

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

07/20/2004

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.

Martin Bernstein
New City

Item 29 – inquired as to what the home rule request for retroactive membership with the NYS & Local Employees' Retirement System is; Item 28 – inquired about the traffic signal at Third Street at South Main Street and what it costs; Item 26 – inquired about the appraisal of the property; Items 22a and 22b – inquired as to what Chapter 250 and Chapter 109 meant; Item 11 – asked about the cost for the Congers Station and Town Square Restoration Project; Item 10g – asked about the appointment of the Chairperson of the Planning Board; Item 15 – inquired as to why the bonding for the purchase of Petersen's Boatyard and Bonnabel Property were approved before the public was allowed to speak

George Nugent
Valley Cottage

Item 10g – inquired regarding the appointment of the Chairperson of the Planning Board

Robert Motto
Congers

Item 19 – inquired whether the low flow channel will be maintained by the Town of Clarkstown

Carol Jigarjian
New City

Item 10g – she was in favor of the appointment of the Chairperson of the Planning Board

RESOLUTION NO. (596-2004)

Co. Lasker offered and Co. Mandia seconded

**BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED JULY 20, 2004, AUTHORIZING
THE ACQUISITION OF A PARCEL OF REAL PROPERTY
LOCATED AT 1 VAN HOUTEN STREET IN UPPER
NYACK AND KNOWN AS PETERSEN'S BOATYARD, FOR
RECREATIONAL, EDUCATIONAL AND OTHER TOWN
PURPOSES; STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$4,975,000, APPROPRIATING SAID
AMOUNT THEREFOR, AND AUTHORIZING THE
ISSUANCE OF \$4,975,000 SERIAL BONDS OF SAID TOWN
TO FINANCE SAID APPROPRIATION.**

RESOLUTION NO. (596-2004) CONT.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire a parcel of real property located at 1 Van Houten Street in Upper Nyack (Tax Map 60.18-1-3) and known as Petersen's Boatyard, such parcel of real property to be used for recreational, educational and other Town purposes. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,975,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,975,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$4,975,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

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

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

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RESOLUTION NO. (596-2004) CONT.

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

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "THE JOURNAL-NEWS," having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 20, 2004, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 20, 2004, authorizing the acquisition of a parcel of real property located at 1 Van Houten Street in Upper Nyack and known as Petersen's Boatyard, for recreational, educational and other Town purposes, stating the estimated maximum cost thereof is \$4,975,000, appropriating said amount therefor, and authorizing the issuance of \$4,975,000 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire a parcel of real property located at 1 Van Houten Street in Upper Nyack (Tax Map 60.18-1-3) and known as Petersen's Boatyard, such parcel of real property to be used for recreational, educational and other Town purposes; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$4,975,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$4,975,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$4,975,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is thirty (30) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$4,975,000 serial bonds will exceed five (5) years;

RESOLUTION NO. (596-2004) CONT.

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 20, 2004

Patricia Sheridan
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (597-2004)

Co. Lasker offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 20, 2004, AUTHORIZING THE ACQUISITION OF A PARCEL OF REAL PROPERTY LOCATED AT 160 SOUTH PASCACK ROAD IN NANUET AND KNOWN AS THE BONNABEL PROPERTY, FOR RECREATIONAL AND OTHER TOWN PURPOSES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,675,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,675,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire a parcel of real property located at 160 South Pascack Road in Nanuet (Tax Map 63.11-2-2) and known as the Bonnabel Property, such parcel of real property to be used for recreational and other Town purposes. The estimated maximum cost thereof, including preliminary costs and

RESOLUTION NO. (597-2004) CONT.

costs incidental thereto and the financing thereof, is \$1,675,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,675,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,675,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

RESOLUTION NO. (597-2004) CONT.

- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "THE JOURNAL-NEWS," having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 20, 2004, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 20, 2004, authorizing the acquisition of a parcel of real property located at 160 South Pascack Road in Nanuet and known as the Bonnabel Property, for recreational and other Town purposes, stating the estimated maximum cost thereof is \$1,675,000, appropriating said amount therefor, and authorizing the issuance of \$1,675,000 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town is hereby authorized to acquire a parcel of real property located at 160 South Pascack Road in Nanuet (Tax Map 63.11-2-2), known as the Bonnabel Property, such parcel of real property to be used for recreational and other Town purposes; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,675,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,675,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,675,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is thirty (30) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,675,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes

RESOLUTION NO. (597-2004) CONT.

shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 20, 2004

Patricia Sheridan
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (598-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 25, 2004, provided for a public hearing on July 20, 2004, at 8:00 p.m., or as soon thereafter as possible, to consider Amending the Official Map of the Town of Clarkstown by placing thereon a proposed connector road between Western Highway and Route 303 in West Nyack, New York, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from K. Luke Kalarickal, Director of the Department of Environmental Control, dated July 19, 2004, which the Board has discussed and considered in making their decision herein;

NOW, THEREFORE, be it RESOLVED, that based upon the report of K. Luke Kalarickal, Director of the Department of Environmental Control, dated July 19, 2004 acting as staff to the Town Board as lead agency, the Town hereby determines that the Amendment to the Official Map is a "Type II" action and shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLUTION NO. (598-2004) CONT.

