

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

06/08/2004

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, Mandia & Nowicki  
John Costa, Town Attorney  
Patricia Sheridan, 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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Presentation to the Clarkstown Stars Baseball Team who were 1st Place Division Winners, 2nd Place Championship Winners and World Series Qualifiers – The Town Board congratulated the team and their coaches for their outstanding performance.

**PUBLIC PORTION:**

Legislator Harriet Cornell  
West Nyack

Item 3 - Legislator from District 10 that encompass part of Upper Nyack, she spoke in favor of the Town purchasing Petersen's Boatyard

Arthur Lebofsky  
New City

Item 3 – He said his former students now own Petersen's Boatyard and he was in favor of purchasing it because it provided a crucial link from the past to the future

William Rau  
New City

Item 3 – He spoke in favor of purchasing Petersen's Boatyard that built boats and has a long history of shipbuilding

Winston Perry, Historian  
Upper Nyack

Item 3 – in favor of buying Petersen's Boatyard and said there were once sloops built there, he gave his family history, said that it is a wonderful educational resource for the future, it is important to maintain the boatyard as the last traditional boatyard in the Hudson.

Jeff Burman  
Upper Nyack

Item 3 – in favor of buying Petersen's Boatyard, would be an educational facility for Clarkstown citizens on and in the Hudson River, showed the Town Board a lunch box completely hand made of beautiful wood

Patricia Feeley  
Valley Cottage

Item 3 – in favor of buying Petersen's Boatyard, it is a valuable part of the county's history, World War II equipment were built there, it is part of the history of the nation, it is a local treasure

Cora Bodkin  
New City

Item 3 – in favor of buying Petersen's Boatyard, representative of the Rockland Riverfront Council, spoke regarding the importance of protecting this historical site

Jeff McDowell  
Upper Nyack

Item 3 – in favor of buying Petersen's Boatyard, a member of the Rockland Friends of Clearwater, said that it would preserve and honor our heritage and it would be an educational facility for the community

Don Tracy, Esq.  
New City

Item 3 – opposed to the purchase; inquired as to why the Town could not help subsidize the boatyard, how it would be operated, and if environmental studies have been done; estimated it would cost half a million dollars annually to maintain, asked if a marine survey has been done and how to get a trailer and boat down the narrow road, suggested that it would be better to buy Cropsey Farm instead; also inquired about the liability, who controls the uses of the boatyard and what it was zoned for; said to preserve the boatyard not by buying it, let the interested parties chip in since 5 million which will be chunk change to them, the seniors cannot afford their taxes now and there has to be a better way than spending 5 million dollars and the expenses for the boatyard

Alex Peisler  
New City

Item 3 – in favor of buying Petersen's Boatyard, said to preserve the history and for education it was live force

Bob Jackson, President of the Nanuet Civic Association  
Nanuet

Item 2 – in favor of buying Bonnabel property, the Nanuet school district is getting overcrowded and this will help slow down building, parcels is 11 acres and 20 homes can be built on it

Item 3 – in favor of buying Petersen's Boatyard, there is no place to put in a boat because it is difficult for rowing clubs, Dr. Heebink is in favor

Dr. William Heebink, Superintendent of Schools, sent a letter (on file with the Town Clerk's office) in favor of purchasing Petersen's boatyard

Tom Perry  
Valley Cottage

Item 3 – in favor of buying Petersen's Boatyard, he spoke about the time he spent there as a child and how hard it was to find access to the river that he had to bring his students to Newburgh

Jerry Donellan  
Nyack

Item 3 – in favor of buying Petersen's Boatyard, said he used to go to the Jersey Shore that is now all commercial property and we do not want to see that happening in Clarkstown

Peter Bannon  
Nyack

Item 3 – in favor of buying Petersen's Boatyard, said he is presently building a boat in his garage and he would like to see the art of boat building continued so that he will not be the only boat builder in the county

Bob Goldberg  
Valley Cottage

Item 3 – in favor of buying Petersen's Boatyard, said you could have kayaks there and it is the only waterfront site in Clarkstown, member of the Friends of Nyack and has led walking tours through Upper Nyack including Petersen's Boatyard

Tom Trevor  
New City

Item 3 – in favor of buying Petersen's Boatyard, said that he sailed from the city where he used to live to Petersen's Boatyard and he felt he is a part of the community

David Sugar  
New City

Item 3 – in favor of buying Petersen's Boatyard, presented a picture of a doe that he saw in the area, no cost is too high to preserve the boatyard

Gary Tenenbaum  
Bardonia

Item 3 – in favor of buying Petersen's Boatyard if it went to referendum and the people voted for it, thought that the cost attached to this purchase is like mixing oil and water, there is limited access and cannot see it is possible to have mixed-use operations; while the present operators will be there for 2 years, he has an ongoing concern about letting them find operators

John Kirkpatrick  
New Jersey

Item 3 – in favor of buying Petersen's Boatyard, said he went to a boatyard in Tarrytown but they have no wooden boats and then he went to Petersen's and he thinks Town should absolutely buy it, has a summer home upstate and it costs him \$5,000 for his boat and it costs him between \$12,000 and \$20,000 for his boat in Nyack

