

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/28/07

12:00 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.

Public Hearing #1 re: Proposed local law amending Chapter 290 (Zoning) of the Town Code for Performance Standards to include requirements for the maintenance of plantings. On motion of Co. Lasker, seconded by Co. Nowicki, hearing opened 12:00 P.M. On motion of Co. Maloney, seconded by Co. Nowicki, and unanimously adopted, the public hearing was closed 12:02 P.M. RESOLUTION NO. (767-2007) was unanimously adopted.

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

RESOLUTION NO. (767-2007)
Co. Maloney offered and Co. Nowicki seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 20 – 2007

WHEREAS, a proposed local law entitled,
“A LOCAL LAW TO AMEND CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN”
was introduced by Councilman John Maloney, at a Town Board meeting held on November 8, 2007, which law would amend the Performance Standards in Chapter 290-13 to include requirements for maintenance of plantings, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 8, 2007, directed that a public hearing be held on December 28, 2007, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on December 14, 2007, and

WHEREAS, the public hearing was held by the Town Board of the Town of Clarkstown on December 28, 2007, and WHEREAS, the Town Board referred the proposed local law to the Town of Clarkstown Planning Board pursuant to Chapter 290-33 and to the Rockland County Planning Department pursuant to GML Section 239 l and m, and

WHEREAS, the Rockland County Planning Department recommended approval by letter dated December 3, 2007, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated December 14, 2007, recommended approval of the proposed local law, 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 November 14, 2007, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the December 26, 2007 report of Luke Kalarickal, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed action is a Type II action under SEQRA, and 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 be it

FURTHER RESOLVED, that Local Law No. 20 – 2007 entitled:

“A LOCAL LAW TO AMEND CHAPTER 290 OF THE ZONING LOCAL LAW 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:

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. (768-2007)
Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of December 18, 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. (769-2007)

Co. Nowicki 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., Lynn A. Strenkert, Motor Equipment Operator II – Solid Waste Facility - is hereby granted a Sick Leave of Absence – at one-half pay – effective and retroactive to December 20, 2007 to January 20, 2008.

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. (770-2007)

Co. Nowicki 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 # 73-2005 – OLD MILL ROAD/BRANCHVILLE ROAD SIGHT DISTANCE IMPROVEMENTS is hereby awarded to: PAT SCANLAN LANDSCAPING, INC., 14 PLAINS DRIVE, NEW CITY, NY 10956 PRINCIPAL: PAT SCANLAN, PRESIDENT

as per their proposed project cost not to exceed \$52,940.00 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-8758-400-409-0-82-32 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. (771-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A COOPERATION AGREEMENT WITH THE COUNTY OF ROCKLAND

WHEREAS, the Community Development Cooperation Agreement with the County of Rockland and the Town of Clarkstown expires with the 2008 Program Year, and

WHEREAS, in order for the County of Rockland to apply for Community Development Funds as an Urban County, a three year Cooperation Agreement for the Program Years 2009, 2010 and 2011, must be executed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Cooperation Agreement submitted by the County of Rockland for Community Development Program Years 2009, 2010 and 2011, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown has determined that the Cooperation Agreement complies with applicable Law, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement and to take all steps to implement this Resolution.

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. (772-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING A ONE YEAR RENEWAL OF THE TOWN OF CLARKSTOWN'S
AGREEMENT WITH ROCKLAND PARAMEDIC SERVICES, INC.

WHEREAS, Rockland Paramedic Services, Inc. wishes to renew its agreement with the Town of Clarkstown, on an agreed upon annual fee for such services, and further subject to the adoption of the Town budget line for said services, and

WHEREAS, the adopted 2008 Town budget line for Rockland Paramedic Services, Inc. is \$1,832,545.00;
NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes a one year renewal agreement with Rockland Paramedic Services, Inc., in a form approved by the Town Attorney, to provide emergency medical services to persons within the Town of Clarkstown, to commence on January 1, 2008 and terminate on December 31, 2008 and be it

FURTHER RESOLVED, that the annual cost of such services shall not exceed \$1,832,545.00, which amount shall constitute a proper charge to Account No. A 4541-585.

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. (773-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT
WITH WARD ASSOCIATES, P.C., TO THE DAVENPORT PRESERVE

WHEREAS, the Superintendent of Recreation and Parks has solicited a proposal concerning the Master Plan Update for the Davenport Preserve, and recommends the hiring of Ward Associates, P.C. to provide professional Architectural and Engineering services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Ward Associates, P.C., in a form approved by the Town Attorney, to provide professional Architectural and Engineering services with respect to the Master Plan Update for the Davenport Preserve, and be it

FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$19,500.00, plus standard reimbursable expenses, and be it

FURTHER RESOLVED, that said fees shall be charged to Account No. H 8758-409-0-82-36, and be it

FURTHER RESOLVED, that it is the Town's intent to fund this project through the Money-in-lieu-of-land Account, 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. (774-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF CLARKSTOWN TO ENTER INTO
AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR THE PURPOSE OF
UNDERTAKING COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974 as amended, and Title II of the National Affordable Housing Act of 1990, as amended, to make grants to states and other units of general local government to help finance Community Development Programs, and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more municipal corporations, to apply for, accept and expend funds made available by the federal government, either directly or through the State, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation, and

WHEREAS, the Community Development Act of 1974 as amended, Title II of the National Affordable Housing Act of 1990, as amended, and any "Eligible Activities" thereunder are not inconsistent with the statutes or Constitution of the State, and

WHEREAS, a number of municipalities have requested Rockland's participation, and the County of Rockland has determined that it is desirable and in the public interest that it make application for Community Development Block Grant funds and HOME funds as an Urban County, and

RESOLUTION NO. (774-2007) continued

WHEREAS, participation by the County of Rockland as Urban County in the Community Development Program requires that the Town of Clarkstown and the County of Rockland cooperate in undertaking, or assisting in undertaking, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 18 of the New York State Constitution, and

WHEREAS, the Town Board of the Town of Clarkstown deems it to be in the public interest of the Town to enter into a Cooperation agreement with the County of Rockland for aforesaid purposes;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor, Alexander J. Gromack, is hereby authorized to execute a Cooperation Agreement between the Town of Clarkstown and the County of Rockland for the purposes of undertaking a Community Development Program pursuant to the Housing and Community Development Act of 1974, as amended, and Title II of the National Affordable Housing Act of 1990, as amended.

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. (775-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPEVISOR TO ENTER INTO AN AGREEMENT WITH THE TOWN OF RAMAPO FOR USE OF POLICE RANGE

WHEREAS, Chief of Police, Peter Noonan, advised that the Town of Ramapo has authorized its Supervisor, pursuant to Town of Ramapo Resolution No. 707-2007, to extend a license agreement pursuant to the same terms and conditions for another year, with the Town of Clarkstown for use of the Town of Ramapo Firing Range Facility by the Clarkstown Police Department, and

WHEREAS, the Clarkstown Police Department wishes to extend the license agreement to September 30, 2008, at no charge to the Town of Clarkstown;

NOW, THERERFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement with the Town of Ramapo, in a form approved by the Town Attorney, for use of the Town of Ramapo's Police Range Facility by the Clarkstown Police Department for an extended period through December 31, 2008, at no charge to 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. (776-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AMENDING RESOLUTION NO. 706-2007 (TAX CERTIORARI SETTLEMENT – LEE, B&L&D&ISER WILLIAM, KAUFMAN M & BASSER H TRUST - 59.7-3-67)

WHEREAS, Resolution No. 706-2007, dated November 27, 2007, authorized settlement of a tax certiorari proceeding entitled, Lee, B&L&D&Iser William, Kaufman M & Bassar H Trust v. The Assessor, et al., affecting parcel designated as Map 59.7, Block 3, Lot 67, and

WHEREAS, there was a typographical error which discontinued the proceeding for the 2007/08 year;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 706-2007 is hereby amended to correct the typographical error which discontinued the proceeding and reflect that the assessment on the premises owned by the petitioner respecting Map 59.7, Block 3, Lot 67 be reduced for the year 2007/08 from \$4,000,000.00 to \$1,879,750.00 at a cost to the Town of \$44,567.38.

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. (777-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING DAVID CARLUCCI AS MARRIAGE OFFICER PURSUANT TO §11-c OF THE DOMESTIC RELATIONS LAW

WHEREAS, §11-c of the Domestic Relations Law provides for the appointment by the Town Board of a Marriage Officer who shall have the authority to solemnize a marriage;

RESOLUTION NO. (777-2007) continued

NOW, THEREFORE, be it

RESOLVED, that David Carlucci, Town Clerk, is hereby appointed a Marriage Officer for the Town of Clarkstown, for a term to commence on January 1, 2008 and terminating on December 31, 2009, at the pleasure of the Town Board, without compensation.

