

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/23/07

8:00 P.M.

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

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

SPECIAL PRESENTATION: Dan O’Kane of STAR Kids Volunteers, presented Certificates of Merit from the Office of Supervisor Alexander J. Gromack to the STAR Kids participants and volunteer coaches:

Skateboarding- Volunteer Chief- Jose Vega

Jose Vega Jr.	Riley Brown	Jamaal Bey
Brian Heffernan	Jonathan Boreman	Ryan Cummings
Will Shum	David Walsh	David Hollander

Kung Fu- Volunteer Chief- Chris Detora

Steve Kinnard
Cheleas Kinard
Micheal Reynolds

Production- Volunteer Chief- Joe Clark

Ice Program- Volunteer Chief- Steve Fox

HOCKEY:

Mike Barbera	Rob Palumbo	Kevin Peterson
John Barbera	Danny O’Kane	
Roger Conlan	Mike O’Kane	

FREE SKATING:

Larayne Peterson	Kaylee Schmidt	Diana Tenenbaum
Emma Bernstein	Susan Schmidt	Melanie Caba
Simona Lee	Hannah Tenenbaum	

Public Hearing #1 re: Continuation- Proposed local law regarding Tree Preservation. On motion of Co. Lasker, seconded by Co. Nowicki, hearing opened 8:10 P.M. On motion of Co. Maloney, seconded by Co. Mandia, RESOLUTION NO. (611-2007) was unanimously adopted. On motion of Co. Mandia, seconded by Co. Maloney, RESOLUTION NO. (612-2007), establishing review fee schedule with respect to tree removal and land disturbance was unanimously adopted. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 8:21P.M.

Public Hearing #2 re: Proposed amendment to Comprehensive Plan with respect to proposed zone change for several properties on Pine View Road, West Nyack from M to R-22. On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 8:21 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:24 P.M. RESOLUTION NO. (613-2007) See also RESOLUTION NO. (617-2007).

Public Hearing #3 re: Proposed local law to amend Chapter 262 (Taxation) of the Clarkstown Town Code. On motion of Co. Nowicki, seconded by Co. Lasker, hearing opened 8:21 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:28 P.M. RESOLUTION NO. (614-2007)

Public Hearing #4 re: Town Code Chapter 111 (Unsafe Buildings) - 560 Mountainview Avenue, Valley Cottage. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:28 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was continued to March, 2008. RESOLUTION NO. (615-2007)

Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers

Regarding agenda item #6, asked who is the contractor? Supervisor Gromack stated MAG Electric would be removing underground utilities.

RESOLUTION NO. (611-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 17 – 2007

WHEREAS, a proposed local law entitled, “A LOCAL LAW REGARDING TREE PRESERVATION IN THE TOWN OF CLARKSTOWN” was introduced by Councilwoman Shirley Lasker, at a Town Board meeting held on October 17, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 17, 2006, directed that a public hearing be held on November 14, 2006, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and such public hearing was held and continued on July 24, 2007, September 25, 2007, and October 23, 2005 to consider comments by the public and interested parties, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on November 1, 2006,

RESOLUTION NO. (611-2007) continued
September 10, 2007, and October 10, 2007, 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 September 14, 2007, and

WHEREAS, the Rockland County Planning Department recommended approval with certain modifications by letter dated August 21, 2007, in which it recommended that the Town consider reducing the size of the designated tree to 6 inches at dbh, and to preserve clusters of trees if they are of value to soil stabilization, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated September 7, 2007, recommended that the law include wording that any site or subdivision that has been granted a preliminary approval by the Planning Board be grandfathered in, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the report and Environmental Assessment Form prepared pursuant to SEQRA, by its consultant K. Luke Kalarickal, Director of Environmental Control, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the July 20, 2007 report from Luke Kalarickal, Director of Environmental Control, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed action shall not have any significant negative impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board has considered the County Planning Department's recommended modifications, and has determined that (1) it does not wish to reduce the size of eligible trees to 6 in. dbh, and (2) the local law, in its present form, adequately addresses the County's concern regarding clusters of trees, and be it

FURTHER RESOLVED, that the Town Board has considered the Clarkstown Planning Department's recommended modifications, and has modified the local law to incorporate the suggested modifications, and be it

FURTHER RESOLVED, that Local Law No. 17 – 2007 entitled:

“A LOCAL LAW REGARDING TREE PRESERVATION IN 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:

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

RESOLUTION NO. (612-2007)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION ADOPTING A REVIEW FEE SCHEDULE WITH RESPECT TO TREE REMOVAL AND LAND DISTURBANCE

WHEREAS, the Department of Environmental Control has prepared a review fee schedule for tree removal, review of tree preservation plans, and erosion control water quality management plans for land disturbance from construction activities in connection with the Local Law on Tree Preservation in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the following fee schedule established by the Department of Environmental Control, concerning tree removal, review of tree preservation plans, and erosion control water quality management plans for land disturbance from construction activities in connection with the Local Law on Tree Preservation in the Town of Clarkstown, which fee schedule may be amended from time to time by the Town Board.

