

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

02/14/2006

8:05 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Lasker, & Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk
Absent: Council Member Mandia

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

Public Hearing re: Proposed extension to conservation easement agreement with United Water New York. On motion of Co. Lasker, seconded by Co. Maloney, opened 8:10. On motion of Co. Nowicki, seconded by Co. Maloney, closed 8:12. RESOLUTION NO. (104-2006) adopted.

Public Hearing re: Petition of Tilcon New York, Inc. for a special permit to conduct a landfill operation for property at 162 Old Mill Road, West Nyack. On motion of Co. Maloney, seconded by Co. Lasker, opened 8:14. On motion of co. Maloney, seconded by Co. Lasker to continue public hearing at later date, closed 9:47. RESOLUTION NO. (105-2006) adopted.

Supervisor opened the public portion of the meeting regarding agenda items.

Marilyn Schauder, Valley Cottage

Voiced concerns about installation of "Weight Limit 10 Tons" sign on southbound Kings Highway near intersection of Rockland Lake Road, Valley Cottage. She said we should have a 3 ton limit sign instead. Suggested Board read an article in NY Times about walking as opposed to driving, as it would be helpful in planning.

Rob Brady, Insurance and Claims, Town Hall

Said the County has 10 ton Limit signs and that he recommends doing the same, as it would clarify for drivers where they could and could not drive. After conferring with Mrs. Schauder, she agreed that the resolution to place the 10 ton limit sign in the designated area should be passed.

George Rumelt, New City

Felt the resolution proposed to amend zoning laws dealing with permitted accessory signs for Child Day Care Centers in a PO zone should be pulled. He also stated that Stop & Shop would not be interested in investing without gasoline pumps.

Joel Epstein, Code Enforcer, Town Hall

Stated that the sign for the day care center in a PO zone was approved by ALC, but the sign was in violation of the code. However, as it was a "good thing for the town," this resolution would now allow the sign to comply with the code.

Henry Ackerman, counsel for Stop & Shop

Stated, "They have made a business judgment that it is significant convenience to the customer and a revenue source," regarding the inclusion of gas pumps on the property. Also said they have a plan for 120 spaces for the commuter lot.

Martin Bernstein, New City

Was very glad they are having a park and ride lot. Was opposed to amending code to allow day care centers to have signs in PO zone and amending zoning to allow gas pumps in CS zones.

Robert Dillon, New City

Submitted letter for record against Stop & Shop, to follow:

Dear Supervisor Gromack,

I am a fifty year Clarkstown resident and have owned or operated seven gasoline stations in the town over the last thirty years. Currently I do not have any interest in any gas station in the New City area.

After attending the January 19, 2006 Planning Board meeting, I would like to offer my informed opinion as to the impact of granting the applicants request.

Rockland County is an extremely competitive market for gasoline retailers. Geographically isolated from the rest of New York State by the Hudson River and the Ramapo Mountains. Rockland gasoline retailers are forced to compete against New Jersey retailers. Gasoline taxes in New Jersey are approximately twenty center per gallon less then New York. This competitive disadvantage has caused many gas stations in Rockland and in Clarkstown in particular close in recent years. In approximately the last two years, eight gas stations have closed in the Town of Clarkstown, four in New City. Each of these is a potential "brown field" (contaminated) site. One of these closed gas stations is responsible for the condemnation of dozens of residential wells at great expense to homeowners and the Town.

As presented by the applicant, the proposed gas station would be constructed to current environmental standards to migrate the possibility of a gasoline spill. In the event, however, of an accident involving a gasoline delivery truck carrying as much as twelve thousand gallons of gasoline the proposed safeguards would be quickly overwhelmed. There are many ways that a spill may occur in the course of making a gasoline delivery. One of the most frightening moments of my life was when I was driving past the Hess gasoline station on Route 59, Nanuet just moments after a tanker truck making a delivery had rolled over. People were still at the pumps as gasoline spilled from the top of the truck and ran across the parking lot and into the storm drains. If a serious accident were to occur at the proposed site the result would be a significant spill of gasoline into the Demarest Kill Stream and the

possibility of fire and explosion. It should be noted that this proposed gas station would be in the center of what will be a very busy shopping center in close proximity to a bus stop, two retail plazas, a McDonald's restaurant and a new proposed restaurant. Buildings downstream such as the New City Condominiums would also be at risk of fire after a discharge of gasoline into the Demarest Kill Stream.

Why would the Board want to create any chance for an environmental disaster when there is no need to? Having a gas station at this location is far from necessary for our town. In my opinion it makes much more sense to limit new gas station development to old gas station sites and avoid the likelihood of creating a new brown-field only 235 feet from the Demarest Kill Stream. The applicant claims that without the gasoline station the proposed project would not be economically viable and denies that they intend to market gasoline as a loss leader. In view of the fact that four gas stations have closed in New City in the last year or so, and knowing the economics of the gasoline business, I find that contention more than a little disingenuous. We all know how supermarkets love to market loss leaders. This is the only reason that the gas station could be beneficial to the applicant. If an additional profit center is needed, the applicant should build something that does not put the environment and the health and safety of town residents at risk.

At the January 19, 2006 Planning Board meeting the applicant stated that approximately 30 vehicles per hour would enter the parking lot for the purpose of buying fuel. I disagree. This gas station should be expected to sell between 175,000 to 225,000 or more gallons of gasoline per month. Currently the average gasoline sale in this area is about \$22.00 or 8.5 gallons per sale. This translates to a traffic flow of 42 to 54 vehicles or more per hour, or 80 percent or more over the applicants estimate. Additionally, the applicant has not agreed to restrict the hours of operation and to not introduce Diesel Fuel for sale, which would attract additional and larger (Truck) vehicles to the site.

What percent is set if this request is granted? Will all other landlords or retailers be given equal consideration and be granted permits to put gas pumps in their parking lots? If not, will the town be sued and be forced to grant these applications or be subject to litigation expense and monetary damages? Will other gas stations in New City be forced out of business only be boarded up and fenced off?

While the overall proposed project is attractive, there is little to be gained and much to be lost by including a gas station within the project.

Please do not grant the applicant's request for an amendment to the zoning law.

Cc: Clarkstown Town Board
 Clarkstown Planning Board
 Rockland County Planning Dept.
 Dennis M. Letson – Clarkstown Dept. of Environmental Control
 Clarkstown Town Attorney
 Ed Day – Rockland County Legislator
 Catherine Quinn – Rockland County Health Dept./Environmental Health
 Rockland County Highway Dept.
 Rockland County Drainage Agency
 United Water
 Dennis Lynch, Esq.

Bruce Broadley, West Nyack

Stated he was disappointed that Clarkstown did not attract more than Stop & Shop, as we are losing a demographic of the town. He would like to see a Wegman's or Whole Foods. Two concerns are that the gas pumps have to be 250 feet from their

building, but not 250 feet from other buildings, and that special permits should go to the company applying for a permit, not for the property in perpetuity. He also wanted to know if the resolution to urge the Palisades Center Mall to adopt a Parental Escort Policy was because of the recent incidents that took place.

Co. Lasker

Stated that Parental Policy did make other malls safer. She asked, "Why does the mall not have better security?"

RESOLUTION NO. (104-2006)

Co. Nowicki offered, Co. Maloney seconded.

