

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

06/22/2004

8:00 P.M.

Present: Deputy Supervisor Leonard
Council Members Lasker, Maloney, Mandia & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Co. Maloney presented the Certificate of Award to Alexander Lowe for achieving the rank of Eagle Scout. The Town Board congratulated Alexander and his family.

PUBLIC PORTION:

Randolph Horner
New City

He spoke regarding applying for a grant application for solar-electric generating panel. He said it is a complex and technical process and offered to work with the Town to receive the grant.

Martin Bernstein
New City

He spoke regarding the application for a grant for Petersen's Boatyard and inquired as to whether this will bonded if passed and how to obtain a proper petition and if the Town Attorney will assist. There is a group putting together a petition regarding a conflict of interest on an individual.

He inquired if the appraisal on Dellwood is complete since the Town Board voted one year ago on this. He asked who the appraiser was and wished more people would attend the Town Board meetings.

Frank Mazzella
Valley Cottage

He said his neighbor has put in a pool that has caused him many concerns regarding drainage and erosion.

Joe Schleimer
New City

He asked when the West Nyack overlay is coming up.

Harry O'Boyle
Congers

He spoke regarding the problems in Congers with bulk pick-up and enforcement.

Carmine Fee
Congers

She said the trash around her home affected the price of her house.

RESOLUTION NO. (529-2004)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of June 8, 2004 and June 15, 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

RESOLUTION NO. (530-2004)

Co. Lasker offered and Co. Mandia seconded

WHEREAS on October 29, 2003, K. Luke Kalarickal, P.E., acting as agent for the Clarkstown Town Board distributed the Short Environmental Assessment Form and declaring that the Clarkstown Town Board be the lead agency on this project to ten (10) potential involved/interested agencies; and

WHEREAS no involved agency objected to the Clarkstown Town Board being lead agency for coordinated review under the provisions of 6 NYCRR Part 617, thereby the Clarkstown Town Board is therefore the lead agency; and

WHEREAS Lawler, Matusky and Skelly Engineers LLP as consultants to the Clarkstown Town Board reviewed the Phase I Environmental Site Assessment, dated September 17, 2003, Summary Report of Phase II Investigation, dated December 19, 2003, and Summary Report of Supplemental Phase II Investigation, dated February 3, 2004, prepared by EcoSystems Strategies, Inc.; and

WHEREAS EcoSystems Strategies, Inc. by their letter to Patricia Sheridan, Town Clerk, dated February 16, 2004, certified that the information provided in the above documents is accurate and true and their professional opinion regarding environmental conditions in the Petersen's Boat Yard property is summarized; and

WHEREAS Bart M. Rodi, P.E. as subcontractor for Lawler, Matusky and Skelly Engineers LLP submitted a structural survey for the buildings at Petersen's Boat Yard dated November 24, 2003; and

WHEREAS Chauncey S. Sage, Certified Risk Assessor, as subcontractor for Lawler, Matusky and Skelly Engineers LLP submitted a Lead Paint Inspection Report, dated November 17, 2003; and

WHEREAS Han-Padron Associates Engineers submitted a Pre-Purchase Inspection Report of the bulkhead and dock at Petersen's Boat Yard dated December 5, 2003; and

WHEREAS the intent of the Clarkstown Town Board is to continue to use as a Boat Yard, with enhancement of the site, for use as history and learning center for the Hudson River's marine history and ecology and for the preservation of the presently 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 Open Space Initiative;

NOW, THEREFORE, BE IT RESOLVED that the Clarkstown Town Board acting as lead agency has determined that the proposed purchase of the Petersen's Boat

RESOLUTION NO. (530-2004) CONT.

Yard is an unlisted action and will not have any significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (531-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town has received competitive bids in response to Bid # 48-2003 A-B-C-D, Congers Station and Town Square Restoration Project; and

WHEREAS, we have been advised by Alberto & Associates, the architectural firm retained by the Town to prepare the bid specifications, that the Town is required to obtain approval from CSX Transportation, owner of a right of way adjacent to the Congers Railroad Station, prior to commencing construction at the site; and

WHEREAS, DMJM Harris, under contract to CSX Transportation, has submitted a proposed Preliminary Engineering Agreement, whereby DMJM Harris will review the potential impact of the project on the CSX right of way; and

WHEREAS, the Preliminary Engineering Agreement calls for reimbursement of CSX's reasonable expenses, estimated at \$5,000;

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to enter into a Preliminary Engineering Agreement, in a form acceptable to the Town Attorney; and be it

FURTHER RESOLVED, that the Town is authorized to make an advance payment to CSX Transportation of \$5000 to be applied against Reimbursable Expenses, as defined in the agreement.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (532-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Resolution No. 550-2002, adopted on June 25, 2002, authorized release of a Performance Bond furnished by Long Clove Mews, LLC in the amount of \$570,785.00 in connection with Long Clove Mews Subdivision designated on the Clarkstown Tax Map as 129-A-2, subject to the receipt of a Maintenance Bond in the amount of \$28,540.00, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that all requirements of the site plan and subsequent agreements have been

RESOLUTION NO. (532-2004) CONT.

fully performed to the satisfaction of his department, and that performance security is no longer required;

NOW, THEREFORE, be it RESOLVED, that based upon the recommendation and report of the Deputy Director of the Department of Environmental Control, the Owner's Performance Bond furnished to the Town by Long Clove Mews, LLC is hereby released as all the work has been completed pursuant to the site plan and subsequent Developer's Agreement.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (533-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Attorney and he Town Planner have investigated a zoning map error which apparently occurred in 1999 as a result of Town Board initiated zone changes made in connection with the implementation of the Town of Clarkstown Comprehensive Plan adopted September 28, 1999, which investigation has disclosed that certain properties, set forth below, not intended for zone changes were depicted on the December 26, 1999 revised Zoning Map as in the R-80 District instead of the R-40 District:

- MAP NUMBER: 43.12-1-32
- 43.12-1-33
- 43.12-1-35

NOW, THEREFORE be it RESOLVED, that the Town Board hereby authorizes and directs that the error on the Zoning Map be corrected to depict the properties referred to above as being in the R-40 District, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to cause the necessary adjustment to the Zoning Map to be made and that the affected property owners to be notified by mail that the map has been corrected.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (534-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Jewish War Veterans of the U.S.A., Rockland-Orange District of the Jewish War Veterans, is sponsoring the performances of the Clyde Beatty-Cole Bros. Circus, which is being held on September 9 through September 12, 2004, in Lot "J" of the Palisades Center Mall property, West Nyack, New York, the proceeds of which are to

RESOLUTION NO. (534-2004) CONT.

be used for the "Support Our Troops Gift-Pak" program and has requested that the Town Board waive the \$75.00 license fee for such event, and

WHEREAS, pursuant to the provisions of Section 117(4)(B), the Town Board has the authority to waive such fee for charitable events;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby waives the license fee of \$75.00, pursuant to Section 117(4)(B) of the Town Code, with respect to the charitable even described herein.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (535-2004)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Scott Shedler of Metropolitan Appraisals has advised the Town that he is unable to prepare the preliminary appraisal authorized by Resolution No. 842-2003, and

WHEREAS, Steven Sherwood of Valuation Plus, Inc. has indicated that he can prepare said appraisal for the same fee;

NOW, THEREFORE, be it RESOLVED, that Resolution No. 842-2003 is hereby amended to change the name of the appraiser to Valuation Plus, Inc., which will prepare said appraisal for a fee not to exceed \$2,000.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (536-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Joan P. Neuendorf has requested a refund of Building Permit fee (No. 04-629) paid in the amount of \$392.00 for premises located at 15 Forest View Court, Valley Cottage, New York, because her plans have changed and the Building Inspector has advised that a processing review fee of \$120.00 has been incurred;

NOW, THEREFORE, be it RESOLVED, that with the concurrence of the Building Inspector, the Town Board hereby authorizes a partial refund of \$272.00 of the full Building Permit fee paid in the amount of \$392.00 by Joan P. Neuendorf, or on her behalf, to be charged to Account No. B 02-6-2555-0, subject to receipt of the previously issued Building Permit for cancellation.

RESOLUTION NO. (536-2004) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (537-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Anton Klecar, Anton's Auto Service, has requested a refund of Building Permit fee (No. 03-1476) paid in the amount of \$428.00 for premises located at 146 North Route 9W, Congers, New York, because he has cancelled the proposed construction and the Building Inspector has advised that a review/processing fee of \$100.00 has been incurred;

NOW, THEREFORE, be it RESOLVED, that with the concurrence of the Building Inspector, the Town Board hereby authorizes a partial refund of \$328.00 of Building Permit fee paid by Anton Klecar in the amount of \$428.00, less the amount of \$100.00 incurred for processing to Anton Klecar, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (538-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A-7610-230 (Comm. Equip.) by \$925.00 and to increase Appropriation Account A-7020-225 (Comp. Hrdw.) by \$925.00.

AND ALSO RESOLVED, to decrease Appropriation Account A-7610-401 (Rent/Lease) by \$10,000 and to Increase Appropriation Account A-7610-201 (Furniture) by \$10,000.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (539-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$5,000 from the State of New York, \$18,489 from United Water New York, \$3,990.50 in Dare Donations, and \$48.00 from donations to the Child Passenger Safety Program,

THEREFORE BE IT, RESOLVED, to increase Revenue Account No. A 01 10 4996 0 (Community Projects) and Budgetary Account No. A 8511-409 (Community Beautification-Fees for Services) by \$5,000 and increase Revenue Account No. H 15 9 2770 0 (Gifts & Donations) and Budgetary Account No. H 8752-409 0 by \$18,489 and increase Revenue Account No. A 01 9 2770 0 (Gifts & Donations) by \$4,038.50 and increase Budgetary Account's A 3230-319 0 (D.A.R.E-Misc Supplies) by 3,990.50 and A 3120-326 0 (Police-Law Enforcement Equipment) by \$48.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (540-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Director of the Department of Environmental Control has advised that the Army Corps of Engineers requires an updated fresh water wetlands delineation and survey with respect to the Hackensack River Natural Improvement Project, and

WHEREAS, Robert G. Torgersen, LA, CPESC, has by proposal dated May 27, 2004 offered to provide the fresh water wetlands delineation and survey to the Town of Clarkstown, which the Director of Environmental Control has recommended acceptance;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Robert G. Torgersen, in a form approved by the Town Attorney, to provide landscape architectural services with respect to updated fresh water wetlands delineation and survey in connection with the Hackensack River Natural Improvement Project, and

FURTHER RESOLVED, that the total cost for these services shall be \$16,000.00 and said fee shall be charged to Account No. H 7186-409-0-59-1.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (541-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project

RESOLUTION NO. (541-2004) CONT.

Renewal application entitled "Community Center Programs" with the New York State Division for Youth, to obtain funding in the amount of \$22,820.00 for the period commencing January 1, 2005 through December 31, 2005.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (542-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of David W. Mellon, 27 Westview Avenue, Congers, New York – Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to June 11, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (543-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. (509-2004) adopted at the June 8, 2004 Town Board meeting – is hereby amended to reflect the corrected annual salary at \$37,182., for Pierre Bobo – Municipal Bus Driver – Clarkstown Mini Trans Department – 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

RESOLUTION NO. (544-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Mary Cestaro, 23 Beech Street, Nanuet, New York – (Part-time) Clerk Typist – Building Department (Fire Inspectors' Office) is hereby accepted – effective and retroactive to May 28, 2004.

RESOLUTION NO. (544-2004) CONT.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (545-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Beth Ann Malone, 15 Pine View Avenue, Congers, New York is hereby reassigned to the position of Clerk Typist (Part-time) Building Department (Fire Inspectors' Office) – at the 2004 hourly rate of \$15.29, 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

RESOLUTION NO. (546-2004)

Co. Maloney offered and Co. Lasker seconded

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

Bid #44-2004 – Police Crime Scene Unit Truck Body

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

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

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (547-2004)

Co. Maloney offered and Co. Lasker seconded

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

Bid #45-2004 – Traffic Signal Installation – Lake Road At Old Haverstraw Road, Congers

RESOLUTION NO. (547-2004) CONT.