REVIEW FEE SCHEDULE FOR TREE REMOVAL AND LAND DISTURBANCE

A) RESIDENTIAL SUBDIVISION: Application Fee \$100.00 + \$50.00/Lot

Lots with existing dwelling to remain and no land disturbance will not be charged a per lot fee. Existing dwelling to remain with any land disturbance will be charged the per foot fee.

B) ALL RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT WITH ANY TREE REMOVAL OR LAND DISTURBANCE

AREA OF DISTURBANCE	APPLICATION FEE
Up to 5,000 SF	\$100.00
5,001 SF to 10,000 SF	\$250.00
10,001 SF to 15,000 SF	\$500.00
15,000 SF to 1 acre	\$700.00
1 acre to 5 acres	\$850.00 + \$60.00/acre
over 5 acres	\$1,000.00 +\$60.00/acre

Fee Example: 2.4 acres of area (Item B)
1 acre up to 5 acres \$700.00 + \$50.00/acre = \$850.00 + 2.4 acres x \$60.00 = \$994.00

- 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. (613-2007)
 Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution adopted on September 25, 2007, the Town Board directed that a public hearing be held on October 23, 2007, at 8:00 p.m., to consider possible amendment of the Town of Clarkstown Comprehensive Plan regarding a proposed zone change for certain properties located on Pine View Road, West Nyack, New York, from the M District to the R-22 District, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal New on October 10, 2007, and WHEREAS, the public hearing was held by the Town Board of the Town of Clarkstown on October 23, 2007, and WHEREAS, the Clarkstown Planning Board, by report of October 16, 2007, recommends amending the Comprehensive Plan to allow the requested zone change from the M District to the R-22 District because it would discourage industrial development, reduce the potential for adverse impacts on the nearby wetlands and the Hackensack River, and is consistent with the original residential zoning designation, and would generally reflect the current uses of the subject properties, and

WHEREAS, the Town Board believes that the rationale for the amendment to the Comprehensive Plan as articulated by the Planning Board is sound, well considered and in the best interests of the community, and WHEREAS, the Town Board is in receipt of the October 23, 2007 memorandum from Dennis Letson, Deputy Director of Environmental Control, acting as the Town's agent pursuant to SEQRA, which the Town Board has reviewed and considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the October 23, 2007 report prepared by Dennis Letson, Deputy Director of Environmental Control, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed amendment to the Comprehensive Plan will not result in any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that based upon the foregoing the Town Board hereby amends the Clarkstown Comprehensive Plan to allow for the proposed zone change for certain properties located along Pine View Road, New City, New York, as set forth in the attached Schedule "A," as it would be in the best interests of the community, and be it

FURTHER RESOLVED, and this amendment is consistent with the Zone Change Resolution to be adopted concurrently with this Resolution.

SCHEDULE "A"

MAP DESIGNATION	PROPERTY OWNER	ADDRESS
65.9-2-28	Kohut	8 Pine View Road
65.9-2-29	Colorito	33-35 Pine View Road
65.9-2-30	Anderson	29 Pine View Road
65.9-2-31	Bofetiado	25 Pine View Road
65.9-2-34	Levier	12 Pine View Road
65.9-2-35	Pugliese	16 Pine View Road
65.9-2-36	Rivera	20 Pine View Road
65.9-2-37	Voges	24 Pine View Road
65.9-2-38	Charlemagne & Torres	28 Pine View Road
65.9-2-39	Bimbo	32 Pine View Road
65.9-2-40	Naclerio	36 Pine View Road
65.9-2-41	DRC Holding Corp.	40 Pine View Road

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. (614-2007)
 Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 18 – 2007

WHEREAS, a proposed local law entitled,

“AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilman John R. Maloney, at a Town Board meeting held on September 25, 2007, and WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 25, 2007, directed that a public hearing be held on October 23, 2007, 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 October 10, 2007, and the proposal was referred to the Planning Board pursuant to Section 290-33, 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 September 13, 2007, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 23, 2007;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 18 – 2007 entitled:

“AMENDMENT TO CHAPTER 262 (TAXATION) 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:

RESOLUTION NO. (614-2007) continued

On roll call the vote was as follows

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

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

RESOLUTION NO. (615-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the public hearing held by the Town Board pursuant to Chapter 111-5 of the Code of the Town of Clarkstown regarding premises located at 544-560 Mountainview Avenue, Valley Cottage, New York (Tax Map designation 59.11-2-37.1 – 37.7) is hereby continued to the March 2008 Town Board Meeting.