Ed Day, Little Tor Civic Association  
New City

Item 3 – unique site but not to spend 5 million for a property not open space, we cannot use open space money, concerned about the impact of the cost and all related issues, asked the Board to execute responsibility and have a referendum so the people have a right to vote on it or if they do not do that, they should look at it as open space and spend 5 million less of open space money, we do not want to leave our debt burden to our children

Caroline Henshaw  
New City

Item 3 – in favor of buying Petersen's Boatyard, wonderful marine service and has had a great impact on her life, it provides excellent service and owners have a creative vision, spoke about using a launch from Petersen's to get to New York during the 911 tragedy

Bonnie Weisler  
New City

Item 3 – in favor of buying Petersen's Boatyard, visited Petersen's and built the John Jay Harvey boat which helped in the 911 crisis, brought her children there and to Dellwood but she didn't feel as welcome in Dellwood, said the water company should be paying taxes, Petersen's pays their taxes and should get a reward

John Lipscomb, General Manager of Petersen's Boatyard  
Piermont

Item 3 – in favor of buying Petersen's Boatyard, foreman of the Petersen's Boatyard and member of the Riverkeepers, said it is the only place left in the county and is a majestic site with a great history, do not look at it as 5 million but see the potential for water activities like rowing clubs, would be an ideal site on the Hudson River Trail, look at what it can be, now what it is, it is over 200 years old

Karl Coplan  
West Nyack

Item 3 – in favor of buying Petersen's Boatyard, said he was a member of the Nyack Boat Club which has 300 members and owns facilities but supported buying Petersen's Boatyard because it is a genuine part of Rockland history

Daniel Wolfe  
Upper Nyack

Item 3 – in favor of buying Petersen's Boatyard, said it would provide a safe environment for children to go on school trips and clubs and it will keep on making money

Jerry O'Rourke  
Congers

Item 3 – not in favor of buying Petersen's Boatyard, said as a taxpayer he just visited Petersen's Boatyard's open house and he didn't believe this was looked at thoroughly enough so the Town should not rush into this, the buildings were not well maintained and the roads were poor and he foresees a problem for staffing, he believed it should be put out for a referendum, this will not benefit the majority of Clarkstown residents, suggested rather that Davies Farm be purchased for open space, asked how much total debt the Town has

Don Zobranski  
Manager, Petersen's Boatyard

Item 3 – in favor of buying Petersen's Boatyard, it is a viable boatyard and part of the living history of Rockland, there is a crew in place and he is looking forward to working with Clarkstown

Andrew Gerespey  
Clarkstown

Item 4 – in favor of the transfer of parkland to the Congers-Valley Cottage Ambulance Corps

Frank Hackett  
Valley Cottage

Item 3 – in favor of buying Petersen's Boatyard, said it provides a toe hold on the Hudson River, there is shrinking property available to the town, this will make the river accessible. It does not fit into open space but it will provide beauty, etc. and river orientation. To do this will provide vision and leadership.

Ian Hayward  
Upper Nyack

Item 3 – not in favor of buying Petersen's Boatyard, Town has no business attempting to run a boat yard, they should talk to BOCES, taxpayers' money should not be used for this, there are problems everywhere you turn, neighbors do not welcome people into their neighborhood, believes the EPA will find it toxic, there is no urgency to go ahead with this, it is in an historic district and if anything it should be turned into a park, only a handful of people will benefit from this purchase

John Borst  
Upper Nyack

Item 3 – in favor of buying Petersen's Boatyard, said a multi-use boatyard and could see an annual \$10.00 per family paying for the bond

Mary Wallace  
Central Nyack

Item 3 – in favor of buying Petersen's Boatyard, said we should perceive this as glass half-full and leave something for our grandchildren

Maude Korn  
Upper Nyack

Item 3 – said that the owners of Petersen's Boatyard have asked for a zone change, many of the properties the Town Board is considering are not open space

Peter Fennberger  
Piermont

Item 3 – in favor of buying Petersen’s Boatyard, said he has taken children out on the Hudson River, president of a rowing club and Petersen’s Boatyard will fit well into the county

Joe Schleimer  
New City

Item 3 – in favor of buying Petersen’s Boatyard, why isn’t the county involved and why are outsiders speaking, county should purchase, it is not the \$5 million to purchase, how much is it going to cost to run it

John Cronin, President of Hudson Fisheries Trust  
Cold Springs, NY

Item 3 – in favor of buying Petersen’s Boatyard, said the Hudson River Trust may support with funding because they are committed to environmental preservation, there used to be a hundred commercial fishermen, now there are only twelve, there is only one historic river trust left, this is a rare opportunity to the local community, while he can’t promise resources, he will do all in his power to provide funds

Robin Bell  
West Nyack

Item 3 – in favor of buying Petersen’s Boatyard, works with Lamont-Doherty Earth Observatory in the hamlet of Palisades that strongly supports the buying of the boatyard, it is a remarkable resource and we need a working boatyard, encourages the Town to purchase it

Marvin Baum  
Valley Cottage

Item 3 – in favor of buying Petersen’s Boatyard, strongly in favor of open space

Steven Iser  
Upper Nyack

Item 3 – in favor of buying Petersen’s Boatyard, if the Town does not purchase it will be lost to a developer and from future generations