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by placing thereon a proposed connector road between Western Highway and Route 303 in West Nyack, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (599-2004)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of July 13, 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

RESOLUTION NO. (600-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, HSBC Bank USA has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 51.7, Block 1, Lot 29 (formerly known as 57-D-19.2), for the year(s) 2001, 2002, 2003 and 2004, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (601-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, HSBC Bank USA has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58.10, Block 3, Lot 25 (formerly known as 34-A-20.3), for the year(s) 2000, 2001, 2002, 2003 and 2004, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (602-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2004.

West Nyack Free Library \$3,000

On roll call the vote was as follows:

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

RESOLUTION NO. (603-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown Youth Court program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

RESOLUTION NO. (603-2004) CONT.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's amended Youth Court grant application in the amount of twenty two thousand three hundred ninety dollars (\$20,453.00) for 50/50 Division for Youth funding for 2005, and

FURTHER BE IT RESOLVED that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

On roll call the vote was as follows:

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

RESOLUTION NO. (604-2004)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the County of Rockland initiated a program by Resolution No. 342-2004 to reimburse local municipalities for drug law enforcement activities, and the Legislature of Rockland County has provided funds in its 2004 Budget for the purpose of reimbursement of compensation for two Clarkstown Police Officers for said law enforcement;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the Rockland County Narcotics Task Force, in the sum of \$53,327.50 per officer, for the period January 1, 2004 through December 31, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (605-2004)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, Mark F. Rubenstein and Elsie I. Rubenstein have installed a shed and fence partially in an area within a Town drainage easement, which is located at 3 Croyden Lane, New City, New York, which premises is described as Tax Map 43.6-2-7, and

WHEREAS, Dennis M. Letson, Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein will not adversely impact the Town's drainage installation which is subsurface in nature and may remain provided the Town retains the right to

RESOLUTION NO. (605-2004) CONT.

order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a license agreement with the property owner, in a recordable form approved by the Town Attorney, granting a license terminable on fifteen (15) days written notice, to authorize the shed, retaining wall and fence to remain in the Town's drainage easement, located at 3 Croyden Lane, New City, New York, more particularly described as Tax Map 43.6-2-7, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owner or successor shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment or license to maintain same.

On roll call the vote was as follows:

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

RESOLUTION NO. (606-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

Hidden Ridge Condos
Pipetown Hill Road
Nanuet, NY 10954
6-C-10 (57.15-2-3/10-3/560)

By the installation of fire lane designations, and

WHEREAS, Kenneth Bergstol has requested that the Town of Clarkstown designate said fire lanes:

NOW THEREFORE, be it RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (607-2004)

Co. Lasker offered and Co. Maloney 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 and "Stop Line" on Shetland Street at Gable Road, New City, NY

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
- Supervisor Holbrook Yes

RESOLUTION NO. (608-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the placement of a half-page advertisement for the Town Of Clarkstown, in the Rockland Economic Development Corporation Connections 2004 Journal on November 19, 2004, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$500.00, which shall be charged to Account No. A 6410-405.

On roll call the vote was as follows:

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

RESOLUTION NO. (609-2004)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2004 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached (on file with the Office of 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

RESOLUTION NO. (610-2004)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2004 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached (on file with the Office of 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

RESOLUTION NO. (611-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on May 18, 2004 that the position of Custodian II #0580, can be reclassified to the position of Custodian III, Parks Board and Recreation Commission,

Now, therefore, be it RESOLVED, that the position of Custodian II #0580 – Parks Board and Recreation Commission – is hereby reclassified to the position of Custodian III – effective and retroactive to July 19, 2004, and be it

FURTHER RESOLVED, that the grade for the position of Custodian III – is hereby established at a grade 21.

On roll call the vote was as follows:

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

RESOLUTION NO. (612-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01065 Custodian III which contains the name of John H. Coen,

Now, therefore, be it RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of John H. Coen, 23 Leif Boulevard, Congers, New York, to the (permanent) position of Custodian III – Parks Board and Recreation Commission – at the current 2004 annual salary of \$44,296. – effective and retroactive to July 19, 2004.

