

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/19/2006

8:00 P.M.

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

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

Special Presentation: Reverend Woodcock gave his report on the Ethics Committee, saying they were in 100 percent compliance with the Financial Disclosure forms having been submitted. He thanked the Town Clerk's Office for their administrative support and Deputy Town Attorney Patrick Campbell.

Public Hearing #1 re: Continuing a public hearing from 6/27/06 on a proposed local law entitled, "a local law to create chapter 243 (signs) of the Town Code. On motion of Co. Maloney, seconded by Co. Mandia, opened 8:10. On motion of Co. Maloney, seconded by Co. Mandia, continued to October 17, 2006. RESOLUTION NO. (581-2006)

Public Hearing #2 re: Proposed amendment to the Clarkstown Comprehensive Plan to permit Hospice residences in the R-80 and R-160 zoning districts by special permit. On motion of Co. Lasker, seconded by Co. Maloney, opened 8:25. On motion of Co. Lasker, seconded by Co. Maloney, closed 11:00. On motion of Co. Lasker, seconded by Co. Mandia, RESOLUTION NO. (582-2006) unanimously adopted.

Supervisor opened the meeting to public comments regarding agenda items.

Peter Vitro- President- Little Tor Neighborhood Association
Regarding agenda item #21, spoke against the bypass road.

Anthony Ross- New City
Regarding agenda item #21, spoke against the bypass road.

Eric Weisler- New City
Regarding agenda item #21, spoke against the bypass road.

Tom Crowley- New City
Regarding agenda item #21, spoke against the bypass road. Submitted pictures, (on file with Town Clerk).

Thomas O'Grady- Valley Cottage
Commented on agenda item #26.

Marvin Baum- Valley Cottage
Regarding agenda item #21, spoke against the bypass road. Submitted pictures, (on file with Town Clerk).

Maureen Nocazowa- Valley Cottage
Regarding agenda item #21, spoke against the bypass road.

Ed Day- Rockland County Legislator, District #5 (New City)
Regarding agenda item #21, submitted a letter to the Town Board, (on file with Town Clerk), in support of the resolution. The letter also thanks the Town Board and the Little Tor Neighborhood Association, regarding agenda item #22.

RESOLUTION NO. (581-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION CONTINUING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO CREATE CHAPTER 243 (SIGNS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, the Town Board held a public meeting on June 27, 2006, concerning the proposed Local Law to Create Chapter 243 (Signs) of the Town Code of the Town of Clarkstown, and at this meeting the Town Board directed that the hearing be continued to September 19, 2006, and

WHEREAS, said proposed local law was amended by the Sign Committee on September 18, 2006;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby directs that the public hearing be further continued on October 17, 2006, at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, to consider the amended

RESOLUTION NO. (581-2006) continued

proposed local law to create Chapter 243 (Signs) of the Town Code of the Town of Clarkstown, pursuant to §20 of the Municipal Home Rule 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 amended proposed local law is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report.

On roll call the vote was as follows

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

RESOLUTION NO. (582-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION AMENDING THE CLARKSTOWN COMPREHENSIVE PLAN TO PERMIT HOSPICE RESIDENCES IN THE R-80 AND R-160 ZONING DISTRICTS

WHEREAS, by Resolution adopted on July 25, 2006, the Town Board directed that a public hearing be held on September 19, 2006, to consider possible amendment of the Town of Clarkstown Comprehensive Plan for zoning to allow for hospice residences in the R-80 and R-160 zoning districts, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on September 6, 2006, and

WHEREAS, the public hearing was held by the Town Board of the Town of Clarkstown on September 19, 2006, and

WHEREAS, a copy of the proposed Comprehensive Plan Amendment in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 28, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form and report, dated September 15, 2006, pursuant to the State Environmental Quality Review Act (SEQRA), from Robert Geneslaw, Planning Consultant, which the Board has reviewed and considered in making its determination herein; and

WHEREAS, the Town Board has received comments from the Rockland County Department of Planning pursuant to General Municipal Law §239-1 and m, dated September 11, 2006, which the Board has reviewed and considered in making its determination herein; and

WHEREAS, the Town Board has received a memorandum from the Town Attorney, dated September 19, 2006, addressing the Rockland County Department of Planning's comments, which the Board has reviewed and considered in making its determination herein; and

WHEREAS, the Town Board also referred the petition to the Planning Board for their review and recommendation pursuant to §290-33(A) of the Town's Zoning Local Law; and

WHEREAS, the Planning Board reviewed and discussed the petition at the June 7, 2006 regular Planning Board meeting; and

WHEREAS, as a result of its review, the Planning Board adopted a resolution dated September 14, 2006 recommending adoption of the proposed amendment to the Comprehensive Plan, which the Board has reviewed and considered in making its determination herein;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board makes the following findings:

1. Hospice residences provide terminally ill persons with palliative care in the final part of their lives; they also assist their patients' family and close friends;
2. Land use regulation that provides for sheltering persons nearing death, and their families and friends, is well within the Town's power;
3. As a health, safety and public welfare provision, Town Law §261 confers the requisite authority for the proposed amendment;
4. As a matter of policy, Clarkstown declares that the well-being of residents near the end of their lives – and the well-being of their families and friends – deserve the same status and concern as the well-being of residents with many years to live;
5. That hospice residences should be placed in the most tranquil of residential settings and, thus, that they be placed in an R-80 or an R-160 zoning district, that the parcel be at least 10 acres in size and should be served by a Town road, as opposed to a county or state highway;
6. That, based upon the recommendations of the Planning Department, Town Planning Consultant and upon the advice of the Town Attorney, the level of detail suggested by the Rockland County Department of Planning, with respect to bulk requirements, is not appropriate for inclusion in the amendment to the Comprehensive Plan but would be more appropriately addressed within the Town's zoning local law;
7. With regard to its review pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Town Board finds that the proposed action is an unlisted action, will not have any significant impact on the environment and that no further processing pursuant to SEQRA is required. In reaching this determination, the Town Board considered the September 14, 2006 report of Robert Geneslaw, Planning Consultant, acting as staff to the Town Board as lead agency, and concurs with the findings set forth therein;

and be it

FURTHER RESOLVED, that, having given consideration to all the information presented by Town Officials, the Planning Board, the Planning Consultant, the Rockland County Planning Commissioners and members of the public, that the "Comprehensive Plan Amendment: Hospice Residence" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown; and be it

FURTHER RESOLVED, that the Town Attorney's office shall prepare an amendment to the Town's Zoning Local Law which will allow for Hospice Residences by special permit in the R-80 and R-160 zones, which amendment shall address, to

RESOLUTION NO. (582-2006) continued

the extent necessary, the suggested modifications set forth in the Rockland County Planning Department's September 11, 2006 GML review; and be it

FURTHER RESOLVED, that the vote for adoption is as follows:

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

RESOLUTION NO. (583-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of August 22, 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. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (584-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING ATTENDANCE AT THE 2006 NEW YORK PLANNING FEDERATION CONFERENCE SARATOGA SPRINGS, NEW YORK

RESOLVED, that the Town Board hereby authorizes Rudolph J. Yacyshyn, Vice Chairman of the Clarkstown Planning Board, George Hoehmann, Member, Planning Board, Richard Shobert, Member, Planning Board and Jose Simoes, Town Planner, Clarkstown Planning Department, to attend a New York Planning Federation Conference from October 9th to October 11th, which is to be held in Saratoga Springs, New York, and be it

FURTHER RESOLVED, that all reasonable expenses, including registration fee of \$100.00 each and hotel registration fee of \$464.23 each, shall be charged to Account No. B 8020-404 & 414, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 23, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (585-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board hereby authorizes Nancy Davidson, Employee Benefits Clerk, and Frances Hunt, Senior Clerk typist- to attend the 2006 New York State Health Insurance Program Regional Meeting for Participating Agencies – a free seminar conducted by the Department of Civil Service – on October 4, 2006 – at the Comfort Inn (Rockland County) 425 E. Route 59, Nanuet, New York, and be it

FURTHER RESOLVED, that costs for mileage and travel shall be charged to Account No. A 1040-414.

