

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/18/10

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli, George Hoehmann & Stephanie Hausner
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

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

SPECIAL PRESENTATION: Recognizing 2 Clarkstown nominees for the 2010 County Executive Arts Award in Visual Arts Category: Peter Mundheim & Maria Sanchez

POLICE YOUTH ACADEMY GRADUATION: The Clarkstown Police Department honored the graduates of the youth academy class. The youth academy was started several years ago so local high school students could have an opportunity to understand the training of police officers and introduce them to the various areas of the criminal justice system. The graduates received their certificates from Chief Peter Noonan and Sgt. Nick Lafasciano.

Ross Frazin	Nicholas Manfredi	Christiana Porco	Tiffani Pagliocca
Andrew Giga	David Fiore	Anthony Baris	Ryan Atzl
Marco Oliveros	Robert Kolessar	Brian Stemwede	Steven Motto
Kelvin Leon	Kurt Lauen	William Connolly	Michael Adams
William Muller	Maria Watson	Eric Roemish	John Collazuol

Presentation by Dennis Letson, First Deputy Director, Department of Environmental Control on MS4 Annual Report.

Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers

Regarding agenda items #10, 15, 16, 17 (res. nos. 266-2010, 273-2010, 274-2010, 275-2010), asked the board to elaborate on these items.

Supervisor Gromack-

Regarding agenda items #10 (res. no. 266-2010), stated it Greater Hudson Bank will be the depository.

Daniel Kraushaar- Deputy Town Attorney

Regarding agenda items #15 (res. no. 273-2010), stated it is a Special Advisory Board that makes recommendations to the existing town code and comprehensive plan.

Co. Hoehmann- Chairman, Special Advisory Board

Regarding agenda items #15 (res. no. 273-2010), stated the members are comprised of individuals with expertise in specific disciplines and they chair subcommittees whose members are comprised of town staff and individual citizens.

Daniel Kraushaar- Deputy Town Attorney

Regarding agenda items #16 (res. no. 274-2010), stated it is no longer a road or intended to be a road, so the town is not giving up ownership, but taking it off the map. The Rt. 45 Bypass was planned in the 1960's, but never constructed.

Daniel Kraushaar- Deputy Town Attorney

Regarding agenda items #17 (res. no. 275-2010), stated the petition is for a zone change from LS to R-22 at 305 Old Rt. 304, New City.

RESOLUTION NO. (251-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that the Town Board Minutes of April 20, 2010, is hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (252-2010)

Co. Lasker offered and Co. Borelli seconded

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

BID #30-2010 – PAPER AND PLASTICS SUPPLIES

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _____ 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 Department of Purchasing at the above address.

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

RESOLUTION NO. (252-2010) continued

Co. Hoehmann..... Yes
 Co. Borelli..... Yes
 Supervisor Gromack..... Yes

RESOLUTION NO. (253-2010)

Co. Lasker offered and Co. Borelli seconded

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

BID #31-2010 – HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _____ 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 Department of Purchasing at the above address.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann..... Yes
 Co. Borelli..... Yes
 Supervisor Gromack Yes

RESOLUTION NO. (254-2010)

Co. Hausner offered and Co. Borelli seconded

RESOLUTION GRANTING PERMISSION TO ALERT HOOK, LADDER AND ENGINE COMPANY NO. 1, TO HAVE A CARNIVAL AND LICENSED FIREWORKS DISPLAY AT 65/66 LAKE ROAD, CONGERS, NEW YORK

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has requested permission to have a licensed fireworks display at 65/66 Lake Road, Congers, New York, on June 27, 2010, and hold a carnival on June 24, 2010 through June 27, 2010, and

WHEREAS, Police Chief Peter Noonan, Clarkstown Police Department, Keith Garrabrant, Emergency Management Coordinator, and Vincent Narciso, Fire Safety Inspector, have reviewed the proposal and have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and that adequate police personnel will be available, and have recommended permission be granted for such fireworks display subject to certain conditions and compliance with all necessary public safety measures provided the display is held on June 27, 2010;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company No. 1 to sponsor a fireworks display at 65/66 Lake Road, Congers, on June 27, 2010, at approximately 9:00 p.m., subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Act;
2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage;
3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
4. Provide a bond to the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law;
5. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's May 7, 2010 memo; and
6. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann..... Yes
 Co. Borelli..... Yes
 Supervisor Gromack Yes

RESOLUTION NO. (255-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION DECLARING TOWN LEVER VOTING MACHINES AS SURPLUS MUNICIPAL PROPERTY AND AUTHORIZING DISPOSITION BY PUBLIC AUCTION BY THE COUNTY OF ROCKLAND

WHEREAS, the Town owns 107 lever voting machines which are in the custody and control of the Rockland County Board of Elections, and

WHEREAS, the County of Rockland will be using new voting machines commencing with the primary election of September 14, 2010, and

WHEREAS, the County will be disposing of all lever voting machines by public auction;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares the 107 lever voting machines as surplus municipal property and authorizes the County of Rockland to dispose of same and any money received by the auction will be retained by the County.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann..... Yes
 Co. Borelli..... Yes
 Supervisor Gromack Yes

RESOLUTION NO. (256-2010)
Co. Borelli offered and Co. Hoehmann seconded

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 adopt a segment of a town road for a period of two (2) years, beginning May 18, 2010 to May 18, 2012, as follows:

Sponsor: Body Evolution Pilates Studio, 43 Maple Avenue, New City, NY 10956

Road: .59 segment of West Clarkstown Road from North Middletown Road to New Clarkstown Road, New City, NY and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the above organization will perform a public service in removing trash from above roadway which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning May 18, 2010 to May 18, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the above organization, to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (257-2010)
Co. Borelli offered and Co. Hoehmann seconded

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

WHEREAS, the following group wishes to continue to adopt the below segments of various town roads for an additional period of two (2) years, beginning May 14, 2010 to May 14, 2012, as follows:

Sponsor: McLaren, P.C., Engineering Group, 100 Snake Hill Road, West Nyack, NY 10994

Roads: .21 mile segment of Snake Hill Road from 100 Snake Hill Road to intersection of Palisades Center Drive, West Nyack, NY 10994,

and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that McLaren, P.C., Engineering Group will perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning May 14, 2010 to May 14, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by McLaren, P.C., Engineering Group to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (258-2010)
Co. Borelli offered and Co. Hoehmann seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, continuing from May 14, 2010 to May 14, 2012, as follows:

Sponsor: Steve Botto Inc., Landscaping, 19 Short Hill Road, New City, NY 10956

Road: 1.03 mile segment of Red Hill Road, New City from intersection of Little Tor Road to intersection of West Clarkstown Road, New City, NY 10956

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that said Steve Botto Inc., Landscaping will continue to perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from May 14, 2010 to May 14, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by Steve Botto, Inc. Landscaping to remove trash from the roadway.

RESOLUTION NO. (258-2010) continued

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (259-2010)

Co. Borelli offered and Co. Hoehmann seconded

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 adopt specified Town locations for an additional two year period beginning May 10, 2010 to May 9, 2012, as follows:

Sponsor: Steve Botto Landscaping, 19 Short Hill Road, New City, New York 10956

Location: NW Corner of Route 304 at South Main Street, New City, New York and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for an additional period of two (2) years beginning May 10, 2010 to May 9, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (260-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown :

PEARL RIVER PLUMBING, HEATING & ELECTRIC, INC., d/b/a BERTRUSSI'S, 60-70 Dexter Plaza, Pearl River, NY 10965, Louis E. Bertrussi, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 10-32 PEARL RIVER PLUMBING, HEATING & ELECTRIC, INC. d/b/a BERTRUSSI'S

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (261-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF MAINTENANCE AGREEMENT AND CONSERVATION EASEMENT REGARDING UNITED STRUCTURAL WORKS SITE PLAN (35.20-1-5)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the United Structural Works site plan in Congers, New York (35.20-1-5), OM Realty Associates, LLC has provided a stormwater control facility maintenance agreement and a conservation easement, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyances; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement and conservation easement from OM Realty Associates, LLC in connection with the United Structural Works site plan and orders them recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (262-2010)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, John Gillespie, President of jfg & associates, Inc Consultants, has advised the Town Clerk by letter dated May 5, 2010, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that JAY-MIK LLC has applied for an on-premises liquor license at 16 Main Street, New City, New York, and

WHEREAS, to expedite processing said corporation’s license application, John Gillespie, President of jfg & associates, Inc Consultants, has requested that the Town Board waive the thirty day waiting period provided by law, and
WHEREAS, the Town Board does not intend to comment upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of JAY-MIK LLC for a license at premises located at 16 Main Street, New City, New York.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (263-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR MASS TRANSPORTATION

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2010 to March 31, 2011, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (264-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND WITH RESPECT TO TRANSFER OF SHARED FUNDS

WHEREAS, the Rockland County District Attorney’s Office participated in Operation Cashta Rica and incurred extraordinary expense in the investigation and prosecution of multiple defendants, and

WHEREAS, the Town of Clarkstown Police Department participated in Operation Cashta Rica, and incurred expenses; and

WHEREAS, Rockland County, through the United States Department of Justice Asset Forfeiture Program has received an equitable share (shared monies) of federally forfeited funds; and

WHEREAS, the United States Department of Justice permits the transfer of shared funds from one state or local law enforcement agency to another,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an Intermunicipal Agreement with the County of Rockland, in a form approved by the Town Attorney, which shall provide that the County will reimburse the Town of Clarkstown the sum of One Million Three Hundred Fifty-Six Thousand Five Hundred Fifty Eight Dollars (\$1,356,558.00) as part of shared funds received by the Rockland County District Attorney’s Office, and be it

FURTHER RESOLVED, that shared funds will be deposited by the Town of Clarkstown in an “Equity Sharing Revenue Account”, and will be used by the Town of Clarkstown Police Department for law enforcement purposes only.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (265-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND TO PROVIDE MAINTENANCE AND UPKEEP TO CERTAIN PARK AND RIDE LOTS

RESOLUTION NO. (265-2010) continued

Whereas, the County of Rockland, through its Department of Public Transportation, is desirous of entering into an agreement with the Town of Clarkstown for maintenance and upkeep of park and ride lots located at:

- 1. Exit 12 – Lot 1
- 2. Exit 12 – Lot 2
- 3. Exit 14 – East Lot
- 4. Exit 14 – West Lot
- 5. Exit 14 – North Lot
- 6. Nanuet Railroad Station – Lot 1
- 7. Nanuet Railroad Station – Lot 2
- 8. North Middletown Road
- 9. Smith Street
- 10. Middletown Road Park and Ride
- 11. New Highway 304 Park and Ride Lot

and

WHEREAS, the County of Rockland agrees to pay the Town the sum of \$215,000.00 in connection with maintenance of the park and ride lots;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into such agreement with the County of Rockland, in a form approved by the Town Attorney, for the period January 1, 2010 and terminating December 31, 2010, to provide maintenance and upkeep of park and ride lots located at sites referred to herein, and be it

FURTHER RESOLVED, that the County of Rockland agrees to reimburse the Town of Clarkstown for said work in a sum not to exceed \$215,000.00.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (266-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the following depository is hereby designated for funds deposited by the Supervisor, Town Clerk, Receiver of Taxes, Town Justices, Building Inspector, Department of Planning and Comptroller:

Greater Hudson Bank, NA

and be it

FURTHER RESOLVED, that the bank set forth above shall be required to supply pledge collateral protection for Town funds which are not otherwise insured against loss.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (267-2010)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, by Resolution No. 202-2010, adopted April 13, 2010, the Town of Clarkstown accepted a proposal from Orange and Rockland Utilities, Inc. for street lighting, and

WHEREAS, the name of the hamlet where the street is located was incorrect;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 202-2010 is hereby amended to correct the location of the street lighting in the first RESOLVED clause to read "Jill Drive, West Nyack (between 25 & 27)."

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (268-2010)

Co. Hausner offered and Co. Borelli seconded

RESOLUTION RE-ESTABLISHING A COMMITTEE TO RECOGNIZE COMMERCIAL PROPERTY OWNERS, OR OPERATORS, WHO MAINTAIN EXEMPLARY PROPERTIES

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 456 on July 25, 2006, creating a committee to recognize commercial property owners, or operators, who have taken extraordinary steps maintaining their properties. This program is known as the "Pride of Clarkstown," and is also intended to act as an incentive for all commercial property to be improved, and

WHEREAS, the Committee consists of the following persons:

- George Hoehmann, Town Board Liaison
- Scott Milich, Chairman
- David Kaminski
- Dorie McMaster
- Donald Ritch
- Irene Ryan
- Shirley Washington

and

WHEREAS, the Town Board wishes to re-establish the Committee for the year 2010;

NOW, therefore, be it

RESOLVED, that the Town Board hereby re-establishes the committee referred to herein, and be it

FURTHER RESOLVED, that the Town Board hereby endorses the contest for the best maintained commercial

RESOLUTION NO. (268-2010) continued

property, and shall appropriate \$2,000.00 to the committee to conduct the contest, prepare award certificate and for incidental expenses, which shall be a property charge to Account No. A-1010-409.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (269-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, resolution #164-2010 adopted by the Town Board on March 16, 2010 awarded Bid #15-2010 FIRST AID/SAFETY SUPPLIES and

WHEREAS, certain line items were calculated incorrectly, now therefore be it

RESOLVED, that resolution #164-2010 is amended to read as follows:

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that BID #15-2010 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to: NORTHERN SAFETY, 232 INDUSTRIAL PARK DR., FRANKFORT, NY 13340

