

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

08/17/2004

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 the public portion of the meeting.

\*\*\*\*\*

Richard Bruno

Orangetown

Item 1 - Opposed to the appointment of Alexander Gromack and referred to his votes on abortion and birth control

Steven Levine

Congers

Item 1 - People were left out for the selection of the Supervisor, let the voters decide and the Deputy Supervisor to continue until December 31, 2004

George Remula

New City

Item 1 - Said that Clarkstown is like the Banana Republic, questioned the appointment of the Supervisor, Ms. Leonard is qualified and should continue until December 31, 2004

Anthony Policie

New City

Item 1 - Said that the people have no opportunity to vote, people should elect Supervisor, citizens have been disenfranchised

Martin Bernstein

New City

Item 1 - encouraged the Town Board to vote on Alex Gromack but hold off on the appointments

Joe Hannis

New City

Item 1 - said Alex Gromack is a good man and questioned the appointments to the Board, wants Cablevision to cover the Town Board meetings

Brian Thomas

Clarkstown

Item 1 - approved of Alex Gromack getting bipartisan support and should be confirmed as Supervisor, noted that no one has ever had the opportunity to vote for Penny Leonard

Frank Voce

Congers

Item 1 - supported Alex Gromack and thanked the Town Board for the response to the Congers Fire Department

Nicole Doliner

New City

Read statement from Alexander Gromack thanking the Town Board for their confidence in appointing him Supervisor of the Town of Clarkstown. He summarized his record of government service and outlined his goals for Clarkstown. (Statement on file with the Office of the Town Clerk)

Carole Jagardian  
New City

Item 1 – in favor of the appointment of Alex Gromack for Supervisor but felt it should not be voted on tonight, inquired about who put item 28 on the agenda

Ron Weiner  
New City

Item 1 – town resident for 40 years and has met many officials and none could measure up to Alex Gromack who is always there to help

Arlene Whitiker  
Bardonia

Item 1 – if Alex Gromack were appointed now he would face no opposition, the Town Board that should serve the people should respect the right of the people

Ed Graybow  
New City

Item 1 – said the Town Board should take no action on this and allow Mrs. Leonard to continue and let citizens vote for a Supervisor

Julie Murray  
New City

Item 1 – said that there should be no appointment without the right to vote, it is not fair

George Nugent  
Valley Cottage

Item 1 & 28 – he likes Alex Gromack but he did not believe that the Board should vote on item 28 until Mr. Gromack is Supervisor.

Gil Heim  
New City

Item 1 – in favor of appointing Alex Gromack and said that the civic associations must recognize that there are many good people who care about Clarkstown, also said that the Town Board should work as a team

Anne Long  
Valley Cottage

Item 7 – asked who is getting the money from the settlement; Item 20 – asked what was the additional money for Congers Downtown improvements for and how can the citizens know what is going on, also said that Alex Gromack should have a voice in the selection of the boards and commissions

Martin Bernstein  
New City

Spoke regarding permissive referendum on Petersen's Boatyard. He had asked for help from the Town Attorney and was denied. He wanted the Board to know that there was tremendous anger with the public. There is pollution in this property, there was mercury and lead in the ground and it was his understanding that where this pollution existed it could be blacktopped right over.

Steven Levine  
Congers

He questioned the appointment of Councilman Maloney as Deputy Supervisor and he also questioned the appointments to the boards, he was concerned about the direction the Town is going and how it will affect the communities

John Murphy  
New City

He said that we couldn't put a golf course because it costs 10 million but yet we talk about buying Petersen's Boatyard that costs 5 million, also inquired about item 14C on film production

Jack Schmidt  
Valley Cottage

He said he has been flooded out three times and he suggested that perhaps the Town should consider buying the three properties at a fair price

Mort Korn  
Upper Nyack

He said that he didn't believe that there was any pollution and he lives next door and the owner of the boatyard put up a ten million dollar bond

Mel Wink

He asked if the Town Board would change their mind about Petersen's and spending 5 million dollars. He did not think the Town needed this property.

Gerry O'Rourke  
Congers, President of Civic Association

He said there has been an outcry from the public against Petersen's Boatyard. Petersen's is a blunder and ethics has been thrown out the window.

Kevin Garrison  
Charles Boulevard, Valley Cottage

Did traffic on the small streets speed and he wants to see stop signs. Dead tree on Charles Boulevard – pulled big branch off the road and requested the Highway Dept to come and clean it up. He said there is a drainage issue with the storm drains on Charles Blvd because they back-up.

Joe Hannis

Said he spoke against the Town owning a skating rink, he now warns them about owning a boat yard and asked them about who is going to run it.

\*\*\*\*\*

RESOLUTION NO. (645-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, there exists a vacancy in the position of Town Supervisor which was created by the vacant Supervisor seat of Charles E. Holbrook, effective August 9, 2004, and

WHEREAS, the Town Board of the Town of Clarkstown is empowered by Town Law, Section 64 (5) to fill such vacancy,

Now, therefore, be it RESOLVED, that Alexander J. Gromack, 23 Reginald Drive, Congers, New York, is hereby appointed to fill the position of Town Supervisor – Town of Clarkstown – said appointment commencing August 21, 2004 and to terminate on December 31, 2004, at the annual 2004 salary of \$121, 680.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (646-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (646-2004) continued

RESOLVED, that the Town Board Minutes of July 20, 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. (647-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution # 708-2002 awarded bid #47-2002; 401 Phillips Hill Road Drainage Improvements; and

WHEREAS, existing plantings had to be removed in order to replace the storm drain line; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to replace the plantings that were removed during construction; and

WHEREAS, the Department of Environmental Control has received three (3) proposals in response to its solicitation and after review Department of Environmental Control staff, it was found that the lowest proposal was provided by Cusack Landscaping, Inc., in the amount of \$1,955.00; and

WHEREAS, the Director of Environmental Control recommends that the work be awarded to Cusack Landscaping, Inc.;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of Cusack Landscaping, Inc., PO Box 106, New City, NY 10956 for an amount not to exceed \$1,995.00 to replace plantings removed during construction at 401 Phillips Hill Road

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (648-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, have requested permission to attend the Annual Government Technology conference in Albany, New York on September 29 to 30, 2004;