On roll call the vote was as follows

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

RESOLUTION NO. (586-2006)

Co. Maloney offered and Co. Mandia seconded

Whereas, the Chamber of Commerce Nyacks has requested use of the Town of Clarkstown showmobile on Saturday, October 28, 2006 to be held at the Municipal lot at Cedar and Main Streets in Nyack;

RESOLUTION NO. (586-2006) continued

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Chamber of Commerce Nyacks to use the Town of Clarkstown showmobile on Saturday, October 28, 2006 for closing ceremonies after Halloween Parade, subject to the provision of the necessary insurance policies,

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. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (587-2006)

Co. Maloney offered and Co. Lasker seconded

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

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

WHEREAS, the following group wishes to continue to adopt segments of various town roads for a period of two (2) years, beginning September 10, 2006 to September 10, 2008, as follows:

**Sponsor: R & M Landscaping
P. O. Box 295
Congers, NY 10920**

Roads: .86 mile segment of Old Haverstraw Road, Congers from intersection of Old Haverstraw Road and Lake Road, to the intersection of Central Avenue and Old Haverstraw Road, Congers;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that R & M Landscaping, 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 a renewal agreement, for a period of two (2) years beginning September 10, 2006 to September 10, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to continue to adopt said segment, and to provide and coordinate services by R & M Landscaping, to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (588-2006)

Co. Maloney offered and Co. Lasker seconded

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

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

WHEREAS, the following group wishes to continue to adopt segments of various town roads for a period of two (2) years, beginning September 10, 2006 to September 10, 2008, as follows:

**Sponsor: Castlton Environmental Contractors
80 West Nyack Road
Nanuet, NY 10954**

Roads: .36 mile segment of West Nyack Road, Nanuet from intersection of Sickeltown Road, New City to intersection of Demarest Road, Nanuet;

and

.38 mile segment of Goebel Road, New City from intersection of Congers Road, New City to intersection of Route 304, New City;

RESOLUTION NO. (588-2006) continued

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Castlton Environmental Contractors 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 a renewal agreement, for a period of two (2) years beginning September 10, 2006 to September 10, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to continue to adopt said segments, and to provide and coordinate services by Castlton Environmental Contractors, to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (589-2006)

Co. Maloney offered and Co. Lasker seconded

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

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

WHEREAS, the following group wishes to continue to adopt segments of various town roads for a period of two (2) years, beginning September 10, 2006 to September 10, 2008, as follows:

**Sponsor: Danny Clapp Landscaping, Inc.
59 Schriever Lane
New City, NY 10956**

**Roads: 1.57 mile segment of Brewery Road, New City from intersection of Congers Road,
New City to intersection of Strawtown Road, New City;**

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Danny Clapp Landscaping, Inc., 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 a renewal agreement, for a period of two (2) years beginning September 10, 2006 to September 10, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to continue to adopt said segment, and to provide and coordinate services by Danny Clapp Landscaping, Inc., to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (590-2006)

Co. Maloney offered and Co. Lasker seconded

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

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

WHEREAS, the following group wishes to continue to adopt segments of various town roads for a period of two (2) years, beginning September 10, 2006 to September 10, 2008, as follows:

**Sponsor: The Salvation Army
440 West Nyack Road
West Nyack, NY 10994**

RESOLUTION NO. (590-2006) continued

Roads: .46 mile segment of West Nyack Road, West Nyack from driveway at 440 West Nyack Road to the intersection of Route 304, West Nyack

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that The Salvation Army, 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 a renewal agreement, for a period of two (2) years beginning September 10, 2006 to September 10, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to continue to adopt said segment, and to provide and coordinate services by The Salvation Army, to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (591-2006)

Co. Nowicki offered and Co. Lasker seconded

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

"No Standing Anytime" signs (see sec. 221.5 – P1-5 signs with arrows of the NYS DOT MUTCD) on both sides of Old Lake Road from Church Lane to Lake Road, Valley Cottage, NY.

Erect a "No Left Turn" sign (see sec. 213.2 a R3-1) sign per the NYS DOT MUTCD0 on the north side of Lake Road opposite the gas station located on the southwest corner of Lake Road and NYS Route 303, Valley Cottage, NY.;

and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (592-2006)

Co. Nowicki offered and Co. Lasker seconded

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

Signs to read "No Stopping 8:00 A.M. to 4:00 P.M. Monday-Friday" (per sec. 221.5 – P1-8 signs of the NYS DOT MUTCD) to be installed on Tax Map 52.16, Block 3, Lots 55-59 on the eyebrow on Lake Road, Valley Cottage, NY;

and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (593-2006)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Resolution No. 219-93, adopted April 13, 1993, authorized the installation of "One Hour Parking" signs on both sides of Second Street, New City, New York, between Maple Avenue and Park Avenue, and

RESOLUTION NO. (593-2006) continued

WHEREAS, the owner of 106 Maple Avenue, New City, New York has complained that the one hour parking limitation causes motorists to block the entrance way to his rear parking area,

NOW, THEREFORE, be it

RESOLVED, that Resolution 219-93 is hereby amended to remove the "One Hour Parking" signs on the north side of Second Street, New City, New York, and install "One Hour Parking" signs on the south side of Second Street, New City, New York, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (594-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION TO AMEND CONTRACT DATED 6/28/2000 FOR Bid No. 14-2006 ("2006 ROADWAY RESURFACING PROGRAM")

WHEREAS, the Town Board of the Town of Clarkstown (herein called the "Town") and Tilcon New York, Inc. (herein called "Tilcon") have previously executed a Contract dated June 28, 2006 for Bid No. 14-2006 ("2006 Roadway Resurfacing Program") wherein Tilcon agreed to provide services to the Town for said roadway resurfacing, and

WHEREAS, Tilcon has previously agreed to the requirement that laborers, workmen, and mechanics employed by Tilcon shall be paid no less than the hourly rate of wages including supplements for welfare, pension, vacation and other benefits as determined by the Fiscal Officer of the Department of Labor of the State of New York, and

WHEREAS, the Town is funding the project awarded for Bid No. 14-2006 through a Community Development Block Grant program ("CDBG") and such CDBG requires that Tilcon abide by the Federal Labor Standard Provisions and Federal Davis-Bacon Prevailing Wage Determination in addition to the New York State Prevailing Wage Determination and has further agreed to name the County of Rockland as additional insured on all liability certificates;

NOW, THEREFORE, be it

RESOLVED that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town to execute the amendment to the Contract dated June 28, 2006 for Bid No. 14-2006.

