

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall 11/8/07 7:06 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.

Public Hearing #1 re: Town of Clarkstown Preliminary Budget for 2008. On motion of Co. Nowicki, seconded by Co. Maloney, hearing opened 7:06 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 7:20 P.M. RESOLUTION NO. (649-2007).

Supervisor opened the meeting to public comments regarding agenda items, with no one wishing to be heard.

RESOLUTION NO. (649-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION ADOPTING THE 2008 BUDGET FOR THE TOWN OF CLARKSTOWN

WHEREAS, a public hearing pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 2008, was duly scheduled and noticed for November 8, 2007 at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and heard all persons desiring to be heard;

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, a copy of which is attached hereto, be and is hereby adopted as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1st day of January, 2008, and that such Budget, as so adopted, be entered in detail in the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2, and Section 231, Subd. 2 of the Town Law, and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County, pursuant to Section 115 of the Town Law and other applicable sections of the Town 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. (650-2007)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of October 23, 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. (651-2007)
Co. Nowicki offered and Co. Mandia seconded

RESOLUTION AUTHORIZING CHANGE ORDER FOR BID NO. 20-2007 CLARKSTOWN CENTRAL WAREHOUSE RENOVATION

WHEREAS, on May 15, 2007 the Town Board adopted Resolution No. 295-2007 awarding Bid No. 20-2007 (Clarkstown Central Warehouse Renovation, General Construction) to JMK Enterprises LLC, and

WHEREAS, during the course of construction unforeseen issues arose which indicated that additional work was necessary, including, the discovery, upon excavation, of approximately 520 linear feet of abandoned railroad tracks, as well as deteriorated perimeter fencing and the requirement imposed by Orange and Rockland Utilities to install two concrete pads for new gas meters, and

WHEREAS, Joanne Pedersen, Superintendent of Recreation and Parks, has reviewed said change orders and found them to be reasonable in scope and price;

NOW, THEREFORE, be it

RESOLVED, that the total approved cost for the change orders on contract is \$57,093.05, and be it

FURTHER RESOLVED, that the current budget allowance for this project be increased to \$512,290.05, to reflect the additional cost of the change orders on contract, and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No. H 8752-409-76-14.

RESOLUTION NO. (651-2007) 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. (652-2007)

Co. Lasker offered and Co. Maloney seconded

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

BID # 54-2007 – ROCKLAND AVENUE DRAINAGE IMPROVEMENTS

is hereby awarded to: JMK Enterprises, LLC, 301 North Main Street, Suite 1, New City, NY 10956

PRINCIPAL: John Knutsen

as per their proposed project cost not to exceed \$57,251.00 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-8758-400-409-0-82-27 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. (653-2007)

Co. Lasker offered and Co. Maloney seconded

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

BID # 55-2007 – FRIEND STREET DRAINAGE IMPROVEMENTS

is hereby awarded to: JMK Enterprises, LLC, 301 North Main Street, Suite 1, New City, NY 10956

PRINCIPAL: John Knutsen

as per their proposed project cost not to exceed \$81,714.00 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-8758-400-409-0-82-28 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. (654-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
RFP #58-2007 – OPERATION OF FOOD AND REFRESHMENT CONCESSION AT TOWN POOLS
Bids to be returnable to the office of Purchasing, Room 331, 10 Maple Avenue, New City, New York by
 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
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. (655-2007)
Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN AGREEMENT WITH THE STATE OF NEW YORK GOVERNOR’S TRAFFIC SAFETY COMMITTEE OF THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT A GRANT WITH RESPECT TO THE CHILD PASSENGER SAFETY PROGRAM

WHEREAS, Clarkstown Police Chief Peter Noonan, has advised that the State of New York Governor’s Traffic Safety Committee of the Department of Motor Vehicles, has approved a grant application from the Clarkstown Police Department (Grant No. CS-4450201), for the purpose of participating in the “Child Passenger Safety Program” for the period from October 1, 2007 through September 30, 2008, and

