

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

06/05/2007

7:45 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Ralph Mandia, Shirley Lasker, & Catherine Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

Supervisor declared Town Board meeting opened. Assemblage saluted the flag.

Supervisor opened the meeting to public comments regarding agenda items.

Phil Bosco- West Nyack

Regarding agenda item #1, resolution no. (363-2007), asked how will it help Klein Ave., W. Nyack? Luke Kalarickal, DEC Director, gave an overview of project.

Bruce Broadley- West Nyack

Inquired about Stop & Shop and agenda item #18, resolution no. (383-2007). Joe Simoes, Town Planner, gave an overview of the study.

Steven Levine- Congers

Regarding agenda item #18, resolution no. (363-2007), asked about plans for mall redevelopment. Joe Simoes, Town Planner, said study will look at malls, in general, across the country, providing case studies and giving us ideas.

Co. Lasker

The study is to help us plan the redevelopment of the Nanuet Mall. We would like to bring in more business into the town to compete with the Palisades Mall.

RESOLUTION NO. (363-2007)

Co. Nowicki offered and Co. Lasker seconded

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

BID # 21-2007 – DEMAREST MILL CREEK IMPROVEMENTS FROM STRAWTOWN ROAD TO HACKENSACK RIVER

is hereby awarded to: DOYLE CONTRACTING, INC.
210 GILBERT AVENUE
PEARL RIVER, NY 10965
PRINCIPAL: EDWARD B. DOYLE

as per their proposed total project cost not to exceed \$1,286,900.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that the Contractor/Sub-contractor has entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law. The Town will consider the use of project labor agreements in Public Works Contracts involving multiple trades in furtherance of the Apprenticeship Policy

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

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

FURTHER RESOLVED, that said award shall constitute a proper charge to account number H-8739-400-409-0-60-1

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia. Yes
 Co. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (364-2007)

Co. Lasker offered and Co. Maloney seconded

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

RESOLUTION NO. (364-2007) continued

BID #34-2007 – AUDIO VISUAL EQUIPMENT FOR TOWN HALL COMMUNICATION ROOM
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York
_____ A.M. on 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
Authorized Purchasing Agent.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (365-2007)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, PLUS ET PLUS, INC., a production company, has requested permission to film in the Town of
Clarkstown, on May 30, 2007.

NOW, THEREFORE, be it

RESOLVED, that Plus Et Plus, Inc., of 133 Fifth Avenue, 8th Floor, New York, NY 10011, is hereby authorized to
film a Verizon Internet Spot, on Wednesday, May 30, 2007 between the hours of 7:00 am to 3:00 pm at Prudential
Rand, New City, NY 10956, and Congers Lake Park, Congers, NY 10920 upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned sites;
- (2) A permit fee of \$250.00 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 retroactive from 7:00 am, Wednesday, May 30, 2007 and
deemed the Filming Permit.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (366-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF
ROCKLAND CONCERNING THE "SUPER SAVER" DISCOUNT PROGRAM FOR THE CLARKSTOWN MINI TRANS

WHEREAS, the County of Rockland and the Town of Clarkstown wish to coordinate bus fares as it relates to cash
paying, full fare, adults on the "Transport of Rockland" (TOR) and the "Clarkstown Mini Trans" (CMT), and
WHEREAS, the Town Board of the Town of Clarkstown wishes to participate in the County of Rockland
Department of Public Transportation "Super Saver" Discount Program for the Clarkstown Mini Trans;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a
form approved by the Town Attorney, to provide for the coordination of bus fares as it relates to cash paying, full
fare, adults on the Transport of Rockland and the Clarkstown Mini Trans, and for the Town of Clarkstown to
participate in the County's "Super Saver" Discount Program.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (367-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR VMD FOODS INC. (MARIELLA'S RESTAURANT)

WHEREAS, Vasilis Triantafillides and Costa Triantafillides (VMD Foods Inc.), owners of Mariella's Restaurant, located at 137 South Main Street, New City, New York, advised that they intend to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein; NOW, THEREFORE, be it RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Vasilis Triantafillides and Costa Triantafillides VMD Foods Inc., owners of Mariella's Restaurant, for a liquor license at the premises referred to herein.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (368-2007)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING LANDSCAPING TO BE INSTALLED AND PAINTING TO BE PREFORMED IN CONNECTION WITH "Foxwood Road Drainage Improvements" FOR 15 FOXWOOD DRIVE WEST NYACK, NEW YORK

