, West Nyack, NY 10994

and, WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that McLaren, P.C., Engineering Group, will perform a public service in removing trash from above roadways that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning May 14, 2004 to May 14, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by McLaren, P.C., Engineering Group, to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (476-2004)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to continue to adopt the following segments of various town roads for an additional period of two (2) years, beginning May 14, 2004 to May 14, 2006, as follows:

Sponsor: Hiep Sanitation  
P. O. Box 90  
West Nyack, NY 10994

Road: .13 mile segment of Snake Hill Road from  
22 Snake Hill Road to intersection of  
Crusher Road, West Nyack, NY 10994

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

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning May 14, 2004 to May 14, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Hiep Sanitation, to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (477-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by resolution dated May 11, 2003 the Town Board did declare Berk Development in default of its obligation to complete installation of driveway top course paving at 15 and 17 Walnut Court, New City, and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform said top course pavement, and

WHEREAS, three Contractors responded with proposals, and

WHEREAS, the lowest qualified proposal was received from 58A JVD Industries in the amount of \$2,400.00,

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is authorized to hire

RESOLUTION NO. (477-2004) cont.

58A JVD Industries  
261 West Lincoln Avenue  
Mount Vernon, New York 10550

for the proposed maximum cost of \$ 2,400.0, to perform installation of top course paving of driveways at 15 and 17 Walnut Court, New City, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to defaulted funds.

On roll call the vote was as follows:

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

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RESOLUTION NO. (478-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown Police Department is in need of a 1977 Dodge Pick-up truck to utilize for parts in repairing its CIRT vehicle, and

WHEREAS, the Police Department has identified a 1977 Dodge Pick-up truck whose owner is willing to convey said vehicle to the Police Department in return for a 1983 Ford Pick-up truck owned by the Town but not currently in use; and

WHEREAS, the Police Department has advised the Town Board that said vehicle exchange will result in a savings of approximately \$4000, in that the Police Department would not be required to locate and purchase rare and obsolete parts;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarkstown Police Department is hereby authorized to transfer ownership of a 1983 Ford F350 Pickup truck bearing VIN 2FTHW35G3DCA73080 to Vincent Reda, in exchange for a 1977 Dodge Pickup truck bearing VIN D24BE7S073452.

On roll call the vote was as follows:

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

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RESOLUTION NO. (479-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, in accordance with the requirements of the SPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewers (MS4s), Permit No. GP-02-02, the Town of Clarkstown was authorized to discharge from its stromwater drainage system, and

RESOLUTION NO. (479-2004) cont.

WHEREAS, under the provisions of said permit the Town is required to prepare and submit an annual report of activities performed under the Stormwater Management Plan, and

WHEREAS, an annual report was prepared in draft form and reviewed at the Town Board meeting of May 11, 2004, with the public given the opportunity to provide additional comment on the annual report, and

WHEREAS, the report has been prepared in final form and is ready for submittal to the NYS DEC in accordance with the requirements of GP-02-02,

NOW THEREFORE, BE IT RESOLVED that Supervisor Charles E. Holbrook is hereby authorized to execute the Municipal compliance Certification and submit the required annual report to the NYS Department of Environmental Conservation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (480-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Purchasing Department of Environmental Control and the Deputy Town Attorney – Purchasing that

Bid #30A-2004 – Secondary Containment Systems at Town Pools

is hereby awarded to: Cal Mart Enterprises, Inc.  
357A Route 59  
West Nyack, NY 10994

Principals: Carl, Peter and Martin Wortendyke

as per their proposed total project cost of \$108,679 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 Security – Performance Bond and Labor and Materials Bond as per specifications
- c) 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; and be it

FURTHER RESOLVED, that the cost of said project shall constitute a proper charge to Account No. H-8754-400-409-0-78-4.

RESOLUTION NO. (480-2004) cont.

On roll call the vote was as follows:

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

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RESOLUTION NO. (481-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Deputy Town Attorney – Purchasing that

Bid #21-2004 – Concrete Curb and Sidewalk Contract

is hereby awarded to: Bellavista Construction  
Po Box 753  
Ardsley, New York 10502

Principals: Yolanda De Santis  
Joseph De Santis

as per their proposed total project cost of \$169,653.00 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
- c) Performance Security –Performance Bond and Labor and Materials payment bond in an amount equal to 100% of the contract amount;
- c) Certificate of General Liability (including underground explosion/collapse), Property Damage Coverage and 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 . . . . Absent  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Nowicki . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (482-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control and the Deputy Town Attorney – Purchasing that

RESOLUTION NO. (482-2004) cont.