RESOLUTION NO. (648-2004) continued

NOW, THEREFORE, be it

RESOLVED, that the Town board hereby authorizes Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, to attend the Annual Government Technology Conference in Albany, New York on September 29 to 30, 2004, and be it

FURTHER RESOLVED, that the cost of the conference including lodging, meals, travel and parking shall not exceed \$2,000.00 and shall be charged to Account No. A-1680-414.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Nowicki . . . . . Yes
- \*\*\*\*\*

RESOLUTION NO. (649-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes Rudolph J. Yacyshyn, Vice Chairman of the Clarkstown Planning Board, and Jose C. Simoes, Town Planner, Clarkstown Planning Department, to attend a New York Planning Federation Conference for September 19 – 22, 2004, which is to be held in Lake Placid, New York and be it

FURTHER RESOLVED, that all reasonable expenses, including registration fee of \$85.00 each and hotel registration fee of \$560.00 each, shall be charged to Account No. B 8020-404 & 414.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Nowicki . . . . . Yes
- \*\*\*\*\*

RESOLUTION NO. (650-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Resolution No. 434-2004 adopted on May 11, 2004 authorized the placement of a half-page advertisement for the Town of Clarkstown in the 2004 "Living Here" section of the Journal News on June 27, 2004 at a cost of \$1,125.00, and

WHEREAS, this amount was found to have been given in error,

NOW THEREFORE, BE IT RESOLVED, that Resolution No. 434-2004 is hereby amended to reflect the corrected cost of said advertisement to be \$1,282.50.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Nowicki . . . . . Yes
- \*\*\*\*\*

RESOLUTION NO. (651-2004)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12246, Frank Street, New City, NY:

H#1 – X10906H – w/s Frank Street. Approx. 500' n/o James Street

AND BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Nowicki . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (652-2004)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12253, Frank Street, corner of James Street, New City:

H#1 – X10908H – w/s Frank Street. Corner of James Street

AND BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Nowicki . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (653-2004)

Co. Maloney offered and Co. Nowicki seconded

BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby approves the Stipulation of Settlement in PERB Case No. U-24422 and hereby authorizes the Town Attorney, or his designee, to execute the same on behalf of the Town.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Nowicki . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (654-2004)

Co. Nowicki offered and Co. Maloney seconded

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

A LOCAL LAW TO CREATE CHAPTER 141 "FINGERPRINTING" OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN and

WHEREAS, the proposed local law is to create Chapter 141 for the purpose of establishing procedures and authorizing fees for non-criminal fingerprints taken at the request of Clarkstown residents and non-resident individuals. Said fees are to be in addition to any fee mandated and charged by the New York State Department of Criminal Justice and are to apply to any request for fingerprints, whether voluntary or mandated by law or ordinance;

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 September 14, 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.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (655-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS on June 24, 2004, K. Luke Kalarickal, P.E., acting as agent for the Clarkstown Town Board distributed completed Full Environmental Assessment Form Part 1 and Part 2 and declaring that the Clarkstown Town Board be the lead agency on this project to five (5) 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 and thereby the Clarkstown Town Board is therefore the lead agency; and

WHEREAS the Town Board considered the benefit of eliminating frequent flooding effecting approximately twenty-five (25) homes in the vicinity of this project which outweighed the short-term minor impacts;

NOW THEREFORE BE IT RESOLVED that the Clarkstown Town Board acting as lead agency has determined that the proposed project is an unlisted action and will not have any significant environmental impact and that a Draft Environmental Impact Statement will not be prepared.

RESOLUTION NO. (655-2004) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (656-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS on June 24, 2004, K. Luke Kalarickal, P.E., acting as agent for the Clarkstown Town Board distributed completed Full Environmental Assessment Form Part 1 and Part 2 and declaring that the Clarkstown Town Board be the lead agency on this project to five (5) 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 and thereby the Clarkstown Town Board is therefore the lead agency; and

WHEREAS the Town Board considered the benefit of eliminating the frequent flooding in the area of Elks Drive which outweighed the minor short-term impact;

NOW, THEREFORE, BE IT RESOLVED that the Clarkstown Town Board acting as lead agency has determined that the proposed project is an unlisted action and will not have any significant environmental impact and that 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. (657-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Section 18 (b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor or Deputy Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2004 to March 31, 2005, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown, and be it

RESOLUTION NO. (657-2004) continued

FURTHER RESOLVED, that this resolution is retroactive to April 1, 2004.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (658-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a hydrant investigation (No. 12236) has been made by United Water New York for premises located on a filed map known as The Nyacks Corporate Park, on 6/22/95, at Map No. 6911, Book 116, Page 43, designated on the Clarkstown Tax Map as 64.7-1-9.1 (formerly 51-A-21), and

WHEREAS, it has been recommended that one (1) fire hydrant(s) be installed within the said approved site/subdivision plan, for the protection of future occupants, and

WHEREAS, said property is private property; and the hydrant(s) shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown:

NOW, THEREFORE, be it RESOLVED, that the Deputy Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the owner of the premises, reputedly to be Palisades Medical and Professional Office Complex LLC, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby Palisades Medical and Professional Office Complex LLC, or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the use of property presently owned by Palisades Medical and Professional Office Complex LLC, located in the Hamlet of West Nyack, for Lot "C" in a filed subdivision plan known as The Nyacks Corporate Park, affecting the tax map parcel 64.7-1-9.1 referred to above, and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to the property owner of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate, shall be levied against the present or future tax parcels in accordance with the applicable assessment values.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (659-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board is considering a proposed zone change described in a petition by Tor Valley Inc. and Davies Farm Inc., affecting premises known and described on the Clarkstown Tax Map as 59.9-1-50 and 51, and such zone change, if approved, may be in conflict with the Town of Clarkstown Comprehensive Plan, adopted on June 30, 1999;

NOW, THEREFORE, be it RESOLVED, that a public hearing, pursuant to Sections 264, 265 and 272-a of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 14, 2004, at 8:00 p.m., or as soon thereafter as possible, to review and consider amendment of the Town's Comprehensive Plan for zoning with respect to the presently pending proposed zone change described in the petition of Tor Valley Inc. and Davies Farm Inc., referred to herein, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the proposed amendment to the Comprehensive Plan is hereby referred to the Clarkstown Planning Board for its review and recommendations, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-l and 239-m of 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 the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (660-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, TOR VALLEY INC. and DAVIES FARM INC. have petitioned the Town Board of the Town of Clarkstown, requesting a change of zone from the R-15 District to the LS District for a portion of premises described and designated on the Clarkstown Tax Map as Map 51.9-1-50 and 51, located at Little Tor Road and New Valley Road, New City, New York;

NOW, THEREFORE, be it RESOLVED, that the petition 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 Commissioners of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

RESOLUTION NO. (660-2004) continued

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 14, 2004 at 8:00 p.m., and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, 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 Joseph 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

\*\*\*\*\*

RESOLUTION NO. (661-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Deputy 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.