WHEREAS, the Town performed drainage improvement work per Resolution # 444-2006 awarded construction Bid #59-2005 "Foxwood Road Drainage Improvements" to Ascape Landscape & Construction Corp, and, trees and shrubs were removed within the property to and

WHEREAS, it is necessary that these plants be replaced and the drainage structure to be painted; and,

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to perform said landscaping and painting work and, of these, the proposal from

Cusack Landscaping
P.O. Box 106
New city, NY 10956

is for the lowest amount;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire to perform the necessary work in accordance with the requirements of the Department of Environmental Control; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$1,390.00 and shall be a proper charge of #H 8757-409-0-81-21

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (369-2007)
Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 5, 2007, AUTHORIZING THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$325,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$325,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various road improvements in the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$325,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$325,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$325,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

RESOLUTION NO. (369-2007) continued

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

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

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

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

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

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

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (370-2007)

Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 5, 2007, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,357,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,357,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various drainage improvements in the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,357,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,357,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,357,000 are hereby authorized

RESOLUTION NO. (370-2007) continued

to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

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

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

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

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

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (371-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (JAY GROSSMAN, ET AL. AND GBR ONE CROSFIELD LIMITED LIABILITY COMPANY, ET AL. - 64.8-3-7.1, 7.2, 7.3)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Jay Grossman, Richard A. Grossman, Ronald S. Friedman and GBR One Crosfield Limited Liability Company, GBR Three Crosfield Limited Liability Company, GBR Two Crosfield Limited Liability Company, Index Nos. 4856/02, 4688/03, 4105/04, 4849/05 and 5950/06, affecting three (3) parcels designated as Map 64.8, Block 3, Lots 7.1, 7.2, 7.3, and more commonly known as 1 and 2 Crosfield Avenue and 2 Centerock Road, West Nyack, New York, respectively, for the years 2002/03, 2003/04, 2004/05, 2005/06 and 2006/07, and

WHEREAS, the attorney for the petitioners has proposed to settle the proceedings 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 petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.1 be reduced for the year 2002/03 from \$2,155,800.00 to \$1,753,500.00 at a cost to the Town of \$5,863.49;

RESOLUTION NO. (371-2007) continued

2. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.1 be reduced for the year 2003/04 from \$2,155,800.00 to \$1,626,600.00 at a cost to the Town of \$7,990.52;
3. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.1 be reduced for the year 2004/05 from \$2,155,800.00 to \$1,575,500.00 at a cost to the Town of \$10,204.23;
4. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.1 be reduced for the year 2005/06 from \$1,832,400.00 to \$1,457,000.00 at a cost to the Town of \$6,805.10;
5. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.1 be reduced for the year 2006/07 from \$1,832,400.00 to \$1,413,900.00 at a cost to the Town of \$7,793.85;
6. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.2 be reduced for the year 2002/03 from \$3,449,300.00 to \$3,198,300.00 at a cost to the Town of \$3,658.30;
7. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.2 be reduced for the year 2003/04 from \$3,449,300.00 to \$2,917,500.00 at a cost to the Town of \$8,029.78;
8. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.2 be reduced for the year 2004/05 from \$3,449,300.00 to \$2,911,250.00 at a cost to the Town of \$9,461.29;
9. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.2 be reduced for the year 2005/06 from \$3,449,300.00 to \$2,740,400.00 at a cost to the Town of \$12,850.66;
10. The assessment on the premises owned by the petitioners described on the assessment roll as Map 64.8, Block 3, Lot 7.2 be reduced for the year 2006/07 from \$3,449,300.00 to \$2,551,100.00 at a cost to the Town of \$16,727.46;
11. There is no reduction of the assessment on the premises owned by the petitioner described on the assessment roll as Map 64.8, Block 3, Lot 7.3 for the years 2002/03, 2003/04, 2004/05, 2005/06 and 2006/07;
12. Reimbursement for the years 2002/03, 2003/04, 2004/05, 2005/06 and 2006/07 on the parcels described as Map 64.8, Block 3, Lots 7.1, 7.2, 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;
13. 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 for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (372-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (BARD PROFESSIONAL ASSOC. – 58.10-3-1)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Bard Professional Assoc. v. The Board of Assessors and the Board of Assessment Review of the Town of Clarkstown, Index Nos. 4705/02, 4604/03, 4179/04, 5072/05 and 5553/06, affecting parcel designated as Map 58.10, Block 3, Lot 1, and more commonly known as 446 Route 304, Bardonia, New York for the years 2002/03, 2003/04, 2004/05, 2005/06 and 2006/07, and