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. (616-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of September 25, 2007 are hereby accepted as submitted by 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. (617-2007)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AMENDING THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN FOR CERTAIN PARCELS ON PINE VIEW ROAD, WEST NYACK, NEW YORK, FROM THE M DISTRICT TO THE R-22 DISTRICT

WHEREAS, the Town Board of the Town of Clarkstown, by Resolution duly adopted on August 14, 2007, provided for a public hearing on September 25, 2007 at 8:00 P.M., to consider amending the Zoning Local Law of the Town of Clarkstown by redistricting certain properties located on Pine View Road, West Nyack, New York, from the M District to the R-22 District, and

WHEREAS, notice of public hearing was duly published as required by law, referred to the Rockland County Department of Planning and the Clarkstown Planning Board, and the public hearing was commenced at the time and place specified in the notice, and

WHEREAS, on September 25, 2007, the Town Board Reserved Decision on the proposed zone change pending the public hearing on the proposed Amendment to the Comprehensive Plan, and

WHEREAS, on October 23, 2007, the Town Board amended the Comprehensive Plan concerning the proposed zone change for certain properties located at Pine View Road, West Nyack, New York, and

WHEREAS, on September 13, 2007, the Commissioner of Planning has reported that the project has met all previous concerns of the Rockland County Planning Department and will have no adverse impacts on any County wide interests, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment report prepared pursuant to SEQRA dated September 19, 2007, by its consultant Robert Geneslaw, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Clarkstown Planning Board, by memo dated September 11, 2007, reiterated its prior recommendation, dated February 2, 2004, in which it made the following findings pursuant to §290-33 of the Clarkstown Zoning Local Law:

1. The uses permitted by the proposed change would be appropriate in the area because they mirror existing uses;
2. Adequate public school facilities and other public services already serve existing residences; new residences are not likely to be constructed as a result of the zone change;
3. Adequate water supply and sanitary sewer service currently serves the area;
4. The rate of residential development is not substantial in the immediate vicinity due to environmental constraints;
5. The effect of the proposed amendment in the growth of existing communities is limited, as no further commercial development will be permitted and the residences already exist;
6. While the proposed zone change will result in a small increase of the total zoned residential land in the Town the impact is negligible as the residences already exist; and
7. The proposed zone change is unique and not likely to encourage other similar changes;

NOW, THEREFORE, be it

RESOLUTION NO. (617-2007) continued

RESOLVED, that based upon the September 19, 2007 report of Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed action to change the M District to the R-22 District as described herein, shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and that such action is not inconsistent with the Town's Comprehensive Plan, and be it

FURTHER RESOLVED, that the Town Board hereby adopts the findings of the Planning Board as set forth in its February 2, 2004 recommendation, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting certain properties located on Pine View Road, West Nyack, New York, from the M District to the R-22 District, as follows:

MAP DESIGNATION	PROPERTY OWNER	ADDRESS
65.9-2-28	Kohut	8 Pine View Road
65.9-2-29	Colorito	33-35 Pine View Road
65.9-2-30	Anderson	29 Pine View Road
65.9-2-31	Bofetiado	25 Pine View Road
65.9-2-34	Levier	12 Pine View Road
65.9-2-35	Pugliese	16 Pine View Road
65.9-2-36	Rivera	20 Pine View Road
65.9-2-37	Voges	24 Pine View Road
65.9-2-38	Charlemagne & Torres	28 Pine View Road
65.9-2-39	Bimbo	32 Pine View Road
65.9-2-40	Naclerio	36 Pine View Road
65.9-2-41	DRC Holding Corp.	40 Pine View Road

and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare an Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law.

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. (618-2007)

Co. Nowicki offered and Co. Lasker seconded

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

KOHL INDUSTRIAL PARK
225 N RT 303
CONGERS, NY 10920
(128-A-5.1, 128-A-16.3) (44.8-1-87) (44.07-2-11)

By the installation of Fire lane designations, and

WHEREAS, ALAN G. LITT requested that the Town of Clarkstown designate said fire lanes.

NOW, THEREFORE, BE IT

RESOLVED, that the pursuant to said Local Law 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

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. (619-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO ARENEWAL AGREEMENT
CONCERNING TOWN OF CLARKSTOWN "ADOPT-A-ROAD" PROGRAM

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 continue to participate in the Adopt-A-Road Program and adopt three (3) segments of various town roads for an additional period of two (2) years beginning October 1, 2007 to October 1, 2009, as follows:

RESOLUTION NO. (619-2007) continued

Sponsor: Spotless Powercleaning Systems, Inc., 85 West Nyack Road, Nanuet, NY 10954

Roads: .41 mile segment of Casper Hill Road from Crusher Road to Route 303 Valley Cottage;

and

1.24 mile segment of Mountainview Avenue from Christian Herald Road to Mountainview Condominiums Valley Cottage;

and

.44 mile segment of Demarest Mill Road from Germonds Road to Dead End of Demarest Mill Road West Nyack;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Spotless Powercleaning Systems, Inc., will perform a public service in removing trash from the above roadways, 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 a renewal agreement, for a period of two (2) years beginning October 1, 2007 to October 1, 2009, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segments, and to provide and coordinate services by Spotless Powercleaning Systems, Inc., to remove trash from the roadways.