On roll call the vote was as follows

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

RESOLUTION NO. (595-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION TO AMEND CONTRACT DATED 6/28/2000 for Bid No. 15-2006 ("2006 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM")

WHEREAS, the Town Board of the Town of Clarkstown (herein called the "Town") and Bella Vista Construction Corp. ("Bella Vista") have previously executed a Contract dated June 28, 2006 for Bid No. 15-2006 ("2006 Concrete Curb and Sidewalk Replacement Program") wherein Bella Vista agreed to provide services to the Town for said concrete curb and sidewalk replacement; and

WHEREAS, Bella Vista has previously agreed to the requirement that laborers, workmen, and mechanics employed by Bella Vista shall be paid no less than the hourly rate of wages including supplements for welfare, pension, vacation and other benefits as determined by the Fiscal Officer of the Department of Labor of the State of New York; and

WHEREAS, the Town is funding the project awarded for Bid No. 15-2006 through a Community Development Block Grant program ("CDBG") and such CDBG requires that Bella Vista abide by the Federal Labor Standard Provisions and Federal Davis-Bacon Prevailing Wage Determination in addition to the New York State Prevailing Wage Determination and has further agreed to name the County of Rockland as additional insured on all liability certificates;

NOW, THEREFORE, be it

RESOLVED that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town to execute the amendment to the Contract dated June 28, 2006 for Bid No. 15-2006.

RESOLUTION NO. (595-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (596-2006)

Co. Maloney offered and Co. Lasker seconded

BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the Employment Agreement between Captain Robert Mahon and the Town of Clarkstown, dated July 28, 2006, and be it FURTHER RESOLVED, that the Supervisor of the Town is hereby authorized to execute said Agreement.

On roll call the vote was as follows

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

RESOLUTION NO. (597-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING PRODUCTION COMPANY TO FILM IN THE TOWN OF CLARKSTOWN

WHEREAS, **Hungry Man, Inc.**, a production company, has requested permission to film in Clarkstown, on **September 13, 2006.**

NOW, THEREFORE, be it

RESOLVED, that **Hungry Man, Inc.**, of 428 Broadway, 6th Floor, New York, NY 10013, is hereby authorized to film a **“Black & Decker” TV Commercial on Wednesday, September 13, 2006 (Rain date to be decided), between the Hours of 4:00 pm – 6:00 am (Overnight), at Parking Lot J – Palisades Center Mall, 1000 Palisades Center Drive, West Nyack, NY 10994,** upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned site;
- (2) A permit fee of \$250.00 shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers’ Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that this resolution shall be retroactive from 4:00 pm, September 13, 2006, and deemed the Filming Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (598-2006)

Co. Lasker offered and Co. Maloney seconded

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. 12489 Louis Road, New City.

- X11069H – w/s Louis Rd. approx. 550’ s/o New Hempstead Road
- X11070H – w/s Louis Rd. corner of New Hempstead Road

RESOLUTION NO. (598-2006) continued
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. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (599-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND FOR DUPLICATE PAYMENT OF TAXES TAX LOT 52.11-2-2

WHEREAS, Congers East Estates applied for a Building Permit to construct a new residence in an existing foundation at 13 Stern Place, Congers, New York (Tax Lot 52.11-2-2), and
WHEREAS, as a condition of the issuance of the Building Permit, the Building Department required advance payment of certain special district charges, and
WHEREAS, a review of the Assessor’s Office records indicates that said district charges had already been paid, and
WHEREAS, Congers East Estates has advised the Town Attorney’s Office that it recouped said payment from its purchasers, and has directed that refund for the duplicate payment be remitted directly to the current homeowner;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes a refund for sewer, refuse and recycling taxes in the amount of \$868.18 to Mr. & Mrs. Robert Coppola, 13 Stern Place, Congers, New York, pursuant to the letter dated 8/22/06 from Donald Tirschwell, Esq., attorney for Congers East Estates.

On roll call the vote was as follows

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

RESOLUTION NO. (600-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND FOR DUPLICATE PAYMENT OF TAXES TAX LOT 52.11-2-16

WHEREAS, Congers East Estates applied for a Building Permit to construct a new residence in an existing foundation at 14 Stern Place, Congers, New York (Tax Lot 52.11-2-16), and
WHEREAS, as a condition of the issuance of the Building Permit, the Building Department required advance payment of certain special district charges, and
WHEREAS, a review of the Assessor’s Office records indicates that said district charges had already been paid, and
WHEREAS, Congers East Estates has advised the Town Attorney’s Office that it recouped said payment from its purchasers, and has directed that refund for the duplicate payment be remitted directly to the current homeowner;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes a refund for sewer, refuse and recycling taxes in the amount of \$868.18 pursuant to the letter dated 8/22/06 from Donald Tirschwell, Esq., attorney for Congers East Estates.

On roll call the vote was as follows

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

RESOLUTION NO. (601-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND CONCERNING MOUNTAINSIDE ESTATES SUBDIVISION (44-A-3)

WHEREAS, the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has approved release of Letter of Credit No. 1445 in the amount of \$35,000.00, which was furnished to the Town by Urarn Associates as security for a Performance Bond to secure completion of wearing course in connection with Mountainside Estates Subdivision (44-A-3), as the required work has been completed;
NOW, THEREFORE, be it

RESOLUTION NO. (601-2006) continued

RESOLVED, that the Comptroller is authorized to release said security directly to Urarn Associates.
On roll call the vote was as follows

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

RESOLUTION NO. (602-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND (CROPSEY ESTATES SUBDIVISION – 51.09-1-49)

WHEREAS, Sidney Schulson furnished to the Town of Clarkstown a Maintenance Bond secured by an Assignment of Certificate of Deposit No. 676189 in the amount of \$9,375.50 to guaranty the road and improvements in the Cropsey Estates subdivision, as shown on the final plat of Cropsey Estates (51.09-1-49 f/k/a 37-E-2), which was filed in the Rockland County Clerk’s Office on February 22, 2002, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the Maintenance Bond in the amount of \$9,375.50, in connection with the dedication of the road and improvements in a subdivision known as Cropsey Estates is hereby terminated; and the sum of \$9,375.50 may be released to the guarantor.

On roll call the vote was as follows

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

RESOLUTION NO. (603-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT BETWEEN METRO-NORTH COMMUTER RAILROAD COMPANY AND TOWN OF CLARKSTOWN PERMITTING SHOPPER AND MERCHANT PARKING

WHEREAS, Metro-North Commuter Railroad Company ("Metro-North"), a public benefit corporation and subsidiary corporation of Metropolitan Transportation Authority ("MTA") owns and operates parking on certain property located in the Town of Clarkstown, Hamlet of Nanuet, County of Rockland and State of New York, known as the Metro-North Parking Facility, which is located behind the Nanuet Post Office ("Property"), and

WHEREAS, the County of Rockland has commenced the Middletown Road Reconstruction Project ("Project") which will continue through September 1, 2007, and

WHEREAS, during the Project, parking in the Town's business district will be significantly reduced, and

WHEREAS, for the benefit of the Town, Metro-North is willing to cooperate with the Town in making fifty (50) parking spaces available for shoppers and merchants at the Property during the Project reconstruction;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Metro-North, in a form approved by the Town Attorney, for the purpose making parking spaces available for shoppers and merchants at the Metro-North Parking Facility in Nanuet, New York.

On roll call the vote was as follows

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

RESOLUTION NO. (604-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION TO APPROVE CONSULTING AGREEMENT WITH MAYO, LYNCH & ASSOCIATES, INC.
re CONGERS LAKE NORTH END BOARDWALK

WHEREAS, the Town Board of the Town of Clarkstown (herein called the "Town") has previously resolved by Resolution No. 342-2005 that the Town is authorized to prepare plans in connection with the Congers

RESOLUTION NO. (604-2006) continued
Lake North End Boardwalk; and

WHEREAS, the Town solicited a proposal from Mayo, Lynch & Assoc to provide professional engineering services in connection with the project, and

WHEREAS, the Superintendent of Recreation and Parks and the Deputy Town Attorney for Purchasing have reviewed the proposal and find it acceptable in terms of scope and price, and

WHEREAS, the Town and Mayo, Lynch & Associates, Inc., 333 Meadowland Parkway, Secaucus, New Jersey 07094 ("Consultant") have previously executed a Consulting Agreement dated August 30, 2006 wherein the Town hired the Consultant to design, develop and produce plans, drawings and specifications for the Congers Lake North End Boardwalk;

NOW, THEREFORE, be it

RESOLVED that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town to enter into a Consulting Agreement with Mayo, Lynch & Associates, Inc., 333 Meadowland Parkway, Secaucus, New Jersey 07094, to provide professional engineering services and to prepare plans in connection with the Congers Lake North End Boardwalk, retroactive to August 30, 2006, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$61,500 (plus reasonable expenses) and shall constitute a proper charge to Account No. H 8736-409-0-67-19.

On roll call the vote was as follows

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

RESOLUTION NO. (605-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION WITH RESPECT TO THE 2006 STORM WATER II EDUCATION PROGRAM

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

WHEREAS, Luke Kalarickal, Director of Environmental Control, and Wayne T. Ballard, Superintendent of Highways, have recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 per year and shall be charged to Account No. A-8730-409.

On roll call the vote was as follows

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

RESOLUTION NO. (606-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN EMPLOYEE ASSISTANCE PROGRAM AGREEMENT WITH NYACK HOSPITAL

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for an Employee Assistance Program covering all employees and members of their immediate families, for the twenty-four (24) month period commencing October 1, 2006 and terminating on September 30, 2008, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, proof of professional liability insurance, and other general liability insurance with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that the fee of \$17,577 per year for such services shall be charged to Account No. A-9000-806, and be it

FURTHER RESOLVED, that either party may terminate the agreement on thirty (30) days written notice.

RESOLUTION NO. (606-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (607-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION ACCEPTING A PROPOSAL FROM ORPAK USA, INC. TO PROVIDE SERVICE AND
 MAINTENANCE ON FUEL DISPENSING SYSTEM

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommend the acceptance of a proposal from Orpak USA, Inc. (ORPAK) to provide service and maintenance, as a sole source provider, on the FuelOmat fuel management system to the Town of Clarkstown, which is located at he police facility;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Orpak USA, Inc., 100 First Street, Suite 200, Hackensack, New Jersey 07601, in a form approved by the Town Attorney, to provide service and maintenance on the FuelOmat fuel management system to the Town of Clarkstown, which is located at the police facility, for the period July 1, 2006 through June 30, 2007, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the total of \$3,677.00 and shall be charged to Account No. A 1680-409, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to July 1, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (608-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF NYACK BOARD OF
 WATER COMMISSIONERS, CONCERNING THE HACKENSACK RIVER FLOOD MANAGEMENT PROJECT

WHEREAS, the Town of Clarkstown is planning for the Hackensack River Flood Management Project to help curb flooding along Route 59, West Nyack, New York, and

WHEREAS, the Village of Nyack Board of Water Commissioners (NBWC) has identified an impact from the Town's project which, under certain circumstances, may result in raising the existing flood elevations on the NBWC property by approximately .02 feet in the event of a 100 year storm, and

WHEREAS, in order to mitigate against this potential impact, the NBWC requires the construction of a formal berm around its treatment plant, and

WHEREAS, as a result of lengthy discussions between the Town and the NBWC, NBWC has agreed to design the berm and bid the project out on its own behalf and the Town of Clarkstown, in turn, has agreed to establish an escrow account in favor of the NBWC to fund the cost of the design and construction of the berm;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form acceptable by the Town Attorney, with the Nyack Board of Water Commissioners, which shall provide, among other things, as follow:

1. The NBWC will design a berm to protect the treatment plant from the new flood elevations calculated by the Town's consultant;
2. The Town will assist the NBWC in obtaining required permits upon request;
3. The NBWC will permit the Town to review and comment upon the NBWC'S plans prior to NBWC putting the project out to bid;
4. The NBWC will advise the Town of the low bid price prior to any bid award;
5. The Town will establish an escrow account in the amount of \$250,000 in favor of the NBWC to fund the cost of the project, and be it

FURTHER RESOLVED, that the escrow fund amount shall constitute a proper charge to Account No. H 7186-409-0-59-1.

On roll call the vote was as follows

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

RESOLUTION NO. (609-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#40-2006 – ONE CHEVROLET 2500 4X4 CAB AND CHASSIS ¾ TON TRUCK FOR THE DOG WARDEN

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York by _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows

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

RESOLUTION NO. (210-2006)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town has received \$92,800 and \$33,032.50 from the County of Rockland,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital II-Misc) by \$125,832.50 and Expense Accounts H-8755-409-79-31 (Capital Projects-Commuter Lots) by \$92,800 and H-5111-409-4-16 (Capital Projects-New City Revitalization) by \$33,032.50 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease A-1110-402-0 (Justice Ct-Rental of Equipment) and increase A-1110-204-0 (Justice Ct-Office Machines) by \$1,500 and be it

FURTHER RESOLVED, to decrease A-1330-114-0 (Receiver of Taxes-Part Time) and increase A-1330-404-0 (Receiver of Taxes-Travel/Meals) by \$1548 and A-1330-414-0 (Receiver of Taxes-Schools/Conferences) by \$186 and be it

FURTHER RESOLVED, to decrease A-1345-402-0 (Purchasing-Rental of Equipment) and increase A-1345-204-0 (Purchasing-Office Machines) by \$600 and be it

FURTHER RESOLVED, to decrease A-1410-110-0 (Town Clerk-Salaries) by \$372 and increase A-1410-404-0 (Town Clerk-Travel/Meals) by \$236 and A-1410-409-0 (Town Clerk-Fees for Services) by \$111 and A-1410-414-0 (Town Clerk-Schools/Conferences) by \$25 and be it

FURTHER RESOLVED, to decrease A-1620-438-0 (Bldg Maintenance-Maint. Agreements) and increase A-1620-306-0 (Bldg Maintenance-Supplies) by \$15,000 and be it

FURTHER RESOLVED, to decrease A-7180-380-0 (Recreation-Paint Supplies) and increase A-7180-404-0 (Recreation-Travel/Meals) by \$250 and be it

FURTHER RESOLVED, to decrease A-7210-402-0 (Recreation-Rental of Equipment) by \$900 and decrease A-7210-408-0 (Recreation-Bldg Repairs) by \$2,000 and increase A-7210-301-0 (Recreation-Food) by \$2,900 and be it

FURTHER RESOLVED, to decrease A-8730-114-0 (Environmental Control-Part Time) and increase A-8730-319-0 (Environmental Control-Misc Supplies) by \$2,000 and be it

FURTHER RESOLVED, to decrease B-8020-226-0 (Planning-Computer Software) and increase B-8020-319-0 (Planning-Misc Supplies) by \$3,500 and be it

FURTHER RESOLVED, to decrease DA-5130-447-0 (Highway-Equipment Repairs) and increase DA-5140-380-0 (Highway-Paint Supplies) by \$3,000.

On roll call the vote was as follows

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

RESOLUTION NO. (611-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER AMENDING THE OFFICIAL MAP OF CLARKSTOWN AND REFERRING SAME TO THE CLARKSTOWN AND ROCKLAND COUNTY PLANNING BOARDS

WHEREAS, by letter dated July 20, 2006, Uri Sasson, URARN Associates, has requested the Town Board to Amend the Official Map by changing street names known as Wood Lane to Sky Drive and Sky Drive to City View Drive, which streets are located within the Mountainside Estates Subdivision, New City, New York, and

RESOLUTION NO. (611-2006) continued

WHEREAS, the Town Board shall consider Amending the Official Map of the Town of Clarkstown pursuant to Town Law Section 64(9), by changing the street names referred to herein;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 17, 2006 at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider Amending the Official Map of the Town of Clarkstown by changing the names of Wood Lane to Sky Drive and Sky Drive to City View Drive, New City, New York, located within the Mountainside Estates Subdivision, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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 Petitioner shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk prior to said hearing, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (612-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 149 (GARBAGE, RUBBISH, AND REFUSE) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

"A LOCAL LAW TO AMEND CHAPTER 149 (GARBAGE, RUBBISH, AND REFUSE) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the purpose of this local law is to amend Section 149-4 "Fees," to provide that the initial fee for registering a vehicle when an application for a license is approved and when applying to renew the license each year shall be increased from \$50.00 to \$100.00 per vehicle to cover the additional administrative costs of initial license applications and license renewal applications and to cover increased costs to the Town of Clarkstown in enforcing compliance with code requirements for all vehicles registered and licensed by the Clarkstown Sanitation Commission;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on October 17, 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. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (613-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A PRIVATE CONTRACTOR TO REMOVE A DEAD TREE LOCATED WITHIN THE LIMITS OF THE VALLEY COTTAGE DRAINAGE IMPROVEMENTS – PHASE I PROJECT

Whereas, the Department of Environmental Control has received a complaint involving a dead tree located on the west side of Brookside Drive in Valley Cottage; and

Whereas, investigation of said complaint finds that the tree is located within the limits of the Valley Cottage Drainage Improvements – Phase I project and that the tree most probably died as a result of the construction activities associated with that project; and

RESOLUTION NO. (613-2006) continued

Whereas, said dead tree represents a potential safety hazard to those residents living in the immediate vicinity, and must be removed in order for the project to proceed, and
Whereas, the Department of Environmental Control has solicited 4 (four) proposals, and received responses from 3 (three) qualified contractors to cut down and dispose of the dead tree; and
Whereas, the Department of Environmental Control has reviewed these proposals and finds them to be acceptable;
Now, Therefore, **Be It Resolved** that the Director of the Department of Environmental Control is hereby authorized to retain the services of

**O' Sullivan Tree Care
P.O Box 113
Blauvelt, New York 10913**

as the firm providing the lowest proposal, to perform said work in accordance with their proposal for an amount not to exceed \$475.00 without further Town Board resolution; and

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

On roll call the vote was as follows
Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (614-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer – which contains the name of Andrew J. Kelly,
Now, therefore, be it

RESOLVED, that Andrew J. Kelly is hereby appointed to the (permanent) position of Police Officer – Clarkstown Police Department – at the current 2006 annual salary of \$48, 019, effective and retroactive to September 18, 2006.

On roll call the vote was as follows
Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (615-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer – which contains the name of Raymond J. Laschet,
NOW, therefore, be it

RESOLVED, that Raymond J. Laschet is hereby appointed to the police (permanent) position of Police officer – Clarkstown Police Department – at the current 2006 annual salary of \$57,622., effective and retroactive to September 18, 2006.

On roll call the vote was as follows
Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (616-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer – which contains the name of Brian T. Callanan,
NOW, therefore, be it

RESOLVED, that Brian T. Callanan is hereby appointed to the police (permanent) position of Police officer – Clarkstown Police Department – at the current 2006 annual salary of \$57,622., effective and retroactive to September 18, 2006.

On roll call the vote was as follows
Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (617-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06188 Principal Account Clerk (RC/NCP) which contains the name of Lenore Loncar,

NOW, therefore, be it

RESOLVED, that Lenore Loncar is hereby appointed to the (permanent) position of Principal Account Clerk – Office of the Town Comptroller – at the current annual salary of \$43,887., effective and retroactive to September 18, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (618-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on July 28, 2006 that the position of Senior account Clerk Typist #500920 – Town Justice Department – can be reclassified to the position of Senior Account Clerk,

NOW, therefore, be it

RESOLVED, that the position of Senior Account Clerk Typist – Ton Justice Department – is hereby reclassified to the position of Senior Account Clerk – effective and retroactive to September 18, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (619-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04208 Senior Account Clerk – which contains the name of Karen Dowling,

NOW, therefore, be it

RESOLVED, the Karen Dowling is hereby appointed to the (permanent) position of Senior Account Clerk – Town Justice Department – at the annual salary of \$43,887., effective and retroactive to September 18, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (620-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Michael McNamara, - Automotive Mechanic I – Solid Waste Facility – is hereby accepted – effective and retroactive to September 14, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (621-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Daniel C. Lettre Senior Groundswoker – Parks Board & Recreation Commission – is hereby granted an extension of his sick Leave of Absence – at one-half pay – effective September 21, 2006 to October 21, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (622-2006)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown YOUTH COURT program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department’s amended YOUTH COURT grant application in the amount of nineteen thousand one hundred sixty-one dollars (\$19,161.00) for 50/50% Division for Youth funding for 2007, and

FURTHER BE IT RESOLVED that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

On roll call the vote was as follows

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

RESOLUTION NO. (623-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION #579-2006 FOR BID #37-2006; JOSEPH LANE STREAM CHANNEL IMPROVEMENTS

WHEREAS, Town Board Resolution #579-2006 awarded bid #37-2006; Joseph Lane Stream Channel Improvements to Ascape Landscape & Construction.; and

WHEREAS, upon removal of accumulated rock within the stream channel, large voids and erosion were evident in the existing stone waterfall; and

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

- 1) Repair of undermined rock waterfall \$2,863.50

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$26,921.00 to \$29,784.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #H 8757 400 409 0 81 23.

On roll call the vote was as follows

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

RESOLUTION NO. (624-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONSULTING SURVEYING/ENGINEERING FIRM TO PERFORM TOPOGRAPHIC AND BOUNDARY SURVEYING SERVICES FOR THE CENTRAL NYACK IMPROVEMENT PROJECT

Whereas, the Town Board of the Town of Clarkstown is desirous of having streetscape improvements made to the Central Nyack area of the Town; and

Whereas, the Department of Environmental Control has solicited proposals from four (4) qualified engineering/surveying firms to provide the topographic and boundary surveying services necessary to produce the base plans necessary for the design of the street improvements for this project; and

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

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

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of the

**Horizon Engineering Associates
200 Kelly Road
Quakertown, PA 18951**

to perform said work in accordance with their low bid proposal in the amount of \$13,775.00 said amount not to be increased without additional Town Board resolution; and

Be It Further Resolved that this shall be a proper charge to account number H 8757 – 409 - 0 – 81- 28.

On roll call the vote was as follows

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

RESOLUTION NO. (625-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION REQUESTING THE COUNTY OF ROCKLAND TO HOLD IN ABEYANCE THE DEVELOPMENT OF THE PROPOSED TOW LANE BY-PASS ROAD AT THE SHERIFFS HEADQUARTERS, NEW CITY, NEW YORK

WHEREAS, the Town of Clarkstown and County of Rockland have worked cooperatively to develop a Vision for the New City Hamlet Center, which includes North and South Main Street, the Rockland County Government Campus and Clarkstown Town Hall, the Dutch Gardens and Demarest Kill Recreation area and surrounding environs, and

WHEREAS, the Town of Clarkstown and County of Rockland entered into a municipal agreement to equally share the cost of retaining Behan Planning Associates, LLP to analyze existing studies and gather public input through mailed surveys, charrettes, workshops and planning events tailored to collect and evaluate information from interested parties and stakeholders, and

WHEREAS, Behan Planning Associates conducted a series of workshop meetings on March 1, April 3 and May 11, 2006, addressing issues related to land use, traffic, transportation and parking, streetscape, open space and park resources, and general change and redevelopment of the New City Hamlet Center, and

WHEREAS, at said workshops, Demarest Kill Park and Dutch Gardens were identified as important community resources that could be connected with hiking trails along the Demarest Kill, and

WHEREAS, the County of Rockland has proposed developing a two-lane bypass road from New Hempstead Road around the Sheriff’s Headquarters in close proximity to the Demarest Kill, which may impact the stream, park and said proposed hiking trails, as well as traffic in surrounding residential neighborhoods.

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby respectfully request that the County of Rockland hold in abeyance the development of said bypass road and, in a continued spirit of cooperation, join the Town of Clarkstown in requesting Behan Planning Associates to study the proposed roadway as it affects the recommendations of the New City Visioning Process and analyze potential alternatives for accomplishing the goals of County in providing said road.

On roll call the vote was as follows

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

RESOLUTION NO. (626-2006)

Co. Maloney offered and Co. Lasker seconded

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

BID #28-2006 – GABION WALL REPLACEMENT, 24 SCHRIEVER LANE, NEW CITY

is hereby awarded to: WEST-CON CONTRACTING CORP.
41 WILMOT ROAD
SCARSDALE, NY 10583

PRINCIPALS: JOHN GENTILE, PRESIDENT

as per their proposed project cost of \$56,940.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

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

FURTHER RESOLVED, that said award shall constitute a proper charge to Account Number H 8757 400 409 0 81 14.

On roll call the vote was as follows

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

RESOLUTION NO. (627-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 895-2005

WHEREAS, Resolution No. 895-2005 authorized the Supervisor to enter into an agreement with Teresa Morris and Gerald Morris of 15 Terrace Avenue, Nanuet, New York, providing that the Town would pay the cost for repairing the damaged portion of driveway in the Town's right of way, and

WHEREAS, the Town agreed to pay the contractor, E. R. Gabrielson Blacktop Paving, \$625.15 in 2005 for the work done in the Town's right of way, and

WHEREAS, said work could not be performed in 2005, and due to the current increased pricing in blacktop, the contractor requested an additional \$200.00 be added to the original price quote of \$625.15 representing the Town's agreed upon portion of the expense, and

WHEREAS, said request for a cost increase has been reviewed by the Superintendent of Highways who recommends acceptance of the revised quote;

NOW, THEREFORE, be it

RESOLVED, that the original portion of the Town's expense of \$625.15 be adjusted to \$825.15 to reflect the increased price of blacktop, and be charged to DB-5110-409.

On roll call the vote was as follows

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

RESOLUTION NO. (628-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO RETAIN AN APPRAISER TO APPRAISE CLARKSTOWN TRANSFER STATION AND COMPOSTING FACILITY OPERATIONS LOCATED IN WEST NYACK, NEW YORK

WHEREAS, the Town Board is considering its options with respect to its Solid Waste Transfer Station and Composting Facility located in West Nyack, New York, and

WHEREAS, it is desirable to have an appraisal prepared for the purpose of evaluating its options with respect to the continued operation of the transfer station and composting facility, and
RESOLUTION NO. (628-2006) continued

WHEREAS, the Town Attorney's Office has solicited seven (7) proposals;
NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Amy Mele, Town Attorney, Valuation Plus, Inc. be retained for the purpose of preparing said appraisal at a fee not to exceed \$9,000; and such fee shall be charged to Account No. A 1420-409.

On roll call the vote was as follows

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

RESOLUTION NO. (629-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO RETAIN AN APPRAISER TO APPRAISE PREMISES DESIGNATED ON THE CLARKSTOWN TAX MAP AS 44.15-3-42 & 42.1 LOCATED AT 65-67 LAKE ROAD, CONGERS, NEW YORK

WHEREAS, the Town Board is considering acquiring two (2) parcels of land designated on the Clarkstown Tax Map as 44.15-3-42 & 42.1, and commonly referred to as 65-67 Lake Road, Congers, New York, and

WHEREAS, it is desirable to have an appraisal prepared for the purpose of acquiring said premises, and

WHEREAS, the Town Attorney's Office has solicited six (6) proposals;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Paul K. Schofield, Deputy Town Attorney, Valuation Plus, Inc. be retained for the purpose of preparing such appraisal at a fee not to exceed \$3,000; and such fee shall be charged to Account No. A 1420-409.

On roll call the vote was as follows

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

RESOLUTION NO. (630-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AGREEMENT WITH HDR/LMS ENGINEERING TO CONDUCT AN UPDATED COST ESTIMATE FOR REMEDIATION OF PREMISES LOCATED AT 65-67 LAKE ROAD, CONGERS, NEW YORK (44.15-3-42 and 42.1)

WHEREAS, the Town Board is considering acquiring two (2) parcels of land designated on the Clarkstown Tax Map as 44.15-3-42 & 42.1, and commonly referred to as 65-67 Lake Road, Congers, New York, and

WHEREAS, it is desirable to have an updated cost estimate for remediation of the premises prepared for the purpose of determining the fair market value of said premises, and

WHEREAS, the Director of the Department of Environmental Control has recommended retaining the services of HDR/LMS Engineering for the purpose of preparing said cost estimate;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into an agreement with HDR/LMS Engineering, in a form approved by the Town Attorney, to provide engineering services to the Town with respect to preparing an updated cost estimate for remediation of premises known as 44.15-3-42 and 42.1, and be it

FURTHER RESOLVED, that the cost for these services shall not exceed \$3,500 and shall be charged to Account #A 1420 409.

On roll call the vote was as follows

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

RESOLUTION NO. (631-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 19, 2006, AUTHORIZING THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS IN CONNECTION WITH THE VALLEY COTTAGE DOWNTOWN

IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$547,775, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$547,775 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

RESOLUTION NO. (631-2006) continued

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct sidewalk improvements in connection with the Valley Cottage downtown improvement project, including curbs, decorative pavers, modular concrete walls and other related improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$547,775 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$547,775 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$547,775 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

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

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

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

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

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 19, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted September 19, 2006, authorizing the construction of sidewalk improvements in connection with the Valley Cottage downtown improvement project, stating the estimated maximum cost thereof is \$547,775, appropriating said amount therefor, and authorizing the issuance of \$547,775 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct sidewalk improvements in connection with the Valley Cottage downtown improvement project, including curbs, decorative pavers, modular concrete walls and other related improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$547,775; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$547,775 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$547,775 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

RESOLUTION NO. (631-2006) continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$547,775 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: September 19, 2006

David Carlucci
Town Clerk

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

On roll call the vote was as follows

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

RESOLUTION NO. (632-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 19, 2006, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS IN CONNECTION WITH THE VALLEY COTTAGE DOWNTOWN IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,050,990, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,050,990 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct road improvements in connection with the Valley Cottage downtown improvement project, including road reconstruction, pavement milling, asphalt pavement installation and related landscaping. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,050,990 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,050,990 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,050,990 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

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

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

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to RESOLUTION NO. (632-2006) continued

60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 19, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted September 19, 2006, authorizing the construction of road improvements in connection with the Valley Cottage downtown improvement project, stating the estimated maximum cost thereof is \$1,050,990, appropriating said amount therefor, and authorizing the issuance of \$1,050,990 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct road improvements in connection with the Valley Cottage downtown improvement project, including road reconstruction, pavement milling, asphalt pavement installation and related landscaping; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,050,990; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,050,990 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,050,990 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,050,990 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum. DATED: September 19, 2006

David Carlucci
Town Clerk

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

On roll call the vote was as follows

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

RESOLUTION NO. (633-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 19, 2006, AUTHORIZING THE CONSTRUCTION OF STORM WATER DRAINAGE IMPROVEMENTS IN CONNECTION WITH THE VALLEY COTTAGE DOWNTOWN IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,679,735, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,679,735 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:
RESOLUTION NO. (633-2006) continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct storm water drainage improvements in connection with the Valley Cottage downtown improvement project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,679,735 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,679,735 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,679,735 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

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

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

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

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

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

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 19, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted September 19, 2006, authorizing the construction of storm water drainage improvements in connection with the Valley Cottage downtown improvement project, stating the estimated maximum cost thereof is \$1,679,735, appropriating said amount therefor, and authorizing the issuance of \$1,679,735 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct storm water drainage improvements in connection with the Valley Cottage downtown improvement project; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,679,735; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,679,735 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,679,735 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures

made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,679,735 serial bonds will exceed five (5) years;

RESOLUTION NO. (633-2006) continued

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: September 19, 2006

David Carlucci
Town Clerk

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

On roll call the vote was as follows

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

RESOLUTION NO. (634-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 19, 2006, AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF LIGHTING IMPROVEMENTS IN CONNECTION WITH THE VALLEY COTTAGE DOWNTOWN IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$421,500, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$421,500 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct and install lighting improvements in connection with the Valley Cottage downtown improvement project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$421,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$421,500 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$421,500 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any

bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

RESOLUTION NO. (634-2006) continued

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows

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

RESOLUTION NO. (635-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION SCHEDULING SPECIAL MEETING OF THE TOWN BOARD

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for September 26, 2006, at 7:30 p.m., in Room 311, of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York. The purpose of said meeting is as follows:

1. Presentation of 2007 Tentative Budget to the Town Board by the Town Clerk, pursuant to provisions of Section 106 of the Town Law;
2. Authorizing solicitation of Requests for Proposal for professional engineering services related to the Hackensack River Flood Management Project;
3. Authorizing changes to DEC Inspection Fees;
4. And any other necessary matters.

On roll call the vote was as follows

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

RESOLUTION NO. (636-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Section 93-2(A) and 2(B) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to dispense alcoholic beverages on public property in the Town of Clarkstown, NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Dave Wooley to dispense beer and wine in accordance with and subject to section 93-2(A) and 2(B) of the Code of the Town of Clarkstown for: Dave Wooley for a Surprise Party, Sunday, October 8, 2006 from 6:00-9:00PM, Congers Station Park, 1 Burnside Ave, Congers, NY 10920.

On roll call the vote was as follows

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

RESOLUTION NO. (637-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 290 (ZONING) OF THE TOWN OF CLARKSTOWN"

RESOLUTION NO. (637-2006) continued

WHEREAS, Councilperson Maloney, 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 purpose of this local law is to provide for child daycare center as a use permitted by special permit of the Town Board in the LO, CS, RS and MRS Zoning Districts and when accessory to a religious/educational institution or not-for-profit social hall and cultural center in the R-160, R-80, R-40, R-22, R-15, R-10, RG-1, RG-2, LIO, MF-1, MF-2, and MF-3 Zoning Districts, which would allow Child Daycare Centers by Special Permit in all zones except in M and PED Zones, and as an accessory use to a religious/educational institution in certain zones;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on October 17, 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. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (638-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF AUTOMATED SYSTEMS TO INCORPORATE HISTORICAL REVIEW BOARD POWER POINT PRESENTATION ON TOWN OF CLARKSTOWN WEBSITE

WHEREAS, the Historical Review Board has prepared a power point presentation to be utilized in connection with upcoming hearings; and

WHEREAS, the Historical Review Board recommended that the presentation be available for viewing on the Town of Clarkstown website, located at www.town.clarkstown.ny.us;

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Automated Systems is hereby authorized to upload the Historical Review Board power point presentation to the Town's website.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments with no one wishing to be heard. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was closed 11:51PM

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

09/19/2006

8:10 P.M.