WHEREAS, in February, 2003, the Town Board authorized and the Town of Clarkstown acquired, a Deed of Conservation Easement (the Conservation Easement) with a one-year term, on undeveloped land of United Water New York and Corwick Realty, Inc. (Grantees) lying in the Hackensack River Basin in the Town of Clarkstown, except the submerged land of Lake DeForest (the Affected Land); and

WHEREAS in February, 2004, the Town Board extended the term of the Conservation Easement for two years; and

WHEREAS the area of the Affected Land is about 458 acres; and

WHEREAS preserving the scenic, open and natural values of these lands and protecting land used for farming in the Town are among the policies and goals declared in the Clarkstown Comprehensive Plan Update of 1999 and its Generic Environmental Impact Statement; and

WHEREAS these same objectives were further endorsed in the Town-Wide Open Space and Land Conservation Initiative, its Supplementary Generic Impact Statement and the resolutions related to it; and

WHEREAS the People of Clarkstown have shown their approval of the Town-Wide Open Space and Land Conservation Initiative by their referendum endorsement of a \$22 Million open space purchase fund; and

RESOLUTION NO. (104-2006) continued

WHEREAS the Affected Land was recommended for protection by the Open Space Committee; and

WHEREAS the Clarkstown Comprehensive Plan Update of 1999, its Generic Environmental Impact Statement as well as the Town-Wide Open Space and Land Conservation Initiative, its Supplementary Generic Impact Statement and related resolutions all contemplate Town acquisition of less-than-fee interests to accomplish their open space and land conservation goals; and

WHEREAS Section 247 of the General Municipal Law authorizes the town to acquire less-than-fee interests in land to protect its natural scenic beauty, to retain its existing openness or natural condition or to maintain or enhance the conservation of natural or scenic resources, including open land used for farming; and

WHEREAS Article 49 of the Environmental Conservation Law provides for conservation easements as a means for the town to accomplish the less-than-fee acquisitions authorized by General Municipal Law § 247 for natural and scenic resource protection; and

WHEREAS the Conservation Easement limits or restricts development, management or use of land for the purpose of preserving or maintaining its scenic, open, natural values as well as those values of a historic, archaeological, architectural character; and

WHEREAS the Conservation Easement yields open space and land conservation goals established by this Town Board because it permits United Water New York and Corwick Realty, Inc., continued use of the Affected Land only for their water utility purposes and their ordinary course of business uses (along with continued farming uses) but prohibits all development or subdivision for industrial, commercial or residential uses; and

RESOLUTION NO. (104-2006) continued

WHEREAS the Assessor is bound by General Municipal Law § 247 to take into account the effects of a conservation restriction on the valuation of the Affected Land; and

WHEREAS that valuation will result in an abatement of Grantees' real property assessments without reducing the Town's tax levy; and

WHEREAS New York State law prohibits any agreement concerning prospective assessments, even those concerning only the method of assessing land rather than the assessment itself; and

WHEREAS Grantees are unwilling to restrict their land for a period any longer than they can be assured of an assessment process like the one currently in use by the Assessor; and

WHEREAS, this prohibition in New York Law hobbles many conservation easement transactions; and

WHEREAS making a durable conservation easement between the Town of Clarkstown and Grantees will require a change in state law; and

WHEREAS, obtaining the necessary changes in New York law will take more time; and

WHEREAS Grantees have offered to continue existing restrictions on the Affected Land for another two years; and

WHEREAS the Town Board finds that it is more economical to protect the Affected Land with a conservation easement than by any other means, including purchasing it in-fee; and

WHEREAS the Town Board wants to make every effort to persuade the State of New York to make its law more congenial to conservation easements in general and to the Conservation Easement with Grantees in particular; and

RESOLUTION NO. (104-2006) continued

WHEREAS the Town Board, having conducted a duly noticed public hearing on the subject, has considered the comments offered and submitted; and

WHEREAS the Town Board has determined that this is an unlisted, site-specific action that conforms with the conditions and thresholds established for such actions in the Generic Environmental Impact Statement for the Comprehensive Plan Update of 1999 and the Supplementary Generic Impact Statement prepared for the Town-Wide Open Space and Land Conservation Initiative, and therefore requires no further compliance with the State Environmental Quality Review Act;

NOW THEREFORE be it

RESOLVED that to continue protecting the Affected Land, the Supervisor is hereby authorized to execute an Amendment extending by two years the term of the Deed of Conservation Easement with United Water New York and Corwick Realty, Inc., in a form meeting the standards of Article 49 of the Environmental Conservation Law and approved by the Town Attorney; and

Be it further

RESOLVED that if a court of competent jurisdiction finds any provisions of this Resolution or the subject Amendment to be invalid, all other provisions of this Resolution and the Amendment shall continue to be separately and fully effective.

On roll call the vote was as follows

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

RESOLUTION NO. (105-2006)

Co. Lasker offered, Co. Maloney seconded

WHEREAS, the Town Board requested the Clarkstown Planning Board to review and make recommendations regarding Tilcon’s application for a special permit to conduct a fill operation at its facility in West Nyack, New York, and

WHEREAS, the Planning Board, by resolution dated January 25, 2006, recommended that the Town request that Tilcon provide a Master Plan, including a site plan and documentation describing the current and anticipated future operations and potential environmental impacts of all Tilcon holdings in West Nyack, along with a visual impact analysis of the area to be land-filled and any proposed structures to be placed thereon, and

WHEREAS, the Luke Kalarickal, Director of DEC, and Dennis Letson Deputy Director of DEC, in the performance of their SEQRA review, have also requested additional information from Tilcon which is outlined in a memo dated February 9, 2006, and

WHEREAS, the Town has not yet received comments from all of the agencies to which it referred the application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the public hearing to be continued to a date to be determined once the applicant complies with the Town Board’s request as set forth in this resolution.

On roll call the vote was as follows

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

RESOLUTION NO. (106-2006)

Co. Lasker offered, Co. Maloney seconded

RESOLVED, that the Town board Minutes of January 24, 2006 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (107-2006)

Co. Maloney offered, seconded by Co. Nowicki

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown parks Board and Recreation Commission at the Clarkstown South High School at approximately 9:30 PM on Monday, July 3, 2006 with a rain date of Wednesday, July 12, 2006 pursuant to Section 405 of the Penal Law.

On roll call the vote was as follows

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

RESOLUTION NO. (108-2006)

Co. Nowicki offered, Co. Lasker seconded

RESOLUTION AUTHORIZING FIRE LANE DESIGNATIONS AT HARD WOK BUFFET

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law NO. 9-1971, as amended,

RESOLUTION NO. (108-2006) continued

known as the VEHICLE AND TRAFFIC LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

HARD WOK BUFFET
732 RT. 304
NEW CITY, NY 10956
55-A-15 (51.18-2-48)

By the installation of fire lane designations, and

WHEREAS, JACKIE H. CHENG has requested that the Town of Clarkstown designate said fire lanes:

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law N. 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 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. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (109-2006)

Co. Maloney offered, Co. Lasker seconded

WHEREAS, the Director of the Department of Environmental Control, and the Building Department, have reviewed a map showing the proposed location for a fire hydrant (Investigation No. 1259) at Burda Avenue, New City, New York, and recommend installation of same;

RESOLUTION NO. (109-2006) continued

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12359 Burda Avenue, New City.

X11028 – e/s Burda Avenue Approx. 300’ s/o Aspen Lane

and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

On roll call the vote was as follows

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

RESOLUTION NO. (110-2006)

Co. Maloney offered, seconded by Co. Nowicki

WHEREAS, IFG Productions, Inc. has requested use of the Town of Clarkstown showmobile on Sunday, May 21, 2006 from 10:00 am – 7:00 pm for a Parade of Unity Year 2006 to celebrate Haitian Flag Day and Ethnic Diversity in Rockland at Spring Valley Memorial Park,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to IFG Productions to use the Town of Clarkstown showmobile on May 21, 2006 for the above purpose and subject to the provision of the necessary insurance policies,

RESOLUTION NO. (110-2006) continued

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

RESOLUTION NO. (111-2006)

Co. Maloney offered, seconded by Co. Nowicki

WHEREAS, the Wayne Hose Company No. 1 has requested use of the Town of Clarkstown showmobile for Saturday, September 9, 2006 from 11:00 am – 6:00 pm, for the 2006 Rockland County Volunteer Fireman’s Association Parade at Don’s Neighborhood Grill in Stony Point,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Wayne Hose Company No. 1 to use the Town of Clarkstown showmobile on Saturday, September 9, 2006 for the above purpose and subject to the provision of the necessary insurance policies,

FURTHER RESOLVED, that the Clarkstown Parks Board and Recreation Commission and Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

RESOLUTION NO. (112-2006)

Co. Nowicki offered, Co. Lasker seconded

WHEREAS, the U. S. Department of Justice, under Community Oriented Policing Services (GAD), has appropriated a Law Enforcement Technology Grant (No. 2005CKWX0302), (ORI No. NY04350), in the amount of \$39,466.00 to the Town of Clarkstown, for the purpose of establishing a Motorola Air Mobile System at the Clarkstown Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the U.S. Department of Justice, in a form approved by the Town Attorney, to accept a grant award of \$39,466.00, for the purpose of establishing a mobile system at the Clarkstown Police Department, for the period covering December 8, 2004 through December 7, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (113-2006)

Co. Nowicki offered, Co. Lasker seconded

WHEREAS, Denis Malone, Transit Operations Supervisor of the Town of Clarkstown Mini-Trans system, has requested monetary assistance from the County of

RESOLUTION NO. (113-2006) continued

Rockland in order to maintain the Clarkstown Mini Trans bus fleet and to keep it in safe and workable condition, and

WHEREAS, the County of Rockland has authorized a grant to the Town of Clarkstown in the amount of \$60,000.00 to maintain the Town's bus fleet;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, Department of Public Transportation, in a form approved by the Town Attorney, for the period January 21, 2006 to December 31, 2006, to obtain a \$60,000.00 grant to maintain and keep the Clarkstown Mini Trans system in safe, sanitary, and proper order.

On roll call the vote was as follows

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

RESOLUTION NO. (114-2006)

Co. Nowicki offered, Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO LEASE TEMPORARY STAFF QUARTERS FOR THE TOWN OF CLARKSTOWN, SOLID WASTE FACILITY, WEST NYACK, NEW YORK

WHEREAS, an unsafe and unsanitary condition exists at the maintenance building at the Town of Clarkstown Solid Waste Facility in the area of the employee lockers and lunch room, and

RESOLUTION NO. (114-2006) continued

WHEREAS, the Town of Clarkstown is currently undertaking a feasibility study to determine the best possible replacement for the existing maintenance building, and

WHEREAS, the Deputy Director of Operations has recommended the use of a temporary mobile structure with the necessities for use as the employees locker and lunch room, including adequate sanitary facilities, and

WHEREAS, the Deputy Director of Operations has obtained a proposal from William Scotsman, Inc. for such a structure.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into a lease agreement with William Scotsman, Inc., 170 Central Avenue, South Kearney, New Jersey 07032 in accordance with their proposal dated 1/27/06, and

BE IT FURTHER RESOLVED, that the term of the lease shall be for twelve (12) months at a cost of \$700.00 per month, and

BE IT FURTHER RESOLVED that the total cost for the twelve (12) month lease, including all set up costs shall not exceed \$16,010.00 and shall be a proper charge to SR 8160-409.

On roll call the vote was as follows

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

RESOLUTION NO. (115-2006)

Co. Nowicki offered, Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN 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

RESOLUTION NO. (115-2006) continued

or Roadway Programs” with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, beginning February 14, 2006 to February 14, 2008, as follows:

**Sponsor: Head Start of Rockland
85 Depew Avenue, Box 107, Nyack NY 10960**

**Roads: .5 mile segment of Second Avenue between
Lawrence Street and One Head Start Circle in
Nanuet, NY 10954**

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the **Head Start of Rockland** organization will perform a public service in removing trash from 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 an agreement, for a period of two (2) years beginning February 14, 2006 to February 14, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by the **Head Start of Rockland** organization, to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (116-2006)

Co. Nowicki offered, Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE ROBERT GENESLAW CO. FOR PLANNING SERVICES FOR THE PERIOD 1/1/06 TO 12/31/06

RESOLUTION NO. (116-2006) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the ROBERT GENESLAW CO., in a form satisfactory to the Town Attorney, to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 2006 to December 31, 2006, 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 compensation of Robert Geneslaw Co. for such services shall be \$4,174.00 for the first month of the contract and \$4,166.00 per month for the remainder of the contract, and that the total compensation shall be \$50,000.00 which amount shall be charged to Account No. B-8020-409.

On roll call the vote was as follows

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

RESOLUTION NO. (117-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLVED, that the resignation (by retirement) of Robert J. Franchino, Police Sergeant – Clarkstown Police Department - is hereby accepted – effective and retroactive to January 31, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (118-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLVED, that the resignation of Francis Thomas Municipal Bus Driver - Municipal Transportation is hereby accepted – effective and retroactive to January 10, 2006 – at the close of the business day.

On roll call the vote was as follows

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

RESOLUTION NO. (119-2006)

Co. Maloney offered, seconded by Co. Lasker

WHEREAS, Patrick R. Ross has requested a leave of absence, without pay, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

NOW, therefore, be it

RESOLVED, that Patrick R. Ross Computer Installation Assistant – Data Processing Department – is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to February 3, 2006 to August 3, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (120-2006)

Co. Nowicki offered, seconded Co. Lasker

RESOLVED, that upon the recommendation of the Superintendent of Highways that
Bid#50-2005 – MULTI-PURPOSE LIQUID APPLICATION SYSTEM FOR
ROLL OFF TRUCKS

Is hereby awarded to: REED SYSTEMS
PO BOX 209
ELLENVILLE, NY 12428
PRINCIPALS: JAMES REED
JOAN REED

As per their low bid price of \$37,424.00 total (\$18,712.00 each)

On roll call the vote was as follows

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

RESOLUTION NO. (121-2006)

Co. Nowicki offered, seconded Co. Lasker

RESOLVED, that based upon the recommendation of the Director of the Department of
Environmental Control and the Purchaser II - Purchasing Department that

BID #53-2005 – NEW VALLEY ROAD DRAINAGE IMPROVEMENT – PHASE II

is hereby awarded to: ENVIRONMENTAL CONSTRUCTION, INC.
21 KAY FRIES DRIVE
STONY POINT, NY 10980
PRINCIPALS: SUSAN OELKERS, PRESIDENT

as per their proposed project cost of \$46,232.00 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

RESOLUTION NO. (121-2006) continued

- 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 co-insured party on all liability policies, as they pertain to the project awarded.

On roll call the vote was as follows

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

RESOLUTION NO. (122-2006)

Co. Nowicki offered, seconded Co. Lasker

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control and the Purchaser II - Purchasing Department that

BID #87-2005 – STRATHMORE CREEK REMEDIATION – PHASE II

is hereby awarded to:

UPSTATE CONCRETE AND MASONRY
 CONTRACTING COMPANY, INC.
 449 WEST MOMBASHA ROAD
 MONROE, NY 10950

PRINCIPALS: ANGELO TONDO, PRESIDENT

as per their proposed project cost of \$84,550.00 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

RESOLUTION NO. (122-2006) continued

- 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 co-insured party on all liability policies, as they pertain to the project awarded.

On roll call the vote was as follows

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

RESOLUTION NO. (123-2006)

Co. Nowicki offered, seconded Co. Lasker

RESOLVED, that based upon the recommendation of the Purchasing Department and The Police Department that

BID#8-2006 – UNIFORMS FOR CLARKSTOWN POLICE DEPARTMENT
is hereby awarded to:

SOMES UNIFORMS INC.
 314 MAIN STREET
 HACKENSACK, NJ 07601
 PRINCIPALS: JEROME S. SOME

NEW ENGLAND UNIFORM
 356 MAIN STREET
 DANBURY, CY 06810
 PRINCIPALS: EDWARD P. McGEE

as per the attached price/item list

On roll call the vote was as follows

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

RESOLUTION NO. (124-2006)

Co. Maloney offered, seconded by Co. Lasker

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

BID#6-2006 – ARTS AND CRAFTS SUPPLIES - RECREATION

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New city, New York 11:00 A.M. on MARCH 8, 2006 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. Nowicki.	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (125-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLVED, that the Purchaser II - Purchasing Department is hereby authorized to advertise for bids for:

BID #13-2006 – FIRST AID/SAFETY SUPPLIES

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing , 10 Maple Avenue,

New City, New York by 11:00 (A.M.) on MARCH 2, 2006.

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. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (126-2006)

Co. Maloney offered, seconded by Co. Lasker

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

BID#14-2006 – 2006 ROADWAY RESURFACING PROGRAM

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at

the office of the Clarkstown Purchasing Department .

On roll call the vote was as follows

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

RESOLUTION NO. (127-2006)

Co. Maloney offered, seconded by Co. Lasker

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

BID#15-2006 – 2006 CONCRETE CURB AND SIDEWALK

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

RESOLUTION NO. (127-2006) continued

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. Nowicki.	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (128-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids for:
BID#17-2006 – FOOD PROVISIONS FOR TOWN OPERATED REFRESHMENT STANDS

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (129-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids
BID#18-2006 – STORAGE OF TOWN VOTING MACHINES

RESOLUTION NO. (129-2006) continued

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (130-2006)

Co. Maloney offered, seconded by Co. Lasker

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

BID#19-2006 – DELIVERY OF TOWN VOTING MACHINES

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (131-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety

Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "Weight Limit 10 Tons" sign to be erected on Kings Highway, southbound near the intersection of Rockland Lake Road, Valley Cottage. Sign is to conform with Section 215.1 of the NYS DOT MUTCD (see RS-1 sign)

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this

resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows

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

RESOLUTION NO. (132-2006)

Co. Lasker offered, seconded by Co. Nowicki

RESOLUTION AMENDING THE ALLOWANCE FOR STORM DRAIN SYSTEM CLEANING AT VARIOUS LOCATIONS IN THE TOWN OF CLARKSTOWN

Whereas, the Town Board of the Town of Clarkstown, by resolution #418-2005, has previously authorized the Director of the Department of Environmental Control to retain the services of Fred A. Cook Jr., Inc. of Montrose, New York to perform the cleaning of existing storm drain systems in the Town of Clarkstown; and

Whereas, it was necessary for the Contractor to use specialized equipment not included in the original scope of work to remove accumulated root mass causing a blockage in an existing storm drain line; and

Whereas, the cost for the use of this equipment was negotiated as a single charge of \$200.00;

RESOLUTION NO. (132-2006) continued

Now, Therefore Be It Resolved that the allowance for this work be increased by said amount of \$200.00 to a total of \$11,000.00 for the ten days of work authorized in resolution #418-2005; and

Be It Further Resolved that this shall be a proper charge to account #A 8730 – 409.