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. (620-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH BEHAN PLANNING ASSOCIATES, LLC, TO PROVIDE SERVICES WITH RESPECT TO THE WEST NYACK HAMLET CENTER REVIALIZATION PROJECT

WHEREAS, the Clerk of the Works has solicited a proposal for the West Nyack Hamlet Center Revitalization Project, and recommends the hiring of Behan Planning Associates, LLC to provide professional planning services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Behan Planning Associates, LLC, in a form approved by the Town Attorney, to provide professional planning services with respect to the West Nyack Hamlet Center Revitalization Project, and be it

FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$84,000.00 plus standard reimbursable expenses, and be it

FURTHER RESOLVED, that said fees shall be charged to Account No. H 8755-409-0-79-21, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation 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.

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. (621-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH AMERICAN APPRAISAL ASSOCIATES

WHEREAS, by proposal dated October 9, 2007, American Appraisal Associates has proposed to renew its contract with the Town, to provide fixed asset inventory and insurance appraisal for the Year 2007;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with, American Appraisal Associates, in a form approved by the Town Attorney, to provide fixed assets inventory and insurance appraisal to the Town of Clarkstown for the Year 2007, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$2,250.00 and shall be charged to Account No. A 1315-409.

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. (622-2007)
Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH MARK AND DEBRA BOYLE, 9 BITTERN DRIVE, NANUET, NEW YORK, REGARDING ENCROACHMENT ON TOWN DRAINAGE EASEMENT

WHEREAS, Mark and Debra Boyle, owners of premises located at 9 Bittern Drive, Nanuet, New York and more particularly described as Tax Map 63.7-4-56, have installed fencing and pool patio paving 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 owners, in a recordable form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the fencing and pool patio paving to remain in the Town's drainage easement, located at 9 Bittern Drive, Nanuet, New York and more particularly described as Tax Map 63.7-4-56, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owners or successors 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. (623-2007)
Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE TOWN OF CLARKSTOWN TO RETAIN THE SERVICES OF MAG ELECTRIC COMPANY OF CONGERS, NEW YORK TO PERFORM ELECTRICAL SERVICE WORK AS PART OF THE VALLEY COTTAGE DOWNTOWN IMPROVEMENTS – PHASE II

Whereas, work on the Valley Cottage Downtown Improvements project is currently in progress; and
Whereas, as part of this project, it is necessary to install new utility poles and relocate the existing utility lines onto the new poles on the north side of Old Lake Road; and

Whereas, the existing electrical services to the commercial buildings on lots 59.06-3-71 (n/f 4 Old Lake Road Associates, LLC) and 59.06-3-72 (n/f 6 Old Lake Road Associates, LLC) on the north side of Old Lake Road are in-ground services emanating from an existing utility pole; and

Whereas, the installation of the new utility poles and the relocation of said utility lines has necessitated the relocation of the two in-ground electrical services to these buildings; and

Whereas, it is the policy of Orange & Rockland Utilities, Inc. that the property owner is responsible for the relocation of the in-ground electrical services, and

Whereas, as a condition of the right-of-entry agreements between the Town of Clarkstown and the owners of these two lots, the Town of Clarkstown has agreed to incorporate the cost of the relocation of the electrical services into the Valley Cottage Downtown Improvements project; and

Whereas, the Department of Environmental Control has solicited a proposal from Mag Electric Company, the electrician for the owners of the two lots who installed the existing electrical services, to perform the work required to relocate said services; and

Whereas, the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

Now, Therefore, Be It Resolved that the Town of Clarkstown is hereby authorized to retain the services of Mag Electric Company of Congers, New York to perform all work required to relocate the two (2) electric services to lots 59.06-3-71 and 59.06-3-72 in accordance with their proposal in the amount of \$11,600.00;and

Be It Further Resolved that said amount shall not be increased without further resolution of the Town Board of the Town of Clarkstown; and

Be It Further Resolved that the budget allowance for this project be increased to \$3,711,600.00 to reflect the cost of this change order on contract; and

Be It Further Resolved that this shall be a proper charge to account # H-5111-400-409-0-4-17.

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. (624-2007)
Co. Lasker offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING CHANGE ORDER BID #66-2005 – NANUET HAMLET DRAINAGE IMPROVEMENTS NANUET

WHEREAS, by resolution 445-2006 the Town Board awarded Bid #66-2005 to W. Harris & Son, Inc. and

RESOLUTION NO. (624-2007) continued

WHEREAS, in the course of construction, unforeseen conditions were encountered which required additional work to be performed as follows:

- 1. Remove and replace 20 linear feet of 15 inch CMP with HDPE due to deteriorated condition, in the amount of \$4,418.00,
- 2. Install additional junction catch basin and 24 inch HDPE to provide proper connections between existing drainage system and culvert inlet structure, in the amount of \$2,420.00,
- 3. Sawcut culvert outlet structure to match existing grade in parking lot. in the amount of \$4,063.00.