WHEREAS, the State shall provide \$8,105 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Peter Noonan, the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor’s Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$8,105 for the purpose of participating in the “Child Passenger Safety Program” for the period from October 1, 2007 through September 30, 2008, by the Town of Clarkstown Police 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. (656-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING EXTENSION OF NINETY DAYS TO THE CLARKSTOWN PLANNING BOARD TO MAKE RECOMMENDATIONS CONCERNING PETITION OF EDEN PARK HOMES LLC, FOR A ZONE CHANGE FROM THE R-15 AND LIO DISTRICTS TO THE AAR DISTRICT - MAP 64.7-1-8

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 424-2007 on June 19, 2007, referring to the Clarkstown Planning Board, the petition of Eden Park Homes, for a zone change on property designated as Map 64.7-1-8, from the R-15 and LO Districts to the AAR District, and

WHEREAS, by letter dated October 19, 2007, the Clarkstown Planning Board advised the Town Board that protocol for review had not been fully established and is requesting an extension of ninety days to make recommendations on this matter;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes an extension of ninety days to the Clarkstown Planning Board for review of the petition of Eden Park Homes, for a zone change on property designated as Map 64.7-1-8, from the R-15 and LO Districts to the AAR District.

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. (657-2007)
Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the resignation of Christopher Carey– Member – Historical Review Board - is hereby accepted – effective and retroactive to October 28, 2007.

RESOLUTION NO. (657-2007) 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. (658-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that Christopher Carey– is hereby appointed to the position of Member – Architecture and Landscape Commission -term effective and retroactive to October 29, 2007 and to expire on October 28, 2014 - at the current 2007 annual salary of \$5,300.

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. (659-2007)

Co. Maloney offered and Co. Lasker 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., John J. Kelly– Laborer - Highway Department - is hereby granted an extension of his Sick Leave of Absence – at one-halfpay - effective and retroactive to November 3, 2007 to December 3, 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. (660-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the resignation by (retirement) of Bradley J. Pozsar – Cleaner – Highway Department – is hereby accepted – effective and retroactive to October 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. (661-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that Jonathan Levine – is hereby appointed to the position of Member – Historical Review Board – term effective and retroactive to November 5, 2007 and to expire on December 31, 2007 - at the current 2007 annual salary of \$1,800.

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. (662-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO EDWARD CUNILLERA - MAP NO. 34.18-2-44

WHEREAS, Edward Cunillera has requested a refund of Building Permit Fee (No. 07-1267) paid in the amount of \$530.00 for property located at 109 Phillips Hill Road, New City, New York, more particularly described as

RESOLUTION NO. (662-2007) continued

Tax Map No. 34.18-2-44, and

WHEREAS, Mr. Cunillera 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 \$80.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$450.00, of the total Building Permit fee paid in the amount of \$530.00, to Edward Cunillera, 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. (663-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING PAYMENT TO TECTONIC ENGINEERING CONSULTANTS PC

WHEREAS, the Town Board has authorized bid contracts to Tectonic Engineering Consultants PC, to provide inspections and recommendations concerning guiderails in the Town of Clarkstown, and

WHEREAS, the company has completed the work and submitted bills to the Town for payment under those contracts;

NOW, THEREFORE, be it

RESOLVED, that the fees for such professional engineering services shall not exceed the amount of \$11,973.20, and shall be charged to the Guiderail Capital Account No. H8758-400-409-0-82-29.

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. (664-2007)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$2,571.90 from the State of New York, \$254,773.28 from the County of Rockland, \$90,000 from the Empire State Development Corp, \$3,317.39 from D.A.R.E. Donations and \$60,000 from County of Rockland,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-11-4836-0 (Capital-Federal Aid/Byrnes) and Expense Account H-8758-409-0-82-1 (Capital Projects-Emergency Communications Equipment) by \$2,571.90 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Revenue) and Expense Account H-7349-409-73-9 (Capital Projects-Kill Von Beaste Culvert) by \$254,773.28 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-10-4997-0 (General Fund-State Aid/Downtown Revitalizations) and Expense Account H-8752-409-0-76-28 (Capital Projects-Congers Downtown Revitalization) by \$90,000 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$3,317.39 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-9-3620-0 (Capital-RC Mini-Trans Grant) and Expense Accounts H-8753-409-0-77-21 (Capital-Purchase of Mini-Trans Buses) by \$30,000 and H-8757-409-0-81-32 (Capital-Purchase of Town Vehicles) by \$30,000 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-1010-438-0 (Councilmen-Maintenance Agreements) and increase Account A-1010-313-0 (Councilmen-Office Supplies) by \$250 and be it