WHEREAS, the attorney for the petitioner 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 described on the assessment roll as Map 58.10, Block 3, Lot 1 be reduced for the year 2002/03 from \$817,600.00 to \$672,000.00 at a cost to the Town of \$2,122.11;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.10, Block 3, Lot 1 be reduced for the year 2003/04 from \$817,600.00 to \$624,000.00 at a cost to the Town of \$2,923.21;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.10, Block 3, Lot 1 be reduced for the year 2004/05 from \$817,600.00 to \$592,525.00 at a cost to the Town of \$3,957.81;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.10, Block 3, Lot 1 be reduced for the year 2005/06 from \$817,600.00 to \$558,000.00 at a cost to the Town of \$4,705.92;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.10, Block 3, Lot 1 be reduced for the year 2006/07 from \$817,600.00 to \$527,250.00 at a cost to the Town of \$5,407.28;
6. Reimbursement for the years 2002/03, 2003/04, 2004/05, 2005/06 and 2006/07 on the parcel described as Map 58.10, Block 3, Lot 1, 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;
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 for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

RESOLUTION NO. (372-2007) continued

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (373-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING AMENDMENT TO THE CONTRACT AMOUNT FOR BID #22-2006 SEDGE ROAD AND MACE DRIVE RECONSTRUCTION

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #22-2006 Sedge Road and Mace Drive Reconstruction in Valley Cottage, New York; and

Whereas, unanticipated field conditions have resulted in changes in the work being performed as part of this project; and

Whereas, this amendment consists of the following required changes:

1. Upgrade the size of the proposed 432 linear feet of storm drain pipe installed within the existing Town drainage easement at #48, #46, #44 and #42 Sedge Road and at #11 Mace Drive from the 15” diameter High Density Polyethylene (HDPE) pipe called for as part of the original plan to 18” diameter HDPE pipe to increase the capacity of this portion of the storm drain system. This upgrade resulted in an additional cost of \$4,968.00.
 2. Sedge Road – Station 1+12: Change proposed 15” diameter HDPE storm drainpipe crossing to two (2) 12” diameter HDPE storm drainpipes due to conflict with existing Orange & Rockland Utilities, Inc. sub-surface electric mains and to accommodate additional runoff from the new drainage system installed at #47 Sedge Road after the plans for this project were completed; alter the proposed catch basin at Station 1+12 right to tie in the 15” diameter storm drain pipe from the aforementioned new drainage system and to accommodate the second 12” diameter HDPE pipe; alter the proposed catch basin at Station 1+12 left to accommodate the second 12” diameter HDPE pipe. This work was done on a time and material basis resulting in an additional cost of \$2,714.00.
 3. Sedge Road – Station 4+87 Right: Excavate and dispose of unsuitable material at site of proposed catch basin; install additional 3.3 cubic yards of stone to stabilize area. This work was done on a time and material basis resulting in an additional cost of \$360.00.
 4. Sedge Road – Station 4+87: Alter grade on proposed 15” HDPE pipe crossing at Orange & Rockland Utilities, Inc. request to provide increased cover over their existing gas main. This necessitated a change to the proposed precast concrete catch basin installed at Station 4+87 right to accommodate the revised grade of the 15” diameter HDPE pipe. This work was done on a time and material basis resulting in an additional cost of \$275.00.
 5. Sedge Road – Station 7+15 Right: Hole was cut into proposed precast concrete catch basin to accommodate 12” diameter HDPE pipe to be installed as crossing at the request of the Clarkstown Highway Department. Crossing was eliminated at the insistence of Orange & Rockland Utilities, Inc. when it was discovered that the proposed storm drain pipe was in conflict with their existing electric and gas mains. Hole in catch basin wall was repaired. This work was done on a time and material basis resulting in an additional cost of \$300.00.
 6. Sedge Road – Station 14+35 Right: Excavate and dispose of unsuitable material (undercut 6’x6’x3.5’ area) and backfill with stone (4.5 cubic yards) to allow for installation of proposed catch basin. This work was done on a time and material basis for an additional cost of \$490.00.
 7. Sedge Road – Station 11+00, Station 13+00 and Station 16+00: Remove existing 10” high sanitary manhole frames and covers and replace with standard sanitary manhole frames and covers to eliminate exaggerated crown of the road. This work was performed on a lump sum basis for an additional cost of \$6,566.50;
- and