Patrick Healy  
Nanuet

Item 2 – in favor of purchasing Bonnabel property because does not want high density housing and they look into purchasing the 20+ acres in St. Agatha’s and it should be preserved as open space, there is over-building in Clarkstown and we do not need anymore high density housing

Item 3 – in favor of buying Petersen’s Boatyard, went to the open house and thinks the Town should purchase

Brian Thomas, President of Congers-Valley Cottage Ambulance Corps  
Valley Cottage

Item 4 - in favor of the transfer of parkland to the Congers-Valley Cottage Ambulance Corps, regarding the two resolutions describing the land to be acquired - urged that the resolution referring to 22,800 sq. ft. be adopted

Jacob Braun  
Empire and York Corporation

Item 20 – said he would finish driveway work on the subdivision known as Stern, and the Town please not to put him on default

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## RESOLUTION NO. (496-2004)

Co. Mandia offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of May 25, 2004 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 Nowicki . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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## RESOLUTION NO. (497-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Citizens' Advisory Committee for Open Space had recommended consideration be given for the acquisition of a parcel described on the Clarkstown Tax Map as 63.11-2-2, located at 160 South Pascack Road, Nanuet, New York, consisting of approximately 10.5 acres of land owned by Henry J. Bonnabel and Erna K. Bonnabel, and

WHEREAS, The Trust for Public Land has advised the Town that it has obtained an option to purchase the property described above for the sum of \$1,675,000.00, which is a price at or below the appraised value and which option must be exercised on or before July 22, 2004, and

WHEREAS, by various resolutions, the Town Board has engaged the services of Lawler, Matusky & Skelly Engineers, LLP, and A.R. Celetano, a licensed land surveyor, to conduct a Phase I Environmental Assessment, follow-up soils testing, and preparation of a certified survey, and

WHEREAS, the Department of Recreation and Parks has given consideration to this acquisition and has advised that the premises has substantial potential for a portion to be used for recreational purposes, and

WHEREAS, various community organizations have supported this acquisition as the vacant portion of premises contains wetlands and provides habitation for fox, deer, blue heron, wild turkey and other wild life, and

WHEREAS, The Trust for public Land has proposed to assign its rights to obtain title to the premises to the Town of Clarkstown at the option price of \$1,675,000.00, plus the customary and necessary closing expenses and adjustments;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts the proposal of The Trust for Public Land to transfer its option rights to purchase the property described herein to the Town of Clarkstown. Said premises to be acquired as park land at a price not to exceed \$1,675,000.00, plus the customary and necessary closing expenses and adjustments subject, however, to the conditions set forth herein, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a contract, in a form approved by the Town Attorney, to purchase the subject property provided that the following conditions are met:

1. Certified survey obtained confirming that the property consists of not less than 10.5 acres;

RESOLUTION NO. (497-2004) CONT.

- 2. An estoppel certificate is obtained from the current tenant confirming that such tenant has no written lease and occupies the premises as a month to month tenant;
- 3. Completion of Phase I environmental investigation and soil testing to confirm that the premises have no residual contamination as a result of its past use as an orchard;
- 4. Receipt of a report for K. Luke Kalarickal, Director of the Department of Environmental Control, as agent for the Town Board, sufficient to satisfy the requirements of the SEQRA Law as a prerequisite to bonding for the purchase of such property;
- 5. Subject to receipt of a contract for the purchase of said property in a form satisfactory to the Town Attorney;
- 6. Subject to the receipt of an opinion from the Town's Bonding Counsel favorable to utilizing municipal bonds for the purchase of said property;

and be it FURTHER RESOLVED, that all pending matters referred to herein shall be completed on or before June 30, 2004, to provide sufficient time for The Trust for Public Land to be able to exercise its purchase option.

On roll call the vote was as follows:

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

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RESOLUTION NO. (498-2004)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, The Trust for Public Land, Mid-Atlantic Region (TFPL), has continuously updated the Town Board regarding its attempts to secure the preservation of the historic Petersen's Boatyard located in the Town of Clarkstown at 1 Van Houten Street, Upper Nyack, New York, which is described on the Clarkstown Tax Map as 60.18-1-13, which site has been in continuous operation as a boatyard since 1896 and has served as an access point to the west bank of the Hudson River since pre-revolutionary times; and

WHEREAS, The TFPL has advised the Town that it has obtained an option to purchase the property described above; and

WHEREAS, by various resolutions, the Town Board has engaged the services of Lawler, Matusky & Skelly Engineers, LLP, and Han-Padron Associates, LLP, to conduct a Phase I Environmental Assessment, follow-up soils testing, underwater examination of the shorings and bulkheads, and structural examination of the existing buildings on said site; and

WHEREAS, the Department of Recreation and Parks has given consideration to this acquisition and has advised that the premises has substantial potential for a portion of same to be used for recreational purposes; and

WHEREAS, various community organizations have supported this acquisition as the premises is especially worthy of preservation by public ownership because of its historic value, potential for public recreational use to provide access the Hudson River

## RESOLUTION NO. (498-2004) CONT.

and to prevent its further development which would threaten the existing view-scapes of the Hudson River and the adjacent Hook Mountain, a substantial portion of which the Town has recently acquired pursuant to its open space initiative; and