RESOLUTION NO. (612-2004) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (613-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00220 Police Officer which contains the name of Kieran G. Dwyer,

Now, therefore, be it RESOLVED, that Kieran G. Dwyer, 51 Woodglen Drive, New City, New York, is hereby appointed to the (permanent) position of Police Officer – Clarkstown Police Department – at the current 2004 annual salary of \$53,378., effective July 5, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (614-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04031 Administrative Secretary (NCP) which contains the name of Rita Maklin,

Now, therefore, be it RESOLVED, that Rita Maklin, 4 Maplewood Lane, New City, New York, is hereby appointed to the (permanent) position of Administrative Secretary – Department of Environmental Control – at the current 2004 annual salary of \$61,652., effective and retroactive July 19, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (615-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on April 1, 2004 that the position of Senior Account Clerk Typist #0208 – Comptroller’s Office – can be reclassified to the position of Principal Account Clerk,

Now, therefore, be it RESOLVED, that the position of Senior Account Clerk Typist #0208 is hereby reclassified to the position of Principal Account Clerk – Comptroller’s Office – effective and retroactive to July 19, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (616-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Pprincipal Account Clerk #01189 (PROM) which contains the name of Margaret Skrapits,

Now, therefore, be it RESOLVED, that Margaret Skrapits, 89 North Serven Street, Pearl River, New York, is hereby appointed to the (permanent) position of Principal Account Clerk – Comptroller’s Office – at the current 2004 annual salary of \$42,396., effective and retroactive July 19, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (617-2004)

Co. Lasker offered and Supervisor Holbrook seconded

Resolved, that Shirley Thormann, 604 Gateway, Valley Cottage, New York, is hereby appointed to the position of Chairperson – Planning Board – with an annual salary for the year 2004 of \$9,641.00 – with such appointment to be effective July 30, 2004 – to serve at the pleasure of the Town Board, and

Be it further resolved, that Shirley Thormann, as Chairperson of the Planning Board, shall be responsible for familiarizing all Planning Board Members with the following provisions of the Town Code:

- Chapter 18 – Code of Ethics and
- Chapter 42 – Certification of Board of Appeals & Planning Bd. Members, and

Be it further resolved, that Shirley Thormann, as Chairperson of the Planning Board, shall be responsible for approving payments to all Planning Board Members based

RESOLUTION NO. (617-2004) CONT.

on their attendance at official Planning Board Meetings that she schedules to serve the public in an efficient and time-sensitive manner, and

Be it further resolved that the Town Clerk is directed to forward a copy of this resolution to Shirley Thormann at her home address.

No vote was taken

RESOLUTION NO. (618-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 617-2004 entitled Resolution Appointing Chairperson of Planning Board is hereby tabled.

On roll call the vote was as follows:

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

RESOLUTION NO. (619-2004)

Co. Maloney offered and Co. Nowicki seconded

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

BID #48-2003 A-B-C-D – Congers Station And Town Square Restoration Project

is hereby awarded as follows:

Part A – General Construction:

Aark Interstate Contractors, Inc.
42 West Street, Po Box 68
Spring Valley, NY 10977

Principals: Eduardo Dutra, Raymond Carlisle

as per their proposed bid price of \$998,000.00 (Base Bid: Congers Station) and \$1,387,00.00 (Base Bid: Site Work) for a total cost not to exceed \$2,385,000.00;

Part B – Plumbing Work:

David L. Kempton, Inc.
173 Route 303
Valley Cottage, NY 10989

Principals: David L. Kempton

as per their proposed low bid price of \$104,373.00;

RESOLUTION NO. (619-2004) CONT.

Part C – HVAC Work:

D.J. Heating and Air Conditioning, Inc.
1409 Route 9W
PO Box 700
Marlboro, NY 12542

Principals: Donald F. Jennings, Stephen Corts

as per their low bid price of \$67,350.00;

Part D- Electrical Work:

Fran Corp. D/B/A All Bright Electric
100 Snake Hill Road
West Nyack, NY 10994

Principals: Howard Hellman, James Johannemann, David Stack

All Bright Electric - \$259,700.00

and be it FURTHER RESOLVED, that said project shall be under the supervision of the Department of Parks and Recreation; and be it

FURTHER RESOLVED, that said project shall be funded through the issuance of 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

RESOLUTION NO. (620-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #519-2004 authorized the Director of the Department of Environmental control to retain the services of Danny Clapp Landscaping, Inc. to make improvements and install a fence within a Town drainage easement in the vicinity of 21 Farm Court; and

WHEREAS, additional work and materials are required to complete the improvements and provide adequate access for future maintenance; and

WHEREAS, a previous change order increasing the cost to allow for the extension of the fence was previously approved by the Town Board; and

WHEREAS, said previously approved change order did not include the price of the gate section of the extended fence; and

WHEREAS, the Department of Environmental Control has reviewed a change order for this project, described as follows, and found it to be acceptable.

Provide and install 3' gate section in proposed vinyl fence \$550.00

RESOLUTION NO. (620-2004) CONT.