Whereas, all costs relative to this amendment have been reviewed by the Department of Environmental Control and found to be reasonable and in accordance with the contract specifications;

Now, Therefore, Be It Resolved that the Town Board authorizes Amendment No. 3 to the contract bid price for Bid No. 22-2006 Sedge Road and Mace Drive Reconstruction in the amount of \$15,673.50; and

Be It Further Resolved that the total cost of the project shall not exceed \$1,017,975.53 without further Town Board resolution and shall be a proper charge to account #H 8755 409 0 79-26.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (374-2007)
Co. Lasker offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING AMENDMENT TO THE AMOUNT FOR STORM DRAIN REPAIRS WITHIN AN EXISTING DRAINAGE EASEMENT AT 186 WEST MARY LANE IN VALLEY COTTAGE

Whereas, the Town Board of the Town of Clarkstown has previously, via resolution #204-2007, retained the services of Environmental Construction, Inc. of Stony Point, New York to effect repairs to a storm drain located within an existing Town drainage easement at 186 West Mary Lane in Valley Cottage; and
Whereas, during the performance of said repairs it was discovered that the existing storm drain pipe leading into the subject storm drain had deteriorated to the point that a portion of the pipe had to be removed and replaced; and
Whereas, the Department of Environmental Control negotiated an agreement with the contractor to perform the additional work on a time and material basis; and
Whereas, an accounting of the two days of additional work was submitted by the contractor; and
Whereas, said accounting was reviewed by the Department of Environmental Control and found to be acceptable;
Now, Therefore, Be It Resolved that the amount for this project be increased by the sum of \$6,040.00 to a total of \$9,840.00 to cover the cost of said additional work; and
Be It Further Resolved, that this shall be a proper charge to account #A – 8730 – 432.
On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (375-2007)
Co. Maloney offered and Co. Nowicki seconded

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

Two "Stop" signs and two "Stop" lines (per sec. 211.3, R1-1A signs of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected at the following locations:

The first on Woodland Drive at Little Tor Road and the second on Woodland Drive at Phillips Hill Road, New City, New York
and be it

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

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (376-2007)
Co. Maloney offered and Co. Mandia seconded

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

Two "School Bus Stop Ahead" signs (per sec. 236.3-W6-4C signs of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected at the following locations:

The first 500 ft. East of Elaine Drive on Woodland Drive.
The second on the Southside of Woodland Drive, 500 ft. West of Alan 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

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (377-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION ACCEPTING RESTRICTIVE COVENANT & NEGATIVE EASEMENT FROM PARROTT ROAD, INC. CONCERNING MIKE KARVELLAS MINOR SUBDIVISION (51.19-2-7)

RESOLUTION NO. (377-2007) continued

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final approval of Mike Karvellas Minor Subdivision (51.19-2-7), Parrott Road, Inc. has provided a Restrictive Covenant & Negative Easement with respect to property located at 47 Parrott Road, West Nyack, New York, in a form approved by the Town Attorney, and

WHEREAS, the Town Attorney has recommended acceptance and recording of said Covenant;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a Restrictive Covenant & Negative Easement from Parrott Road, Inc. and orders same recorded in the Rockland County Clerk's Office, at the expense of the grantor.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (378-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION GRANTING CERTIFICATES OF REGISTRATION PURSUANT TO SECTION 236-48 OF THE TOWN CODE

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

EDWARD DELEONARDIS EXCAVATING, INC.
 328 Fulle Drive
 Valley Cottage, NY 10989
 Edward Deleonardis, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 07-25 EDWARD DELEONARDIS EXCAVATING, INC.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (379-2007)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt specified Town locations for a period of two (2) years, beginning June 5, 2007 to June 5, 2009, as follows:

Sponsor: Nanuet Rotary Club, P.O. Box 281, Nanuet, New York 10954

Location: Corner of South Middletown Road and the south end of Old Middletown Road Nanuet, NY 10954