PRINCIPALS: SAL LONGO

MOORE MEDICAL, LLC, 1690 NEW BRITAIN AVENUE, FARMINGTON, CT 06032-3112

PRINCIPALS: A PUBLIC CORPORATION

HENRY SCHEIN MATRIX, INC., P.O. BOX 194, WARETOWN, NJ 07858

PRINCIPALS: A PUBLIC CORPORATION

ZAMS, INC., 200 NORTH MAIN STREET, FREEPORT, NY 11520

PRINCIPALS: ZUBAIDA RATCHER

UNITED HEALTH SUPPLIES, P.O. BOX 33958, LAS VEGAS, NV 89133

PRINCIPALS: ROBERT KELEMEN, JEFFREY KELEMEN

BOUND TREE MEDICAL LLC, 5000 TUTTLE CROSSING, DUBLIN, OH 43016

PRINCIPALS: BEMS HOLDINGS, LLC

as per the corrected item/price schedule (on file with Town Clerk)

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (270-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Recreation and Parks that

BID #29-2010 – FITNESS EQUIPMENT FOR STREET COMMUNITY CENTER

is hereby awarded to: STAY FIT SENIORS, 285 NORTH ROUTE 303, SUITE #2, CONGERS, NY 10920

PRINCIPAL: ROGER RUSSO, PRESIDENT

as per their proposed project cost not to exceed \$30,000.00 and be it

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

- a) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- b) Certificate of Automobile Liability Coverage
- c) Certificate of Worker's Compensation insurance coverage
- d) 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 Recreation and Parks and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with money in lieu of land funds

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (271-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a resident of Tulip Drive, Valley Cottage, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

RESOLUTION NO. (271-2010) continued

Tulip Drive, Valley Cottage (between 813 & 815) (Install one (1) – 70-watt – 5,800 sodium vapor street light on Pole # 60902/40768

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$6.96 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

AND BE IT FURTHER RESOLVED, that because there is no secondary wiring on pole 60902/40768, O & R Utilities, Inc. will have to run approximately 110 feet on secondary from pole #60889/40760. This will add an additional cost to the installation. The cost could run upwards of \$300.00 or more.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (272-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a resident of Second Avenue, Nanuet, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Second Avenue, Nanuet (between 42 & 44) (Install one (1) – 70-watt – 5,800 sodium vapor street light on existing utility Pole #58193/40470)

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$8.74 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (273-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 598-2009 on December 15, 2009 to reconstitute the composition of the Special Board to carry out the objectives of the Comprehensive Plan, and

WHEREAS, the Town Board wishes to add a member to said Board;

NOW, THEREFORE, be it

RESOLVED, that Peter Streitman is added as a member of the Special Board.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (274-2010)

Co. Borelli offered and Co. Hausner seconded

RESOLUTION REFERRING PETITION OF JOY BUILDERS, INC. FOR ABANDONMENT OF PORTION OF RTE. 45 AND RTE. 59 BY-PASS IN THE TOWN OF CLARKSTOWN, NEW YORK, TO THE ROCKLAND COUNTY COMMISSIONER OF PLANNING AND THE CLARKSTOWN PLANNING BOARD

WHEREAS, an application has been made by Joy Builders, Inc. that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare that a certain portion of the highway known as Rte. 45 and Rte. 59 By-Pass, Town of Clarkstown, New York, as described in the metes and bounds description attached as Schedule "A," (on file with Town Clerk), for the portion of the highway in the Town of Clarkstown, upon the grounds that same has never been constructed or used as a highway by the public and therefore the portion of said road may be deemed abandoned, and WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law, and further wishes to consider, on its own motion, the deletion of said portion of the road from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the

RESOLUTION NO. (274-2010) continued

Clarkstown Planning Board for their report and recommendation, and be it FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Clarkstown Planning Board is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it FURTHER RESOLVED, that the Superintendent of Highways is hereby requested to render his report and recommendation to the Town Board pursuant to Highway Law Section 205.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (275-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN BOARD REFERRING ZONE CHANGE PETITION OF JEANMARIE GRAHN AND AUTHORIZING SEQRA REVIEW BY PLANNING BOARD

WHEREAS, JEANMARIE GRAHN has submitted a petition to the Town Board of the Town of Clarkstown, requesting a change of zone from the LS District to the R-22 District for premises designated on the Clarkstown Tax Map as 35.9-1-14, situated at 305 Old Route 304, New City, New York, to permit development of the property by a single family dwelling;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

FURTHER RESOLVED, that Clarkstown Planning Board shall also review and report to the Town Board whether or not the proposed action, if approved, is consistent with the Town of Clarkstown Comprehensive Plan.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (276-2010)

Co. Lasker offered and Co. Hausner 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., Karen Dowling York, Senior Account Clerk, Town Justice Court is hereby granted an extension of her Sick Leave of Absence at one-half pay, effective May 17, 2010 to June 17, 2010.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (277-2010)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation of Peter F. Fuchs – Maintenance Supervisor – Maintenance Department – is hereby accepted – effective and retroactive to May 11, 2010.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (278-2010)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation by (Retirement) of John J. Hayden, Police Officer, Clarkstown Police Department is hereby accepted – effective and retroactive to April 29, 2010.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (279-2010)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #10079 (NCP/T&E) Environmental Control Inspector II – which contains the name of Pierre R. Clervil,

NOW, therefore, be it

RESOLVED, that Pierre R. Clervil is hereby appointed to the position of (permanent) Environmental Control Inspector II – Department of Environmental Control – at the current 2010 annual salary of \$65,741 – effective and retroactive to May 24, 2010.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (280-2010)
Co. Lasker offered and Co. Hausner 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., Kenneth F. Rooney- Senior Storekeeper – Highway Department – is hereby granted a Sick Leave of absence – at one half pay effective May 19, 2010 to June 19, 2010.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (281-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND TO REIMBURSE THE COUNTY THE TOWN’S SHARE FOR THE PURCHASE OF TWO NEW BUSES FOR THE MINI-TRANS

WHEREAS, the Town has been informed that Congresswoman Nita Lowey has obtained a grant (Congressional Earmark) in the sum of \$99,584.00 toward the total cost of \$124,480.00 for the purchase of two new cut-away buses for the Clarkstown Mini-Trans Department; and

WHEREAS, the Congressional Earmark requires the Town to pay a 10% Required Match, which shall be \$12,488.00; and

WHEREAS, the Town has agreed that the County will receive the grant and handle the purchase of the buses, and the balance of the purchase price for the buses will be shared equally by New York State and the Town; and

WHEREAS, the Town of Clarkstown has agreed to reimburse the County of Rockland the sum of \$12,448.00 representing the Town’s share of the balance of the purchase price.
NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an Inter-municipal Agreement with the County of Rockland, in a form satisfactory to the Town Attorney, to reimburse the County of the sum of \$12,448.00 representing its share of the balance of the purchase price of two new cut-away buses for the Clarkstown Mini-Trans; and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No. H 8761-409-0-85-6.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (282-2010)
Co. Borelli offered and Co. Hausner seconded

RESOLUTION ACCEPTING UPDATED COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

WHEREAS, the Clarkstown Police Department has prepared an update to the Emergency Operations Plan accepted by the Town Board on June 11, 1996, and

WHEREAS, the Clarkstown Police Department recommends acceptance of the updated Comprehensive Emergency Management Plan;
NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the updated Comprehensive Emergency Management Plan prepared by the Clarkstown Police Department.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (283-2010)
Co. Lasker offered and Co. Hausner seconded

RESOLUTION AUTHORIZING MAINTENANCE OF ACCESS TO TOWN OF CLARKSTOWN OPEN SPACE
PARCEL AT 3 HIGH TOR ROAD, NEW CITY

WHEREAS, the Town of Clarkstown currently owns a 17-acre open space parcel known as 3 High Tor Road, New City (formerly Kempton) (34.8-1-8), and

WHEREAS, the severe recent winter has caused the demise of several sections of the roadway hampering safe access to the Town property as well as all the neighboring parcels, and

WHEREAS, the neighboring residents who utilize the private High Tor Road for ingress and egress have agreed to pool their resources to effect substantial improvements to the road and plan to effect a formal Road Maintenance Agreement in which the Town as the majority property owner has indicated willingness to participate, and

WHEREAS, an ad hoc neighborhood association was formed and several proposals solicited for the repair work was received, and a proposal from Pinebrook Industries, Inc. PO Box 723, New City, NY 10956 was accepted,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the payment of the Town's share of the repair work on High Tor Road, up to an amount not to exceed Ten Thousand Dollars, to Pinebrook Industries, subject to the review and approval of the plans and specifications by 1st Deputy Director of Environmental Control Dennis Letson, who has agreed to oversee and advise the association and the contractor, and be it further

RESOLVED, that the funds will be a proper charge by the Town Comptroller to Account # A-7020-409-0.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (284-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDMENT TO THE TOWN OF
CLARKSTOWN COMPREHENSIVE PLAN REGARDING THE WEST NYACK VISION PLAN

WHEREAS, by Resolution No. 243-2010, adopted by the Town Board on April 20, 2010, the Town Board accepted the West Nyack Vision Plan regarding the revitalization of downtown West Nyack, New York, and referred said plan to the Clarkstown Planning Board and the Rockland County Planning Department for consideration as an amendment to the Town's Comprehensive Plan;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 272-a of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on June 15, 2010, at 8:00 p.m., or as soon thereafter as possible, to review and consider including the West Nyack Vision Plan as an amendment to the Town's Comprehensive Plan, and be it