On roll call the vote was as follows

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

RESOLUTION NO. (133-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLUTION REFERRING PROPOSED LOCAL LAW TO AMEND THE CLARKSTOWN TOWN CODE WITH RESPECT TO THE VALLEY COTTAGE HAMLET CENTER OVERLAY DISTRICT

WHEREAS, by resolution adopted on May 31, 2005, the Town Board referred a proposal to amend the Clarkstown Town Code concerning the Valley Cottage Hamlet Overlay District to the Clarkstown Planning Board for its review and comments, and

WHEREAS, the Town Board has received the Planning Board’s recommendations and wish to refer to other agencies;

NOW, THEREFORE, be it

RESOLVED, that the proposed amendment concerning the Valley Cottage Hamlet Center Overlay District is hereby referred to the Rockland County Commissioner of Planning, the Rockland County Highway Department, the New York State Department of Transportation, the Clarkstown Planning Board, and other agencies required by Sections 239-l and 239-m of the General Municipal Law, for their recommendations, 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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows

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

RESOLUTION NO. (134-2006)

Co. Nowicki offered, seconded by Co. Lasker

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 125 (DOGS AND OTHER ANIMALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

"A LOCAL LAW TO AMEND CHAPTER 125 (DOGS AND OTHER ANIMALS ,) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

and

WHEREAS, the purpose of this local law is to permit the Town Clerk, pursuant to Section 110 of the Agriculture and Markets Law, upon payment in advance of the annual fees set forth above, to issue multiple year dog licenses for up to three years."

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on March 21, 2006, at 8:00 p.m. 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. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (135-2006)

Co. Nowicki offered, seconded by Co. Lasker

RESOLUTION REFERRING PROPOSAL TO AMEND THE CLARKSTOWN ZONING LOCAL LAW WITH RESPECT TO ACCESSORY SIGNS FOR CHILD DAY CARE CENTERS IN PO ZONE

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

"A LOCAL LAW TO AMEND CHAPTER 290 OF THE ZONING LOCAL LAW AND TABLE 9, OF THE GENERAL USE REGULATIONS FOR A PO DISTRICT DEALING WITH PERMITTED ACCESSORY SIGNS, OF THE

TOWN OF CLARKSTOWN”

and

WHEREAS, the proposed local law provides regulations for permitted accessory signs for Child Day Care Centers subject to Section 290-14 of the Zoning Local Law of the Town of Clarkstown, and

WHEREAS, Robert Geneslaw, Planning Consultant, has advised that this action does not require review under the New York State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on March 21, 2006, at 8:00 p.m. 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 shall cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

On roll call the vote was as follows

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

RESOLUTION NO. (136-2006)

Co. Lasker offered, seconded by Co. Maloney

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO INSTALL +/- 304' OF STOCKADE FENCE WITHIN A TOWN RIGHT OF WAY

WHEREAS, an existing fence located within the Town right-of-way in the vicinity of Corners Road in Congers is in a state of disrepair and in need of replacement; and

WHEREAS, the Department of Environmental Control has prepared a plan for the replacement of the portion of the wooden stockade fence located within the Town ROW; RESOLUTION NO. (136-2006) continued

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to perform said improvements in accordance with their plan; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Crestwood Fence and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Crestwood Fence for their low proposal of \$6,460.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of:

*Crestwood Fence
PO Box 9239
Bardonia, NY 10954*

to perform this work in accordance with their proposal for an amount not to exceed **\$6,460.00**; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

FURTHER RESOLVED that this amount shall be a proper charge to account **#H8757 409 0 81 2**

On roll call the vote was as follows

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

RESOLUTION NO. (137-2006)

Co. Lasker offered, seconded by Co. Maloney

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO PERFORM DRAINAGE IMPROVEMENTS WITHIN A TOWN EASEMENT IN THE VICINITY OF 8 CRIMSON COURT, BARDONIA

WHEREAS, flooding has occurred in the vicinity of 8 Crimson Court; and
RESOLUTION NO. (137-2006) continued

WHEREAS, the Department of Environmental Control has prepared a plan to improve the inlet capacity of the existing drainage system in an attempt to prevent future flooding; and

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform said improvements in accordance with their plan; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Cusack Landscaping, Inc. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Cusack Landscaping, Inc. for their low proposal of \$2,850.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of:

*Cusack Landscaping, Inc.
P.O. Box 106
New City, NY 10956*

to perform this work in accordance with their proposal for an amount not to exceed **\$2,850.00**; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

FURTHER RESOLVED that this amount shall be a proper charge to account **#8757 409 0 81 3**

On roll call the vote was as follows

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

RESOLUTION NO. (138-2006)

Co. Nowicki offered, seconded by Co. Maloney

**RESOLUTION AUTHORIZING MEMBERSHIP IN THE
ROCKLAND COUNTY CONSERVATION ASSOCIATION, INC.**

WHEREAS, Alexander J. Gromack, Supervisor, recommends that the Town of Clarkstown become a member of the Rockland County Conservation Association, Inc.;
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes membership for the Town of Clarkstown in the Rockland County Conservation Association, Inc., Pomona, New York, for a period of one year, at a fee of \$20.00.

On roll call the vote was as follows

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

RESOLUTION NO. (139-2006)

Co. Maloney offered, seconded by Co. Lasker

**RESOLUTION AUTHORIZING PRODUCTION COMPANY
TO FILM IN THE TOWN OF CLARKSTOWN**

WHEREAS, "Michael Clayton" Clayton Prods., LLC, a production company, requests permission to film in the Town of Clarkstown, on Tuesday, February 28, 2006 and Wednesday, March 1, 2006.

NOW, THEREFORE, be it

RESOLVED, that "Michael Clayton" Clayton Prods., LLC, of 176 Grand Street, New York, NY 10013, is hereby authorized to film in the Town of Clarkstown, pursuant to an Agreement between "MICHAEL CLAYTON" CLAYTON PRODS., LLC, a section on Lake Road, Congers, New York 10920, near Rockland Lake State Park, on Tuesday, February 28, 2006, between the hours of 6:00 am and 7:00 pm, and also on Wednesday, March 1, 2006 between the hours of 7am and 7pm; and at the Clarkstown Police Station, 20 Maple Avenue, New City, NY 10956, on Wednesday, March 1, 2006 between the hours of 7:00 am and 11:00 am, upon the following conditions:

RESOLUTION NO. (139-2006) continued

(1) Permittee obtains permission from the property owners and/or tenants to film at the above mentioned sites;

(2) A permit fee of \$250.00 shall be paid to the Town of Clarkstown by Permittee;

(3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;

(4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;

(5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;

(6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;

(7) Permittee shall pay for all required police protection, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and

(8) Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; to utilize public property for any filming, or storage of equipment, or parking of vehicles; and be it

FURTHER RESOLVED, that this Resolution shall serve as the Filming Permit and shall be effective from 6:00 am, on Tuesday, February 28, 2006 through 7:00 pm, March 1, 2006.

On roll call the vote was as follows

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

Co. Lasker offered, seconded by Co. Maloney

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:

RINO PAVING & CONSTRUCTION INC.
400 Route 17
Tuxedo, NY 10987
Robert Rino, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 06-15 RINO PAVING & CONSTRUCTION INC.