WHEREAS, the Deputy Director of Environmental Control has reviewed said changes and found them be necessary and reasonable,

NOW THEREFORE, BE IT RESOLVED that change orders for additional work related to field conditions are hereby authorized effective and retroactive to September 24, 2007 in the amount of \$10,901.00

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H-8757-409-0-81-22, and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this additional work shall be funded through the use of serial bonds.

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. (625-2007)

Co. Maloney offered and Co. Lasker seconded

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

BID #1-2008 – ATHLETIC AND RECREATION SUPPLIES

Bids to be returnable to the office of Purchasing, Room 331, 10 Maple Avenue, New City, New York by 11:00 A.M. on NOVEMBER 19, 2007 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (626-2007)

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 # 69-2005 – SOUTH MOUNTAIN ROAD CULVERT REPLACEMENT

is hereby awarded to: PRECISION SITE DEVELOPMENT, 1280 WHITEHILL ROAD, YORKTOWN HEIGHTS, NY
 PRINCIPAL: JAMES WALSH, VICE PRESIDENT, MIKE CALISE, VICE PRESIDENT,
 AL MAZZARI, VICE PRESIDENT, JOHN MAZZARI, VICE PRESIDENT

as per their proposed project cost not to exceed \$279,000.00 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

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 this project shall constitute a proper charge to account number H-8758-400-409-0-82-30

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

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. (627-2007)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown solicited competitive proposals to provide an MPLS (Multi-protocol Label Switching) Network Communication Services; and
WHEREAS, the Town received several responses to its request; and
WHEREAS, the Director of Automated Systems has conducted a thorough review of the proposals;
NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Director of Automated Systems and the Deputy Town Attorney – Purchasing that RFP 48-2007 is hereby awarded to Frontline Communications Inc., 138 Liberty Drive, Stony Point, NY 10980, as per their low bid of \$2,932.00 for installation at eight (8) Town sites and a monthly fee of \$6,963.00 for services at said sites

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. (628-2007)

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 # 41-2007 – LANDSCAPING NJ TRANSIT @ ROCKLAND AVENUE

is hereby awarded to: PAT SCANLAN LANDSCAPING, INC., 14 PLAINS DRIVE, NEW CITY, NY 10956

PRINCIPAL: PAT SCANLAN

as per their proposed project cost not to exceed \$13,670.00 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

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 this project shall constitute a proper charge to account number H-8758-400-409-0-82-31 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

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. (629-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney – Purchasing that
BID #50-2007 – WORK CLOTHING AND ACCESSORY SAFETY ITEMS

is hereby awarded to: STRONGWEAR GARMENT CORP., 191 THE PLAZA, TEANECK, NJ 07666

PRINCIPALS: WALTER POPICK, PRESIDENT

STAUFFER GLOVE & SAFETY, 361 EAST SIXTH STREET, P.O. BOX 45, RED HILL, PA 18076

PRINCIPALS: W. RANDALL STAUFFER, JEFFREY STAUFFER, REBEKAH STAUFFER PUTERA

as per the attached item/price schedule , (on file with 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. (630-2007)
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 # 52-2007 – S. HARRISON AVENUE DRAINAGE IMPROVEMENTS

is hereby awarded to: RUCKEL’S INC, 16 CHESTER AVENUE, CONGERS, NY 10920

PRINCIPAL: EDWARD RUCKEL

as per their proposed project cost not to exceed \$71,029.00 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

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 this project shall constitute a proper charge to account number H-8758-400-409-0-82-26 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds
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. (631-2007)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Brian F. Marley– Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to September 27, 2007.

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. (632-2007)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation by (retirement) of Gregory S. Miele, Police Officer – Clarkstown Police Department – is hereby accepted effective and retroactive to September 21, 2007.

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. (633-2007)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Ellen Burns – Senior Recreation Leader – Parks Board & Recreation Commission – is hereby granted an extension of her Sick Leave of Absence – at one-half pay – effective and retroactive to October 24, 2007 to November 24, 2007.

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. (634-2007)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Brian R. Davidson, – Police Radio Dispatcher (CAD) – Clarkstown Police Department – is hereby granted an extension of his Sick Leave of Absence - at one-half pay – effective and retroactive to September 28, 2007 to October 15, 2007.

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. (635-2007)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Brian R. Davidson, – Police Radio Dispatcher (CAD) – Clarkstown Police Department – is hereby granted an extension of his Sick Leave of Absence - at one-half pay – effective and retroactive to September 28, 2007 to October 15, 2007.