FURTHER RESOLVED, that the Town Attorney shall prepare notice of such statutory hearing and that the Town Clerk shall cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (285-2010)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Town of Clarkstown has received \$339,541.37 from the Federal Government (American Recovery Reinvestment Act), and \$1,301.42 from D.A.R.E. Donations,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-11-4589-0 (Federal Aid-Federal Stimulus Funds) and Expense Account and H-8760-409-0-84-16 (Capital Projects-Rd. Resurfacing) by \$339,541.37 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$1,301.42 and

WHEREAS, the following account needs additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account No. A-1330-313-0 (Receiver of Taxes-Office Supplies) and increase Account No. A-1330-204-0 (Receiver of Taxes-Office Equipment) by \$700.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (286-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
(CLARKSTOWN HOUSING ASSOCIATES – 57.18-3-1)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Clarkstown Housing Associates v. The Town of Clarkstown, Its Assessor and Board of Assessment Review, Index Nos. 4816/02, 4233/03, 4412/04, 4959/05, 5507/06, 5770/07 and 6854/08, affecting parcel designated as Tax Map 57.18-3-1 and more commonly known as South Central Avenue, Spring Valley, New York for the years 2002/03, 2003/04, 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the East Ramapo School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.18-3-1 be reduced for the year 2002/03 from \$1,434,300.00 to \$1,348,250.00 at a cost to the Town of \$1,254.17;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.18-3-1 be reduced for the year 2003/04 from \$1,434,300.00 to \$1,290,850.00 at a cost to the Town of \$2,165.99;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.18-3-1 be reduced for the year 2004/05 from \$1,434,300.00 to \$1,240,650.00 at a cost to the Town of \$3,405.22;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.18-3-1 be reduced for the year 2005/06 from \$1,434,300.00 to \$1,176,150.00 at a cost to the Town of \$4,679.64;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.18-3-1 be reduced for the year 2006/07 from \$1,434,300.00 to \$943,500.00 at a cost to the Town of \$9,140.32;
6. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.18-3-1 be reduced for the years 2007/08 and 2008/09 from \$1,434,300.00 to \$875,500.00 at a cost to the Town of \$23,136.80;

7. Reimbursement for the years 2002/03, 2003/04, 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09 on the parcel described as Tax Map 57.18-3-1, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

8. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (287-2010)
Co. Lasker offered and Co. Hoehmann 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:

A 15 MPH sign as per Sec. 212.3, a R2-1 sign, to be erected on the eastside of Highview Avenue, Nanuet, 300 feet South of the School property.
and be it

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

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (288-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR ECONOMIC ASSISTANCE FOR THE YEAR 2010 WITH ROCKLAND COUNTY CHAPTER NYSARC, INC.

WHEREAS, the Rockland County Chapter NYSARC, Inc., d/b/a ARC of Rockland, a non-for-profit organization, has provided services to individuals and groups in the Town of Clarkstown and has submitted a request for economic assistance for the year 2010, and

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization set forth herein is in the public interest and qualifies for expenditure of public funds;

RESOLUTION NO. (288-2010) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2010 to the following non-profit organization in the following amount:

ROCKLAND COUNTY CHAPTER NYSARC, INC. d/b/a ARC OF ROCKLAND, \$1,000 and be it

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2010 and shall be charged to Account No. A 8840-424.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (289-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR ECONOMIC ASSISTANCE FOR THE YEAR 2010 WITH ROCKLAND COUNCIL ON ALCOHOLISM & OTHER DRUG DEPENDENCE, INC.

WHEREAS, ROCKLAND COUNCIL ON ALCOHOLISM & OTHER DRUG DEPENDENCE, INC., a non-for-profit organization, has provided services to individuals and groups in the Town of Clarkstown and has submitted a request for economic assistance for the year 2010, and

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization set forth herein is in the public interest and qualifies for expenditure of public funds;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2010 to the following non-profit organization in the following amount:

ROCKLAND COUNCIL ON ALCOHOLISM & OTHER DRUG DEPENDENCE, INC., \$1,000

and be it

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2010 and shall be charged to Account No. A 8840-424.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (290-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR ECONOMIC ASSISTANCE FOR THE YEAR 2010 WITH ROCKLAND PARENT-CHILD CENTER, INC.

WHEREAS, ROCKLAND PARENT-CHILD CENTER, INC., a non-for-profit organization, has provided services to individuals and groups in the Town of Clarkstown and has submitted a request for economic assistance for the year 2010, and

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization set forth herein is in the public interest and qualifies for expenditure of public funds;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2010 to the following non-profit organization in the following amount:

ROCKLAND PARENT-CHILD CENTER, INC. - \$1,000

and be it

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2010 and shall be charged to Account No. A 8840-424.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (291-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR ECONOMIC ASSISTANCE FOR THE YEAR 2010 WITH ONE TO ONE LEARNING, INC.