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. (778-2007)

Co. Nowicki offered and Co. Mandia seconded

RESOLUTION FOR REMOVAL OF SNOW ON UNDEDICATED STREETS IN CLARKSTOWN

WHEREAS, heavy snowfall and other inclement weather may create hazardous conditions which may pose an increased danger to life and property in the event of fire, sickness, lack of food and medical assistance to persons house bound on unplowed or otherwise impassable streets;

NOW, THEREFORE, be it

RESOLVED, that in addition to the authority granted under Executive Law, Sections 24 and 25, the Supervisor of the Town of Clarkstown is hereby authorized to use and direct any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any urgent situation, crisis, natural emergency disaster or extraordinary condition created by any snow fall or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes and directs the Superintendent of Highways to seek the cooperation of the developers/owners of undedicated streets to properly plow and sand during inclement weather and to use personnel and equipment to plow undedicated streets in the Town of Clarkstown at such time when necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to seek recovery of the reasonable costs for such services from the developers of undedicated subdivision roads or any responsible party, and where appropriate, to assess such costs, if unpaid, on the responsible property owner's next Town tax bill, or otherwise seek recovery by any available legal remedy.

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. (779-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AMENDMENT TO SIDE LETTER OF AGREEMENT DATED JUNE 14, 2007

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies an amendment to the June 14, 2007 Side Letter of Agreement with the Town of Clarkstown Unit of the CSEA with such amendment dated December 28, 2007 and hereby authorizes the Town Supervisor to execute same and to take all necessary actions consistent therewith.

On roll call the vote was as follows

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

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

On motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, Town Board Meeting was closed 12:04 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

12/28/07

12:00 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

Re: Proposed local law amending Chapter 290 (Zoning) of the Town Code for Performance Standards to include requirements for the maintenance of plantings.

On motion of Co. Lasker, seconded by Co. Nowicki, hearing opened 12:00 P.M.

Amy Mele- Town Attorney
Gave an overview of the proposed local law.

Co. Mandia
This amendment to the law will be a major improvement.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Nowicki, and unanimously adopted, the public hearing was closed 12:02 P.M. RESOLUTION NO. (767-2007) was unanimously adopted.

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (767-2007)

TOWN OF CLARKSTOWN SPECIAL MEETING
CLARKSTOWN MIDDLEWOOD HOUSING
DEVELOPMENT FUND COMPANY, INC.

Town Hall

12/28/07

12:04 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

On motion of Co. Nowicki, seconded by Co. Maloney, hearing opened 12:04 P.M.

RESOLUTION AUTHORIZING ALEXANDER J. GROMACK, PRESIDENT OF THE CLARKSTOWN
MIDDLEWOOD HOUSING DEVELOPMENT FUND CO., INC., TO SIGN AN AMENDMENT TO THE
MANAGEMENT AGREEMENT WITH ARCO MANAGEMENT CORP., FOR THE CLARKSTOWN
MIDDLEWOOD SENIOR CITIZEN HOUSING PROJECT

WHEREAS, the management agreement of Arco Management Corp., to manage the Clarkstown Middlewood Senior Citizen Housing Project owned by the Clarkstown Middlewood Housing Development Fund Co., Inc., will expire on March 31, 2008, and

WHEREAS, Arco Management Corp. has submitted a proposal to extend the agreement for a three year term at the price of \$36.00 per unit, which represents a \$1.00 per unit reduction from the current contract price, and

WHEREAS, by memo dated December 27, 2007, Rudy Damonti, Constituent Service Coordinator/Senior Citizen Director, recommended that Board of Directors extend the agreement with Arco management Corp., as per their proposal;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Constituent Service Coordinator/Senior Citizen Director, Alexander J. Gromack, President of the Clarkstown Middlewood Housing Development Fund Co., Inc., is hereby authorized to execute the Suggested Housing Management Agreement recommended by the U.S. Department of Housing and Urban Development with Arco Management Corp., and such execution shall be on behalf of the Clarkstown Middlewood Housing Development Fund Co., Inc., for the period April 1, 2008 through March 31, 2011, and be it

FURTHER RESOLVED, that the contract approved by the Board of Directors shall expressly provide that any site manager, superintendent, or other management company employee who works at the Clarkstown Middlewood Senior Citizen Housing Project or who works in direct contact with the residents of that site shall be to the satisfaction of the Board of Directors, and the Board of Directors reserves the right to require a change of any such site manager, superintendent, or other management company employee within fourteen (14) days of requesting same, and be it

FURTHER RESOLVED, that the Board of Directors shall be notified within seven (7) days of any vacant apartments and all new tenants must be selected from the list maintained by the Town of Clarkstown.

On motion of Co. Maloney, seconded by Co. Mandia, Co. Lasker, and Supervisor Gromack, the hearing was closed in the name of Councilwoman Nowicki, in honor of her many years of service on the Town Board, 12:07 P.M.

Respectfully submitted,

David Carlucci
Town Clerk