On roll call the vote was as follows

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

RESOLUTION NO. (141-2006)

Co. Lasker offered, seconded by Co. Maloney

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

“A LOCAL LAW TO AMEND CHAPTER 290 (ZONING)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

and

WHEREAS, the proposed local law is to amend Section 290-17(F), which is presently reserved by filling that reserved space, and Section 290-11A, Table 11, General Use Regulations in the CS District by adding to Column 3 thereof a new paragraph B.9 to

RESOLUTION NO. (141-2006) continued

allow gasoline pumps in the CS Zoning District by Special Use Permit issued by the Town Board of the Town of Clarkstown.

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on April 4, 2006, at 8:00 p.m. 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, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, 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, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows

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

RESOLUTION NO. (142-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDMENT OF THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN IN SO FAR AS SAME MAY BE IN CONFLICT WITH A PROPOSED AMENDMENT REGARDING THE USE OF GASOLINE STATIONS IN A CS DISTRICT BY SPECIAL PERMIT

WHEREAS, on petition of MAK Development Corp. and Stop & Shop Supermarket Company, LLC, which has been modified upon recommendation of the Clarkstown Planning Board to amend the Zoning Local Law to allow gasoline stations in the CS District by Special Permit, the Town Board is considering such change, and if approved, may be in conflict with the Town of Clarkstown Comprehensive Plan, adopted on June 30, 1999;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264, 265 and 272-a 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 April 4, 2006, at 8:00 p.m., or as soon thereafter as possible, to review and consider amendment of the Town’s Comprehensive Plan for zoning with respect to the presently pending proposed petition of MAK Development Corp. and the Stop and Shop Supermarket Company, LLC, 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, that the proposed amendment to the Comprehensive Plan is hereby referred to the Clarkstown Planning Board for its review and recommendations, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-l and 239-m of General Municipal Law and other applicable provisions of law, 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.

On roll call the vote was as follows

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

RESOLUTION NO. (143-2006)

Co. Nowicki offered, seconded by Co. Maloney

RESOLUTION REFERRING DRAFT AMENDMENT TO THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN WITH RESPECT TO CREATING AN ACTIVE ADULT RESIDENCE ZONE

WHEREAS, the Town Board is considering an amendment to the Zoning Local Law by creating an Active Adult Residence Zone in the Town of Clarkstown;

NOW, THEREFORE, be it

FURTHER RESOLVED, that pursuant to Section 290-33(A) of the Zoning Local Law of the Town of Clarkstown, the proposed local law to create an Active Adult Residence Zone is hereby referred to the Clarkstown Planning Board, pursuant to Section 290-33 of the Town’s Zoning Local Law, for its recommendation and report to the Town Board.

On roll call the vote was as follows

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

RESOLUTION NO. (144-2006)

Co. Lasker offered, seconded by Co. Maloney

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, “A LOCAL LAW TO AMEND CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

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

“A LOCAL LAW TO AMEND CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on March 21, 2006, at 8:00 p.m. 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. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (145-2006)

Co. Lasker offered, seconded by Co. Maloney

RESOLUTION AUTHORIZING JESSICA HAUSER, DEPUTY TOWN ATTORNEY,
 TO FILL THE POSITON OF DEPUTY TOWN ATTORNEY FOR THE
 PURCHASING DEPARTMENT

WHEREAS, the Deputy Town Attorney, Purchasing, position, previously held by the Town Attorney is presently vacant, and

WHEREAS, the Town Board desires to fill the position of Director of Purchasing, and

WHEREAS, Deputy Town Attorney Jessica Hauser has offered to fill the position of Deputy Town Attorney, Purchasing, pending the hiring of a full-time director, and

WHEREAS Deputy Town Attorney Hauser would perform these duties by adding a full day to her current schedule, in consideration of a \$10,000 increase to her current salary;

NOW, THERFORE, be it

RESOLVED, that Deputy Town Attorney Jessica Hauser is hereby appointed to the position of Deputy Town Attorney, Purchasing, until such time as the Town hires a full-time Director of Purchasing, and be it

FURTHER RESOLVED, that her salary shall be increased by \$10,000 to \$62,000, for so long as she fulfills the duties of Deputy Town Attorney, Purchasing, and be it

FURTHER RESOLVED, that said increase shall be effective and retroactive to February 13, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (146-2006)

Co. Lasker offered, seconded by Co. Nowicki

RESOLUTION AUTHORIZING ATTENDANCE AT
A SEMINAR REGARDING LEGAL EDUCATION

RESOLVED, that the Town Board hereby authorizes Amy Mele, Town Attorney, and Richard Glickel, Deputy Town Attorney, to attend the Rockland County Bar Association Continuing Legal Education Program on February 13, 2006, at the Ramapo Town Hall, and be it

FURTHER RESOLVED, that the cost of said program being \$50.00 per person, plus travel and any necessary expenses, will be charged to Account No. A 1420-414, and be it

FURTHER RESOLVED, that this resolution is made retroactive to January 24, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (147-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLUTION AUTHORIZING SUPERINTENDENT OF RECREATION
AND PARKS TO DISTRIBUTE PRIZE MONEY RECEIVED FROM
UNILEVER AND RIPKIN

WHEREAS, the Clarkstown Parks Board & Recreation Commission was declared a first prizewinner in the "Win a Dream Field from Wisk" contest sponsored by Unilever HPC USA (Unilever) in association with the Cal Ripkin Sr. Foundation (Ripkin), and

WHEREAS, the Clarkstown Parks Board & Recreation Commission was designated the team leader when they entered the contest with New City Little League and the Clarkstown Girls Softball League, and

WHEREAS, the Clarkstown Parks Board & Recreation Commission has received the prize in the form of \$5,000 in gift cards for the purchase of sports equipment, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that the Town use a portion of the winning prize for the Recreation T-Ball program and share the remaining portion of the winning prize with New City Little League and the Clarkstown Girls Softball League;

NOW, THEREFORE, be it
RESOLUTION NO. (147-2006) continued

RESOLVED, that the Superintendent of Recreation and Parks is authorized to allow the New City Little League to purchase \$1,500 of sports equipment and the Clarkstown Girls Softball League to purchase \$1,500 of sports equipment and the Recreation T-Ball program to purchase \$2,000 of sports equipment from the \$5,000 in gift cards which his department received from Unilever and Ripkin.

On roll call the vote was as follows

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

RESOLUTION NO. (148-2006)

Co. Maloney offered, seconded by Co. Lasker

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RENT ONE (1) FRONT END LOADER FOR THE SOLID WASTE FACILITY, WEST NYACK, NEW YORK

WHEREAS, the CAT 970 rubber tire front end loader used at the Solid Waste Facility requires immediate repairs to the drive train in order to operate properly, and

WHEREAS, the loader will be out for repairs for a period of approximately two (2) months beginning on or about February 14, 2006, and

WHEREAS, a replacement front end loader of similar size is required for the continued operation at the Solid Waste Facility, and

WHEREAS, the Deputy Director of Operations has obtained telephone proposals from three (3) equipment suppliers capable of providing the replacement loader as follows:

- Pine Bush Equipment, Pine Bush, NY – No loader available at this time
- HO Penn, Poughkeepsie, NY – CAT 962 loader @ \$8,700.00 / month
- Nortrax Equipment, Beacon, NY – John Deere 744 @ \$8,200.00 / month

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Deputy Director of Operations, the Director of the Department of Environmental Control is hereby authorized to rent one (1) John Deere 744 rubber tire front end loader from Nortrax Equipment, 497 Fishkill

RESOLUTION NO. (148-2006) continued

Avenue, Beacon New York 12508 for a period of two (2) months at the monthly rental rate of \$8,200.00, and

BE IT FURTHER RESOLVED that the total cost for the rental of the front end loader shall not exceed \$16,400.00 and shall be a proper charge to SR 8160 443.

On roll call the vote was as follows

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

RESOLUTION NO. (149-2006)

Co. Nowicki offered, seconded by Co. Lasker

RESOLUTION REQUESTING THE ROCKLAND COUNTY CONSORTIUM
CONSIDER SEVERAL PROJECTS FOR COMMUNITY DEVELOPMENT BLOCK
GRANT FUNDING

WHEREAS, the Town Board of the Town of Clarkstown wishes to request that the Rockland County Consortium consider several projects for Community Development Block Grant Funding, and

WHEREAS, a public hearing was duly held as required by Federal regulations on January 24, 2006, in the auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of the projects set forth herein and requests funding for each;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby request that the Rockland County Consortium consider Community Development funding in the order of priority as listed below;

1st Priority: Town of Clarkstown – Lawrence Street, Nanuet, sidewalk construction and drainage improvement project in the vicinity of New Jersey Transit Railroad tracks;

2nd Priority: Town of Clarkstown – Transportation vehicle to assist in the transport of Senior Citizens from and to various locations with the Town

3rd Priority: Rockland Jewish Community Center Corp. – construction of an elevator at their West Nyack location for the seniors and handicapped members that utilize the center.