WHEREAS, ONE TO ONE LEARNING, INC., a non-for-profit organization, has provided services to individuals and groups in the Town of Clarkstown and has submitted a request for economic assistance for the year 2010, and WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization set forth herein is in the public interest and qualifies for expenditure of public funds;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2010 to the following non-profit organization in the following amount:

ONE TO ONE LEARNING, INC. - \$1,000

and be it

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2010 and shall be charged to Account No. A 8840-424.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (292-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR ECONOMIC ASSISTANCE FOR THE YEAR 2010 WITH CLARKSTOWN COALITION FOR YOUTH

WHEREAS, CLARKSTOWN COALITION FOR YOUTH, a non-for-profit organization, has provided services to individuals and groups in the Town of Clarkstown and has submitted a request for economic assistance for the year 2010, and

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization set forth herein is in the public interest and qualifies for expenditure of public funds;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2010 to the following non-profit organization in the following amount:

CLARKSTOWN COALITION FOR YOUTH - \$1,000

and be it

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2010 and shall be charged to Account No. A 8840-424.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (293-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR ECONOMIC ASSISTANCE FOR THE YEAR 2010 WITH THE HISTORICAL SOCIETY OF ROCKLAND COUNTY

WHEREAS, the Historical Society, a non-for-profit organization, has provided services to individuals and groups in the Town of Clarkstown and has submitted a request for economic assistance for the year 2010, and

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization set forth herein is in the public interest and qualifies for expenditure of public funds;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2010 to the following non-profit organization in the following amount:

HISTORICAL SOCIETY - \$2,000 and be it,

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2010 and shall be charged to Account No. A 8840-424.

RESOLUTION NO. (293-2010) continued

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (294-2010)
 Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER
 208 OF THE CODE OF THE TOWN OF CLARKSTOWN

WHEREAS, the Town Board of the Town of Clarkstown wishes to amend Chapter 208 of the Town Code of the Town of Clarkstown, and

WHEREAS, a Local Law entitled, "A Local Law Amending Chapter 208-'Peddling and Hawking' of the Code of the Town of Clarkstown," has been proposed in order to implement such amendment;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on June 15, 2010, 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. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (295-2010)
 Co. Lasker offered and Co. Borelli seconded

Resolution Invoking Town Code Chapter 216-9(B): Lawn & Landscape Maintenance of Vacant Properties

WHEREAS, the Offices of the Building Inspector and Zoning Administrator have joined forces to inspect the current plethora of vacant, foreclosed, and/or abandoned properties in the Town, the owners or responsible parties of which have failed to perform required lawn and landscape maintenance pursuant to Town of Clarkstown Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance) after appropriate notice and posting and

WHEREAS, appropriate diligence by Code Enforcement Officials has been performed as required pursuant to Chapter 216-9(A), and

WHEREAS, the properties currently in violation are identified as follows:

- 282 N. Main Street, New City (43.7-1-3 f/k/a 60-A-10.1)
- 48 Pecan Valley Drive, New City (34.11-1-25 f/k/a 61-B-95)
- 11 The Promenade, New City (34.18-1-23 f/k/a 41-A-16.25)
- 26 Woodhaven Drive, New City (34.6-3-3 f/k/a 43-E-6.48)
- 28 Amundsen Lane, New City (51.5-2-64 f/k/a 37-D-28)
- 18 Rosemont Drive, New City (43.18-1-80 f/k/a 38-B-4.21)
- 960 Tilton Road, Valley Cottage (52.11-2-32 f/k/a 125-B-12.8)
- 258 Old Haverstraw Road, Congers (35.15-1-33 f/k/a 129-A-24.13)

NOW, THEREFORE, be it RESOLVED, that subject to a five-day courtesy grace period through 5/24/10 and a final re-inspection by Code Officials, the Town Board hereby authorizes the Superintendent of Parks and Recreation, subject to more specific tasking and authorization subsequent to the aforementioned grace period and re-inspection, to dispatch a maintenance crew to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with the associated debris removal, throughout the 2010 mowing season, after which the Superintendent will submit a bill of costs to the Town Attorney for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (296-2010)
 Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that Resolution No. 237-2010 is hereby amended to change the effective date to no later than July 30, 2010.

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (297-2010)
Co. Lasker offered and Co. Hausner seconded

RESOLUTION SCHEDULING A PUBLIC HEARING WITH RESPECT TO THE AMENDED PETITION OF
NORMANDY VILLAGE CO.

WHEREAS, by Resolution No. 211-2008, adopted April 15, 2008, the Town Board, in response to a Petition filed by Normandy Village Co., amended its Zoning Local Law by redistricting property designated on the Clarkstown Tax Map as 64.9-1-11 from an R-10 District to an MF-3 District, and

WHEREAS, as a condition of such zone change, the Petitioner agreed to convey three (3) one (1) bedroom condominium units at approximately \$150,000 below market value to the Rockland Housing Action Coalition in order to provide affordable housing to emergency service volunteers, and

WHEREAS, notwithstanding the discounted price, the Rockland Housing Action Coalition is unable to purchase the units at this time, and

WHEREAS, Normandy Village Co. has submitted an amended Petition in which it offers to convey one (1) one (1) bedroom unit with a value of \$150,000 directly to the Town, which the Town may then lease at below market rents to emergency service volunteers;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, New York, on June 15, 2010 at 8:00 p.m., and be it

further Resolved, that the Town Attorney prepare notice of such statutory hearing, and that the Town Clerk cause same to be published in a newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the amended petition is hereby referred to the Town Planning Board for their review and recommendation and to the Rockland County Department of Planning pursuant to GML 239 L And M.

On roll call the vote was as follows

Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (298-2010)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a resident of North Grant Avenue, Congers, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

North Grant Avenue between 41 N. Grant Ave. & 42 Old Haverstraw Road, Congers. (Install one (1) – 70-watt – 5,800 sodium vapor street light on Pole # 60711/42045

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$8.74 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

On roll call the vote was as follows

Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (299-2010)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Upper Nyack Village Board of Trustees is requesting the relocation of an existing street light located on Broadway just north of the intersection of School Street and North Broadway to another pole on North Broadway just north of the intersection of North Broadway and Highmount Avenue so that moving this light will evenly distribute the light in this area; and

WHEREAS, the second request is to install a new street light on an existing pole located in front of 545 North Highland Avenue (Route 9W); and

WHEREAS, the third request is to upgrade the lighting on four (4) existing light poles north of the intersection of North Highland Avenue and Christian Herald Road since an increase in commercial building and activity in the area has created a need for additional lighting; and

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved for the replacement, installation and upgrade for lighting for the Village of Upper Nyack;

RESOLUTION NO. (299-2010) continued

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts the proposal and cost from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

The relocation of an existing street light on pole #61460/40110 to pole #61460/40093, will not involve any additional cost to the Town of Clarkstown;

The request to install a new standard street light (70 watt), on pole #61185/40562 will cost the Town's municipal light account an additional \$8.74 per month, plus miscellaneous taxes and surcharges; and

To upgrade the lighting, (4 lights - N. Highland and Christian Herald Rd.) will cost the Town the differential between the existing 100 watt mercury vapor fixtures (\$6.93) to the cost for a 100 watt high pressure sodium fixture replacement (\$9.54).

AND BE IT FURTHER RESOLVED, that the costs for the relocation, installation and upgrade of street lights in the Village of Upper Nyack shall be charged to Account #SL 5182-461.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (300-2010)

Co. Hausner offered and Co. Lasker seconded

Resolution Requesting New York State Department of Transportation Implement Consistent Speed Limit in the NYS Route 9W and NYS Route 303 Corridor in the Town Of Clarkstown

WHEREAS, the Town has discussed the existing speed restrictions posted along Route 9W and Route 303 in the hamlets of New City and Congers, and
WHEREAS, the Town has investigated the existing posted or default speed limits on the subject roadways and found that they vary from 40 mph to 55 mph, and
WHEREAS, a portion of Route 9W where a speed limit of 55 mph would be allowed is also posted with cautionary "Curve 35 mph" signs, and
WHEREAS, the Town owns park property at the corner of Route 303 and Hemlock Drive where several little leagues utilize Town fields, and
WHEREAS, the Town is desirous of minimizing the transition speeds from one speed zone to the next, and also desirous of seeing a consistent speed limit posted on State Roads within the Town,
NOW THEREFORE BE IT RESOLVED that the Town Board hereby requests the NYS Department of Transportation revise the speed limits on Route 9W and Route 303, from the Clarkstown/Haverstraw Town line to Congers Lake Road in the Town of Clarkstown to a consistent speed of 45 mph with all existing cautionary speed signs to remain as presently existing.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments.

Guy Gervasi- West Nyack

Submitted an outline of unallocated Reserve Funds (on file with Town Clerk).

Drew Belentone- Valley Cottage

Spoke about 560 Mountainview Avenue, Valley Cottage, which is in violation of many town codes.

Marge Hook- New City

Stated that economic assistance to non-profits needs to stop.

Ed Kunis- representing neighbors in West Nyack

Stated that O'sullivan Tree care, 201 Western Highway, West Nyack has not complied with their special permit.

Steven Levine- Congers

Asked when live meetings would be televised on cable?

Supervisor Gromack

Stated that televised meetings are expected at the latter part of the year.

Amy Durban- Congers

Asked if Keith Cornell's position is full-time and if Officer Hayden's position is being filled?

Supervisor Gromack

Stated that Keith Cornell's position is full-time and Officer Hayden's position would not be filled.