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. (636-2007)
Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06183 Senior Account Clerk Typist - which contains the name of Victoria L. McDermott,
NOW, therefore, be it

RESOLVED, that Victoria L. McDermott is hereby appointed to the position of (permanent) Senior Account Clerk Typist, Office of the Town Comptroller at the 2006 salary of \$31,775., effective and retroactive to October 22, 2007.

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. (637-2007)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Dolores Avaras is hereby reappointed to the position of Member – Board of Assessment Review – term effective and retroactive to October 1, 2007 and to expire on September 30, 2012 – at the per diem rate of \$175., per attendance, when the board is in session.

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. (638-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION SCHEDULING SPECIAL MEETING OF THE TOWN BOARD FOR NOVEMBER 8, 2007

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for November 8, 2007, at 7:00 p.m., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it
FURTHER RESOLVED, that the Town Board hereby schedules a public hearing at said time and date pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2008, 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 be it
FURTHER RESOLVED, that at said Special Meeting, the Town Board may consider other business if it wishes.

RESOLUTION NO. (638-2007) continued

On roll call the vote was as follows

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

RESOLUTION NO. (639-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD SETTING A PUBLIC HEARING WITH RESPECT TO THE PETITION OF
 YABOO FENCE COMPANY, INC., REQUESTING MODIFICATION OF THE DECLARATION OF COVENANT
 DEALING WITH A PREVIOUS ZONE CHANGE ON PROPERTY KNOWN AS MAP 65.5-2-22

WHEREAS, YABOO FENCE COMPANY, INC. has submitted a petition to the Town Board of the Town of Clarkstown, requesting modification to Item “2” of the Declaration of Covenant, which was a condition of a Zone Change pursuant to Resolution No. 775-1996, adopted by the Town Board on September 10, 1996, from “The applicant or his successors shall restrict retail sales to fence and shed products only” to “The retail uses permitted on the premises shall include the sale, storage of materials and fabrication of fencing, shed products and related outdoor accessories, including swing sets, law furniture, gazebos, play houses, lamp posts, mailbox posts, flag poles and ten structures,” and

WHEREAS, the Declaration of Covenant provided that it may be modified from time to time by agreement in writing between the owner and the Town, and

WHEREAS, the Planning Board reviewed the proposed amended covenant at their August 29, 2007 meeting and recommended approval by memo dated September 12, 2007, subject to site plan approval;

NOW, THEREFORE, be it

RESOLVED, that a public hearing to consider the requested change, pursuant to Sections 264 and 265 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 November 27, 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, 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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and 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. (640-2007)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$8,250.33 from Seized Property and \$82,217 from the State of New York,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-10-3320-0 (Seized Property) and Expense Account A-3120-293-0 (Police-Law Enforcement Equipment) by \$8,250.33 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-11-4835-0 (Federal Aid-JAG/Byrnes Grant) and Expense Account A-3120-293-0 (Police-Law Enforcement Equipment) by \$82,217 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Accounts A-1430-414-0 (Personnel-Schools & Conferences) by \$440, A-1430-201-0 (Personnel-Furniture) by \$500, A-1430-204-0 (Personnel-Office Machines) by \$ 2,500 and A-1430-209-0 (Personnel-Other Equipment) by \$500 and increase Accounts A-1430-438-0 (Personnel-Maint. Agreements) by \$400, A-1430-319-0 (Personnel-Misc Supplies) by \$500, A-1430-111-0 (Personnel-Overtime) by \$2,000 and A-1430-114-0 (Personnel-Part Time) by \$1,040 and be it

FURTHER RESOLVED, to decrease Accounts A-7141-110-0 (Community Rec. Centers-Salaries) by \$5,500, A-7180-219-0 (Swimming Facilities-Misc. Equipment) by \$6,000 and A-7310-110-0 (Youth Programs-Salaries) by \$26,100 and increase Accounts A-7140-409-0 (Parks & Playgrounds-Fees for Services) by \$4,000, A-7141-222-0 (Parks & Rec. Equipment) by \$5,500, A-7180-114-0 (Swimming Facilities-Part Time) by \$1,600, A-7180-323-0 (Swimming Facilities-Chemicals) by \$7,000, A-7180-409-0 (Swimming Facilities-Fees for Services) by \$2,500, A-7180-424-0 (Swimming Facilities-Contractual Expenses) by \$6,000, A-7310-409-0 (Youth Programs-Fees for Services) by \$6,000 and A-7020-411-0 (Parks & Recreation-Postage) by \$5,000.