Nanuet Public Library    \$3,000

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (662-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Rudy J. Damonti, 911 Stockton Road, Valley Cottage, New York, is hereby reappointed to the position of Member – Parks Board and Recreation Commission – at a salary determined annually by the Town Board – term effective and retroactive to August 16, 2004 and to expire on August 15, 2009.

RESOLUTION NO. (662-2004) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (663-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Brian Tesseyman, 6 Kelvin Court, Nanuet, New York, is hereby reappointed to the position of Member – Parks Board and Recreation Commission – at a salary determined annually by the Town Board – term effective and retroactive to August 16, 2004 and to expire on August 15, 2009.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (664-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Dennis Malone, 15 Pine Avenue, Congers, New York, is hereby appointed to the position of (provisional) Transit Operations Supervisor (Towns) – Town of Clarkstown – Mini Trans Department – at the current annual salary of \$60,415., effective and retroactive to August 9, 2004.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (665-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Richard J. Paris, 7 Sherwood Drive, Morristown, New Jersey 07960 – Chairman – Planning Board – Town of Clarkstown – is hereby accepted – effective and retroactive to July 29, 2004.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (666-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Richard J. Paris, 7 Sherwood Drive, Morristown, New Jersey 07960 – Member – Planning Board – Town of Clarkstown – is hereby accepted – effective and retroactive to July 29, 2004.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (667-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01121F Police Sergeant (Prom) which contains the name of Steven M. Chernick,

NOW, THEREFORE, BE IT RESOLVED, that Steven M. Chernick, 169 South Main Street, # 351, New City, New York, is hereby appointed to the (contingent-permanent) position of Police Sergeant, Clarkstown Police Department – at the current annual salary of \$112,985., effective and retroactive to August 2, 2004.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (668-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02004A Police Lieutenant (Prom) which contains the name of Daniel M. Weisberg,

NOW, THEREFORE, BE IT RESOLVED, that Daniel M. Weisberg, 97 Burda Lane, New City, New York, is hereby appointed to the (contingent permanent) position of Police Lieutenant – Clarkstown Police Department at the current annual salary of \$128,331., effective and retroactive to July 26, 2004.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (669-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on August 10, 2004 that fifteen (15) positions of Motor Equipment Operator II – Highway Department – can be created,

NOW, THEREFORE, BE IT RESOLVED, that the fifteen (15) positions of Motor Equipment Operator II – Highway Department – are hereby created – effective and retroactive to August 16, 2004, and be it

FURTHER RESOLVED, that upon the appointment of each qualified Motor Equipment Operator I who will be promoted to the position of Motor Equipment Operator II – and after each individual completes the necessary probationary period – their Motor Equipment Operator I position will be abolished.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (670-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Richard Shoberg, 10 Aberdeen Drive, West Nyack, New York, is hereby appointed to the position of Member – Planning Board – (to fill the unexpired term of Richard Paris) – at a salary to be determined annually by the Town Board – term effective August 18, 2004 and to expire on January 2, 2008.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (671-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Mark Maraia, 56 Millspaugh Lane, Bardonia, New York, is hereby appointed to the position of Member – Zoning Board of Appeals – at a salary determined annually by the Town Board – term effective August 18, 2004 and to expire on August 17, 2009.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (672-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Edward J. Duer, is hereby appointed Town Comptroller for the term ending December 31, 2005 at the salary provided in the Salary Schedule for the Year 2004.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (673-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, MacGuffin Films Limited, a production company, has requested permission to film in Clarkstown, on August 20, 2004, or alternate date of August 19, 2004.

NOW, THEREFORE, be it RESOLVED, that MacGuffin Films Limited, of 411 Lafayette Street, New York, NY 10003, is hereby authorized to film in the Town of Clarkstown, at Pearle Vision Store, 100 East Route 59, Nanuet, New York 10954, between the hours of 7:00 A.M. and 7:00 P.M., on Friday, August 20, 2004, or alternate date of Thursday, August 19, 2004, upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned site;
- (2) A permit fee of \$250.00 per day shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that this resolution shall be deemed the filming permit.

RESOLUTION NO. (673-2004) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (674-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Noggin/The N, a production company, has requested permission to film in Clarkstown, on August 19, 2004 or rain date, August 20, 2004;

NOW, THEREFORE, be it RESOLVED, that Noggin/The N, of 1633 Broadway, 7<sup>th</sup> Floor, New York, NY 10019, is hereby authorized to film in the Town of Clarkstown, at Columbus Avenue, Congers, New York 10920, between the hours of 11:00 A.M. and 8:00 P.M., on Thursday, August 19, 2004, or rain date, Friday, August 20, 2004, upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned site;
- (2) A permit fee of \$250.00 per day shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that this resolution shall be deemed the filming permit.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (675-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Radical Media, a production company, has requested permission to film in Clarkstown, on August 17, 2004;

NOW, THEREFORE, be it RESOLVED, that Radical Media, of 435 Hudson Street, New York, NY 10014, is hereby authorized to film in the Town of Clarkstown, at 254 Sickletown Road, West Nyack, New York 10994, between the hours of 6:00 A.M. and 8:00 P.M., on Tuesday, August 17, 2004, upon the following conditions:

- (1) Permittee obtains permission from owners of the above residence to film at the site;
- (2) A permit fee of \$250.00 per day shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that this resolution shall be deemed the filming permit.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (676-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Planner and Clerk of the Works have recommended the acceptance of a proposal from Gramco Business Communications, 1149 Bloomfield Avenue, Clifton, NJ to provide design and installation services in connection with upgrading the sound system in Town Hall Room 311;

RESOLUTION NO. (676-2004) continued

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Gramco Business Communications, in a form approved by the Town Attorney, to provide design services, equipment and installation of a new sound system in Town Hall Room 311, as per their proposal dated May 19, 2004, at a cost not to exceed \$8,900.00; and be it

FURTHER RESOLVED, that the fee for said services shall be charges to account No. H-8752-409-0-76-11; and be it

FURTHER RESOLVED, that the project shall be under the supervision of the Clerk of the Works; and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (677-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by resolution adopted May 13, 2003 the Town Board authorized the purchase of property located at 18 Old Stone Road, Valley Cottage as part of the Town's open space initiative; and

WHEREAS, the Purchasing Department Control has solicited proposals to demolish the premises located at 18 Old Stone Road, haul away debris, and restore the property to its natural state; and

WHEREAS, the Purchasing Department received three (3) proposals in response to its solicitation; and

WHEREAS, the Department of Parks and Recreation staff and the Deputy Town Attorney, Purchasing has met with the low bidder and conducted a site visit; and

NOW THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Superintendent of Parks and Recreation and the Deputy Town Attorney, Purchasing, that the Town is hereby authorized to retain the services of Robert Runge Construction, Inc., 277 Rockland Lake Road, Valley Cottage, New York, to demolish the premises located at 18 Old Stone Road, Valley Cottage, to haul away all debris, and to restore the property to its natural state, as per their low bid proposal of \$11,100.00; and be it

FURTHER RESOLVED, that said award is contingent upon the execution of a contract in a form acceptable to the Town Attorney and the contractor providing proof of insurance coverage as set forth in the proposal; and be it

FURTHER RESOLVED, that this amount shall be a proper charge to account #H8750-400-409-0-74-1; and be it

RESOLUTION NO. (677-2004) continued

FURTHER RESOLVED, that the Solid Waste Facility shall waive tipping fees relating to the disposal of debris from the site; and be it

FURTHER RESOLVED, that the project shall be under the supervision of the Department of Parks and Recreation.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (678-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Police Department is in possession of the following obsolete service weapons:

- Ruger: 223 Caliber, Serial number 181-07374;
- Ruger: 223 Caliber, Serial number 181-09883;
- Remington: 308 Caliber, Serial number C6368276;
- Remington: 308 Caliber, Serial number A6522062; and

WHEREAS, the Clarkstown Police Department solicited proposals from three (3) licensed gun dealers for the purchase of said weapons; and

WHEREAS, the Clarkstown Police Department has recommended that the obsolete weapons be sold to Craig Andersen Firearms, as per their high bid of \$1100.00; and

WHEREAS, the Clarkstown Police Department is also in possession of fifteen (15) obsolete service revolvers (Smith & Wesson Model 65); and

WHEREAS, several officers have requested permission to purchase said service revolvers at a fair market price;

NOW, THEREFORE, BE IT RESOLVED, that the Clarkstown Police Department is hereby authorized to sell the weapons bearing the serial numbers set forth above to Craig Anderson Firearms as per their high bid proposal of \$1,100; and be it

FURTHER RESOLVED, that the Clarkstown Police Department is further authorized to offer for sale to its officers fifteen (15) Smith & Wesson Model 65 revolvers at a price of \$75.00 each; and be it

FURTHER RESOLVED, that the sales of the revolvers shall be effected by a licensed firearms dealer; and be it

FURTHER RESOLVED, that the Clarkstown Police Department shall complete and submit to the Purchasing Department a "Disposal of Fixed Assets" form relating to the disposition of the weapons.

RESOLUTION NO. (678-2004) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (679-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #650-2002 awarded bid #24-2002; Culvert 334 and 334A Replacement, Phillips Hill Road, New City; and

WHEREAS, existing electrical lines were damaged during the removal of the old culvert at 278 Phillips Hill Road; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to replace the electrical lines that were damaged during construction; and

WHEREAS, the Department of Environmental Control has received three (3) proposals in response to its solicitation and after review by Department of Environmental Control staff, it was found that the lowest proposal was provided by DeLeonardis Electric, Inc, in the amount of \$1,600.00; and

WHEREAS, the Director of Environmental Control recommends that the work be awarded to DeLeonardis Electric Inc.;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of DeLeonardis Electric, Inc. PO Box 108, NY 10923 for an amount not to exceed \$1,600.00 to replace electrical lines damaged during construction; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H 8752-409-076-2.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (680-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, by Resolution No. 138-2004, the Town Board approved distribution of a New York State business development grant, in part to the New City Chamber of Commerce, Inc., to promote business in the New City business district; and

RESOLUTION NO. (680-2004) continued

WHEREAS, the New City Chamber of Commerce, Inc., has proposed to expend \$3,237.50 of the grant monies, to defer the cost of this year's "New City Festival" sponsored by the New City Chamber of Commerce, to be held Sunday, September 12, 2004;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby approves the proposal of the New City Chamber of Commerce, Inc., to expend \$3,237.50 of business development grant monies to promote the New City business district to help defer the cost of the "New City Festival" to be held on Sunday, September 12, 2004; and be it

FURTHER RESOLVED, that the expenditure pursuant to this Resolution shall be charged to Account No. H 5111-409-0-4-16.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (681-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, by Town Board Resolution No. 148-2004, adopted by the Town Board on February 10, 2004, the Town Board granted approval for a revocable license agreement with the former owner of 41 Leona Avenue, New City, New York, to erect and maintain a fence which may interfere with access to a Town drainage easement on said property; and

WHEREAS, title to 41 Leona Avenue, New City, New York, has recently been transferred to Jacqueline M. Kelly, who as successor in interest, wishes to enter into the authorized license agreement; and

WHEREAS, Dennis M. Letson, Deputy Director, Department of Environmental Control, had previously reported that a site inspection indicated that the proposed encroachment would not adversely impact the town's drainage installation provided the fence was installed at a recommended location and that, provided further, the Town retain the right, in the event of an emergency, to access the easement area even if such access may result in damage to the fence; and

WHEREAS, John A. Costa, Town Attorney, had recommended that if permission was granted by the Town Board, that a revocable License Agreement be executed; and

NOW THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with Jacqueline M. Kelly, as successor in interest, in a form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the installation of the requested fence on or near the Town's drainage easement located at 41 Leona Avenue, New City, New York, more particularly described as Tax Map 51.14-2-4; and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owner, or successors, shall indemnify 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 authorized encroachment.