FURTHER RESOLVED, to decrease Account A-1410-110-0 (Town Clerk-Salaries) and increase A-1410-414-0 (Town Clerk/Schools & Conferences) by \$100 and

FURTHER RESOLVED, to decrease Accounts A-1420-409-0 (Town Attorney-Fees for Services) by \$11,000, and A-1990-505-0 (General-Contingency) by \$20,000 and increase A-8021-409-0 (Comprehensive Plan-Fees for Services) by \$31,000 and be it

FURTHER RESOLVED, to decrease Account A-1620-409-0 (Maintenance-Fees for Services) and increase Account A-1620-306-0 (Maintenance-Supplies) by \$10,000 and be it

FURTHER RESOLVED, to decrease A-7141-110-0 (Community Rec Centers-Salaries) and increase A-7141-407-0 (Community Rec. Centers-Equipment Repairs) and be it

FURTHER RESOLVED, to decrease Account DA-5130-447-0 (Highway-Equipment Repairs) and increase DA-5140-379-0 (Highway-Signs/Posts) by \$2,500 and be it

FURTHER RESOLVED, to decrease SR-16-4-2999-0 (Unexpended Balances) and increase SR-8160-409-0 (Sanitation-Fees for Services) by \$19,745.

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. (665-2007)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH ALCO
CONSTRUCTION LLC REGARDING ENCROACHMENT ON TOWN RIGHT OF WAY
(387-395 SOUTH MAIN STREET, NEW CITY, NEW YORK – 51.11-1-6)

WHEREAS, ALCO Construction LLC, owner of premises located at 387-395 South Main Street, New City, New York and more particularly described as Tax Map 51.11-1-6, has proposed installing plantings within a Town right of way, and

WHEREAS, the Superintendent of Highways has investigated this matter and has advised that the encroachment described herein may be allowed 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 allow the plantings to be installed in the Town’s right of way, located at 387-395 South Main Street, New City, New York and more particularly described as Tax Map 51.11-1-6., and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owner 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. (666-2007)
Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
Bid #60-2007 – RENTAL OF EQUIPMENT WITH OPERATORS FOR THE LEAF COMPOST FACILITIES
Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by
 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 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. (667-2007)
Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 468-2007 FOR BID #29-2007; OLD ROUTE 304 CULVERT REPLACEMENT

WHEREAS, Town Board Resolution 468-2007 awarded bid #29-2007; Old Route 304 Culvert Replacement to Cal Mart Enterprises, Inc.; and

WHEREAS, The Department of Environmental Control submitted plans for bid #29-2007 to the Rockland County Sewer District #1 for review and comment regarding the encasement of the existing 27” RCP sewer interceptor running beneath the proposed culvert prior to bidding the project; and

WHEREAS, the Department of Environmental Control did not receive comments back from RCSD #1 until after bid #29-2007 was awarded to Cal Mart Enterprises, Inc.; and

WHEREAS, upon review of the plans, the RCSD #1 required additional protection around the 27” County sewer interceptor running beneath the proposed culvert; and

WHEREAS, Cal Mart Enterprises Inc. encased the sewer line in accordance with the Rockland County Sewer District’s specifications; and

WHEREAS, the depth of the water main was unknown prior to the installation of the proposed culvert; and
WHEREAS, the water main was located immediately below the proposed culvert and was also required to be encased in concrete in order to protect the line; and