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. (641-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AMENDING THE ALLOWANCE FOR BID #46-2004
KILL VON BEASTE FLOOD CONTROL IMPROVEMENT PROJECT

Whereas, the Town Board of the Town of Clarkstown has awarded a contract to CalMart Enterprises, Inc. of New City for construction of the subject improvements; and
Whereas, during the course of construction, adjustments were required to the estimated unit counts as set forth in the bid documents; and
Whereas, the Department of Environmental Control has reviewed and approved said adjustments; and
Whereas, the accounting of the costs for the additions and deletions in the changes in the unit prices bid for this project has resulted in a net increase in the cost of the project in the amount of \$36,797.86; and
Whereas, the Department of Environmental Control has reviewed the accounting of the costs for this work and finds it to be accurate; and
Whereas, the documentation for the changes in the scope of work and the accounting of the costs associated with these changes is on file in the Department of Environmental Control;
Now, Therefore, Be It Resolved that the allowance for this project be increased from the original bid amount of \$1,976,102.00 to \$2,012,899.86 to reflect the costs associated with this change order on contract; and
Be It Further Resolved that this shall be a proper charge to account # H 8749 409 0 73-9.

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. (642-2007)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC. FOR
STREET LIGHTING AT LITTLE TOR HOMES, NEW CITY, NEW YORK

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc., for street lighting at the following location: Little Tor Homes, New City – (17) 5800 lumen sodium vapor street lights on fiberglass poles, and be it

FURTHER RESOLVED, that the total increase to the Town shall be \$1,428.00 per year, plus fuel adjustment charges, and shall constitute a proper change to Account No. SL 5182-461.

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. (643-2007)
Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 498-2007 FOR BID #33A-2007;
CONSTRUCTION OF PARKING LOT FOR POLICE AND COURTS FACILITY ON PROPERTY OWNED BY
VERIZON NEW YORK INC. AT 36 MAPLE AVENUE, NEW CITY LEASED BY THE TOWN

WHEREAS, Town Board Resolution 498-2007 awarded bid #33A-2007; Construction of Parking Lot for Police and Courts Facility to West-Con Contracting Corp; and

WHEREAS, unforeseen conditions on the site required additional work, to wit: additional asphalt to change grade of the existing parking lot to the new lot; removal of items unearthed by excavation; and installation of concrete wheel stops between the lot and the existing curb; and

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

- a) Remove and replace 350 sq. ft. of asphalt at parking lot entrance \$1,750.00
- b) Backfill and compact two (2) old drywells found in parking lot during Construction \$ 975.00
- c) Removal of debris uncovered during construction \$ 975.00
- d) Purchase and installation of ten (10) concrete wheel stops \$1,500.00

TOTAL: \$5,200.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$61,630.00 to \$66,830.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H 8758 400 409 0 82 17

RESOLUTION NO. (643-2007) 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. (644-2007)

Co.Maloney offered and Co. Nowicki seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION #363-2007 Bid #21-2007;
 Demarest Mill Creek Improvements from Strawtown Road to Hackensack River

Whereas, Town Board Resolution #363-2007 awarded Bid #21-2007; Demarest Mill Creek Improvements from Strawtown Road to Hackensack River to Doyle Contracting, Inc.; and
 Whereas, the bid documents called for certain landscaping to be performed along the stream bed; and
 Whereas, the Army Corp of Engineers as a condition of the permit required additional landscaping in order to effect stabilization of impacted land surfaces and,
 Whereas, Doyle Contracting, Inc. submitted prices for the additional necessary work which has been reviewed by the Department of Environmental Control (DEC) and found to be reasonable and in accordance with the bid prices specified and the DEC recommends the proposal for the additional work from Doyle Contracting, Inc. be approved by the Town Board as Change Order Number 1.

CO #1 Install trees and shrubs along the stream channel in accordance with a drawing prepared by the Department of Environmental Control.

Now, Therefore, Be It Resolved that the total approved costs of changes for this project for Change Order #1 is \$26,500 and,

Be It Further Resolve that the current allowance for this project be increased to \$1,313,400 to reflect the additional cost of the change order; and,

Be It Further Resolved that this shall be a proper charge to account #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. (645-2007)

Co.Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO RAMIRO PINOS (MAP NO. 57.11-1-81)

WHEREAS, Ramiro Pinos has requested a refund of Building Permit Fee (No. 07-1061) paid in the amount of \$125.00 for property located at 1 Shear Court, Nanuet, New York, more particularly described as Tax Map No. 57.11-1-81, and

WHEREAS, Mr. Pinos has advised that the proposed project has been cancelled, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$50.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$75.00, of the total Building Permit fee paid in the amount of \$125.00, to Ramiro Pinos, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (646-2007)

Co.Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF 'NO PARKING THIS SIDE' SIGNS

WHEREAS, concerns of several residents of Orchard Street, Nanuet were investigated by the Town Code & Zoning Enforcement Officer// Community Liaison regarding the installation of 'No Parking This Side' signs on the south side of Orchard Street, Nanuet, and

WHEREAS, the residents have stated that signs to this effect had been posted in this location for at least twenty years, and

WHEREAS, the Town Board wishes to re-establish a parking prohibition on the south side of Orchard Street pursuant to its duty to protect the health, safety and welfare of the residents of the Town of Clarkstown and its authority under Chapter 278-7(A) (Vehicle & Traffic) of the Town Code of the Town of Clarkstown

RESOLUTION NO. (646-2007) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby directs the Superintendent of Highways to install 'No Parking This Side' signs on the south side of Orchard Street, Hamlet of Nanuet, to the Dead End, and be it

FURTHER RESOLVED, a copy of this resolution be forwarded to the Chief of the Clarkstown Police Department for enforcement purposes.