RESOLUTION NO. (681-2004) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (682-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Resolution No. 603-2004, adopted by the Town Board on July 20, 2004, is hereby corrected to read:

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 of Youth funding on a 50/50 matching funds basis;

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 thousand four hundred fifty three dollars (\$20,453.00) for 50/50% Division for Youth funding for 2005, and

BE IT FURTHER 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

\*\*\*\*\*

RESOLUTION NO. (683-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Town Board Resolution 580-2004 authorized the Purchasing Department to advertise for bids for Bid #46-2004 – Green Avenue Drainage Improvements, to be returnable by Monday August 23, 2004; and

WHEREAS, due to various permitting requirements and the need for a SEQRA determination, the Department of Environmental Control was unable to finalize the bid specifications in time to meet the August 23, 2004 bid opening date, and

WHEREAS, the Department of Environmental Control has further advised that the title of the project is more accurately described as "Kill Von Beaste Flood Control Improvement Project"

RESOLUTION NO. (683-2004) continued

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 580-2004 is hereby amended as follows:

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

BID #46-2004 – KILL VON BEASTE FLOOD CONTROL IMPROVEMENT PROJECT

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by 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 subject to all necessary permits and approvals.”

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (684-2004)

Co. Maloney offered and Co. Nowicki seconded

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

WHEREAS, the budget allowance for this project has been amended by Town Board resolution 929-2003 to reflect the two change orders on contract approved to date by the Department of Environmental Control; and

WHEREAS, during excavation and construction certain unforeseen conditions were discovered which required additional construction and/or repair; and

WHEREAS, WJL Equities submitted prices for the additional work which has been reviewed by the Department of Environmental Control and recommends that the additional work as per attached letters from WJL Equities Corporation be approved by the Town Board as Change Order Numbers 3, 4, and 5,

CO #3 Upon excavation of the site, the Deputy Director inspected the Sanitary Manhole frames and grates (F & G) and determined that they were in need of replacement. The proposed cost the complete this additional work is \$9,600.00

CO #4 Certain unforeseen field conditions and conflicts with underground utilities required modifications to the drainage system. The changes were reviewed and determine necessary by the Department of Environmental Control. The cost to complete these changes is \$46,059.22.

The changes resulted in elimination of drainage structures which resulted in a credit to the Town. These credits were reviewed by the Department of Environmental Control and determined to be accurate. The credit due as a result of these changes is (-\$7,600.00)

RESOLUTION NO. (684-2004) continued

CO #5 Extension of the sidewalk and pavement limits based upon the Rockland County Highway Department (RCHD) decision not to replace existing culvert. The Cost to complete these changes for C.O. # 5 including the additional pavement and sidewalks is \$\$49,730.00

NOW, THEREFORE, BE IT RESOLVED that the total approved costs of changes for this project for Change Order #3,4 & 5 is \$97,789.22 and,

BE IT FURTHER RESOLVED that the current allowance for this project be increased from the original bid amount of \$2,034,049.50 to \$2,131,838.72 reflect the additional cost of the change order; and,

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (685-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Town Board Resolution #467-2004 awarded bid #29-2004; New Valley Road Drainage Improvements to 58A JVD Industries; and

WHEREAS, upon excavation of the site, it was discovered that the existing storm drain line was damaged and not functioning properly; and

WHEREAS, upon further excavation of the site, certain soil was unearthed which appeared to have been contaminated by gasoline from a nearby Cumberland Farms gas station; and

WHEREAS, these unforeseen conditions require additional work to be performed, as set forth below; and

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

- 1) Additional +/- 30' of 12" HDPE pipe to replace existing crossing @ west end of project and installation of 4'x 2' pre-cast catch basin on south side of New Valley Road. \$8,363.81
- 2) Stockpiling of material excavated from project site to be tested for contamination \$2,201.18

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$43,950.00 to \$54,514.99 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 #H8754-400-409-0-78-21; and

RESOLUTION NO. (685-2004) continued

BE IT FURTHER RESOLVED, that the Department of Environmental Control is hereby directed to seek reimbursement of the cost to stockpile the potentially contaminated soil from Cumberland Farms.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (686-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Town Board Resolution 278-2003 authorized the Town to retain the services of Degenshein Architects to prepare the necessary construction plans, 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 627-2004 amended Town Board Resolution 278-2003 to include certain other services in the proposal, and

WHEREAS, Town Board Resolution 627-2004 failed to reference certain incidental expenses referenced in the proposal;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 627-2004 is hereby amended as follows:

“BE IT FURTHER RESOLVED, that the cost shall not exceed \$37,943.64 in accordance with their proposal dated March 18, 2003 and shall be a proper charge to account H 8751 409 0 75 5.”

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (687-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Director of the Department of Environmental Control has recommended that a drainage easement be obtained from Claudio Cicchini and Ivis Cicchini which would permit the Town to correct a drainage condition in the vicinity of 355 Old Mill Road, Valley Cottage, New York, affecting property designated on the Clarkstown Tax Map as 52.14-2-25, and

RESOLUTION NO. (687-2004) continued

WHEREAS, the property owner has cooperated with the Town of Clarkstown and has tendered a gratuitous drainage easement in accordance with the recommendation of the Director of Environmental Control;

NOW, THEREFORE, be it RESOLVED, that the easement dated August 9, 2004 is hereby accepted and ordered recorded in the Rockland County Clerk's Office subject to receipt of updated Affidavit of Title in a form approved by the Town Attorney.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (688-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, CALIBER BUILDERS, INC. has petitioned the Town Board of the Town of Clarkstown, requesting a change of zone from the CS District to the MF-3 District for premises described and designated on the Clarkstown Tax Map as Map 43.19-3-84, located at Route 304 and Demarest Avenue, New City, New York;

NOW, THEREFORE, be it RESOLVED, that the petition 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 Commissioners of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and to the Citizens Advisory Board on Housing, 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 Joseph 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

\*\*\*\*\*

RESOLUTION NO. (689-2004)

Co. Maloney offered and Co. Mandia seconded

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

BID #55-2004 – TOWN HALL ROOF REPLACEMENT

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

RESOLUTION NO. (689-2004) continued

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. (690-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Town's Highway and Traffic Engineering Consultant and the Deputy Town Attorney – Purchasing that