WHEREAS, a change order in the amount of **\$11,098.00** was submitted for the additional work and reviewed by the Department of Environmental Control and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of **\$166,661.00** to **\$177,759.00** 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-8758-400-409-0-82-09**

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. (668-2007)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DAYLIGHT SAVINGS COMPANY TO PROVIDE ENERGY AUDITS OF TOWN FACILITIES

WHEREAS, the Town has solicited a proposal for energy audits of thirteen Town facilities, and recommends the hiring of The Daylight Savings Company to provide said services pursuant to its proposal dated November 2, 2007, and
WHEREAS, this company was selected as the contractor for the New York State Energy Research and Development Authority's (NYSERDA) Energy Audit Program for Rockland County as well as other counties, and
WHEREAS, the Town Board believes this project would be in the best interest of the Town;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with The Daylight Savings Company, in a form satisfactory to the Town Attorney, to provide energy audits of thirteen Town facilities, and be it
FURTHER RESOLVED, that the fee for such services shall be \$2,100.00, and shall be charged to Account No. A 1620-409, and be it
FURTHER RESOLVED, that the Town of Clarkstown shall be reimbursed for said fees by NYSERDA, if and when any of the recommendations are implemented, and be it
FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it
FURTHER RESOLVED, that the company shall report its findings to the Town Board and the Building Inspector.

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. (669-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF NEW YORK CONCERNING GRANT TO THE TOWN FOR BUCKLE UP PROGRAM

WHEREAS, Chief of Police Peter Noonan has advised that the Governor's Traffic Safety Committee, Department of Motor Vehicles, State of New York, ("State") approved an agreement on October 1, 1999, which has been amended over time, and is being further amended by said agreement, grant application (Grant No. PT-4450191) submitted by the Town of Clarkstown Police Department, for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2007 through September 30, 2008, by the Town of Clarkstown Police Department, and
WHEREAS, the State has advised that it shall provide additional funding for said grant in the amount of \$23,100.00 to the Town of Clarkstown;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$23,100 for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2006 through September 30, 2008, by the Town of Clarkstown Police 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. (670-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN"

WHEREAS, Councilperson Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN," and
WHEREAS, the purpose of this local law is to amend Chapter 290, Zoning, Section 290-13, Performance standards, to read as follows: "Maintenance - All planting shown on an approved site development plan or special permit plan shall be maintained in a vigorous growing condition throughout the duration of the use, and plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season";
NOW, THEREFORE, be it
RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner

RESOLUTION NO. (670-2007) continued

of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on December 28, 2007 at 12:00 noon, or as soon thereafter as possible, relative to such proposed local law, and be it FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (671-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL 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 adopt the below segment of town road for an additional period of two (2) years, continuing from November 28, 2007 to November 28, 2009, as follows:

Sponsor: Pell & Associates, P.O. Box 283, West Nyack, NY 10994

Roads: 0.5 mile segment of Rose Road from Route 59 to West Nyack Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Pell & Associates will continue to perform a public service in removing trash from above roadway that 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 continuing from November 28, 2007 to November 28, 2009, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by Pell & Associates to remove trash from the roadway.

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. (672-2007)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously approved a Side Letter of Agreement with the Civil Service Employees Association, Inc. dated May 4, 2007 providing for additional paid leave for an employee injured in the course of employment; and

WHEREAS, the Town and the CSEA have agreed to an extension of that time as more fully set forth in a Side Letter of Agreement dated November 5, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby ratifies and approves a Side Letter of Agreement between Civil Service Employees Association, Town of Clarkstown Unit and the Town dated November 5, 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. (673-2007)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, certain employees of the Town are required to pay a portion of the appropriate health insurance premium through payroll deduction; and

WHEREAS, that obligation is predicated upon the institution of a plan that would allow such contributions to be made pre-tax pursuant to IRS Code §125; and

WHEREAS, the Town's payroll provider, ADP, has established such a plan and has forwarded an Agreement under