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

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

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (548-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, on August 19, 2003 the State Legislature adopted a law authorizing the Assessor of the Town of Clarkstown to accept from the Rockland Korean Presbyterian Church, a religious not-for-profit corporation, an application for exemption from real property taxes pursuant to Section 420-a of the Real Property Tax Law, for the 2001 and 2002 Assessment Rolls, for a parcel owned by such church at 109 South Route 303, Congers, New York, and if accepted, such application shall be reviewed as if it had been received on or before the taxable status dates establish for such assessment rolls, and

WHEREAS, the church acquired title to the parcel subsequent to the taxable status date March 1, 2002 and prior to the taxable status date for the next assessment roll, and

WHEREAS, the parcel would otherwise be entitled to such exemption if the church had filed an application for exemption by the appropriate taxable status date;

NOW, THEREFORE, be it RESOLVED, that the Town Board authorizes that the Assessor of the Town of Clarkstown may grant exemption from all taxation beginning with the taxable status date of March 1, 2002, and that the Assessor may make appropriate correction to the subject roll, and be it

FURTHER RESOLVED, that if exemption is granted and the church therefore shall have paid any taxes with respect to the subject tax roll, the Town Board authorizes the refund of those taxes paid to it including the amount of any taxes held in escrow pursuant to the sale of the premises and cancel such taxes, fines, penalties and interest remaining unpaid, and further authorizes, subject to approval of the respective taxing authority, refund or cancellation of all other property taxes which may have been paid to such other taxing authority.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (549-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, by report dated June 16, 2004, the Building Inspector and Fire Inspector have advised the Town Board that premises located at 63 N. Second Avenue, Nanuet, New York (Tax Map designation 57.6-1-13 f/n/a 7-E-3) has become, by reason of fire damage, a fire and safety hazard, a nuisance and a threat to the health and welfare of the community in that the premises is unoccupied and not secured from entry and has become a place of rodent infestation, and

WHEREAS, the Building Inspector had duly issued his Order #04-9 to the record property owner to remove said structure and said Order has been ignored;

NOW, THEREFORE, be it RESOLVED, pursuant to Chapter 111 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises is unsafe and dangerous and must be removed in accordance with the Order of the Building Inspector subject to further determination after the public hearing as herein provided, and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 111 of the Code of the Town of Clarkstown to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned by Martin Wesel D/B/A Affordable Community Group, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 20th day of July 2004, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice as required by Section 111-6 of the Town Code is made, at which time the property owner and all persons in interest shall be heard.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (550-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 222-2004, adopted by the Town Board on March 9, 2004, is hereby amended to change the cost for the hotel stay from \$625.00 to \$1,125.00, which cost 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

RESOLUTION NO. (551-2004)

Co. Mandia offered and Co. Maloney 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, the Department of Environmental Control has approved a fifth change order on contract for this project as follows:

Reconstruct existing driveway at #23 Yale Drive used for access for drainage improvements constructed in existing north drainage easement. \$6,138.17

Repairs to two (2) existing catch basins at intersection of Yale Drive and London Terrace not included in original scope of work and found to be in state of disrepair. \$388.47

Install field inlet within right-of-way at #23 Yale Drive to alleviate ponding condition. \$496.50

Remove and replace additional 450 square feet of driveway at #16 London Terrace beyond that called for in original scope of work due to deterioration during construction of drainage improvements in existing south drainage easement. \$2,017.19

Furnish and install replacement plantings in existing north and south drainage easements not included in original scope of work. \$4,233.50

Now, Therefore, Be It Resolved that the total approved cost for this change order on contract is \$13,273.83; and

Be It Further Resolved that the current budget allowance for this project be increased to \$801,383.05 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 Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (552-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has investigated complaints from property owners residing near Fulle Drive in Valley Cottage, and has made recommendations to install certain traffic signs

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

Location	Legend	Sign No.
WB Thomas Court at Fulle Drive	Stop	R1-1C
EB Westfield Drive at Fulle Drive	Stop	R1-1C
EB Milburn Court at Fulle Drive	Stop	R1-1C

RESOLUTION NO. (552-2004) CONT.