On roll call the vote was as follows

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

RESOLUTION NO. (150-2006)

Co. Maloney offered, seconded Co. Nowicki

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPROVE VARIOUS TRAINING SCHOOLS FOR MEMBERS OF THE CLARKSTOWN POLICE DEPARTMENT

WHEREAS, the Chief of Police, Peter Noonan, has recommended that the following schools and conferences be approved for the training and professional education of members of the Clarkstown Police Department;

NOW, THEREFORE, it is

RESOLVED, that the Supervisor is hereby authorized to approve the recommended training school as follows:

	Tuition
5 TH ANNUAL EASTERN REGION CHILD PASSENGER SAFETY CONFERENCE	\$400.00
2006 POLYGRAPH SEMINAR	\$250.00
DEMONSTRATIVE EVIDENCE: FROM CRIME SCENE TO COURTROOM	\$1300.00
SMITH & WESSON PATROL RIFLE INSTRUCTOR COURSE	\$875.00
MANAGING JUVENILE SERVICES- CHILD FATALITY INVESTIGATIONS	N/A
RESPONDING TO MISSING AND ABDUCTED CHILDREN	N/A

BE IT FURTHER RESOLVED, that the Chief of Police is hereby authorized to select and recommend those members of the Department who shall be permitted to attend the schools and conferences as approved hereby.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes
 Co. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (151-2006)

Co. Lasker offered, seconded by Co. Maloney

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer which contains the name of Frank A. Negri,

Now therefore, be it

RESOLVED, that Frank A. Negri, Police Officer, is hereby appointed to the (permanent) position of Police Officer – Town of Clarkstown Police Department – at the current 2006 annual salary of \$57,622., effective to February 20, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (152-2006)

Co. Lasker offered, seconded by Co. Nowicki

RESOLUTION URGING THE PALISADES CENTER MALL TO ADOPT PARENTAL ESCORT POLICY

WHEREAS, the Town of Clarkstown Town Board is interested in the safety of its youths, citizens and visitors to the Palisades Center Mall; and

WHEREAS, the Town Board believes that, given recent events at the Palisades Center Mall involving youth mischief during evening hours, the Palisades Center Mall should review its policies and procedures relating to safety; and

WHEREAS, the Town Board believes it is in the best interests of its residents for the Palisades Center Mall to consider changes to its safety policies, including consideration of a “Parental Escort Policy” whereby children under a certain age would be accompanied by a parent or guardian during weekend evening hours; and

WHEREAS, the owners of the Palisades Center Mall, Pyramid Company, have adopted similar policies at other regional shopping malls including the Carousel Center and the Crystal Run Mall;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby urges the Pyramid Company to review its safety policies and procedures and consider adopting a Parental Escort Policy, in consultation with the Clarkstown Police Department; and be it

FURTHER RESOLVED, that the Town Board hereby request that the Pyramid Company advise the Town Board of its findings and recommendations in writing at its earliest convenience.

RESOLUTION NO. (152-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (153-2006)

Co. Nowicki offered, seconded by Co. Maloney

RESOLUTION AUTHORIZING CHANGE ORDER INCREASING SCOPE OF WORK RELATED TO PREPARATION OF PLANS AND SPECIFICATINOS FOR DRAINAGE IMPROVEMENTS AND SIDEWALK INSTALLATIONLAWRENCE STREET, SPRING VALLEY SECTION

WHEREAS, by resolutions 639-2001 and 504-2002 the Town Board authorized the Director of Environmental Control to retain the services of M. G. McLaren PC Consulting Engineers to prepare design, plans and specifications for installation of drainage and sidewalk improvements on Lawrence Street from Second Avenue to Pascack Road, and

WHEREAS, the Department of Environmental Control has recommended that the scope of the project be increased to include the extension of the installation of sidewalks within the NJ Transit ROW to New Clarkstown Road to the east to further reduce crossings of the railroad and further increase pedestrian safety in the area, and

WHEREAS Director of Environmental Control has received a proposal from M. G. McLaren PC Consulting Engineers, the current design engineers for the project, to prepare additional design, plans and specifications to incorporate the additional sidewalk work;

NOW THEREFORE, BE IT RESOLVED that Town Board resolutions 639-2001 and 504-2002 are amended to include additional field survey and engineering services associated with the extension of sidewalks east to New Clarkstown Road,

BE IT FURTHER RESOLVED that M. G. McLaren PC Consulting Engineers, 100 Snake Hill Road, West Nyack, NY 10994 shall perform the additional survey and engineering services in accordance with their proposal of February 10, 2006, and

BE IT FURTHER RESOLVED that the additional cost shall not exceed \$66,500.00, and

BE IT FURTHER RESOLVED that the total cost of engineering services shall not exceed \$143,500.00 and shall be a proper charge to account number H-8751-409-0-75-14

RESOLUTION NO. (153-2006) continued

On roll call the vote was as follows

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

Supervisor opened the meeting for general public comments.

Bruce Broadley, West Nyack

Had asked at a previous meeting about Verizon boxes and wanted to know if anything had been done to them. Supervisor stated we will revisit it. He also wanted to know if the Board issued any contracts with cable stations. Supervisor answered that they had not and were still in negotiations.

There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, Town Board Meeting was closed, time: 10:30 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

02/14/2006

8:14 P.M.

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

Absent: Council Member Mandia

RE: Petition of Tilcon New York, Inc. for a special permit to conduct a landfill operation for property at 162 Old Mill Road, West Nyack.

On motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the Public Hearing was opened. Resolution no.105-2006 adopted.

The Town Clerk read the notice and testified to its proper posting and publication.

Supervisor opened the floor for public comments. Bruce Rogers, Tilcon’s attorney, made an opening statement regarding the fill permit only and was available to answer questions, as was a representative from Tilcon, Richard Randlov, Manager-Production Services.

Ken Butler, Valley Cottage

Reacting to rumor on Van Doren Ct. - Have freight train to north, noise wakes up residents at night due to Tilcon’s blasting. Complained dirt and sand is a problem. Voiced following concerns:

- 1) Is Tilcon expanding zoning regulations? (Town Attorney Mele responded that it is in the zoning law.)
- 2) Is the expansion for the maintenance garage and how much land would they need?
- 3) Is the garage at the base of Crusher Rd.?
- 4) Concerned with what’s behind his property and what will flow out of current plan,
- 5) What will happen to run-off from having it raised 50 feet?
- 6) Are there any plans for the maintenance garage off Old Mill Rd.?
- 7) Any plans to go under Rte. 303?
- 8) Will the garage be the same size with the same equipment?

Mssrs. Rogers and Randlov responded to the above questions as they were asked:

- 2) Less than 1 acre
- 3) Not sure
- 6) No
- 7) No
- 8) Yes, give or take minor differences

Scott Reeves, Valley Cottage

He moved to Valley Cottage in 2000 and the situation has become worse and worse. The noise from Tilcon is heard all night, with a constant sound of machinery. The night is always worst. Everything is always covered with a coating of dust. He never suffered from any respiratory problems before, and now, at the age of 55, he has developed asthma, making him very concerned with health issues for both his family and his neighbors, who have been subjected to the byproduct of Tilcon's production for many years. The hill separating the Thruway is disappearing, due to Tilcon's denuding of the area. He strongly opposes the petition.

The following is a letter to Amy Mele dated January 28, 2006 submitted to the Town Clerk:

I am sending this letter to you in hopes of receiving action on a serious matter concerning our public health. (In November, I sent a similar letter to the department of Environmental Control but received no response). I believe that the Tilcon gravel pit at 2 Crusher Road in West Nyack area of Clarkstown may be in violation of state or local laws governing noise and air pollution. At the very least, they are creating a very negative impact on the residential areas in the vicinity. I would ask that you look into the matter and see if anything can be done to remedy the situation.