WHEREAS, The Trust for Public Land has proposed to assign its rights to obtain title to the premises to the Town of Clarkstown at a price which shall include all the fixtures and equipment owned and used by the present owners of Petersen's Boatyard; and

WHEREAS, as a result of the due diligence study and examination of the subject premises undertaken by the Town and the TPFL, certain deficiencies in the building condition and bulkheads have been detected, which, with respect to the bulkheads, the property owner has offered to correct or to secure the repair prior to closing, and with respect to the buildings, has offered a downward adjustment of the sales price; and

WHEREAS, the Village of Upper Nyack, by resolution adopted on July 17, 2003 has supported and encouraged the Town of Clarkstown to consider the subject acquisition to preserve the uniqueness of the property and to allow for the introduction of public recreational and educational use consistent with its historical use; and

WHEREAS, the Town Board believes that there is great merit to the public acquisition described herein and has previously indicated its intention to acquire this property for use, with enhancements, as a history and learning center for the Hudson River's marine history and ecology, public recreational access and preservation of the existing Hudson River view-scapes with Hook Mountain as a back drop, all of which are in the best interests of the community and consistent with the Town of Clarkstown's Open Space Initiative, although this property may not qualify, strictly speaking, with the open space bonding guidelines; and

WHEREAS, TFPL has advised that the property owners may agree to a sales price which is substantially below both the owner's and the TFPL's appraised values to adjust for anticipated needed roofing and other repairs to existing structures and to take advantage of certain tax benefits which may be available upon sale to a public entity;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts the proposal of The Trust for Public Land to transfer its option rights to purchase the property described herein to the Town of Clarkstown, provided said premises may be acquired at a price not to exceed \$4,975,000.00, plus the customary and necessary closing expenses and adjustments subject, however, to the conditions set forth herein; and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a contract, in a form approved by the Town Attorney, to purchase the subject property provided that the following conditions are met:

1. Estoppel certificates are obtained from the current tenants confirming that all tenants are without written leases and occupy the premises as month to month tenants;
2. Seller agrees to repair the bulkheads prior to closing, or to make arrangements with a security deposit to insure that the repairs are made to the satisfaction of the Town's engineering consultants;
3. Remove and remediate prior to closing the contaminated soils identified by soils testing which are required to be removed to meet applicable standards;
4. That the property owner agrees to operate the boatyard for its own account and to maintain the property for two full seasons subsequent to closing of title with provision for operator to pay all operating expenses and a payment to the Town of an amount equivalent to the 2004 or future taxes and other levies, whichever is greater;

RESOLUTION NO. (498-2004) CONT.

- 5. Receipt of an executed contract for the purchase of said property in a form satisfactory to the Town Attorney;
- 6. Receipt of an opinion from the Town's Bonding Counsel favorable to utilizing municipal bonds for the purchase of said property;

and be it FURTHER RESOLVED, that the Town Board, by Resolution No. 836-2003, dated November 18, 2003, has already determined that the proposed acquisition is an unlisted action which shall not result in any negative environmental impact and that no further processing pursuant to the State Environmental Quality Review Act is necessary; and be it

FURTHER RESOLVED, that all pending matters referred to herein shall be completed on or before July 31, 2004, to provide sufficient time for The Trust for Public Land to be able to exercise its purchase option.

Councilwoman Nowicki asked the Town Attorney if it is legal for her to vote on the proposed resolution and the Town Attorney said yes.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . No  
 Councilman Mandia . . . . . Yes  
 Councilwoman Nowicki . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (499-2004)

Co. Nowicki offered and Co. Mandia seconded

WHEREAS, the Congers-Valley Cottage Volunteer Ambulance Corps has announced plans 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 expansion 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 supported and encouraged Senator Thomas P. Morahan and Assemblyman Alexander Gromack to introduce legislation which would authorize the transfer by sale of a portion of adjacent park land to the Ambulance Corps, and

WHEREAS, by Resolution No. 225-2004, adopted on March 9, 2004, the Town Board specifically authorized the request for the transfer, subject to adoption of Home Rule legislation, of a parcel approximately 40 feet wide by 167.62 feet deep adjacent to the north side of the Ambulance Corps property and reiterated its request for Home Rule legislation, the area described in said resolution being that which would minimize the alienation of Clarkstown park land and which would retain for use by the Town and its residents an adjacent parking lot which presently services Kings Park in Congers, New York, 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

WHEREAS, subsequent discussions before the Town Board have caused the Town Board to conclude that alienation of a larger adjacent parcel consisting of approximately 22,871 sq. ft., inclusive of the paved parking lot, would provide a better

## RESOLUTION NO. (499-2004) CONT.

solution for the expansion needs of the Congers-Valley Cottage Volunteer Ambulance Corps, and the public's access and use of Kings Park would not be impaired, provided an easement for public parking is retained by the Town, and

WHEREAS, Jose Simoes, Town Planner, has submitted his revised SEQRA report dated June 3, 2004, which report has been duly considered by the Town Board and which report has analyzed the proposed alienation of the larger parcel;

NOW, THEREFORE, be it RESOLVED, that based upon the June 3, 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 seeking permission to alienate a portion of Tax Lot 44.19-1-57, as described on the attached Schedule "A," consisting of 22,871 sq. ft. of land adjacent to the north side of the Congers-Valley Cottage Volunteer Ambulance Corps property shall not have any significant negative environmental impact provided the conditions set forth in said report are implemented by restrictive covenant filed by the Ambulance Corps with its consent in mitigation of potential adverse environmental impact, and provided further that the alienation of the property is subject to a retained easement for public parking for Town residents using Kings Park which parking is presently located on the existing paved area located wholly within the parcel to be conveyed together with and subject to any necessary easement from the nearest public street to benefit and provide access to the Congers-Valley Cottage Volunteer Ambulance Corps property, and therefore no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is necessary for the action herein approved, and be it

FURTHER RESOLVED, that the Town Board hereby supports and encourages Senator Morahan and Assemblyman Gromack to introduce for enactment Senate Bill No. S.6030 and Assembly Bill No. 9659 for consideration in the New York State Legislature, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute Home Rule Request Rule concerning S.6030 and A.9659 regarding the herein described alienation subject to retained parking easement for the benefit of residents of Clarkstown park land to be conveyed as described on the attached Schedule "A," and be it

FURTHER RESOLVED, that conveyance of the park land, 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. The use of the premises for other than the Corps business is limited to social affairs and public assembly, no later than 12:00 midnight; except on Saturday night at which time the use may continue to no later than 1:00 a.m. Sunday;
5. No electrical amplification can be used for musical instruments or other entertainment outside the building; however, the Clarkstown Noise Code shall prevail;
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

RESOLUTION NO. (499-2004) CONT.

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

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RESOLUTION NO. (500-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final approval of Oppenheim Subdivision, Robert Oppenheim and Ruth Oppenheim have tendered a Declaration of Covenant to the Town of Clarkstown, which requires them or their successors in interest to maintain a drywell located on their property at 241 Sickletown Road, West Nyack, New York (64.20-2-21), and

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended acceptance and the Town Attorney has advised that the declaration is in recordable form and meets the requirements of the Planning Board;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration from Robert Oppenheim and Ruth Oppenheim referred to herein and orders same recorded in the Rockland County Clerk's Office at the expense of the declarants.

On roll call the vote was as follows:

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

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RESOLUTION NO. (501-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final subdivision approval by the Planning Board with regard to a minor subdivision known as "ROBERT HIEP" (51.13-1-27 f/k/a 18A26.01), Robert Hiep has tendered a deed to the Town of Clarkstown, dated February 5, 2004, for road widening purposes on Burda Lane, New City, New York, and a Covenant, dated December 30, 2003, with respect to installation and continued maintenance of a drainage detention basin located on Lot 2 in said subdivision, and

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended acceptance and recording of said Deed and Covenant and the Town Attorney has advised that the tendered instruments meet the requirements of the Planning Board and are in recordable form;

RESOLUTION NO. (501-2004) CONT.

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 maintenance of a drainage detention basin from Robert Hiep and orders same recorded in the Rockland County Clerk's Office at the expense of the grantee/declarant.

On roll call the vote was as follows:

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

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RESOLUTION NO. (502-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Thomas M. Purtill, Officer in Charge of the Clarkstown Police Department, has recommended that an application be made for a federal grant from the U.S. Department of Justice, Office of Community Policing (COPS 2004 Technology Program), for the purpose of defraying the cost of purchasing protective equipment for the Town of Clarkstown Police Department, which may be beneficial in the event personnel shall respond to a threat or actual terrorist attack on potential targets within the Town, and

WHEREAS, the Town of Clarkstown is eligible to apply for such funding in the amount of \$39,579.00;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all documents necessary to make application for the grant award, for the purpose of purchasing protective equipment as described herein, for the Town of Clarkstown Police Department.

On roll call the vote was as follows:

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

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RESOLUTION NO. (503-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, at the request of the Police Department, has requested permission to attend the Annual Police Security Expo 2004 on June 22 & 23, 2004 at the Atlantic City Convention Center in Atlantic City New Jersey;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend the Annual Police Security Expo 2004 on June 22 & 23, 2004 at the Atlantic City Convention Center in the Atlantic City.

RESOLUTION NO. (503-2004) CONT.

FURTHER RESOLVED, that the cost of the conference, including lodging, meals, travel and parking shall not exceed \$600.00, and shall be charged to Account No. A-1010-414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (504-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED that Luke E. Kalarickal, P.E., L.S., Director of the Department of Environmental Control is hereby authorized to attend the FEMA NFIP Map Revisions Workshop to be held on Thursday, July 1, 2004, at the Holiday Inn, 329 Route 303, Orangeburg, New York; and

BE IT FURTHER RESOLVED that the cost of \$110.00 shall be charged to appropriation Account A-1010-414 (Schools and Conferences).

On roll call the vote was as follows:

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

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RESOLUTION NO. (505-2004)

Co. Maloney offered and Co. Mandia 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 installation of secondary containment systems at Town Pools as required by the New York State Department of Environmental Control;

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 \$20,500.

On roll call the vote was as follows:

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

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RESOLUTION NO. (506-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the resignation of George P. Malecot, 61 Kleitz Avenue, Highland Falls, New York – Municipal Bus Driver – Clarkstown Mini Trans Department – is hereby accepted – effective and retroactive to May 23, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (507-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that George P. Malecot, 61 Kleitz Avenue, Highland Falls, New York, is hereby appointed to the position of Municipal Bus Driver & Clerk – Clarkstown Mini Trans Department – at the current 2004 annual salary of \$52,097., effective and retroactive to May 24, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (508-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that John T. Maguire, 48 Hansen Avenue, New City, New York, is hereby appointed to the position of (part-time) Municipal Bus Driver – Clarkstown Mini Trans Department – at the current 2004 hourly rate of \$15.31 - effective June 14, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (509-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Pierre Bobo, 19 Elysian Avenue, South Nyack, New York, is hereby reassigned (from the position of part-time Municipal Bus Driver) to the position

RESOLUTION NO. (509-2004) CONT.

of full-time Municipal Bus Driver – Clarkstown Mini Trans Department – at the current 2004 annual salary of \$46,292., effective and retroactive to May 25, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (510-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the resignation (by retirement) of William T. Sherwood, III, 41 Demarest Avenue, New City, New York – Police Chief - Clarkstown Police Department – is hereby accepted - effective and retroactive to May 28, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (511-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Robert Johnson, 689 Cottage Lane, Valley Cottage, New York, is hereby reappointed to the position of Member – Fire Board of Appeals – to serve without compensation – term effective and retroactive to February 28, 2004 and to expire on February 27, 2007.

On roll call the vote was as follows:

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

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RESOLUTION NO. (512-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland County Personnel Office has certified on May 26, 2004 that the position of Courier (less than full time) – Parks Board and Recreation Commission – can be created,

Now, therefore, be it RESOLVED, that the position of Courier (less than full time) – Parks Board and Recreation Commission – is hereby created – effective June 7, 2004.

RESOLUTION NO. (512-2004) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (513-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland Personnel Office has certified on May 26, 2004 that the position of (Part-Time) Clerk – Parks Board and Recreation Commission – can be created,

Now, therefore, be it RESOLVED, that the position of (Part-Time) Clerk – Parks Board and Recreation Commission – is hereby created – effective June 7, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (514-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03206 Environmental Control Supervisor (Operations) (PROM) which contains the name of Ralph A. Lauria,

Now therefore, be it RESOLVED, that Ralph A. Lauria, 1 Michael Court, Stony Point, N.Y., is hereby appointed to the (permanent) position of Environmental Control Supervisor (Operations) (PROM) – Department of Environmental Control, at the current 2004 annual salary of \$86,537., effective and retroactive May 14, 2004.

On roll call the vote was as follows:

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

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RESOLUTION NO. (515-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Clerk of the Works and the Deputy Town Attorney – Purchasing that

RESOLUTION NO. (515-2004) CONT.

Bid #18-2004 – Office Renovations Department Of Environmental Control

is hereby awarded to: Lorencin Contracting Corp.  
17 Schriever Lane  
New City, NY 10956

Principals: Lorraine Dinardi

as per their proposed total project cost of:

PART A - \$287,000.00  
PART B - \$150,000 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 General Liability (including underground explosion/collapse);
- d) Property Damage Coverage and a Save Harmless Agreement;
- e) Certificate of Automobile Liability Coverage;
- f) Certificate of Worker's Compensation Insurance coverage; and
- g) Certificate of Worker's Disability Insurance coverage.

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (516-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Alert Hook, Ladder and Eng. Co. No. 1 of Congers, New York has requested permission to have a licensed fireworks display at 65 Lake Road, Congers for the weekend of July 2<sup>nd</sup>, and

WHEREAS, Captain Thomas Purtill, Officer in Charge of the Clarkstown Police Department, Greg Tobin, Emergency Management Coordinator, and Mark Papenmeyer, Chief Fire Safety Inspector, have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions and that all necessary public safety measures can be met if the display is held on July 2, 2004 at approximately 9:00 p.m.;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Eng. Co. No. 1 to sponsor a fireworks display at 65 Lake Road, Congers on July 2, 2004 at approximately 9:00 p.m. subject to the following conditions:

RESOLUTION NO. (516-2004) CONT.

- 1. Compliance with New York State Penal Law §405 and the National Fire Protection Act,
- 2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage,
- 3. An on site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display, and
- 4. Provide a bond for the favor of the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law.

On roll call the vote was as follows:

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

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RESOLUTION NO. (517-2004)

Co. Lasker offered and Co. Maloney 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 participate in the program and enter into an agreement to adopt a segment of various town roads for a period of two (2) years, beginning June 8, 2004 to June 8, 2006, as follows:

Sponsor: Pearl River B.P.O.E. Lodge No. 2041  
 2041 Elks Drive  
 Nanuet, NY 10954

Road: .81 mile segment of Blauvelt Road, from intersection of  
 Townline Road to Church Street, Nanuet, NY 10954

and WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said Pearl River B.P.O.E. Lodge No. 2041, will perform a public service in removing trash from above roadways which 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 an agreement, for a period of two (2) years beginning June 8, 2004 to June 8, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by Pearl River B.P.O.E. Lodge No. 2041, to remove trash from the roadways.

RESOLUTION NO. (517-2004) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (518-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, vehicles are parking illegally along the north west intersection of Lake Road and Route 9W opposite the entrance to Rockland Lake State Park, and;

WHEREAS, the Town Board is desirous in eliminating this potential hazardous situation, and;

WHEREAS, The Department of Environmental Control recommended installing an earth berm and planting with trees and shrubs within the berm, and;

WHEREAS, the Director of the Department of Environmental Control has solicited and reviewed proposals from four (4) qualified contractors to perform the necessary work, and;

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

DANNY CLAPP LANDSCAPING, INC.  
 59 Schriever Lane,  
 New City

in accordance with their proposal dated June 4, 2004, and BE IT FURTHER RESOLVED, that the cost of the work shall not exceed \$4,300.00 and shall be a proper charge to account A 8511 409 0.

On roll call the vote was as follows:

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

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RESOLUTION NO. (519-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an open stream channel located within a Town easement in the vicinity of 21 Farm Court is creating an unsafe condition; and

WHEREAS, the Department of Environmental Control investigated and prepared a plan for the improvement of the stream channel and the installation of a fence along the stream embankment; and

RESOLUTION NO. (519-2004) CONT.

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

WHEREAS, three (3) contractors provided proposals in response to said solicitation, and after review by Department of Environmental Control staff, it was found that the lowest responsible proposal was by Danny Clapp Landscaping, Inc. in the amount of \$5,600.00; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Danny Clapp Landscaping, Inc., 59 Schriever Lane, New City, New York 10956 for their low proposal of \$5,600.00; and

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of Danny Clapp Landscaping, Inc. to perform this work for an amount not to exceed \$5,600.00; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this amount shall be a proper charge to account # H8751-409-0-75-15.

On roll call the vote was as follows:

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

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RESOLUTION NO. (520-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Department of Environmental Control has received complaints of a dangerous condition existing on the Town's drainage easement located on Long Meadow Drive, New City; and

WHEREAS, the Department of Environmental Control solicited proposals to perform corrective work at said location;

NOW THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Department of Environmental Control, the Town is hereby authorized to retain MRJ Excavating, Inc. to perform certain tree removal, excavation and repair services at the Town's drainage easement located at 39 Long Meadow Drive as per their proposed price of \$14,600.

On roll call the vote was as follows:

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

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RESOLUTION NO. (521-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town's Highway and Traffic Engineering Consultant has conducted an investigation of certain dangerous conditions existing on Lakewood Drive, Congers, Old Mill Road, Valley Cottage and Old Phillips Hill Road, New City, and

WHEREAS, the Town's Highway and Traffic Engineering Consultant has recommended that certain corrective repairs be made at the above-referenced locations to ensure the safety of the existing guiderails, and

WHEREAS, the Town's Highway and Traffic Engineering Consultant, after consultation with the Superintendent of Highways, has evaluated several alternatives with respect to the repairs;

NOW THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Town's Highway and Traffic Engineering Consultant and the Superintendent of Highways, the Town is hereby authorized to retain J. Fletcher Creamer & Son, Inc. to perform guiderail repairs at the following locations for the fees indicated:

Lakewood Drive, Congers	=	\$ 4,965.00
Old Mill Road, Valley Cottage	=	\$ 2,600.00
Old Phillips Hill Road, New City	=	\$ 3,400.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (522-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Ivan Sipilief, 83 Lake Road, Valley Cottage, New York, is hereby appointed to the position of (temporary) Engineer II – Department of Environmental Control – at the current annual salary of \$69,096. effective date pending Rockland County Personnel Office approval.

On roll call the vote was as follows:

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

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RESOLUTION NO. (523-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, by memorandum dated May 25, 2004, the County of Rockland Highway Department has proposed a project for the reconstruction of Middletown Road, Nanuet, New York, between the north entrance to the Nanuet Mall and Church Street, in Nanuet, and

RESOLUTION NO. (523-2004) CONT.

WHEREAS, the Town of Clarkstown shall be responsible for the installation of amenities in this project such as decorative concrete block sidewalks, decorative street lights, and decorative crosswalks which are estimated by the Rockland County Highway Department to cost approximately \$500,000.00 and for which an inter-municipal agreement is required;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the proposed inter-municipal agreement with the County of Rockland, in a form approved by the Town Attorney, wherein the County of Rockland would reconstruct Middletown Road between the north entrance to the Nanuet Mall and Church Street, in Nanuet, and the Town of Clarkstown would be responsible for the installation of amenities referred to herein, and be it

FURTHER RESOLVED, that all expenditures pursuant to said agreement up to the sum of \$500,000.00 shall be charged to Account No. H8753-409-0-77-4.

On roll call the vote was as follows:

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

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RESOLUTION NO. (524-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, a proposal has been received from Maser Consulting dated March 18, 2004, to provide engineering services regarding the proposed drainage improvements at Brookridge Drive/Burgundy Gardens, Valley Cottage, New York, and

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

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Maser Consulting, in a form satisfactory to the Town Attorney, to provide engineering consulting services with regard to Phase I and Phase II of the proposed drainage improvements at Brookridge Drive/Burgundy Gardens, Valley Cottage, New York, and be it

FURTHER RESOLVED, that the fee for such services shall be \$5,400.00 and shall be charged to Account No. H 8754-409-0-78-23, and be it

FURTHER RESOLVED, that it is the intention of the Town Board that this project is to be funded through serial bonds.