WB Forestview Court at Fulle Drive	Stop	R1-1C
EB Bayberry Lane at Fulle Drive	Stop	R1-1C
SB Fulle Drive south of driveway for House No. 327	Reverse Turn ® 20 MPH	W1-6C W9-1X
NB Fulle Drive between House No. 334 and House No. 336	Reverse Turn ® 20 MPH	W1-6C W9-1X
SB Fulle Drive south of Westfield Drive	15 MPH (to replace 20 MPH under W1-10C)	W9-1X
NB Fulle Drive south of Trachtenberg Court	Winding Road (L) 15 MPH	W1-9C W9-1X

and be it FURTHER RESOLVED, that the Town Clerk is directed to send a copy of this Resolution to the Superintendent of Highway for implementation.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (553-2004)

Co. Maloney offered and Co. Lasker seconded

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

“No Parking Anytime” signs with directional arrows on the eastside of Buttermilk Falls Road on either side of the driveway for the Central Nyack Pump station, Central Nyack.

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

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (554-2004)

Co. Maloney offered and Co. Lasker seconded

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

A “Stop Sign Ahead” sign on the southside of Cairnsmuir Lane before the “Stop” sign, New City.

RESOLUTION NO. (554-2004) CONT.

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

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (555-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator,

NOW THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

Deerwood Drive New City
(Install one (1) 5800 lumen sodium vapor street light on utility pole number 59053/41133)
(Install one (1) 5800 lumen sodium vapor street light on utility pole number 58909/41104)

and be it FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery; which charge shall include maintenance of this street lighting equipment, will be at \$167.04 annually for both 5800 lumen sodium vapor fixtures, plus the applicable market supply charge, and fuel which shall be charged to Account No. SL 5182 461.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (556-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Mauro Loperfido, 17 Sunny Lane, Highland Mills, N.Y., Cleaner – Maintenance Department – is hereby granted an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to June 7, 2004 and to expire on July 7, 2004.

RESOLUTION NO. (556-2004) CONT.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Nowicki Yes
 Deputy Supervisor Leonard Yes

RESOLUTION NO. (557-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland County Ancient Order of Hibernians and the Ladies Ancient Order of Hibernians, non-profit organizations, are sponsoring the Rockland County Feis, which is being held on July 18, 2004, and have requested the Town Board to waive dumping fees with regard to disposal of refuse from said charitable event;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby waives the tipping fee, pursuant to Section 149(21) of the Town Code, with respect to the charitable event described herein.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Nowicki Yes
 Deputy Supervisor Leonard Yes

RESOLUTION NO. (558-2004)

Co. Mandia offered and Co. Maloney seconded

Whereas, an adverse drainage condition exists on a portion of Buena Vista Road from Beatrice Lane to the existing culvert located just north of McLeod Terrace in New City, New York; and

Whereas, the Town Board of the Town of Clarkstown is desirous of having drainage improvements performed on that portion of Buena Vista Road; and

Whereas, the Department of Environmental Control has solicited proposals from five qualified firms to provide surveying, engineering and design services necessary to produce the drainage analysis, surveys, construction plans, specifications and other requirements associated with this project; and

Whereas, the Department of Environmental Control has received four responses to its solicitation; and

Whereas, the Department of Environmental Control has reviewed the proposals and found them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

RESOLUTION NO. (558-2004) CONT.

Maser Consulting, P.A.
One Crosfield Avenue, Suite One
West Nyack, New York 10994

to perform said work in accordance with their proposal in the amount of \$22,500.00; and Be It Further Resolved that this shall be a proper charge to account # H 8754 - 409 - 0 - 78 - 26.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (559-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Charles Boulevard, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, Charles Boulevard, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Charles Boulevard, Valley Cottage

Paving:	482	tons @ \$ 60.97	=	\$29,387.54
Raising Structures	16	\$ 425.00 each	=	6,800.00
Pipe:	1240 +/-	linear ft. @ \$10.25	=	12,710.00
New Catch Basins	5	units @ \$550.00	=	<u>2,7500.00</u>
				\$51,647.54

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$51,647.54 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (560-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Cottage Lane, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, Cottage Lane, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Cottage Lane, Valley Cottage

Paving:	565	tons @ \$ 60.97	=	\$34,448.05
Raising Structures	21	\$ 425.00 each	=	8,925.00
Pipe:	710 +/-	linear ft. @ \$10.25	=	7,277.50
New Catch Basins	7	units @ \$550.00	=	<u>3,850.00</u>
				\$54,500.55

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$54,500.55 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (561-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on East Mary Lane, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, East Mary Lane, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

RESOLUTION NO. (561-2004) CONT.