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

Re: Continuing a public hearing from 6/27/06 on a proposed local law entitled, "a local law to create chapter 243 (signs) of the Town Code.

On motion of Co. Maloney, seconded by Co. Mandia, opened 8:10. On motion of Co. Maloney, seconded by Co. Mandia, continued to October 17, 2006. RESOLUTION NO. (581-2006)

The Supervisor gave a background on the sign law and then opened the floor for comments.

Building Inspector Peter Beary gave a background on the sign law.

Bill Hog- Nanuet

Spoke about stores on S. Middletown Road and that that businesses would not have to comply within ten years. Town Attorney Amy Mele stated that if there is turnover with the businesses, there has to be new signs.

Cora Bodkin- New City, Chair- Architecture and Landscape Commission

Encouraging compliance is important. Suggested offering incentives to businesses and maybe separating guidelines for each hamlet.

Susan Yates- New City

Asked if political signs were a part of this sign law. The Supervisor responded that they were not.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was continued to October 17, 2006.

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (581-2006)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

09/19/2006

8:25 P.M.

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

Re: Proposed amendment to the Clarkstown Comprehensive Plan to permit Hospice residences in the R-80 and R-160 zoning districts by special permit.

On motion of Co. Lasker, seconded by Co. Maloney, opened 8:25. On motion of Co. Lasker, seconded by Co. Maloney, closed 11:00. On motion of Co. Lasker, seconded by Co. Mandia, RESOLUTION NO. (582-2006) unanimously adopted.

The Supervisor opened the floor for comments.

Town Planner Joe Simoes read into the record the recommendations of the Planning Board, (on file with Town Clerk).

Town Attorney Amy Mele read into the record the recommendations of the Town Attorney' Office, (on file with Town Clerk).

Amy Stern- West Nyack, Director of United Hospice of Rockland
Explained what Hospice of Rockland does and gave examples of people and families helped. Described what the need was and why a hospice is needed in New City. Urged the Town Board to amend the Comprehensive Plan and make the hospice a reality.

Joan King- New City
Message of support for the hospice read into the record by Town Clerk, (on file with Town Clerk).

Irwin Librot- Nanuet
Spoke in favor of the hospice.

Naomi Adler- Nanuet, President of United Way of Rockland
Spoke in favor of the hospice.

Elaine Simon- South Nyack
Spoke in favor of the hospice.

Stanley Feld- West Nyack
Spoke in favor of the hospice.

Dan Richmond- Attorney for Zarin & Steinmetz, Representing the Residential Association for the Preservation of The Rural Rockland Environment (RAPPORRE)
Spoke against the hospice in proposed location. Stated an environmental impact study must be provided before proceeding. Submitted a report to the Town Board, (on file with Town Clerk).

David Schwartz- Suffern
Spoke in favor of the hospice.

Rochelle Rothbaum- Pomona
Spoke in favor of the hospice.

Jim Cropsey- New City
Spoke in favor of the hospice.

Nancy Schaefer- New City
Spoke against the hospice in proposed location.

Bruce Raines- New City
Spoke against the hospice in proposed location.

Lucy Rizzo- Airmont
Spoke in favor of the hospice.

George R. Cox, M.D.- Suffern, United Hospice of Rockland Medical Director
Spoke in favor of the hospice.

Bianca Raine- New City

Spoke against the hospice in proposed location.

Niles Davies- Congers

Spoke in favor of the hospice.

Lawrence King- New City

Spoke against the hospice in proposed location.

Rabbi David Fass- Rabbi of Temple Beth Sholom of New City and resident of New City

Spoke in favor of the hospice.

Joanne Cusamano- New City

Spoke against the hospice in proposed location.

Sister Joan Correia- Sparkill, Dominican Sisters

Spoke in favor of the hospice.

Sister Marie T. McGuire- Sparkill, Dominican Sisters

Spoke in favor of the hospice.

David Sugar- New City

Spoke against the hospice in proposed location.

Brian Eardley- New City

Spoke against the hospice in proposed location.

Sister Fran Gorsuch- Suffern

Spoke in favor of the hospice.

Carol Medwin- New City

Spoke in favor of the hospice.

David Farrison- Representative of Rockland County Executive C. Scott Vanderhoef

Spoke in favor of the hospice.

Maureen Creegan- New City

Spoke in favor of the hospice.

Hector A. May- Orangeburg

Spoke in favor of the hospice.

Frank Osei- Airmont

Spoke against the hospice in proposed location.

Celia Juris- Bardonia, Executive Director of Home Aids of Rockland

Spoke in favor of the hospice.

Jerry Donaldson- Valley Cottage

Spoke in favor of the hospice.

Carol Iselin- New City

Spoke against the hospice in proposed location.

Paul Tandler- New City, Executive Director Jawonio

Spoke in favor of the hospice.

John T. Grant- Thiells, Board member for United Hospice of Rockland

Spoke in favor of the hospice.

Harold J. Peterson- New City

Spoke in favor of the hospice.

Mayor Bud Wassmer- Haverstraw

Spoke in favor of the hospice.

Steve Drano- New City

Spoke in favor of the hospice.

John Damiani- New City

Spoke in favor of the hospice.

Brian Warner- New City, Hospice Board Member

Spoke in favor of the hospice.

Louis Katz- New City
Spoke against the hospice in proposed location.

Betsy Finney- Piermont
Spoke in favor of the hospice.

Tony Frankavilla- New City
Spoke against the hospice in proposed location.

Michael Shilale- New City, Architect for the Hospice residence
Spoke in favor of the hospice.

Ed Day- Rockland County Legislator, District #5 (New City)
Submitted a letter to the Town Board, (on file with Town Clerk).

Town Attorney Amy Mele stated this is not a zoning amendment we are doing tonight, but an amendment to the Comprehensive Plan. Should the amendment be voted through, we will pay very close attention to the environmental concerns addressed tonight. There will be further public hearings on this matter.

Town Planner Joe Simoes addressed issues raised regarding R-80 and R-160 zoning districts.

Co. Mandia stated he was confident that the various departments would make sure that the needs of that particular site would be addressed. Hospice has been great for our family. I'm very proud to vote yes.

Co. Maloney stated he was here when the first group home was placed in Clarkstown in 1974 and they have been the best neighbors of anybody in this town.

Co. Lasker stated she can't think of a better place for this to be, in these serene surroundings, built with love. We have one of the best planning boards in Rockland County and they are very sensitive to environmental needs.

Co. Nowicki stated she had 9 beds in her family and we didn't endanger the environment or deplete water. I think the hospice is a small facility with 10 beds on such a large property. They will be a good neighbor.

Supervisor Gromack thanked everyone for coming out. He thanked the residents of Buena Vista Road. Stated Clarkstown will protect the environmental impact to community. In the end, when the facility is situated, we will all be winners.

There being no one wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, the public hearing was closed 11:00pm. On motion of Co. Lasker, seconded by Co. Mandia, RESOLUTION NO. (582-2006) was unanimously adopted.

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (582-2006) unanimously adopted.