RESOLUTION NO. (673-2007) continued

which it would provide such services dated October 29, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby approves the creation of an IRS Code §125 Plan for premium contribution only and hereby authorizes the Town Supervisor to execute an Agreement with ADP dated October 29, 2007 and to take all actions necessary to institute said 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. (674-2007)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the State Legislature has enacted Sections 159-b and 159-c of the New York State Civil Service Law to permit municipal employees a leave of absence on an annual basis for a sufficient period of time, not to exceed four (4) hours, to undertake a screening for breast or prostate cancer; and

WHEREAS, such legislation provides that such leave shall not be charged against any other leave an employee is entitled to but does not specify whether such leave is to be with or without pay.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby confirms that upon, presentation of satisfactory medical documentation, regular employees absent during their regular work day for the purpose of obtaining such screening shall have such leave be with pay.

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. (675-2007)

Co. Maloney offered and Co. Lasker seconded

**RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER
ABANDONMENT OF CORPORATE COURT, WEST NYACK, NEW YORK**

WHEREAS, Richard Brega has applied to the Town of Clarkstown Planning Board for site plan approval to develop a certain parcel designated on the Clarkstown tax map as 52.19-1-1; and

WHEREAS, in order to obtain adequate access to said parcel, the applicant has proposed to construct a bridge connecting Corporate Way, West Nyack, a dedicated Town road, to the subject parcel; and

WHEREAS, the applicant has petitioned the Town Board for abandonment of Corporate Court and has indicated a willingness to 1) pay just compensation for the acquisition of the road; 2) build the proposed bridge at his expense; and 3) enter into an agreement to maintain the road and the bridge;

WHEREAS, the Planning Board requires that the applicant establish access to the site as a condition to preliminary approval, and construction of the bridge is required in order to commence improvements at the site;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney's office is hereby authorized to solicit an appraisal of the property known as Corporate Court, as more particularly described in Brega's petition for abandonment at Schedule A , (on file with Town Clerk); and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement and right of entry agreement, in a form acceptable to the Town Attorney, with Richard Brega to permit the construction of the proposed bridge, in accordance with specifications approved by the Department of Environmental Control, which license agreement shall terminate upon the abandonment of Corporate Court and conveyance of the road to Brega; and be it

FURTHER RESOLVED, that a public hearing shall be held in the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on December 18, 2007, at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby requested to investigate the allegations contained in the petition of Richard Brega and to render his report to the Town Board pursuant to Highway Law Section 205 on or before December 14, 2007, and be it

FURTHER RESOLVED, that the Town Attorney provide such notices to other municipalities as may be required by the General Municipal Law, and to prepare notice of such statutory hearing, and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Local Law of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and filing of its affidavit of compliance with the Town Clerk on or before December 14, 2007.

FURTHER RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their report and recommendation, 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.

RESOLUTION NO. (675-2007) 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. (676-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO REVIEW AND MAKE RECOMMENDATIONS WITH RESPECT TO AAR ZONE APPLICATIONS

WHEREAS, by Resolution dated April 17, 2007, the Town Board adopted an amendment to the Zoning Local Law entitled "Active Adult Residence Zone," which established a discretionary floating zone for the establishment of housing for active adults aged 55 years and over; and

WHEREAS, under the floating zone, owners of eligible parcels may apply for AAR zone designation provided they establish that the parcel meets the criteria for rezoning as set forth in the law; and

WHEREAS, the law further provides that, upon review of an application, the Town Board may, "in lieu of rejection of the application, suggest such changes in the preliminary plans as are found to be necessary or desirable to meet the requirements of this section, to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community;" and

WHEREAS, the Town Board wishes to authorize the Supervisor to oversee the review of said applications, to recommend such changes as may be necessary to meet the objectives of the law, and to undertake the function of dialogue with the applicant(s) as may be necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor to is hereby authorized, on behalf of the Town Board, to oversee the review of AAR zone applications, to recommend to the Board such changes as may be necessary to meet the objectives of the law, and to undertake the function of dialogue with the applicant(s) as may be necessary; and be it