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

East Mary Lane, Valley Cottage

Paving:	95	tons @ \$ 60.97	=	\$5,792.15
Raising Structures	6	\$ 425.00 each	=	<u>2,550.00</u>
				\$8,342.15

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$8,342.15 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (562-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Helene Road, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, Helene Road, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Helene Road, Valley Cottage

Paving:	396	tons @ \$ 60.97	=	\$24,144.12
Raising Structures	23	\$ 425.00 each	=	<u>9,775.00</u>
				\$33,919.12

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

RESOLUTION NO. (562-2004) CONT.

FURTHER RESOLVED, that the cost of \$33,919.12 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (563-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Quaspeck Boulevard, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, Quaspeck Boulevard, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Quaspeck Boulevard, Valley Cottage

Paving:	485	tons @ \$ 60.97	=	\$29,570.45
Raising Structures	19	\$ 425.00 each	=	8,075.00
Pipe:	715 +/-	linear ft. @ \$10.25	=	7,328.75
New Catch Basins	4	units @ \$550.00	=	<u>2,200.00</u>
				\$47,354.20

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$47,354.20 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes

RESOLUTION NO. (564-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Rock Drive, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, Rock Drive, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Rock Drive, Valley Cottage

Paving:	386	tons @ \$ 60.97	=	\$23,534.42
Raising Structures	12	\$ 425.00 each	=	5,100.00
Pipe:	30	linear ft. @ \$10.25	=	307.50
New Catch Basins	1	unit @ \$550.00	=	<u>550.00</u>
				\$29,491.92

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$28,634.42 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (565-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Valley Road, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, Valley Road, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

RESOLUTION NO. (565-2004) CONT.

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Valley Road, Valley Cottage

Paving:	882	tons @ \$ 60.97	=	\$53,775.54
Raising Structures	22	\$ 425.00 each	=	9,350.00
Pipe:	685 +/-	linear ft. @ \$10.25	=	7,021.25
New Catch Basins	8	units @ \$550.00	=	<u>4,400.00</u>
				\$74,546.79

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$74,546.79 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (566-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on West Mary Lane, Valley Cottage, be determined to be a capital improvement, and.

WHEREAS, West Mary Lane, Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

West Mary Lane, Valley Cottage

Paving:	195	tons @ \$ 60.97	=	\$11,889.15
Raising Structures	6	\$ 425.00 each	=	<u>2,550.00</u>
				\$14,439.15

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

RESOLUTION NO. (566-2004) CONT.

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$14,439.15 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (567-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town's Highway and Traffic Engineering Consultant has requested proposals in response to RFP 26-2004 – Hillside Avenue Improvements, and

WHEREAS, after evaluating the proposals, the Town's Highway and Traffic Engineering Consultant has recommended that the contract be awarded CMC Construction Group, Inc., and

NOW THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Town's Highway and Traffic Engineering Consultant, the Town is hereby authorized to retain CMC Construction Corp. to perform the improvements as per their low bid proposal of \$11,445.00, and be it

FURTHER RESOLVED, that said award shall be subject to the receipt of a hold harmless agreement and proof of insurance as set forth in the proposal.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (568-2004)

Co. Maloney offered and Co. Lasker seconded

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

Bid #36-2004 – Calvary Drive Roadway and Drainage Improvements

is hereby awarded to:

Rhombus Enterprises, Inc.
667 South Main Street
New City, NY 10956

Principals:

Michelle Chiappa, Joseph Chiappa

RESOLUTION NO. (568-2004) CONT.