BID #44-2004 – POLICE CRIME SCENE UNIT TRUCK BODY

is hereby awarded to:

KRAMMES KUSTOM BODY  
LOT #2  
ST. CLAIR BUSINESS PARK  
ST. CLAIR, PA 17970

PRINCIPALS: JIM KRAMMES, SR. – 100%

As per their low bid proposal of \$49,800.00 and be it

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

FURTHER RESOLVED, that the cost of said project shall be a proper charge to account number A3120-203.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (691-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Town's Highway and Traffic Engineering Consultant and the Deputy Town Attorney – Purchasing that

BID #45-2004 – TRAFFIC SIGNAL INSTALLATION ON LAKE ROAD AT OLD HAVERSTRAW ROAD

is hereby awarded to:

RESOLUTION NO. (691-2004) continued

VERDE ELECTRIC CORP.  
89 EDISON AVENUE  
MOUNT VERNON, NY 10550

PRINCIPALS: GIULIO C. MONACO, JR. – 100%

As per their low bid proposal of \$66,515.00 and be it

FURTHER RESOLVED, that said project shall be under the supervision of the Town's Highway and Traffic Engineering Consultant; and be it

FURTHER RESOLVED, that the cost of said project shall be a proper charge to account number H8752-409-0-76-28; 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 and Labor and Material Payment Bond in amount equal to 100% of bid price;
- c) Certificate of General Liability Coverage;
- d) Executed Save Harmless Agreement;
- e) Certificate of Automobile Liability Coverage;
- f) Certificate of Worker's Compensation Insurance coverage; and
- g) Certificate of Worker's Disability Insurance coverage.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (692-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Town's Highway and Traffic Engineering Consultant and the Deputy Town Attorney – Purchasing that

BID #49-2004 – NEW HAVEN AVENUE DRAINAGE IMPROVEMENTS

is hereby awarded to:

CAL MART ENTERPRISES, INC.  
357A ROUTE 59  
WEST NYACK, NY 10994

PRINCIPALS: CARL WORTENDYKE, MARTIN WORTENDYKE, PETER WORTENDYKE

As per their low bid proposal of \$49,494.00 and be it

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

RESOLUTION NO. (692-2004) continued

FURTHER RESOLVED, that the cost of said project shall be a proper charge to account number H8754-409-78-28; 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 and Labor and Material Payment Bond in amount equal to 100% of bid price;
- c) Certificate of General Liability Coverage;
- d) Executed Save Harmless Agreement;
- e) Certificate of Automobile Liability Coverage;
- f) Certificate of Worker’s Compensation Insurance coverage; and
- g) Certificate of Worker’s Disability Insurance coverage; and be it

FURTHER RESOLVED, that said award is subject to the issuance of a permit to proceed by the Rockland County Drainage Agency.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (693-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Town’s Highway and Traffic Engineering Consultant and the Deputy Town Attorney – Purchasing that

BID #54-2004 – FLASHING BEACONS AT TOWN SCHOOLS

is hereby awarded to:

VERDE ELECTRIC CORP.  
 89 EDISON AVENUE  
 MOUNT VERNON, NY 10550  
 PRINCIPALS: GIULIO C. MONACO, JR. – 100%

As per their low bid proposal of \$37,620.00 and be it

FURTHER RESOLVED, that said project shall be under the supervision of the Town’s Highway and Traffic Engineering Consultant; and be it

FURTHER RESOLVED, that the cost of said project shall be a proper charge to account number \_\_\_\_\_; and be it

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

RESOLUTION NO. (693-2004) continued

- a) Signed Contract Documents – two sets
- b) Performance Bond and Labor and Material Payment Bond in amount equal to 100% of bid price;
- c) Certificate of General Liability Coverage;
- d) Executed Save Harmless Agreement;
- e) Certificate of Automobile Liability Coverage;
- f) Certificate of Worker’s Compensation Insurance coverage; and
- g) Certificate of Worker’s Disability Insurance coverage.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (694-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) land surveyors to perform a right of way survey for the Red Hill Road Sidewalk Project; and

WHEREAS, the Department of Environmental Control received three (3) proposals in response to its solicitation:

NOW THERTEFORE, BE IT RESOLVED, that based upon the recommendation of the Director of Environmental Control and the Deputy Town Attorney, Purchasing, that the Town is hereby authorized to retain the services of Jay A. Greenwell, PLS, LLC, 85 Lafayette Ave., Suffern, New York, to perform surveying services as per their low bid proposal of \$12,600.00; and be it

FURTHER RESOLVED, that said award is contingent upon the execution of a contract in a form acceptable to the Town Attorney; and be it

FURTHER RESOLVED, that this amount shall be a proper charge to account # H8754-409-78-29; and be it

FURTHER RESOLVED, that the project shall be under the supervision of the Department of Environmental Control.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (695-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, by Resolution adopted November 12, 2002, the Town Board authorized the Supervisor to enter into an agreement with Brooker Engineering, P.L.L.C., to prepare a study and report regarding the flooding of the tributary to the Hackensack River known as the Demarest Mill Creek; and

WHEREAS, said resolution authorized the Town to engage Brooker Engineering to provide the services outlined in Phase I of their proposal dated October 7, 2002, with Phase II being subject to further negotiation; and

WHEREAS, Brooker Engineering has completed Phase I and is prepared to proceed with Phase II; and

WHEREAS, the Director of Environmental Control has negotiated a fee for Brooker Engineering's Phase II services at a significant discount (\$60,000.) from the fee set forth in Brooker Engineering's original proposal;

NOW THEREFORE BE IT RESOLVED, that the Town is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with Brooker Engineering P.L.L.C., for the preparation of design specifications addressing the flooding of the tributary to the Hackensack River known as the Demarest Mill Creek, as outlined in its study and as further described in its June 7, 2004 proposal (revised August 10, 2004) ; and be it

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

FURTHER RESOLVED, that said fees for services shall constitute a proper charge to account No. H 8739-409-0-60-1.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (696-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board wishes to change the traffic control signage on Lake Road in Congers as part of the Congers Hamlet Improvement Project, now be it

RESOLVED, that the following parking controls are hereby approved:

- I. "No Parking Anytime"
  - A. On the South Side.
    1. From 220 Ft. W/O Grant Ave. to 175 Ft. W/O Grant Ave.
    2. From 40 Ft. W/O S. Grant Ave. to 65 Ft. E/O S. Harrison Ave.
    3. From 20 Ft. W/O S. Rockland Ave. to 200 Ft. W/O Whitman St.
    4. From 25 Ft. W/O Whitman St. to 25 Ft. E/O Whitman St.