Bid #32-2004 – Air Compressor with Hammer and Drill

is hereby awarded to:       Ralph C. Herman  
  Route 9W  
  Marlboro, Ny 12542  
Principals:       Hedy Herman

as per their proposed bid price of \$12,443.00 for the compressor and \$3,287.00 for the generator option for a total cost not to exceed \$15,730.00 and be it

FURTHER RESOLVED, that said purchase shall constitute a proper charge to Account No. H- 8753-409-0-77-19.

On roll call the vote was as follows:

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

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RESOLUTION NO. (483-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has been informed by Charles P. Connington, Superintendent of Recreation and Parks, that Hans and Margaret Bierdumpfel, owners of property located 54 North Pascack Road, Nanuet, New York, are interested in selling their property to the Town. Said parcel is situated adjacent to the Pascack Community Center, and is designated on the Tax Map as 57.11-2-13, consisting of approximately 1.34 acres of land, and that said premises may be suitable for parklands or for inclusion in the Clarkstown Open Space Acquisition Program;

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

FURTHER RESOLVED, that this matter is hereby referred to Jose Simoes, Town Planner, and the Clarkstown Planning Board for recommendation regarding the inclusion of the subject property in the Open Space Initiative.

On roll call the vote was as follows:

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

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RESOLUTION NO. (484-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Dennis M. Letson, P.E., Deputy Director of Environmental Control, has solicited proposals from engineers with respect to the electrical distribution system and lighting project for the reconstruction of Middletown Road, Nanuet, New York, and has recommended the hiring of Fellenzer Engineering LLP, to provide engineering work necessary for said reconstruction;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Fellenzer Engineering LLP, in a form approved by the Town Attorney, to provide engineering services with respect to the reconstruction of Middletown Road, Nanuet, New York, as referred to in proposal dated April 27, 2004, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed \$15,200.00 and shall be charged to Account No. H 8753-409-0-77-4, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows:

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

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RESOLUTION NO. (485-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town has requested proposals from engineering firms to provide services with respect to the proposed acquisition of property known as 63.11-2-2 (Bonnabel), and located at 160 South Pascack Road, Nanuet, New York, and

WHEREAS, the Director of Environmental Control has recommended acceptance of a proposal dated May 14, 2004 from Lawler, Matusky & Skelly Engineers, LLP, which is a follow up to the Phase I Environmental Assessment previously approved, to provide a pesticide analysis of the Bonnabel Property, which was formerly used as an apple orchard, which analysis is needed prior to the Town Board acquisition determination;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers, LLP, modifying agreement dated April 26, 2004 to provide additional engineering services to the Town with respect to property known as 63.11-2-2, Nanuet, New York, as stated in the proposal referred to herein, and be it

FURTHER RESOLVED, that the additional cost for follow up to Phase I Environmental Site Assessment referred to above shall be \$2,850.00 and said fee shall be charged to Account No. H 8750-409-0-74-1.

RESOLUTION NO. (485-2004) cont.

On roll call the vote was as follows:

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

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RESOLUTION NO. (486-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P, Superintendent of Highways recommends the hiring of Tectonic Engineering Consultants, P.C., in accordance with its proposal dated April 21, 2004, to provide construction inspection and material testing services for the 2004 Roadway Resurfacing Program Bid # 22-2004 for the Town Of Clarkstown;

NOW THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Tectonic Engineering Consultants, P.C., in a form approved by the Town Attorney, to provide professional services in the form of construction inspection and material testing services for the 2004 Roadway Resurfacing Program for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$65,000.00 and shall be charged to Account No. DB 5110-381-0.

On roll call the vote was as follows:

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

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RESOLUTION NO. (487-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Superintendent of Parks and Recreation recommends the hiring of Ward Associates, P.C. to provide professional engineering services in connection with the redesign of the Valley Cottage Elementary School ball field;

NOW THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Ward Associates, P.C., in a form approved by the Town Attorney, to provide professional engineering services, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$4,034.70.