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. (647-2007)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED "AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

"AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on November 27, 2007 at 8:00 P.M., or as soon thereafter as possible, relative to the proposed local law, which would permit a partial exemption from taxation for Cold War Veterans, 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 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. (648-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION GRANTING CERTIFICATE 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:

FAIRWAY GOLF & LANDSCAPE, 119 Rockland Center, Suite 164, Nanuet, NY 10954, Chris Peterson, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued: No. 07-27 FAIRWAY GOLF & LANDSCAPE

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.

Matt Brennan- New City

Stated Orange and Rockland Utilities has been receiving 8 percent more than it should by law; the discussions with the Town of Orangetown to share Clarkstown's pools in exchange for access to Orangetown's golf course is a mismanagement of the facilities; pool passes and the mini golf course are too expensive and the town should have purchased Dellwood Country Club; and the town pays too much to United Water for pool water and the town should have a well system instead.

Steven Levine- Congers

Read a letter he sent to Luke Kalarickal, Director of Environmental Control, saying his garbage has not been picked up regularly for the last six years, (on file with Town Clerk). He also asked the town board why hazardous fill materials on Massachusetts Avenue have not been removed.

On motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, Town Board Meeting was closed 8:50 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

10/23/07

8:10 P.M.

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

Re: Continued from 9/25/07, Proposed local law regarding Tree Preservation

On motion of Co. Lasker, seconded by Co. Nowicki, hearing opened 8:10 P.M.

Amy Mele- Town Attorney

This process has taken a year and the committee, headed by Building Inspector Peter Beary, drafted the law. Rockland County Planning Department recommended approval with two recommendations, (on file with Town Clerk). Clarkstown DEC declared there would be no negative impact on the environment.

Steven Levine- Congers

Spoke in favor of the law for its protection of trees and expressed concerns about section 6 of the law, which should state that permits are required for all trees. Asked about fees and Town Attorney Mele said a fee schedule was being adopted in a subsequent resolution.

Co. Lasker

Asked how we were going to advise the public about the law, in addition to newspaper notices and the town's web site.

Supervisor Gromack

The information would be put in the yearly bulletin the town puts out, plus the Building Department would attach it to the permit.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Mandia, RESOLUTION NO. (611-2007) was unanimously adopted. On motion of Co. Mandia, seconded by Co. Maloney, RESOLUTION NO. (612-2007), establishing review fee schedule with respect to tree removal and land disturbance was unanimously adopted. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 8:21 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (611-2007)
RESOLUTION NO. (612-2007)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

10/23/07

8:21 P.M.

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

Re: Proposed amendment to Comprehensive Plan with respect to proposed zone change for several properties on Pine View Road, West Nyack from M to R-22

On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 8:21 P.M.

Amy Mele- Town Attorney

Gave an overview of the proposal. Stated the last public hearing was closed and decision was reserved and it was recommended that an amendment to Comprehensive Plan be made. The Town Board received a letter from the chair of the Planning Board recommending amending the zone change, (on file with Town Clerk).

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:24 P.M. RESOLUTION NO. (613-2007) See also RESOLUTION NO. (617-2007).

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (613-2007)

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

10/23/07

8:21 P.M.

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

Re: Proposed local law to amend Chapter 262 (Taxation) of the Clarkstown Town Code

On motion of Co. Nowicki, seconded by Co. Lasker, hearing opened 8:21 P.M.

Amy Mele- Town Attorney

Stated the law is consistent with past practices, upping the income levels to coincide with New York State levels for low income seniors and low income seniors with disabilities to allow for a partial exemption.

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:28 P.M. RESOLUTION NO. (614-2007)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (614-2007)

TOWN OF CLARKSTOWN
PUBLIC HEARING #4

Town Hall

10/23/07

8:28 P.M.

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

Re: Town Code Chapter 111 (Unsafe Buildings) - 560 Mountainview Avenue, Valley Cottage

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:28 P.M.

Mark Papenmeyer- Chief Fire Inspector

We received a complaint that the structure could be a fire hazard and were asked that it be secured from entry. As of today, the building has been secured. However, there is still some water that needs to be removed from the property, so we are asking to continue this hearing for six more months.

Steven Levine- Congers

Asked about procedure if a property owner did not comply, unlike this instance.

Amy Mele- Town Attorney

Stated that measures would be taken to secure the property according to Town Code Chapter 111 and place a lien on it for any expenses incurred.

There being no one wishing to be further heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was continued to March 2008. RESOLUTION NO. (615-2007)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (615-2007)