as per their low bid proposal of \$398,366.00 and be it FURTHER RESOLVED, that said purchase shall constitute a proper charge to Account No. H- 8748-409-0-72-1.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Nowicki Yes

RESOLUTION NO. (569-2004)

Co. Maloney offered and Co. Lasker seconded

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

Bid #42-2004 – Fieldstone Farm Subdivision Rehabilitation

is hereby awarded to:

Ruckel's, Inc.
 16 Chester Avenue
 Congers, Ny 10920
 Principals: Edward Ruckel
 Raymond Ruckel

as per their proposed project cost as follows:

- A. All work shown on figures except Item 403.17 (1 1/2" Top Course): \$128,128.00
- B. 1 1/2" Top Course (Item 403.17): \$58,585.00
- C. Individual pay items for add/deduct work:

Item 609.15
 0-5 LF \$25.00/LF
 5-50 LF \$25.00/LF
 > 50 LF \$25.00/LF

Item 206.02
 0-50 CY \$70.00/CY
 > 50 CY \$70.00/CY

Item 605.1606
 0-50 LF \$31.00/LF
 > 50 LF \$31.00/LF

Item 605.1601
 0-50 LF \$9.00/LF
 >50 LF \$9.00/LF

Item 623.12
 0-50 CY \$20.00/CY
 > 50 CY \$20.00/CY

RESOLUTION NO. (569-2004) CONT.

Item 207.07

0-50 CF \$.75/CF
> 50 CF \$.75/CF

Item 610.0203 \$.01/SY

Item 613.0101 \$20.00/CY

and be it FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation Insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

FURTHER RESOLVED, that said project shall be charged to capital account number H-8754-409-0-78-3 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

RESOLUTION NO. (570-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control is preparing to demolish an existing storage building located at the Solid Waste Facility, West Nyack, New York, and

WHEREAS, an asbestos survey is required prior to commencing demolition, and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from a qualified engineering firm to perform the Asbestos Survey prior to commencing the demolition of the existing storage building at the Solid Waste Facility.

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain the services of Lawler, Matusky and Skelly Engineers LLP, One Blue Hill Plaza, Pearl River, New York 10965 to perform the Asbestos Survey in accordance with their proposal dated May 18, 2004, and

BE IT FURTHER RESOLVED, that the cost for the Asbestos Survey shall not exceed \$2,258.00 and shall be a proper charge to account SR 8160 409.

RESOLUTION NO. (570-2004) CONT.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Nowicki Yes

RESOLUTION NO. (571-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control is preparing to demolish an existing storage building located at the Solid Waste Facility, West Nyack, New York, and

WHEREAS, an asbestos survey and report identified asbestos in the roof and windows requiring abatement prior to demolishing the existing storage building, and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from a qualified engineering firm to perform the Asbestos Abatement prior to commencing the demolition of the existing storage building at the Solid Waste Facility.

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain the services of Lawler, Matusky and Skelly Engineers LLP, One Blue Hill Plaza, Pearl River, New York 10965 to perform the Asbestos Survey in accordance with there proposal dated June 21, 2004, and

BE IT FURTHER RESOLVED, that the cost for the Asbestos Abatement shall not exceed \$22,800.00 and shall be a proper charge to account SR 8160 409.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Nowicki Yes

RESOLUTION NO. (572-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, one of the Town of Clarkstown's Mini-Trans buses has been damaged due to an accident, and Dennis Malone, Transit Operations Supervisor, has advised that its necessary to rent a vehicle until replacement or repairs are made;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes Dennis Malone, Transit Operations Supervisor, to rent a vehicle until the damaged bus is either repaired or replaced.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Nowicki Yes

RESOLUTION NO. (573-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Clerk of the Works recommends the hiring of GEA Engineering, P.C. to provide professional drainage design engineering services and construction supervision in connection with the construction of the Town Police/Court Facility parking lot, which requires certain drainage modifications on adjacent New York State Department of Transportation property;

NOW THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with GEA Engineering, P.C., in a form approved by the Town Attorney, to provide the professional engineering services referred to herein, subject to receipt of the necessary license agreement with NYSDOT, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$48,925.00.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (574-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown Department of Parks and Recreation is in need of a mobile refreshment cart for use at its various facilities; and