NOW, THEREFORE, BE IT RESOLVED that the total approved cost for this change order is \$550.00; and

BE IT FURTHER RESOLVED that the current budget allowance for this project be increased from \$5,600.00 to \$6,150.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #H8751-409-0-75-15

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
- *****

RESOLUTION NO. (621-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #226-2003 awarded bid #11-2003; Westgate Blvd Drainage Project to Colonnelli Bros. Inc.; and

WHEREAS, upon excavation of the site, it was discovered that an existing headwall lacked footing and had collapsed; and

WHEREAS, additional work is required to reconstruct the existing headwall; and

WHEREAS, the additional work could not have been anticipated and it within the scope of the original project specifications; and

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

C.O. #1: Additional concrete footing and headwall at downstream
 end of project Cost: \$8,040.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the current bid amount of \$116,500.00 to \$124,540.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #H-8751-400-409-75-28

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
- *****

RESOLUTION NO. (622-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves an Employment Agreement between the Town of Clarkstown and Cathy L. Conklin dated July 20, 2004 and hereby authorizes the Supervisor to execute same.

On roll call the vote was as follows:

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

RESOLUTION NO. (623-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED that the Town Board of the Town of Clarkstown hereby adopts the Town of Clarkstown Employee Handbook as prepared for the Town by AMTEK Human Resource Consultants and hereby directs that the Personnel Department (1) establish a procedure to ensure that a copy of the Employee Handbook is distributed to each covered Town employee and official as defined in the Handbook by September 15, 2004 and that a signed acknowledgement of receipt is maintained in each employee's personnel file and (2) establish a procedure for the distribution of copies of the then current Employee Handbook to each new or returning employee and official of the Town covered by the Handbook in the future and to maintain a signed acknowledgment of receipt in each employee's personnel file.

On roll call the vote was as follows:

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

RESOLUTION NO. (624-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Carmine Notaro has requested a refund of Building Permit fee (No. 04-968) paid in the amount of \$1,448.00 for premises located at 6 Dearborn Road, West Nyack, New York, because he has cancelled proposed construction, and Peter Beary, Building Inspector, has advised that a review fee of \$140.00 should be imposed if the Town Board approves the cancellation of the building permit;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid in the amount of \$1,448.00, less the cost of \$140.00 for processing, in the amount of \$1,308.00 to Carmine and Pamela Notaro, to be charged to Account No. B 02-6-2555-0, subject to receipt of the said permit for cancellation.

RESOLUTION NO. (624-2004) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (625-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01121F Police Sergeant which contains the name of Eric D. Eisele,

Now, therefore, be it RESOLVED, that Eric D. Eisele, 20 East Palisades Avenue, Nanuet, New York, is hereby appointed to the (permanent) position of Police Sergeant – Clarkstown Police Department – at the current 2004 annual salary of \$109,426., effective July 20, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (626-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01121F Police Sergeant which contains the name of Michael A. Garvey,

Now, therefore, be it RESOLVED, that Michael A. Garvey, 14 Reservoir Avenue, New City, New York, is hereby appointed to the (permanent) position of Police Sergeant – Clarkstown Police Department – at the current 2004 annual salary of \$109,426., effective July 20, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (627-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Town Board Resolution 278-2003 authorized the Town to retain the services of Degenshein Architects to prepare the necessary construction plans,

RESOLUTION NO. (627-2004) CONT.

specifications and bid documents for the modifications to the offices of the Department of Environmental Control, and

WHEREAS, Town Board Resolution 278-2003 authorized the retention of Degenshein Architects pursuant to their proposal, at a total cost not to exceed \$14,450.00; and

WHEREAS, Town Board Resolution 278-2003 failed to reference part 4 of the proposal, whereby Degenshein Architects offers furniture selection procurement services at a cost equal to 15% of the installed furniture; and

WHEREAS, Degenshein Architects has procured furniture for the Department of Environmental Control. The estimated cost of said furniture, installed, is \$150,000;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 278-2003 is hereby amended as follows:

"BE IT FURTHER RESOLVED, that the cost shall not exceed \$36,950 in accordance with their proposal dated March 18, 2003 and shall be a proper charge to account H 8751 409 0 75 5; and be it

FURTHER RESOLVED, that payment for the Furniture Selection Procurement component of the proposal shall be as follows:

- 90% of the 15% fee upon furniture selection;
- 10% of the 15% fee upon delivery and installation of the furniture.

On roll call the vote was as follows:

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

RESOLUTION NO. (628-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 896-2003, adopted by the Town Board on December 9, 2003, is hereby amended by the Town Board to schedule an additional Town Board Meeting for July 29, 2004 at 12:00 noon, to be held at the Clarkstown Town Hall, in the Andrew Jackson (Room 306) 10 Maple Avenue, New City, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (629-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Resolution No. 311-2003 authorized the awarding of Bid #16-2003 Construction of the Germonds Mini Golf Course, and

00000-00000-0183

RESOLUTION NO. (629-2004) CONT.