My wife and I moved to Valley Cottage in 2000, and while there was always some noise coming from the Tilcon gravel pit, during the past year the situation has become much, much, worse, adding to their expansion into what they call the eastern area. During the daytime and during inclement weather the problem is negligible, but from sunset to dawn during clear weather, the rock crushing machinery really ramps up. The noise level is such that from my home, which is at the top of the hill on Fulle Drive at the intersection with Joseph Drive, the continual sound of grinding can be heard all night, even with the windows closed. During mild weather attempting to sleep with the windows open is impossible, and even ear plugs are insufficient to eliminate the noise. The constant sound of machine coming through the walls is at times unrelenting.

I have also witnessed a constant cloud of dust and particulate matter hovering over the site, made more noticeable by the reflection of lights from the Palisades mall. The car which we park in the driveway is always covered with dust and grime, much of which I suspect comes from the Tilcon gravel crushing operation. More seriously, I have never had a history of allergies or asthma and at age 55 I suddenly have come down with asthma. I am afraid that the air in the neighborhood may be injurious to the health of area residents.

In addition, there are other environmental considerations. The hill that separates us from the New York Thruway is rapidly disappearing, and the traffic noise from the Thruway is much more apparent without the hillside buffer. There also seems to be a lot of soil erosion and run-off onto Snake Hill Road and Palisades Center Drive during rainstorms.

The situations that I describe varies considerably depending on the location, time of day (night is always worse) and Tilcon's own schedule of operations. On some nights there is no problem and I think that the situation has been resolved, but then it will return with a vengeance on other nights. On one such an occasion, my wife and I drove around the area at night to get an appreciation of

the extent of the problem. The southern part of Fulle Drive (towards Old Mill Road), Joseph Drive, Thomas Court, the southern part of Tamar Drive, Mayfield Street, Parma Drive, and Van Doren Court are to be adversely affected by these operations. I strongly oppose any expansion.

Steve Arkin, Valley Cottage

Wanted to know why the Supervisor seemed partial to this going through, to which the Supervisor responded that he was merely facilitating everyone presenting their views at the hearing. Mr. Arkin has lived here for 2 years and is appalled that one of the hills is no longer there. Questioned whether Casper Hill Road was going to disappear. (The Supervisor advised him that Tilcon could not do away with a town road.) He lives in an historic house and is interested in knowing the status of the 18th Century house, known as The Storms Tavern on Storms Road, owned by Tilcon. Tilcon has a long-term policy to buy buffer property as it comes along and rent the houses to their employees at a low rent. The house, which is listed in the Historic District, is uninhabited and he is fearful Tilcon may demolish it. Having previously resided in Salem, Massachusetts, and being involved in the preservation of some of the oldest buildings in America, he frequently saw said buildings destroyed in the dark of night, only to find them gone forever by the light of day. He asked if the architect chosen to assess the Storms Rd. property would be public record and what the Historic Preservation Law was for Clarkstown? Ultimately, he asked if there was anything the Council Members could do to stop Tilcon from tearing down Historic houses? Co. Nowicki replied, while looking at the Tilcon representatives, "Don't do it!" She went on to say that any Demolition Permit would have to be sent to the Historical Review Board.

Mr. Arkin also voiced serious concerns about the water quality of Lake Deforest, which is compromised due to high levels of arsenic.

Supervisor Gromack

The Historical Review Board and Tilcon will review the status of the Storms Tavern, which will be assessed by an architect.

Co. Lasker

According to a few members of the Historical Review Board, who visited the house, "the house is in *fine shape*. It is salvageable," referring to the potential for Tilcon demolishing the aforementioned Storms Tavern, built c.1765 and designated an historic site in 1977.

Richard Randlov, Tilcon

They do not feel the house is habitable. He stated, "At the end of the day, it is an economical decision."

Bert Dahm, West Nyack

His grandfather, William Dahm founded the quarry, now owned by Tilcon, in the 1920's. Stated that Tilcon has been very sensitive to the local area. He remembered that dust control was first attempted in the 1950's. Although he does hear some noise where

he lives, he believes Tilcon has done a lot, with new technologies to reduce the blast noise a great deal. Co. Lasker responded, "The Blast noise *is* significant." Mr. Dome went on to say, "I would hope that people moving in would research that there is a mine there...After all, it is called Crusher Road for a reason!"

Tom Harding, Valley Cottage

Has lived for eight years at a location above the Tilcon Quarry. He is very concerned for the welfare of our community. "It is your job to protect our well-being. My house has been damaged. They cut through my property," referring to trucks, to which he was told, "They're just trying to make a living." Mr. Harding stated, "Well, I'm trying to make a living too." His family is woken up at three in the morning and he has to get up at 5:30 A.M. to make "his living." "If I cut my lawn at 3:00A.M., I would be arrested!" He wants the residents of the area to be informed of Tilcon's "master plan," which has not been divulged yet.

James Crowley, Valley Cottage

Presented the Board with maps of areas affected by Tilcon and pictures of dust covered private property in the area, a persistent problem. "Car washes are a waste of time." He wanted to know how deep the pit is they are currently digging. He also wanted to know how the proposed landfill would be an improvement and urged the Board to consider the quality of life to the residents of Clarkstown.

The following is a Letter to the Editor that he submitted to the Journal News:

As a lifelong resident of Rockland County, and 36 year resident of Valley Cottage...I want to thank you for your article (Journal News Wednesday, February 3, 2006) concerning the impact Tilcon has had in the past, and the apparent negative and terrible impact they are having currently on the quality of life in surrounding areas.

It is appalling what they have done with the property surrounding their current operation. They (Tilcon) have totally stripped the landscape of vegetation that used to conceal the ugliness of their operation...now the view from West Nyack, in my opinion, looks like Pennsylvania Strip Coaling Mining at its worse.

If the current Tilcon operation goes unchecked, and their new plan is approved by our town, thus granting them permission to create a landfill and Maintenance Facility on property adjacent to their current location, it would have even a larger negative impact on the quality of life of hundreds of Valley Cottage and West Nyack residents.

Currently, on almost a daily basis, we and all of our neighbors near and far, have to endure huge blasting that shakes the ground and our houses. We also have to listen to the endless beeping and roar of heavy equipment moving and crushing the materials they sell, sometimes well into the wee hours of the morning! To make it even worse...we have to endure choking dust and minute particles falling from the sky! With the constant high levels of dust Tilcon surrounds us with (car washes are a waste of time). It cannot be a healthy atmosphere to live in! It has to represent an increased health threat to my wife and others that suffer from Asthma and/or other breathing ailments. These conditions exist while most of their mining and thus Heavy Equipment operation (aka noise) is contained within a bowl at Tilcon's current location which, believe it or not, I believe, actually helps minimize and or somewhat contain the noise and dust. We are fearful to think about how much worse it will get when/if Tilcon is allowed to operate heavy machinery day and night, moving and mining all of their waste material outside of that bowl! It is my

understanding the piles could reach 50 feet or more high in this property if the special Landfill permit is granted. That's a lot of material to move which will require huge machinery creating lots of noise and lots of dust probably operating at times, around the clock. If and when the maintenance facility is added noise and airborne pollution will only be worse!

But wait there's more...I have heard that Tilcon owns a large amount of property on the other side of Route 303 and they have internally talked about, some time in the future, possibly mining that as well via tunnel under Route 303. This may only be rumors but it is something the Journal News and local authorities might want to explore since it would certainly affect many more residents in the area! Also, you might want to ask the Town of Haverstraw and the County of Rockland how surprised they were to find out it was done up there (tunneling under Route 9W). I was told it happened without the town's or County's knowledge!

Tilcon is buying up the land (and houses) around them as a "Buffer Zone" and having "their" employees occupy them for obvious reasons....what about our "Buffer Zone"?

We need not only the Town but the County to take a stance and protect our quality of life.

Richard Randlov, Tilcon

Said the pit they are currently digging is 50 feet at Crusher Rd. In answer to Mr. Crowley's other question about how this would be an improvement, he responded, "We will provide a hill between the quarry and the residents' properties...Anything is better than nothing."

Co. Shirley Lasker read the following e-mail she received from Art Bridgman of Valley Cottage at 9:10 P.M.:

I am writing to you about the visual eyesore that has appeared as I drive north on route 303 near Snake Hill Road in West Nyack. I have noticed in the past few months how distressingly blighted the Tilcon property has become. It's now a barren moonscape, and the tiny strip of trees along Snake Hill Road does nothing to hide its open pit.

These negative changes in Tilcon's appearance trigger several questions, namely, what are Tilcon's future plans for the site and what impact will it have on the quality of life of Clarkstown's residents?

Because the Tilcon site is in a sensitive area near a major water supply and residential properties, I ask that no new permits be issued to Tilcon until a complete study of the property and its future proposed use is made, and the area facing the highway is reforested to reflect its previous "natural" condition.

Co. made a personal statement, as follows:

The application before the Town Board from Tilcon seems innocuous. It is an application to fill a site. And yet it is but one part of a much larger picture.

I was at the planning board meeting when Tilcon appeared before that body and I heard about the mountain being stripped of its trees (not that I haven't seen it with my own eyes), a road cut off Snake Hill Road without a permit, an application from Eastern Concrete to move its operation, the purchasing of several homes on Casper Hill Road with the possible demolition of a historic house at the corner of Storms Road and Kings Highway, and lastly a tree-cutting operation on the Shattamuck site, which our own

Department of Environmental Control knew nothing about. There are also the concerns of the possibility of contamination a landfill operation could bring to Lake DeForest, a major water supply, as well as increased truck traffic in residential areas.

As a result of the emerging picture, it would seem that the Town needs to know the build-out plans of Tilcon. We have a responsibility as the elected representatives of the citizenry to request Tilcon to provide us with the information needed to “do diligence”.

It appears that the maps made available do not reflect buffers that are required to protect the public from sight pollution, noise pollution and air pollution. Does Tilcon have the required mechanisms needed to control the particulates that people have seen flying through the air? Where do these particulates land? Given the high rate of asthma and cancer in Rockland, it should be ascertained whether this operation is indeed doing the necessary.

The town does not have plans delineating the areas that can be mined, or cannot be mined, where restrictive covenants are located, as well as aforementioned buffers. We, as elected officials, must request of Tilcon, a Master Plan including a site plan for its operation in Valley Cottage and West Nyack, and photo analyses as recommended by our Planning Board. To do less, would be ignoring our responsibilities as elected representatives of the people of Clarkstown.

It is frustrating that most of the control of Tilcon is within the state’s jurisdiction, and not in local control. I would urge all involved to contact their State representatives and demand that Tilcon behave more responsibly towards the residents who have to live with the noise and pollution that their business creates. They cannot be allowed to negatively effect the health and environment of Clarkstown residents without consequence.

It seems that the current political climate is all too willing to forgive corporations their moral and ethical responsibilities in favor of the almighty dollar. How much value would you attribute to people’s health and peace of mind? A compromise should be reached that we can all live with. Businesses and residents should be able to coexist peacefully but the balance of power needs to be equalized more in favor of the ordinary citizens who bear the brunt of the negative consequences of the operation of the quarry.

Co. Nowicki said she was dismayed when she got off exit 12 on the Thruway to discover that it had been completely denuded. Shirley Thormann, the Planning Board Chairwoman, had assured her that she will look at the agreements. The Councilwoman stated, “I want to assure you we will not let you down.”

Co. Maloney said they want to see a completed plan and “we are going to make sure they do it, with all due vigilance.”

John Klos, Valley Cottage

Has lived in his house for 58 years. He noticed yesterday that there was a truck from an environmental company on the driveway of the Storms Road property. Per Mr. Randlov of Tilcon, they were there for an asbestos study.

He wanted to know who was in control of the noise issue. Over the last year, it is much louder. Despite Mr. Dahm's previous statement that Tilcon has eliminated the use of back-up alarms on their trucks at night, they are still heavily in use.

Supervisor Gromack said, "This Town Board will do everything to protect the best interests of the residents." Town Attorney Mele stated they were doing a comprehensive review, including State Mining Laws. Her staff is going through files from 1974.

Marilyn Schauder, Valley Cottage

Said there is a great concern in the Healthcare Community. These fine particles cause health problems. Congressman Engel and Congresswoman Cornell have been trying to have a study to monitor air quality. The Town of Clarkstown should support them. Supervisor Gromack stated that when he was a NYS Assemblyman he also tried to push through a study for air monitoring in Rockland County, but it was not put forward by the state.

Bruce Broadley, West Nyack

Declared, "I want some solid master plan." This is a huge piece of property. Nanuet School District did an outstanding assessment of the St. Agatha's property. They knew from their investigations that if any development goes in, we will pay more taxes. The same is true for Tilcon. "We have to know what's going on. Their future plans must be presented to us."

Co. Lasker submitted the following e-mails she received to the Town Clerk:

From: Paul Brochner

Dear Mr. Gromack,

I wish to voice my concern over the changes taking place at the Tilcon site in West Nyack. As a resident of Old Mill Road I am increasingly aware of the aesthetic blight the Tilcon property has become. If the property is allowed to transform itself into a landfill facility, in all probability nearby residents for some distance would be treated to the same stench that now emanates from the Route 59/303 landfill. I urge you to exercise caution and restraint in overseeing any and all changes to the area.

From: Rod and Linda Langdon, Valley Cottage, NY 10989

Dear Mr. Gromack and Town Councilmembers:

I and my wife are greatly concerned about the recent developments with the Tilcon property surrounding the quarry and the proposed forest destruction and infilling that has been reported by the Journal News. Not only has the quarry property become an eyesore, but we are fearful that the proposed reconfiguration of the property north of Crusher Road will result in excessive and/or inappropriate development. Both instances could lead to contamination of the public drinking supply and an overall deterioration of the local ecology.

It is our request that Tilcon remediate the damage to the foliage adjacent to the quarry, and that any permit for infilling north of Crusher Road be denied until it is clear what the company intends to "do" with this property and, what the environmental impact of this work will be.

From: Valerie Sonnethal, Valley Cottage

Dear Alexander Gromack,

I am very concerned about Tilcon's future plans for the site flanked by Crusher Road, Snake Hill, Storms Road and Rt. 303. Many years ago there was a proposed hotel to be built and now I hear the area will be developed into condos with ground-level retail in the not-too-distant future. What are the real plans and how will this once gravel pit be integrated into the green of the surrounding neighborhood?

What is really going on there?

From: John Beltramo

Ms. Lasker:

My wife & I and neighbors attended the meeting last night. Your personal comments were great! We didn't get a chance to speak last night, so I'll forward you my comments as well later this week. Most was already said, but there are a few new points. The town has to deny any permit/use variance, period.

Also, could you let me know who/how to contact someone at NYS-DEC that has the authority over Tilcon's mining operations and property?

The extreme tree removal along Snake Hill Road, Palisades Road North and Route 303 was outrageous. I can't believe that in a town /county/state where poor little Valley Cottage Deli (a great deli with plans to continue to improve his building), has a small sidewalk sign removed due to some obscure sign law, that a few blocks down the road a massive tree removal, earth moving project, and road building project goes on unquestioned, without permits, and without supervision and monitoring!

P.S. The CSX trains idling behind my property is still my biggest concern.

From: James Crowley, Valley Cottage, NY

Dealer Council Members,

This is a copy of an email I sent to Supervisor Gromack this date...by coping the town council I want to make all members aware of **BOTH** of the main Issues with regards to the Tilcon landfill permit request. They are ...Noise and Dust/Debris pollution...not just the noise! These are quality of life issues both of which have a great influence on one's health.

Dear Mr. Supervisor,

I am one of the several Valley Cottage residents that spoke out on the Tilcon permit issue at the Town Council hearing last Tuesday. I was also able to get News Channel 12 interested enough to interview me for a news broadcast the next day in which you also appeared.

The reason for this email is to make sure you understand all of our concerns...On the TV interview you kept referring to the noise issue! While that is a very important part of the problem the dust and dirt launched into the environment every day of their operation is equally, if not more, important. As I, and many of our neighbors at the town meeting related, if Tilcon is granted this permit both the noise and airborne dust/debris will increase substantially! For those who suffer from breathing disorders, such as my asthmatic wife, it could be a deadly issue if it goes unchecked!
Please consider both of these pollutions as equally important problems!

There being no one wishing to be heard further, on motion of co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 9:47 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

(RESOLUTION NO.105-2006 ADOPTED)

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

Town Hall

02/14/2006

10:15 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Lasker, & Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk
Absent: Council Member Mandia

On motion of Co. Maloney, seconded by Co. Nowicki the special meeting was declared open, closed 10:30 P.M.

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING ALEXANDER J. GROMACK, PRESIDENT OF THE CLARKSTOWN MIDDLEWOOD HOUSING DEVELOPMENT FUND CO., INC., TO SIGN A 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, 2006;

NOW, THEREFORE, be it

RESOLVED, that 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, 2006 through March 31, 2008, 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.

Respectfully submitted,

David Carlucci
Town Clerk