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying these locations, and by removing trash from these locations, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for a period of two (2) years beginning June 5, 2007 to June 5, 2009, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (380-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH ANNA GIPPIOUS, 20 GEORGETOWN OVAL, NEW CITY, NEW YORK, REGARDING ENCROACHMENT ON TOWN DRAINAGE EASEMENT

WHEREAS, Anna Gippious, owner of premises located at 20 Georgetown Oval, New City, New York and more particularly described as Tax Map 44.9-1-20, has installed a swimming pool with decking, fence and shed roof structure partially in an area within a Town drainage easement, and

WHEREAS, Dennis M. Letson, Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein may remain provided the Town retains the right to order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owner, in a recordable form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize decking, fence and shed roof structure to remain in the Town's drainage easement, located at 20 Georgetown Oval, New City, New York and more particularly described as Tax Map 44.9-1-20, and be it

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

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia.	Yes
Co. Nowicki.	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (381-2007)
Co. Maloney offered and Co. Nowicki seconded

RESOLUTION OF THE TOWN BOARD REFERRING PETITION OF NYACK STORAGE LLC, FOR A CHANGE OF ZONE ON PROPERTY KNOWN AS MAP 59.18-1-23 AND 59.18-1-24 FROM THE R-15 DISTRICT TO THE RS DISTRICT, TO THE CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY COMMISSIONER OF PLANNING

WHEREAS, NYACK STORAGE LLC, lessee of property located at 124/126-130/140 North Route 303, West Nyack, New York, has petitioned the Town Board of the Town of Clarkstown, requesting a change of zone for premises designated on the Clarkstown Tax Map as 59.18-1-23 and 59.18-1-24 from the R-15 District to the RS District, and the property owner Robert A. Adler, Trustee of the Harry Adler Testamentary Unified Credited Trust, has consented to such petition;

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 Commissioner of Planning, and the other municipalities and governmental bodies as required by Section 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that Jose Simoes, Town Planner, shall also review and report to the Town Board whether or not the proposed action, if approved shall be consistent with the Town of Clarkstown Comprehensive Plan.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia.	Yes
Co. Nowicki.	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (382-2007)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 626-2006 FOR BID #28-2006; GABION WALL REPLACEMENT-24 SCHRIEVER LANE, NEW CITY

WHEREAS, Town Board Resolution 626-2006 awarded bid #28-2006; Gabion Wall Replacement – 24 Schriever Lane, New City to West-Con Contracting Corp. and

WHEREAS, additional work was required to complete the project due to unforeseen soil conditions; and

WHEREAS, a change order request for change order #1 was submitted by West-Con Contracting Corp. in the amount of \$28,334.83; and

WHEREAS, the change order request has been reviewed by the Department of Environmental Control and has been modified downward as follows:

a. Additional excavation of unsuitable fill material	\$3,527.28
b. Furnish and place additional suitable fill material	\$6,017.16
c. Additional stone and filter fabric	\$4,672.77
d. Additional 15 cubic yards of gabion wall	<u>\$3,721.95</u>
Total Change Order Amount	\$17,939.16

RESOLUTION NO. (382-2007) continued

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$56,940.00 to \$74,879.16 to reflect the additional cost of the change order; and
BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H 8757 400 409 0 81 14
On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (383-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AMENDING RESOLUTION NO. 207-2007 AUTHORIZING AGREEMENT WITH SARATOGA ASSOCIATES TO CONDUCT ECONOMIC DEVELOPMENT STUDY

RESOLVED, that Resolution No. 207-2007, adopted by the Town Board on March 20, 2007, is hereby amended as follows:

WHEREAS, in June 2006, the Town of Clarkstown issued Request for Qualifications 2006-1P, in which the Town sought information from qualified consulting firms or teams with the goal of developing an Economic Development Plan for the Town of Clarkstown, and

WHEREAS, after review of ten proposals received by the Town, the Town Board adopted Resolution No. 207-2007 authorizing an agreement with Saratoga Associates for services pursuant to their proposal, for a fee not to exceed \$130,000.00, and

WHEREAS, the Town has requested Saratoga Associates to perform additional services (a Mall Redevelopment Study) in connection with the project, and

WHEREAS, Saratoga Associates has submitted a budget modification request seeking an additional \$16,000 to provide the additional services, and