WHEREAS, a change order is required for additional fencing, plantings, basins, and piping necessary to improve drainage, and

WHEREAS, Ward Associates, P.C., the Project Architect and Charles F. Connington, Superintendent of Recreation and Parks recommend that the change order be approved, and,

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 311-2003 is hereby amended to reflect the additional cost of \$19,765. for the General Construction award of Bid #16-2003 bringing General Construction (Cal Mart) total to \$763,112.00.

BE IT FURTHER RESOLVED that all expenses be charged to the H-8752-400-409-76-15.

On roll call the vote was as follows:

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

RESOLUTION NO. (630-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways has recommended a Change Order to Bid #22-2004 entitled "2004 Roadway Resurfacing Program" which as awarded on May 11, 2004 by Resolution No. 459-2004.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes this Change Order as follows:

Add the following roads to the list of roads to be re-surfaced:

Street	Tonnage	# Structures	Total Price
Cranford Drive	225 tons = \$13, 718.25	6 structures = \$2,550.00	\$16,268.25
Hollis Court	85 tons = \$ 5,182.45	6 structures = \$2,550.00	\$ 7,732.45
Oak Street	550 tons = \$33,533.50	13 structures = \$5,525.00	\$39,058.50
Adams Place	150 tons = \$9,145.50	1 structure= \$425.00	\$ 9,570.50
Panoramic	450 tons = \$27,436.50	11 structures = \$4,675.00	\$32,111.50
Beech Street	470 tons = \$28, 655.90	13 structures = \$5,525.00	\$34,180.90
Briar Place	120 tons = \$ 7, 316.40	3 structures = \$1,275.00	\$ 8,591.40
			\$147,513.50

and be it FURTHER RESOLVED, that the additional work shall not exceed the sum of \$147,513.50, and this fee shall be charged to Account No. DB 5110-300-381.

On roll call the vote was as follows:

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

RESOLUTION NO. (631-2004)

Co. Nowicki offered and Co. Lasker seconded

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

Bid #51-2004 – Installation of Low Flow Channel, Allen Street, Congers

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York (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 Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (632-2004)

Co. Maloney offered and Co. Mandia seconded

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

Bid #35-2004 – Sidewalk Sweeper

is hereby awarded to: Lincoln Service And Equipment\
9 Commerce Circle
Durham, CT 06922

Principals: John A. Rowe, III

as per their low bid price of \$49,180.00 (base) plus the following additional options:

- Air Conditioning \$2,450
- Heated Windshield \$360
- Rear Camera System \$1,000

For a total cost not to exceed \$52,990, and be it

FURTHER RESOLVED, that the cost of said sweeper shall constitute a proper charge to Account No. H 8754-409-0-78-13.

On roll call the vote was as follows:

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

RESOLUTION NO. (633-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, Highway and Traffic Engineering Consultant, has advised, by memo dated June 17, 2004, that accurate property line locations are needed to determine where easements or rights-of-ways are to be obtained in order to widen and improve sidewalks on Red Hill Road and Burda Lane, New City, New York;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes K. Luke Kalarickal, Director of the Department of Environmental Control, to obtain survey services, as recommended by Howard L. Lampert, with respect to the Red Hill Road Sidewalk Project.

On roll call the vote was as follows:

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

RESOLUTION NO. (634-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Councilperson Lasker, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

**“A LOCAL LAW TO AMEND ARTICLE III IN CHAPTER 250
“STREETS AND SIDEWALKS” OF THE TOWN CODE OF
THE TOWN OF CLARKSTOWN”**

and WHEREAS, the proposed local law is intended to amend Section 250-42(A) to clarify the responsibilities of property owners for sidewalk maintenance;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on August 17, 2004, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

RESOLUTION NO. (634-2004) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (635-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Councilperson Lasker, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

A local law to amend Chapter 109 "BUILDING CONSTRUCTION ADMINISTRATION" of the Town Code of the Town of Clarkstown

and WHEREAS, the proposed local law is to amend Section 109-4(G) to provide that the Town Board may grant a waiver of the condition provided by Section 109-4(G)(5) affecting the authority of the Building Inspector to issue a building permit for residential premises subject to redevelopment which require or have received a variance;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on August 17, 2004, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (636-2004)

Co. Lasker offered and Co. Maloney 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:

Two "Curve" signs on Deerfield Dr., New City, NY. The first a W1-3 (See Sec. 231.3 of the Manual of Uniform Traffic Control Devices for both signs.) on the southside of Deerfield Dr. between lots 81 and 82.