On roll call the vote was as follows:

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

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RESOLUTION NO. (525-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the members of the Hudson valley Municipal Purchasing Group (HVMPG) wish to aggregate their purchase of electrical power; and issue a cooperative Request for Proposal for this service; and

WHEREAS, Section 103 of the General Municipal Law authorizes Town of Clarkstown and the County of Rockland to join together for the purpose of cooperative bidding; and

WHEREAS, the Hudson Valley Municipal Purchasing Group, has conducted a cooperative purchasing program for two years and; and

WHEREAS, the County of Rockland will be the lead agency in issuing the Request for Proposal and each Town of Clarkstown listed as a participant in the Request for Proposal will be authorized to use the resulting contract; and

WHEREAS, the Town of Clarkstown wishes to obtain electricity for its public facilities, at the lowest cost providing the best value, thereby benefiting its citizens and taxpayers; and

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. The Town of Clarkstown agrees to join with the Hudson Valley Municipal Purchasing Group and other participating Towns and participate in the Request for Proposal process to purchase electricity.

Section 2. The Town of Clarkstown agrees to cooperate with the Hudson Valley Municipal Purchasing Group in providing data related to electricity demand for its accounts, and other information that may assist in preparing bid solicitations or requests for proposals.

Section 3. By approving this resolution, the Town of Clarkstown does not create an obligation for the Town of Clarkstown, nor does it authorize the Hudson Valley Municipal Purchasing Group to actually purchase electricity on its behalf. The Town of Clarkstown understands that prior to authorizing the purchase of electricity through contracts negotiated by the Hudson Valley Municipal Purchasing Group, information detailing procurement terms will be provided. The Town of Clarkstown may then purchase electricity through contracts negotiated by the Hudson Valley Municipal Purchasing Group on its behalf by issuing an order, resolution, purchase order or other binding agreement under terms that are materially the same as the terms the Hudson Valley Municipal Purchasing Group originally described in the information presented to the Town of Clarkstown.

Section 4. The Town of Clarkstown agrees to allow the Hudson Valley Municipal Purchasing Group to use its name as a participant in descriptions of the Hudson Valley Municipal Purchasing Group's Request for Proposal for Electricity.

On roll call the vote was as follows:

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

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RESOLUTION NO. (526-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has in its possession escrow funds to secure certain required improvements in a subdivision known as "Stern," and the Deputy Director of the Department of Environmental Control, Dennis Letson, has advised that the developer, Jacob Braun, Empire and York Corporation, had failed to complete all the required improvements and has been notified of Default and failed to take corrective action, therefore Deputy Director Letson has recommended to the Town Board that it declare a default and authorize use of security deposit in the amount of \$14,500.00 to complete the required improvements;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby declares that Jacob Braun, Empire and York Corporation, has defaulted to the Town of Clarkstown a security fund in the amount of \$14,500.00 (for work on driveway top course, railing along south side of driveway, embankment work on south side of driveway, and top soil around house and sidewalk and drainage basin), with respect to the Stern Subdivision, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes K. Luke Kalarickal, Director of the Department of Environmental Control, to obtain the services of a qualified contractor to complete the required work.

On roll call the vote was as follows:

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

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RESOLUTION NO. (527-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 807-2002 adopted September 24, 2003 and Resolution No. 140-2004 adopted January 27, 2004, the Town Board has supported the introduction of Home Rule legislation to be sponsored by Senator Thomas P. Morahan and Assemblyman Alexander Gromack, which would authorize the alienation by transfer of a parcel of land located within Germonds Park and designated as park land on the application of Sprint Spectrum LP, for permission to erect a much needed wireless communication facility on said park land provided other municipal lands are converted to park land in exchange and provided that reasonable compensation is provided by the applicant for such alienation, and

WHEREAS, by Resolution no. 140-2004, adopted on January 27, 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 25, 2004, has been received and duly considered by the Town Board;

NOW, THEREFORE, be it RESOLVED, that based upon the May 25, 2004 report of Jose Simoes, acting as staff to the Town Board as lead agency, it is hereby determined that this action is as 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 agreement on consent of Sprint Spectrum LP 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

RESOLUTION NO. (527-2004) CONT.

FURTHER RESOLVED, that the Town Board hereby supports and encourages Senator Morahan and Assemblyman Gromack to introduce Home Rule legislation, to authorize the substitution and conversion of 1.319 acres of municipally owned land adjacent to Germonds Park, West Nyack, New York, to park lands in exchange for authorization to transfer an equivalent sized parcel located within Germonds Park for use by the applicant to install a cell tower with the result that there shall be no dimunition of the amount of parkland held for the benefit of residents of the Town of Clarkstown, which parcels are more particularly described in Schedule "A" (municipal land to be converted to park land) and Schedule "B" (park land to be alienated) attached, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute a Home Rule Request concerning Senate Bill No. S.7407-A and Assembly Bill No. A.11412-A, which provides for alienation of park lands and conversion of other lands as described herein and which shall permit the installation contemplated at a location where it would best serve the public interest, and be it

FURTHER RESOLVED, that the lease or other transfer referred to herein shall be subject to further resolution of the Town Board.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- 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. Nowicki and unanimously adopted the Town Board Meeting was adjourned at 11:25 p.m.

Respectfully submitted,

Patricia Sheridan  
Town Clerk