RESOLUTION NO. (696-2004) continued

- 5. From 90 Ft. E/O Whitman St. to 70 Ft. E/O Greene St.
- 6. From 70 Ft. E/O Greene St. to 22 Ft. W/O West Curb Line of Friend St. Extended
- 7. From 193 Ft. W/O West Curb Line of Friend St. Extended to 140 Ft. W/O West Curb Line of Friend St. Extended
- 8. From 60 Ft. W/O West Curb Line of Friend St. Extended to Friend St.

B. On the North Side

- 1. From Sheridan Ave. to 90 Ft. W/O Sheridan Ave.
- 2. From 105 Ft. E/O Burnside Ave. to 30 Ft. W/O Burnside Ave.
- 3. From 120 Ft. W/O Burnside Ave. to 25 Ft. W/O North Rockland Ave.
- 4. From 70 Ft. W/O North Rockland Ave. to Harrison Ave.

II. "1 Hour Parking"

A. On the South Side

- 1. From 70 Ft. E/O Greene St. to 135 Ft. E/O Greene St.
- 2. From 252 Ft. W/O West Curb Line to Friend St. Extended to 193 Ft. W/O West Curb Line of Friend St. Extended
- 3. From 140 Ft. W/O West Curb Line to Friend St. Extended to 60 Ft. W/O West Curb Line of Friend St. Extended

III. "30 Minute Parking"

A. On the South Side

- 1. From 240 Ft. E/O Kings Hwy. to 40 Ft. W/O S. Ave
- 2. From 65 Ft. E/O S. Harrison Ave to 20 Ft. W/O S. Rockland Ave.
- 3. From 200 Ft. W/O Whitman St. to 25 Ft. W/O Whitman St.
- 4. From 25 Ft. E/O Whitman St. to 90 Ft. E/O Whitman St.

B. On the North Side

- 1. From 90 Ft. W/O Sheridan Ave. to 105 ft. E/O Burnside Ave.
- 2. From 30 Ft. W/O Burnside Ave. to 120 Ft. W/O Burnside Ave.
- 4. From 25 Ft. W/O N. Rockland Ave. to 70 ft. W/O N. Rockland Ave. and be it

FURTHER RESOLVED, that the following Town Board Resolutions, which are now superceded by the above authorized signage, are hereby repealed: #803-1972, #337-1974, #633-1978, #244-1987, #1065-1990, #62-1991, #480-1994, #287-1995;and be it

FURTHER RESOLVED, that the Highway Superintendent is hereby authorized to install the signs necessary to implement the parking restrictions approved under this resolution, which are shown on the attached maps, prepared by Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (697-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes and directs Robert Geneslaw, Planning Consultant, to make final recommendations with respect to proposed Amendments to the Zoning Local Law which may be required as suggested by the Building Inspector, Zoning Administrator and Town Planner, in their report dealing with Chapter 290 inconsistencies.

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. (698-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Congers Fire District has requested some changes to the plan for completion of the Congers Hamlet Center Revitalization Project which affects its district property on Congers Lake Road, and the Town Attorney has recommended use of an inter-municipal agreement with the Town with respect to such improvements;

NOW, THEREFORE, be it RESOLVED, that the Supervisor or Deputy Supervisor is hereby authorized to enter into an agreement with the Congers Fire District, in a form satisfactory to the Town Attorney, with respect to improvements of its property, as part of the Congers Hamlet Center Revitalization Program, subject to receipt of confirmation that the affected property belongs to the Congers Fire District, and be it

FURTHER RESOLVED, that said cost for such improvements shall not exceed \$5,000.00, and shall be charged to Account No. H 8752-409-0-76-28.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (699-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, it has been proposed that the Town Board should adopt regulations that would limit amendments of the Official Map where proposals are received to delete mapped but unopened streets because such amendments encourage development which can create drainage and other problems associated with increased density;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby refers the issue to the Planning Board for study and report with recommendations on or before November 1, 2004, as to whether or not the Comprehensive Plan should be amended to restrict or limit amendments to the Official Map when requests are made to delete mapped but unopened streets ("paper streets"), because de-mapping of such streets may lead to unwarranted increases in residential density in certain neighborhoods.

RESOLUTION NO. (699-2004) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (700-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Supervisor or the Deputy Supervisor is hereby authorized to retain the services of Howard Lampert, P. E., to conduct a traffic survey and study of traffic in the vicinity of Charles Boulevard, Valley Cottage, New York, and to report with recommendations regarding any needed signage or other traffic control measures.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (701-2004)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, 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’**

was introduced by Councilperson Shirley Lasker, at a Town Board meeting held on July 20, 2004, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 20, 2004, directed that a public hearing be held on August 17, 2004, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 5, 2004, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 25, 2004, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 11, 2004, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to SEQRA, by its consultant Jose Simoes, and which the Board has discussed and considered in making its decision herein;

RESOLUTION NO. (701-2004) continued

NOW, THEREFORE, be it RESOLVED, that based upon the August 12, 2004 report of Jose Simoes, acting as staff to the Town Board as lead agency, it is hereby determined that this action is a Type II action, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 3 – 2004 entitled:

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

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- John R. Maloney, Councilman . . . . . Yes
- Ralph F. Mandia, Councilman . . . . . Yes
- Shirley Lasker, Councilwoman . . . . . Yes
- Catherine M. Nowicki, Councilwoman . . . . . Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (702-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

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

was introduced by Councilperson Shirley Lasker, at a Town Board meeting held on July 20, 2004, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 20, 2004, directed that a public hearing be held on August 17, 2004, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 5, 2004, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 19, 2004, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 17, 2004, and

RESOLUTION NO. (702-2004) continued

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to SEQRA, by its consultant Jose Simoes, and which the Board has discussed and considered in making its decision herein:

NOW, THEREFORE, be it RESOLVED, that based upon the August 12, 2004 report of Jose Simoes, acting as staff to the Town Board as lead agency, it is hereby determined that this action is a Type II action, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 4 - 2004 entitled:

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

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

\*\*\*\*\*

Co. Maloney thanked Penny Leonard for her years of professional service and Councilwoman Lasker seconded Councilman Maloney and said we will miss you sincerely.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Special Town Board Meeting was adjourned at 10:35 p.m.

Respectfully submitted,



Patricia Sheridan

Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/17/04

9:25 PM

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

Re: Continuation: 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. Nowicki, seconded by Co. Lasker and unanimously adopted, the Public Hearing was continued.

Town Attorney explained that this was a continuation of a public hearing from July 20, 2004 where property was fire damaged and constituted a threat to the health and welfare of the community because it had become unsafe and dangerous.

Asst. Fire Inspector Stephen Ungerleider stated that at this time the property has been secured by a fence and some of the debris has been removed. He asked the Town Board to continue the hearing for another month to give them the opportunity to obtain their building permit and begin construction on their new structure.

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 to be continued until next month, time 9:28 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/17/04

9:29 PM

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

Re: Proposed Local Law: Amending Article III in Chapter 250 – Streets and  
Sidewalks of the Town Code

---

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

Town Attorney explained that as a result of concern with bulk pickup problems, he reviewed the Town code and determined that there was a scrivener's error in Chapter 250 which seemed to exempt property owner's whose sidewalks were designated school sidewalks from any responsibility for keeping those sidewalks clear of debris and other materials unrelated to inclement weather, snow removal or ice. I therefore suggested that we remove that anomaly from the Town code. This was referred to the Rockland County Planning Board, the Clarkstown Planning Board and the Town Planner was appointed for purposes of SEQRA review. Both Planning Boards recommended approval.

There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted the Public Hearing was closed, time 9:30 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

RESOLUTION NO. (701-2004) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/17/04

9:31 PM

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

RE: Proposed Local Law: Amending Chapter 109 – Building Construction & Administration of the Town Code

---

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

Town Attorney read the report and recommendations from the Rockland County and Clarkstown Planning Boards and Jose Simoes' report under SEQRA.

Appearance: Steven Levine  
Congers

Questioned who sponsored this law.

Co. Mandia said he requested this law because he doesn't see any reason why a family with 2 small children and a pregnant wife should live in a hotel while the new house is being built when the old house is going to be torn down. They provided us with enough money to tear it down if they don't do it. They aren't going to be given a certificate of occupancy unless it's down and as long as it is safe. It's lunacy to have some young family go live in a hotel somewhere and put their kids in a different school. This is not a speculator or a builder, this is a family and I think all this is asking for is to give the Town Board the right to grant relief in cases where it is merited and this is the kind of case where it is merited. Now if someone wants to build a house on spec and sell it I wouldn't grant that. But for individual families I think it is best that this Town Board should have the ability to grant relief if we chose to do so.

Mr. Levine stated that he was confused because when the Town Board passed Local Law 6 to allow exactly what you said, so that a homeowner would not have to go into a hotel provided that they met certain conditions which are stipulated in this section and the conditions were post a bond, get a CO within a year, everything you just said is covered by that law. I don't understand what you are amending because what you are amending has nothing to do with that. What you are amending is, (he read from the current 109 section): "the proposed dwellings requires no variances and upon demolition and removal of the preexisting dwelling shall meet all zoning requirements." It is saying if you want to occupy the existing house the law allows you to do that provided that your new home doesn't require any variances. When I look at what you proposed, you're amending that and you are now saying the Town Board "upon application of the property owner may for good cause waive the conditions set forth in item 5 provided that the occupants of the existing premises shall not be exposed to any greater risk or harm during the construction of the new dwelling as a result of any variance which had been approved prior to the issuance of the existing building permit." That seems to have nothing to do with what you just stated and it seems to be saying the Town Board has the right upon application of the homeowner to grant or deny a request for someone to get a variance. The language seems to be saying that if you do need a variance and you fall into this qualification under this law, the owner can say to the Town Board "I do need a variance to build my new house, I'm asking you to waive it." It is my understanding that all variance requests must go before the zoning board.

Town Attorney stated that the history of this local law was adopted so that a family could live in the old house while a new house was being built and when that was

adopted it established a number of criteria before the building permit could be issued and one of them was that the property had not received or needed a variance. When the latest situation developed the property owner had obtained a variance, made application for a building permit and sought the relief under this chapter and the building inspector and our zoning administrator said you don't qualify for that relief because you have obtained a variance. So this proposed local law would give to the Town Board the ability for good cause shown to the Board to waive that requirement. It does not grant any variances and you are correct that only the Zoning Board of Appeals can provide variances. This would be for a property owner who has already obtained a variance and desires to live in the old house while the new house is being constructed on the same property. They would have to come before the Town Board and ask for a waiver of that condition and the Town Board would in its discretion grant or deny that.

Mr. Levine asked if when the owner came to request that, would there be a published newspaper notice and would there be a public hearing?

Town Attorney said there is no requirement that a public hearing would have to be held.

Co. Mandia reiterated that if a person needs to obtain a variance, they can only go to the Zoning Board. Right now, the mere fact that a person needed a variance automatically disqualifies them from receiving relief, this doesn't seem fair.

Mr. Costa stated that right now the building inspector cannot issue the building permit for that type of situation. The Town Board would be able to waive that problem. This is Building Administration it is not a Zoning provision, it is not found in our zoning law.

Appearance: Gerry O'Rourke  
Congers Civic Association, President

Feels this whole discussion is much about nothing. Mr. Mandia a thousand percent correct. Here we have a gentlemen, a long time resident of Congers who has a foundation built and can proceed to build the rest of the house. It is awful mean-spirited to tell him to move out with his family to another location. It's just a corrective measure, so vote for it and relief this gentleman of this situation.

Appearance: Martin Bernstein  
New City

Asked why they had to come to the Town Board if a variance was already granted.

Town Attorney explained that in 2002 when the local law was adopted, they felt it was appropriate criteria to impose that the property not have been granted a variance. This provides a window of opportunity for a property owner to seek a waiver of that condition.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Nowicki and unanimously adopted the Public Hearing was closed, time 9:55 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

RESOLUTION NO. (702-2004) ADOPTED