The second, a W1-4 on the northside of Deerfield Dr. between lots 15 and 16. Also install advisory panels beneath both signs to read "15 MPH"

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
- Supervisor Holbrook Yes

RESOLUTION NO. (637-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, Highway and Traffic Engineering Consultant, has reviewed traffic safety conditions on Doral Court, New City, New York and recommends the following:

1. Installation of "20 MPH" advisory speed signs (NYSMUTCD Sign #W9-1X) beneath the existing two "Winding Road" signs.
2. The "Winding Road" sign for eastbound traffic should be relocated from House No. 14 to 200 feet west of this location.
3. Remove any low tree branches that obstruct proper visibility of the relocated sign.
4. Replace the street name sign at the intersection of Doral Court and Zukor Road;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to implement the changes recommended by Howard L. Lampert, Highway and Traffic Engineering Consultant, as referred to herein, 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
- Supervisor Holbrook Yes

RESOLUTION NO. (638-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, residents have requested the installation of signs at certain location in the Hamlet of Nanuet, New York;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install stop signs at the following locations:

- 1. Three way stop sign with stop bar pavement markings - Bittern Drive at Blue Heron;
- 2. Three way stop sign with stop bar pavement markings - Bittern Drive at Judith Street;
- 3. Three way stop sign with stop bar pavement markings - Bittern Drive at Charles Street.

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
 Supervisor Holbrook Yes

RESOLUTION NO. (639-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, Highway and Traffic Engineering Consultant, by memo dated June 24, 2004, has advised the Town that New York State has passed legislation regarding school speed limit signs, and

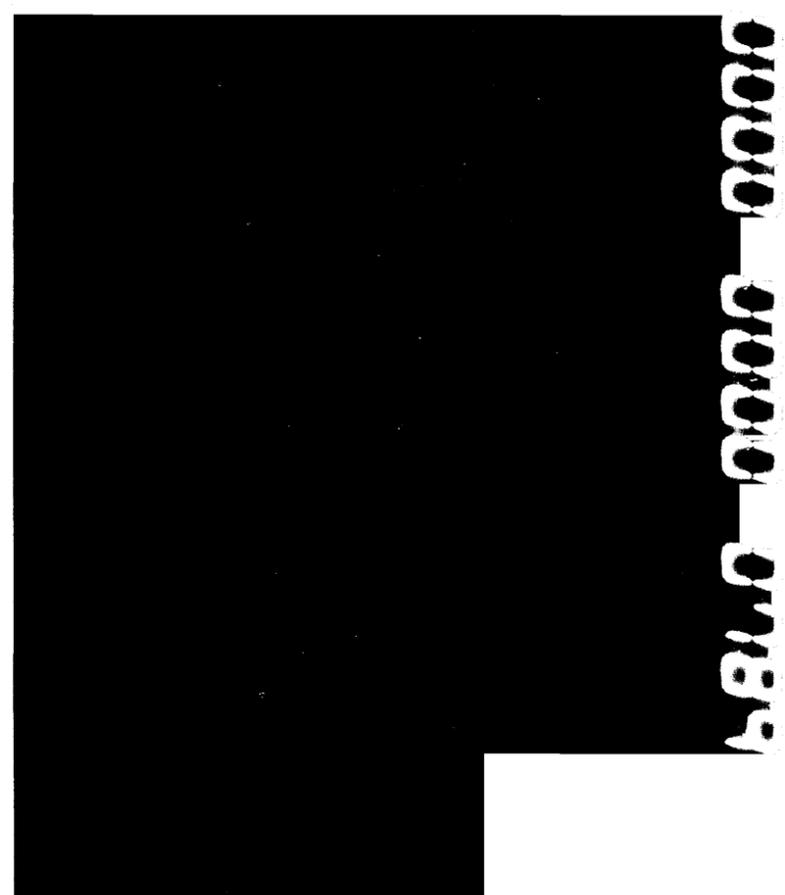
WHEREAS, after investigation, Mr. Lampert has recommended certain additional school speed limit signage and flashing beacons be installed;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the preparation of bid specifications by Howard L. Lampert, Highway and Traffic Engineering Consultant, to implement his recommendations as set forth in the report referred to above, for speed limit signage and flashing beacons in accordance with newly revised state legislation, said bid to be advertised as soon as possible, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to send a copy of this Resolution to the Superintendent of Highways and Purchasing Department.

On roll call the vote was as follows:

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



RESOLUTION NO. (640-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Ronald A. Longo, Assistant Town Attorney for Labor Matters, has engaged in discussions on behalf of the Town Board with Peter Noonan, Chief of Police, and Thomas Purtill, Administrative Captain, with respect to their employment contracts, and has reported by memos dated June 24, 2004 and July 15, 2004 regarding the status of said negotiations and their requests for salary and other benefits, and

WHEREAS, the Town Board has considered this matter and wishes to receive proposed employment contracts in a form sufficient for final action by the Town Board;

NOW, THEREFORE, be it RESOLVED, that Ronald A. Longo, Assistant Town Attorney, is hereby authorized and directed to prepare formal contracts for action by the Town Board consistent with the policy direction contained herein, and be it