On roll call the vote was as follows:

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

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RESOLUTION NO. (488-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Superintendent of Parks and Recreation recommends the hiring of M-E/Vogel Engineers, P.C. to provide professional electrical engineering services in connection with the football field lighting at Felix Festa Junior High School;

NOW THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with M-E Vogel Taylor Engineers, P.C., in a form approved by the Town Attorney, to provide professional engineering services, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$24,000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (489-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 183-2004 awarded Bid #13-2004 to Cal Mart Enterprises, Inc., 357A Route 59, West Nyack, New York 10994, to perform certain sanitary sewer improvements at five (5) different locations within the Town of Clarkstown, and

WHEREAS, during the course of construction, two (2) additional locations were identified and required immediate emergency corrective work to avoid possible claims against the Town of Clarkstown, and

WHEREAS, Cal Mart Enterprises ha agreed to perform the additional work in accordance with the specifications of the original bid for the total additional cost of \$4,444.00, and

WHEREAS, the Department of Environmental Control recommends that the additional work be performed immediately.

NOW, THEREFORE, BE IT, RESOLVED, that the Town Board authorizes Change Order No. 1 for the construction of two (2) additional sanitary sewer cleanouts in accordance with the recommendation of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the total cost for Bid #13-2004 shall not exceed \$15,554.00 and shall be a proper charge to account B 8110 424.

On roll call the vote was as follows:

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

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RESOLUTION NO. (490-2004)

Co. Maloney offered and Co. Mandia seconded

Whereas, Town Board resolution #379-2003 awarded Bid #35-2003 – Yale Drive Reconstruction Project to 58A JVD Industries, Ltd. of Mount Vernon, New York; and

Whereas, during excavation and construction of the project, the Department of Environmental Control discovered that approximately 164 feet of corrugated metal pipe at the north end of Yale Drive was in a state of disrepair and that replacement was required in order to ensure proper functioning of the storm drain system; and

Whereas, the existence of the damaged pipe could not have been anticipated prior to the commencement of the project, and the additional work called for by the change order falls within the scope of the original project; and

Whereas, based upon the foregoing, the Department of Environmental Control has approved a fourth change order on contract for this project as follows:

Remove and replace 164 LF of CMPA pipe, clearing grubbing, excavate and remove existing pipe, install new pipe, backfill, replace blacktop driveway, replace one (1) concrete flag, purge existing catch basins, topsoil, seed, replant and replace trees.

Cost: \$38,748.56

Now, Therefore, Be It Resolved that the total approved cost for this change order on contract is \$38,748.56; and

Be It Further Resolved that the current budget allowance for this project be increased to \$788,109.22 to reflect the additional cost of this change order on contract; and

Be It Further Resolved that this shall be a proper charge to account # H 8751 409 0 77-22.

On roll call the vote was as follows:

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

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RESOLUTION NO. (491-2004)

Co. Nowicki offered and Co. Mandia seconded

WHEREAS, the Town Board, on its own motion, shall consider Amending the Official Map of the Town of Clarkstown by placing a connector road between Western Highway and Route 303 in West Nyack, New York, on the Official Map of the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control has been considering the design and location of such connector road which shall provide an alternate road to relieve heavy trucking use on Western Highway and provide a better access to Route 303 for such traffic;

NOW, THEREFORE, be it RESOLVED, that the Director of the Department of Environmental Control is directed to prepare a metes and bounds description for such connector road, with a minimum sixty foot (60') right of way, to be located wholly within

RESOLUTION NO. (491-2004) cont.

the Town of Clarkstown, and utilizing as much as possible lands belonging to the Town of Clarkstown for the connector road described herein, and be it

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

FURTHER RESOLVED, that a public hearing pursuant to Town Law Section 273 shall be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 20, 2004, at 8:00 p.m., or as soon thereafter as possible, to consider Amending the Official Map of the Town of Clarkstown as set forth above, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public hearing subject, however, to receipt on or before June 30, 2004 of the required legal description from the Department of Environmental Control, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the Town Attorney shall fulfill the additional requirements of Section 290-33(C) of the Zoning Local Law of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this Resolution be referred to all interested agencies and municipalities, and to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their reports and recommendations

On roll call the vote was as follows:

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

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RESOLUTION NO. (492-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Director of the Department of Environmental Control has recommended that a Town drainage easement be revised to correct a drainage condition in the vicinity of 43 Lake Road, Valley Cottage, New York, affecting property designated on the Clarkstown Tax Map as 59.70-3-8, and

WHEREAS, in order to modify the easement it is necessary to obtain a new easement from the affected property owner and to terminate the existing easement, and

WHEREAS, the property owner has cooperated with the Town of Clarkstown;

NOW, THEREFORE, be it RESOLVED, that the revised easement dated May 21, 2004 is hereby accepted and ordered recorded in the Rockland County Clerk's Office, and the Supervisor is hereby authorized to execute the termination of easement, in a form satisfactory to the Town Attorney, which shall extinguish the unnecessary easement, which document shall also be recorded in the Rockland County Clerk's Office.

RESOLUTION NO. (492-2004) cont.

On roll call the vote was as follows:

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

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RESOLUTION NO. (493-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, premises designated on the Clarkstown Tax Map as 34.5-1-6 may be suitable for partial development for affordable housing for members of the Clarkstown volunteer services, and may be available for acquisition by the Town of Clarkstown as sponsor for such development, and

WHEREAS, said property was previously considered for acquisition for inclusion in the Clarkstown Open Space Program but was deemed inappropriate for such inclusion by recommendation of the Clarkstown Planning Board, and

WHEREAS, the Town Board wishes to obtain the analysis and recommendation from the Clarkstown Planning Board for consideration of this property as the location of affordable housing for members of Clarkstown volunteer services;

NOW, THEREFORE, be it RESOLVED, the Town Board hereby refers this matter to the Clarkstown Planning Board for study and recommendation regarding the suitability of this site for acquisition by the Town of Clarkstown to be used for partial development of affordable housing for members of Clarkstown volunteer services, and be it

FURTHER RESOLVED, the Town Board requests that the Planning Board provide its report and recommendation on or before July 31, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (494-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town has requested proposals from surveyors with regard to preparing a boundary survey with respect to the proposed acquisition of property known as 63.11-2-2 (Bonnabel), and located at 160 South Pascack Road, Nanuet, New York, and

WHEREAS, the Director of Environmental Control has recommended acceptance of a proposal dated May 25, 2004 from A.R. Celentano, land surveying/engineering firm, to prepare a boundary survey of the Bonnabel property;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with A.R. Celentano, to provide a boundary

RESOLUTION NO. (494-2004) cont.

survey of the Bonnabel property, which parcel is designated on the Clarkstown Tax Map as 63.11-2-2, Nanuet, New York, as stated in the proposal referred to herein, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$3,725.00 and said fee shall be charged to Account No. H 8750-409-0-74-1.

On roll call the vote was as follows:

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

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There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Town Board Meeting was adjourned at 8:50 p.m.

Respectfully submitted,

  
 Jessica M. Marquez  
 Deputy Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

05/25/04

8:03 PM

Present: Supervisor Holbrook  
Council Members Maloney, Mandia & Nowicki  
Co. Member Lasker - Absent  
John Costa, Town Attorney  
Jessica M. Marquez, Deputy Town Clerk

Re: Proposed Local Law – Amendment to Chapter 117 (Circuses and Carnivals)

On motion of Co. Maloney and seconded by Co. Mandia the Public Hearing was declared open. Deputy Town Clerk read the notice of public hearing and testified to its proper posting and publication.

Supervisor read the following Rockland County Department of Planning report:

The County Planning Board has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I the commissioner of Planning, hereby:

Recommend the following modifications

1. The Big Apple Circus shall adhere to the agreements it has made with the Rockland County Department of Transportation as specified in their letter dated April 5, 2004.
2. Animal waste shall be properly and promptly handled on the site and transported off of the site for disposal.
3. A review must be done by the Rockland County Department of Health as to the adequacy of the proposed sanitary facilities, the disposal of human sewage and animal waste, and the availability of drinking water. Any necessary permits shall be obtained.
4. The applicant shall repair all damage to the parking facility, including but not limited to the permanent structure, displaced signage, and damaged pavement.
5. As stated in the Clarkstown Code, the lot shall be cleared of all debris and rubble within 72 hours after the closing of the carnival.
6. The use of the site shall comply with performance standards for odor, noise, and the hours of operation so as not to disturb the surrounding uses.

Signed, James Cymore, Commissioner of Planning

Supervisor Holbrook asked if there was anyone present wishing to speak on this matter. No one appeared.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Nowicki and unanimously adopted the Public Hearing was closed, time 8:05 P.M.

Respectfully submitted,

  
Jessica M. Marquez  
Deputy Town Clerk

RESOLUTION NO. (495-2004) ADOPTED