WHEREAS, the Town Attorney has reviewed the budget modification request and recommends acceptance of the proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with Saratoga Associates, in a form approved by the Town Attorney, to provide additional services in the form of a Mall Redevelopment Study at a cost of \$16,000.00, and be it

FURTHER RESOLVED, that the total amount to perform both studies shall be \$146,000.00, and shall constitute a proper charge to Account No. A-1990-505-0, and be it

FURTHER RESOLVED, that all other provisions of the Agreement shall remain in full force and effect.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (384-2007)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING PETITION OF ROCKLAND JEWISH COMMUNITY CENTER CORP. FOR FURTHER EXTENSION OF TIME CONCERNING SITE PLAN REVIEW BY THE CLARKSTOWN PLANNING BOARD MAP 58.19-1-11

WHEREAS, the Town Board of the Town of Clarkstown, by Resolution No. 795, duly adopted on December 5, 2006, granted the application of the Rockland Jewish Community Center Corp. to amend Condition One of Resolution No. 557-2005 (zone change of parcel known as lot 58.19-1-11) to allow for an additional six months to obtain site plan approval from the Clarkstown Planning Board, and

WHEREAS, the Rockland Jewish Community Center Corp. has requested an additional six months extension since site plan approval is still in process;

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 Commissioner 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

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 June 19, 2007, 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.

RESOLUTION NO. (384-2007) continued

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (385-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING PETITION OF MAK DEVELOPMENT CORPORATION AND THE STOP & SHOP SUPERMARKET COMPANY FOR EXTENSION OF TIME CONCERNING SPECIAL PERMIT TO CONSTRUCT GASOLINE PUMPS AND KIOSK - MAP 43.11-2-38, 39, 40 AND 41

WHEREAS, the Town Board of the Town of Clarkstown, by Resolution No. 451, duly adopted on July 25, 2006, granted a Special Permit to MAK DEVELOPMENT CORPORATION and THE STOP & SHOP SUPERMARKET COMPANY LLC to construct gasoline pumps and kiosk at the corner of North Main Street and Cavalry Drive, New City, property designated as Map 43.11-2-38, 39, 40 and 41, and

WHEREAS, MAK DEVELOPMENT CORPORATION and THE STOP & SHOP SUPERMARKET COMPANY LLC have requested twelve months extension, through and including July 25, 2008;

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 Commissioner of Planning, and the other municipalities and governmental bodies as required by Section 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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 June 19, 2007, 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.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (386-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SETTING A PUBLIC HEARING WITH RESPECT TO AN EXTENSION OF THE MORATORIUM ON WIRELESS COMMUNICATIONS FACILITIES FOR FORTY-FIVE DAYS

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

“A LOCAL LAW AMENDING LOCAL LAW NO. 5-2007 EXTENDING TEMPORARY MORATORIUM ON WIRELESS COMMUNICATIONS FACILITIES FOR FORTY-FIVE DAYS”

and

WHEREAS, the Town Board adopted Local Law No. 7-2006 on May 9, 2006, to establish a temporary moratorium for the processing, approval and construction of Wireless Communications Facilities for a period of 180 days, pending the determination of the need for, and adoption of, revision of the Wireless Communications Facilities Law and related issues and concerns, and

WHEREAS, the Town Board adopted Local Law No. 13 on October 24, 2006, to extend the temporary moratorium period for an additional 90 days, and

WHEREAS, on January 23, 2007, a public hearing was held to consider proposed amendments to Town Code Chapter 251, the “Wireless Communications Facilities Law,” and at the public hearing, counsel for several wireless carriers requested additional time to review and comment on the proposed local law, and

WHEREAS, the Town Board adopted Local Law No. 1 on February 13, 2007, to extend the temporary moratorium period for an additional 60 days, and

WHEREAS, the Town Board adopted Local Law No. 5 on April 17, 2007, to extend the temporary moratorium period for an additional 45 days, and

WHEREAS, the purpose of this local law is to establish an additional forty-five days interim provision for the approval and construction of wireless communication services facilities pending the receipt of comments and input from the various wireless carriers;

NOW, THEREFORE, be it

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 June 19, 2007, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

RESOLUTION NO. (386-2007) continued

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

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

The Supervisor opened the meeting for general public comments with no one wishing to be heard.

On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, Town Board Meeting was closed 8:00 P.M.

Respectfully submitted,

David Carlucci
Town Clerk