FURTHER RESOLVED, that the Town Board approves of the proposed base salary, longevity at 2.8 and executive pay formula as requested and reported upon by Mr. Longo, subject to all of the other terms and conditions of employment being set forth in said contracts, and be it

FURTHER RESOLVED, that the employment contracts referred to herein are subject further to approval by 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

RESOLUTION NO. (641-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is considering acquisition of real property known as 57.11-2-13, located at 54 North Pascack Road, Nanuet, New York, (adjacent to Pascack Community Center) for the purpose of using the site for parklands or for inclusion in the Clarkstown Open Space Acquisition Program, and

WHEREAS, the Town Board requires an appraisal of said property;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an appraisal from Metropolitan Appraisal Group d/b/a Lawrence & Shedler Appraisals pursuant to its proposal dated July 15, 2004, for property known as 57.11-2-13, located at 54 North Pascack Road, Nanuet, New York, for the purpose of using the site for parklands or for inclusion in the Clarkstown Open Space Acquisition Program, and be it

FURTHER RESOLVED, that the cost of said appraisal shall not exceed the sum of \$1,250.00, and shall be charged to either Account No. H 8750-409-0-74-1 (Open Space) or Account No. H 8754-409-0-78-18 (Parklands), and if parklands account is used then it would be funded through the money in lieu of land account.

RESOLUTION NO. (641-2004) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (642-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes payment in the sum of \$5,000.00 to DMJM + Harris, engineers, on behalf of CSX Transportation, Inc., for review of proposal and plans for drainage improvements to the Kill Von Beaste Stream, which fee shall be charged to Account No. H 8749-409-0-73-9.

On roll call the vote was as follows:

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

RESOLUTION NO. (643-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the traffic signal located at the Third Street / South Main Street intersection, New City, New York was replaced in connection with the Third Street Reconstruction Project, and

WHEREAS, restoration of the area adjacent to the signal pole is required, and

WHEREAS, all restoration work will be performed within Town Right-of-Way, and

WHEREAS, the Deputy Director, Operations, for the Department of Environmental Control has solicited proposals from qualified landscape contractors to perform the restoration work.

NOW, THEREFORE, BE IT, RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Pat Scanlon Landscaping, Inc., 14 Plains Drive, New City, New York 10956 to perform the required restoration work in accordance with their proposal dated July 5, 2004, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$3,126.00 and shall be a proper charge to account H 8736 409 0 67 6.

On roll call the vote was as follows:

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

RESOLUTION NO. (644-2004)

Co. Mandia offered and Co. Nowicki seconded

WHEREAS, RICHARD J. PARIS has been employed with the Town of Clarkstown since January 3, 1974, and during said period had not sought membership in the New York State and Local Employee's Retirement System (NYSLERS) until on or about July 8, 2002, when he applied for such membership and was assigned Registration Number 4046997-5 in Tier 2, effective with his date of initial employment, and

WHEREAS, Mr. Paris has stated that he was not advised at the time of his employment regarding his eligibility for membership in the New York State Retirement System, and due to a lack of personnel records to the contrary it cannot be determined if Mr. Paris was offered membership in the NYSLERS when he was initially hired by the Town, but he is now seeking authorization to be granted retroactive membership in Tier 2 of the NYSLERS to January 3, 1974, and

WHEREAS, Mr. Paris has requested the Town Board to support Home Rule Request to the New York State Legislature to authorize such retroactive legislative membership on the grounds that although he was eligible for such membership, as a consequence of a lapse in hiring procedures, he was uninformed about such membership and as a result had not previously sought retroactive membership, and

WHEREAS, the Town Board believes that such retroactive membership should be granted to Mr. Paris;

NOW, THEREFORE, be it RESOLVED, the Town Board hereby authorizes the Supervisor to sign a Home Rule Request for both the Senate and Assembly for authorization to permit retroactive membership in the New York State and Local Employees' Retirement System to January 3, 1974 subject to the Town of Clarkstown and the employee making all contributions which are required by law for such Tier membership, and be it

FURTHER RESOLVED, that the Town Clerk shall transmit copies of this resolution to Senator Thomas Morahan and Assemblyman Alexander Gromack.

On roll call the vote was as follows:

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

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 Special Town Board Meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

07/20/04

8:01 PM

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

Re: Proposal for Construction of a New Road Connecting Western Highway
with Route 303

On motion of Co. Nowicki, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open. Town Clerk read the Notice for Public Hearing. Supervisor briefly explained what the public hearing is about.