FURTHER RESOLVED, that in order to facilitate his review, the Supervisor is authorized to convene such technical personnel, including but not limited to Town Attorney staff, Planning Department staff, Building Department staff and Department of Environmental Control staff as he deems necessary to conduct a thorough review of said applications, and be it

FURTHER RESOLVED, that upon completion of such review, the Supervisor (along technical staff, as the case may be) shall present said applications along with any recommended changes to the Board for their discussion and consideration.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Mary Malone- 1st Vice President, Clarkstown CSEA Unit #8352

Congratulated Supervisor Gromack and Co. Lasker on their re-elections to the Town Board. Read a letter on behalf of union members about contract negotiations, (on file with Town Clerk).

Fred Smith- CSEA, Labor Specialist

I have been recently assigned to Rockland County, so I have a fresh set of eyes on the contract. Many times, both parties need to step back. I suggest the Town Board goes back to the contract of 2005 and form committees to go over the real problem issues in this agreement. This will give us some time to achieve a negotiated agreement. Many of our members are here. This audience is the face of Clarkstown.

Supervisor Gromack

The Town Board has worked closely with the negotiating team. We want to work to bridge the gap. Over my career, my proudest time has been here in Clarkstown. My goal is to find an agreement that the CSEA and the Town of Clarkstown finds fair. On behalf of the Town Board, I would like to thank the negotiating team.

Joseph Knarich- President, Clarkstown PBA

On behalf of the 183 members of the Clarkstown PBA, we stand 100% behind the CSEA.

Al Conti- New City, President of Clarkstown Stars (traveling baseball team)

Stated there are only two baseball fields in Clarkstown. We need more fields.

Steven Levine- Congers

Over the years, I have dealt with many of the town's employees, who are very professional. I hate to see union people working without a contract. Let's do what is necessary, so we have a contract. Regarding property at 189 Massachusetts Avenue, read letter into record sent to Jeffrey Millman, Zoning Administrator in October, (on file with Town Clerk), stating his questions in the letter were not answered.

Mike Giampiccolo- Congers

I recently purchased property at 189 Massachusetts Avenue, which requires more work to be done. The Building Department has worked with me to make sure we are up to code. I went to my architect to go over every point in Mr. Levine's letters and did have a building overall height sketch made. I am just a young guy trying to live in Congers. I hope that some day Mr. Levine and I can be good neighbors. I went above and beyond, to check asbestos and lead levels, which was not required, but I want to be a good neighbor.

Mike Menegaux- Valley Cottage, President of Orangetown CSEA

I am here to support my brothers and sisters in the Clarkstown CSEA . This group of people is the heart and soul of the Town of Clarkstown.

Anthony Zambratta- Rockland County CSEA Member

I am here to support my brothers and sisters in the Clarkstown CSEA.

On motion of Co. Maloney, seconded by Co. Nowicki, and unanimously adopted, Town Board Meeting was closed 7:54 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

11/8/07

7:06 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 of Clarkstown Preliminary Budget for 2008

On motion of Co. Nowicki, seconded by Co. Maloney, hearing opened 7:06 P.M.

Steven Levine- Congers

Stated nobody likes to see the taxes go up and suggested ways of lowering them by being fiscally responsible. Questioned the necessity for expenses, such as, some of the town hall renovations and the quantity of town vehicles. The Town Board should be accountable to the taxpayers. Perhaps, we need an independent watch dog. Suggested building permit and zoning application fees should be raised, so that they are in proportion to the cost of review by the town.

Supervisor Gromack

Spoke about independent audits that regularly take place and the excellent job the Comptroller's Office and staff do when reviewing contracts, as do the Town Attorney's Office. Commended the various departments and department heads that carefully scrutinize their budgets. They do an excellent job managing the town government. Assured the tax payers that there is a watch dog in the Town of Clarkstown, from the Supervisor's Office to the Town Board and to all the town departments involved in the review of contracts, which go through many layers of scrutiny.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 7:20 P.M. RESOLUTION NO. (649-2007)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (649-2007)