WHEREAS, the Superintendent of Parks and Recreation has recommended that the Town lease such a cart as a cost-effective alternative to an outright purchase;

NOW, THEREFORE, BE IT RESOLVED, THAT THE town is hereby authorized to enter into a lease agreement with Club Car, Inc. for the lease of a mobile refreshment cart for a term of four (4) months at a monthly cost not to exceed \$400.00.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (575-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board adopted Resolution No. 526-2004 on June 8, 2004, declaring the default of the developer and authorizing the Director of the Department of Environmental Control, to obtain the services of a qualified contractor to complete the required improvements in the Stern Subdivision, and

RESOLUTION NO. (575-2004) CONT.

WHEREAS, Dennis Letson, Deputy Director Environmental Control, has received several proposals from contractors and recommends acceptance of proposals from the contractors as stated in his memo of June 22, 2004;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to accept the proposals as follows:

Item	Description	Award to	Cost
1.	Install 1-1/2" Top Course on Driveway	Belleville Landscaping 866 Bellville Dr Valley Cottage, NY 10989	\$3,000.00
2.	Install Railing at Driveway	MRJ Excavating 7 Beaver Court New City, NY 10956	\$3,100.00
3.	Cut and Dispose Dead Tree	KJS Hauling & Home Improvement 95 Maple Avenue New City, NY 10956	\$ 300.00

and be it FURTHER RESOLVED, that the total cost for these services shall be \$6,400.00, and said fee shall be charged against the security deposit that was defaulted by Resolution No. 526-2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

RESOLUTION NO. (576-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the New York Energy Research and Development Authority is providing a grant of up to \$240,000.00 to municipalities for the installation of solar electric generating panel (Photovoltaic, or PV) on municipal buildings, and

WHEREAS, the Town Board wishes to submit a grant application to NYSERDA to obtain said funds;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes a grant application to be prepared by Randolph Horner, and submitted to the New York Energy Research and Development Authority, to accept a grant award of up to \$240,00.00 for the installation of solar electric generating panel (Photovoltaic, or PV) on Town buildings, subject to review and approval of John A. Costa, Town Attorney, and Edward J. Lettre, Clerk of the Works.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes

ABE647

RESOLUTION NO. (577-2004)

Co. Lasker 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 #40-2004 – CULVERT REPLACEMENTS, VAN HOUTEN FIELDS

is hereby awarded to: 58A JVD INDUSTRIES
261 WEST LINCOLN AVENUE
MT. VERNON, NY
PRINCIPALS: JOHN DEL BENE

as per their proposed total project cost of \$58,225 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-8751-400-409-0-7532, subject to a Town easement being in existence before the bid is awarded.

On roll call the vote was as follows:

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

RESOLUTION NO. (578-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, The Town of Clarkstown is acquiring Petersen's Boat Yard in Upper Nyack to preserve its historic, estuary and recreational values; and

WHEREAS, thoughtful planning, interpretation, restoration and re-use of this property is a core element of that initiative; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation and the New York State Department of Environmental Conservation are offering grants for related purposes under the Environmental Protection Act of 1993, the Clean Water/Clean Air Bond Act and the federal Land and Water Conservation Fund; and

WHEREAS, the Town wants to apply for a grant of \$250,000 for its Petersen's Boat Yard Initiative,

NOW, THEREFORE BE IT RESOLVED THAT:

RESOLUTION NO. (578-2004) CONT.

CHARLES E. HOLBROOK, Supervisor of the Town of Clarkstown, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation or the Department of Environmental Conservation in accordance with the provisions of Title 11 of the Environmental Protection Fund of 1993 or Title 3 of the Clean Water/Clean Air Bond Act or the state's share of the federal Land and Water Conservation Fund in an amount not to exceed \$250,000, and upon approval of that request, to enter into and execute a project agreement with the State for such financial assistance to the Town for its Petersen's Boat Yard initiative, (as amended, per Resolution No. 583-2004, dated July 13, 2004)

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Abstain
Councilman Mandia Yes
Councilwoman Nowicki Yes

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Town Board Meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk

00000-00000-01153