Supervisor Kleiner
Town of Orangetown
Stated that the Town of Orangetown will work with the Town of Clarkstown to make the project a reality

Burt Dorfman
Dorfman, Lynch, Knoebel & Conway (Attorneys for Bradley Industrial Park)
Inquired about the ownership of some areas which will be affected by the proposal and other areas which can be used, also asked whether an expert was engaged to delineate wetlands and whether an appeal was made when DEC denied to issue the permit to cross the same area, stated that his client's interests will be adversely affected and the Town has not taken any steps with respect to the Eminent Domain Procedure Law

V.J. Pradhan, Legislator
West Nyack
Stated that he supports the project and will do everything in his capacity as legislator to contact other public officials for support and financial assistance

Bart Fitzsimons
West Nyack
Stated that he is not opposed to doing the road but opposed to the present configuration

Veronica Wayne, Esq.
Stated that the proposed road will have a negative impact on her client's property which is located in both Towns

Kelly Beaver
(on behalf of Senator Tom Morahan and Assemblyman Alex Gromack)
Stated that the legislators are supportive of the proposed road

Philip Bosco
West Nyack
Stated that it would be quite beneficial to get the heavy truck traffic out of the hamlet

Theona Jensen
Western Highway, Orangetown
Stated that the topography of the area between her house and West Nyack is curvy and hilly that it is not conducive to truck traffic

Marsha Johnson
West Nyack
Spoke about the truck traffic, said that dead-ending Doscher Road will stop access for trucks, also said that the owners of Bradley Park might be willing to compromise

Proposal for Construction of a New Road Connecting Western Highway with Route 303

Sal Brancatelli

West Nyack

Said that the road is needed and that the businesses, citizens, Town, County and State officials should be united so the road will be completed before the end of 2005

Elizabeth Burke

West Nyack

Asked if Doscher Road is slotted to be dead-ended

Frank Polio

West Nyack

Does not support the proposed road, the Town needs to help the people complaining but the proposal will adversely affect Pineview Road

Maryann Brancatelli

West Nyack

Supports the connector road, stated that she and her family have been suffering for 18 years.

Roy Holmes

Orangetown

Supports the connector road, said that the roads in the area are not capable of handling the truck traffic which is about five times as much today as in 1981

Mia Pagnozzi

West Nyack

Supports the connector road for safety, financial, and quality of life problems

Michael Tracy

West Nyack

Supports the connector road, said that trucks took over a portion of his property when turning and they pass by after a certain time at night even when they are not supposed to

Dawn Smith

West Nyack

The problem affects the area and not just Doscher and Hobe Streets. Supports the connector road but hopes that the quality of life of the residents on Pineview will be considered

James Chang (on behalf of Rev. Feldman Chang, Baptist Church)

Supports the connector road, said that trucks have been going into the parking lot of the church and they run over concrete blocks to get out when they realize they are in the wrong path and the blocks are dragged into Western Highway causing a safety hazard

Judy Greenblatt

Orangetown

Supports the connector road, residents would no longer have to tolerate the noise and odors, truck drivers would have a more convenient means to reaching Route 303

Tom Hogan

West Nyack

Supports the connector road, truck traffic has become really bad and some trucks from New Jersey have also been using Western Highway to get into Carbone's

Larry Walpole

West Nyack

Supports the connector road

Joe Kleinberg

New City

Inquired as to where trucks go. Suggested closing Doscher to truck traffic instead

PH: 7/20/2004

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Proposal for Construction of a New Road Connecting Western Highway with Route 303

Mike Bartolotta
Clarkstown Police Department
Spoke about the traffic enforcement in the area

Annette Irene Fischer
West Nyack
Inquired about enforcement of the speed limit

Greg Ensikas
West Nyack
Inquired about enforcement of the weight limit

Town Atty. Costa stated that favorable reports were received from the Rockland County Planning Board and the Town's Department of Environmental Control.

Supervisor stated that a letter was received from County Legislator David Fried in favor of the proposal. In closing, Supervisor said that while the road will be on the Official Map, it doesn't necessarily mean that it is the exact layout the road will ultimately have.

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 Public Hearing was declared closed, time 9:30 P.M.

RESOLUTION NO. 598-2004 ADOPTED

Respectfully submitted,



Patricia Sheridan
Town Clerk

(Verbatim Transcript is on file with the Office of the Town Clerk)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

07/20/04

10:15 PM

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

Re: Chapter 111 Proceeding (Unsafe Buildings) Martin Wesel D/B/A Affordable
Community Group, 63 N. Second Avenue, Nanuet (57.6-1-13)

On motion of Co Lasker, seconded by Co. Maloney and unanimously adopted, the Public Hearing was declared open.

Supervisor Holbrook stated that he had a report from the Fire Inspector stating that the building was removed but he had spoken with some residents today relative to the site and it still needs to be cleaned up. He asked the Fire Inspector to make a report on this.

Assistant Fire Inspector, Stephen Ungerleider stated that the building has been removed but there is still some debris that needs to be cleaned up.

Supervisor Holbrook stated this would be held over until the next Town Board meeting pursuant to a follow up inspection to see whether or not it is in total compliance.

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 Public Hearing was held over, to be continued at the next Town Board meeting time 10:20 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk