

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/21/2004

8:00 P.M.

Present: Supervisor Alex J. Gromack
Council Members Lasker, Maloney, Mandia & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared the Town Board Meeting open. Assemblage saluted the flag.

RESOLUTION NO. (969-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of December 14, 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 Gromack Yes

RESOLUTION NO. (970-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes an additional Town Board Meeting for December 30, at 12:00 noon, to be held at the Clarkstown Town Hall Auditorium, 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 Gromack Yes

RESOLUTION NO. (971-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Thomas J. Mitchell, 36 Staubitz Street, Pearl River, New York is hereby appointed to the position of Municipal Bus Driver (Part-time) – Clarkstown Mini Trans Department – at the current 2004 hourly rate of \$22.13 – effective December 22, 2004.

RESOLUTION NO. (971-2004) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (972-2004)

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:

“No Parking” signs on the southside of Rexal Court, 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 Gromack Yes

RESOLUTION NO. (973-2004)

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 Handicapped Parking Space in front of #35 West Lake Road, Congers, 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 Gromack Yes

RESOLUTION NO. (974-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, Resolution No. 610-92 adopted on September 8, 1992 which authorized installation of No Parking signs on the eastside of North Harrison Avenue, Congers, is hereby rescinded, and therefore, the Superintendent of Highways is hereby authorized to:

Remove the No Parking signs on the east side of North Harrison Avenue, Congers;

And be it FURTHER RESOLVED, that based upon the additional recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to:

Install No Parking signs on the west side of North Harrison Avenue from Howard Street to Lake Road, Congers;

And be it FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to the Superintendent of Highways, Wayne T. Ballard for implementation and to the Chief of Police for his information and for enforcement purposes.

On roll call the vote was as follows:

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

RESOLUTION NO. (975-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, Resolution No. 726-2004 adopted on September 14, 2004 which authorized the installation of stop signs and stop lines in the vicinity of Lakeward Road and Southward Road, Congers, is hereby rescinded, as it has been determined that the sight distance is excellent and the traffic volume, light in this neighborhood.

On roll call the vote was as follows:

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

RESOLUTION NO. (976-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, it is in the public interest to install one (1) fire hydrant within the right of way of Schuyler Road, at its intersection with Francis Place in Central Nyack, to provide for better fire protection, and

RESOLUTION NO. (976-2004) CONT.

WHEREAS, the service charge to cover the cost for such installation and continued maintenance by the Nyack Board of Water Commissioners is Eighty-Five Dollars (\$85.00) per quarter;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Nyack Board of Water Commissioners to install a fire hydrant at the intersection of Schuyler Road and Francis Place, Central Nyack, New York, and the Town agrees to pay the scheduled costs of Eight-Five Dollars (\$85.00) per quarter in accordance with applicable regulations, and such costs shall be charged against the Central Nyack Water District Account, and be it

FURTHER RESOLVED, that the Town Clerk shall transmit a certified copy of this Resolution to the Village of Nyack Water Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (977-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, OSTER APARTMENTS, LLC V. TOWN OF CLARKSTOWN, its AESSOR AND BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN, Index No(s). 4095/00, 4068/01, 4552/02, 4367/03 and 4246/04, affecting parcel(s) designated as Map 65.5, Block 2, Lot 5, (f/k/a 89-A-16) and more commonly known as 243 East Route 59, West Nyack, New York for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.5, Block 2, Lot 5 be reduced for the year(s) 2000/01 and 2001/02 from \$1,127,000 to \$901,600 at a cost to the Town of \$6,508.02;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.5, Block 2, Lot 5 be reduced for the year(s) 2003/04 and 2004/05 from \$3,991,000 to \$3,591,900 at a cost to the Town of \$12,901.31;
3. Reimbursement for the year(s) 2000/01, 2001/02, 2003/04 and 2004/05 on the parcel described as Map 65.5, Block 2, Lot 5, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such

RESOLUTION NO. (977-2004) CONT.

payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel and Assessor for the Town of Clarkstown are authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (978-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HSBC Bank USA v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Index No(s). 4147/00, 4129/01, 4859/02, 4687/03 and 4106/04, affecting parcel(s) designated as Map 58.10, Block 3, Lot 25, (f/k/a 34-A-20.3) and more commonly known as 340 Route 304, Bardonia, New York for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.10, Block 3, Lot 25 be reduced for the year(s) 2001/02 and 2002/03 from \$293,600 to \$249,560 at a cost to the Town of \$1,277.56;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.10, Block 3, Lot 25 be reduced for the year(s) 2003/04 and 2004/05 from \$293,600 to \$234,900 at a cost to the Town of \$1,897.53;
3. Reimbursement for the year(s) 2001/02, 2002/03, 2003/04 and 2004/05 on the parcel described as Map 58.10, Block 3, Lot 25, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

RESOLUTION NO. (978-2004) CONT.

4. The proceedings commenced by the petitioner respecting Map 58.10, Block 3, Lot 25 be discontinued for the year(s) 2000/01;

5. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel and the Assessor for the Town of Clarkstown are authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (979-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, John Olori v. The Assessor, the Board of Assessors and the Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Index No(s). 4148/99, 4143/00, 4138/01, 4883/02, 4719/03 and 4111/04, affecting parcel(s) designated as Map 58.17, Block 1, Lot 36, (f/k/a 33-B-20.5/01) and more commonly known as 11 Seeger Drive, Nanuet, New York for the year(s) 1999/00, 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.17, Block 1, Lot 36 be reduced for the year(s) 2001/02 from \$875,000 to \$827,830 at a cost to the Town of \$680.86;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.17, Block 1, Lot 36 be reduced for the year(s) 2002/03 from \$875,000 to \$819,000 at a cost to the Town of \$816.19;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.17, Block 1, Lot 36 be reduced for the year(s) 2003/04 from \$875,000 to \$787,500 at a cost to the Town of \$1,311.07;

RESOLUTION NO. (979-2004) CONT.

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.17, Block 1, Lot 36 be reduced for the year(s) 2004/05 from \$875,000 to \$719,250 at a cost to the Town of \$2,701.07;

5. Reimbursement for the year(s) 2001/02, 2002/03, 2003/04 and 2004/05 on the parcel described as Map 58.17, Block 1, Lot 36, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

6. The proceedings commenced by the petitioner respecting Map 58.17, Block 1, Lot 36 be discontinued for the year(s) 1999/00 and 2000/01;

7. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel and the Assessor for the Town of Clarkstown are authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (980-2004)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the New York State Department of Transportation has requested that certain highways be designated "Snow Emergency Routes".

NOW, THEREFORE, be it RESOLVED, that the Town of Clarkstown hereby declares the following highways: NY Route 59, NY Route 303, NY Route 304, and US Route 9W to be designated "Snow Emergency Routes", and the New York State Department of Transportation is authorized to install and maintain "Snow Emergency Route" signs along these highways, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to James J. Murawski, Assistant Resident Engineer, NYSDOT, Rockland Co., 4 Burnett Boulevard, Poughkeepsie, NY 12603, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (981-2004)

Co. Maloney offered and Co. Mandia seconded

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

Bid #43-2004 – Residential Refuse and Bulk Collection Services for One, Two, and Three Family Homes in the Unincorporated Portion of the Town of Clarkstown

is hereby awarded to:

Clarkstown Carting Association
142 Route 9W
Congers, NY 10920
Principals: Pat Nazzaro
Charles Capasso

as per the following:

Garbage Collection (unit price per eligible dwelling per month):	\$21.10
Bulk Waste Collection (unit price per eligible dwelling unit per month):	\$3.45
Senior Citizen Exemption (unit price per eligible dwelling unit per month, garbage collection only):	\$10.00

For a total cost per month not to exceed \$540,181.85 and be it FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing of the following:

- a) Signed Contract Documents – two sets
- b) Performance Security – Performance Bond and Labor and Materials Bond as per specifications
- c) Certificate of Contractor’s Liability, Property Damage Coverage, including a Save Harmless Agreement
- d) Certificate of Automobile Liability Coverage
- e) Certificate of Worker’s Compensation Insurance Coverage
- f) Certificate of Worker’s Disability Insurance Coverage
- g) Letter of Credit as per specifications

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

On roll call the vote was as follows:

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

RESOLUTION NO. (982-2004)

Co. Nowicki offered and Co. Mandia seconded

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

Bid #10-2005 – Christian Herald Road Drainage Improvements

Bids to be returned to Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 a.m. on January 20, 2005 at which time bids will be opened and read, and be it

RESOLUTION NO. (982-2004) CONT.

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (983-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town requires the services of a professional engineer to prepare a study of existing conditions, design necessary improvements and prepare bid specifications for the "Congers Lake North End Boardwalk"; and

WHEREAS, the Department of Parks and Recreation solicited proposals for such services; and

WHEREAS, upon review of such proposals, the Department of Parks and Recreation recommends retaining Mayo, Lynch & Associates to perform such services;

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to retain Mayo, Lynch & Associates to perform professional engineering services in connection with the Congers Lake North End Boardwalk project, as per their proposal dated October 25, 2004, for a total cost not to exceed \$61,500; and be it

FURTHER RESOLVED, that said fee shall constitute a proper charge to account no.H-8736-409-67-19.

On roll call the vote was as follows:

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

RESOLUTION NO. (984-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town requires the services of a professional engineer to prepare design plans and bid specifications for the Warehouse Facility Upgrade, Burnside Avenue, Congers; and

WHEREAS, the Department of Parks and Recreation solicited proposals for such services; and

WHEREAS, upon review of such proposals, the Department of Parks and Recreation recommends retaining the H2M Group to perform such services;

RESOLUTION NO. (984-2004) CONT.

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to retain H2M Group, 575 Broad Hollow Road, Melville, NY to perform professional engineering services in connection with the Warehouse Facility Upgrade, as per their proposal dated December 21, 2004, for a total cost not to exceed \$113,930; and be it

FURTHER RESOLVED, that said fee shall constitute a proper charge to account no.h-8751-404-75-16.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the Town Board Meeting was closed, time 8:10 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk