

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

9/23/08

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members John Maloney, Shirley Lasker, Ralph Mandia, & Frank Borelli  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Supervisor declared Town Board meeting opened.

Master of Ceremony: Chief Peter Noonan, Clarkstown Police Department  
Presentation of the Colors: Clarkstown Police Honor Guard  
Salute to the Flag: Morgan, Kate & Jack Kelly  
Posting of the Colors  
Invocation: Councilman John Maloney

SPECIAL PRESENTATION

Presentation of Proclamation to Police Officer Andrew Kelly who ran 100 miles to raise funds for the "Wounded Warrior Project."

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Public Hearing #1 re: Proposed Local Law entitled: "A Local Law creating Chapter 20 (*Filming*) of the Code of the Town of Clarkstown." On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:30 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:32 P.M. RESOLUTION NO. (598-2008)

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Public Hearing #2 re: Petition of Orchard Ridge, LLC for Change of Zone. On motion of Co. Borelli, seconded by Co. Maloney, hearing opened 8:32 P.M. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 8:42 P.M. RESOLUTION NO. (599-2008)

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Public Hearing #3 re: Petition of Stephen Giordano – Special Permit for two apartments over retail space in Valley Cottage. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:42 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:46 P.M. RESOLUTION NO. (600-2008)

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Public Hearing #4 re: Application submitted by Long Clove Business Park Corp. for abandonment of a portion of Long Clove Road, Congers. On motion of Co. Mandia, seconded by Co. Lasker, hearing opened 8:46 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:01 P.M. RESOLUTION NO. (601-2008)

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

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RESOLUTION NO. (598-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 14 – 2008

WHEREAS, a proposed local law entitled,  
"A LOCAL LAW CREATING CHAPTER 20 (FILMING) OF THE CODE OF THE TOWN OF CLARKSTOWN"  
was introduced by Councilwoman Shirley Lasker, at a Town Board meeting held on July 22, 2008, and

WHEREAS, the purpose of this Local Law is to codify the Town's requirements for filing within the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 22, 2008, directed that a public hearing be held on September 23, 2008, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, which hearing was held on said date, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 9, 2008, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 15, 2008;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 14 – 2008 entitled:

"A LOCAL LAW CREATING CHAPTER 20 (FILMING) OF THE CODE OF THE TOWN OF CLARKSTOWN"  
is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

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RESOLUTION NO. (599-2008)

Co. Borelli offered and Co. Maloney seconded

## RESOLUTION APPROVING ZONE CHANGE PETITION OF ORCHARD RIDGE LLC,

WHEREAS, by Local Law No. 3-2007, the Town Board created the Active Adult Residence Zone (the "AAR Zone"), an unmapped floating zone designed to address the Town's need for a range of fifty-five (55) and over housing, and

WHEREAS, the Generic Environmental Impact Statement prepared in connection with the adoption of the AAR Zone stated that the zoning was being implemented based upon the needs identified by the Town's 1999 Comprehensive Plan and the 2002 Housing Study prepared for the Town, and

WHEREAS, the local law provides that an application for the establishment of an AAR Zone by amendment to the Town's Zoning Local Law shall be made via a petition to the Town Board, and

WHEREAS, the ORCHARD RIDGE, LLC (the "Petitioner"), the owner and also contract vendee, (partial owner is DePaulis) submitted a petition (the "Petition") to the Town Board of the Town of Clarkstown, requesting a change of zone from the LIO District to the AAR District for premises designated on the Clarkstown Tax Map as 35.19-2-16, a portion of Tax Map 35.19-2-15, and a portion of Meola Road, a private road; and requesting change of zone from the LIO District to the LS District for Tax Map 35.19-2-14, and a portion of Tax Map 35.19-2-15; and requesting change of zone from the AAR District to the LS District for a portion of Tax Map 44.07-2-10.01, located at Old Orchard Lane and Meola Road, Congers, New York, and

WHEREAS, the purpose of the requested zone changes is to (1) incorporate certain parcels that the Petitioner has contracted to acquire into Petitioner's larger parcel which the Town Board previously designated as AAR; and (2) create a LS zone parcel adjacent to the AAR Zone parcel to allow for additional retail and office space proximate to the previously approved AAR development, and

WHEREAS, notice of public hearing was duly published as required by law, on September 9, 2008, at 8:00 p.m., said hearing was duly commenced at the time and place specified in the notice, and

WHEREAS, by letter dated August 7, 2008, the Rockland County Department of Planning recommended approval of the Petition subject to review by the New York State Department of Transportation and all required permits obtained, and

WHEREAS, by resolution dated July 22, 2008, the Town Board declared itself lead agency pursuant to SEQRA and retained Tim Miller Associates as its agent to conduct the SEQRA review of the Project, and

WHEREAS, by memo dated September 23, 2008, Tim Miller Associates analyzed the Project for compliance with the AAR Zoning criteria and recommended that a public hearing be scheduled so that the Town Board could consider the Petition, and

WHEREAS, by memo dated September 22, 2008, (copy attached) the Town Attorney opined that the Petition is consistent with the intent of the AAR Zone and may be granted, and

WHEREAS, by Resolution of the Town Board duly adopted on July 22, 2008, scheduled a public hearing for September 23, 2008 at 8:00 p.m., to consider the petition of Orchard Ridge, LLC for Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property as mentioned herein, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, its consultants, and the public, and

WHEREAS, the Town Board has received a proposed negative declaration pursuant to SEQRA from its Planning Consultant, Tim Miller Associates, which lists the proposed Zone Change as an unlisted action for environmental review purposes, and concludes that granting the Petition will not create any significant adverse impacts, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Tim Miller Associates dated September 23, 2008, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change shall not have any significant adverse impact on the environment, and hereby directs that the attached negative declaration be filed and distributed in accordance with the provisions of SEQRA, and be it

FURTHER RESOLVED, that based on the reports of the consultants, the September 22, 2008 memo by the Town Attorney, and based upon all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

1. The property is eligible for AAR Zone designation;
2. The proposed zone change is consistent with the intent of the AAR Zone;
3. The Petition is consistent with the criteria set forth in Section 290-7.1E(1)-(3),

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting zone as follows: from the LIO District to the AAR District for premises designated on the Clarkstown Tax Map as 35.19-2-16, a portion of Tax Map 35.19-2-15, and a portion of Meola Road, a private road; and requesting change of zone from the LIO District to the LS District for Tax Map 35.19-2-14, and a portion of Tax Map 35.19-2-15; and requesting change of zone from the AAR District to the LS District for a portion of Tax Map 44.07-2-10.01, located at Old Orchard Lane and Meola Road, Congers, New York, which is described on the attached Schedule "A" provided, however, that such zone change shall be subject to the following conditions:

1. Applicant to return to Planning Board for review and site/subdivision approval of both the AAR development project and the proposed development of the LS portion of the site.
2. The project will be subject to all required permitting and site specific environmental review.
3. A review shall be completed by the New York State Department of Transportation and Petitioner shall acquire all necessary permits.

and be it

FURTHER RESOLVED, that the Zone Change described herein is deemed to be effective upon compliance with all of the above items, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

RESOLUTION NO. (599-2008) continued

FURTHER RESOLVED, that no amendment to the Town's Comprehensive Plan is required, as the creation of the zone and zone change effectuated herein are consistent with the goals of the Town's Comprehensive Plan.

On roll call the vote was as follows

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

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RESOLUTION NO. (600-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AND SPECIAL FINDINGS GRANTING A SPECIAL PERMIT TO STEPHEN  
 GIORDANO, TO CONSTRUCT APARTMENTS OVER OFFICE SPACE  
 IN THE VALLEY COTTAGE HAMLET CENTER OVERLAY DISTRICT

WHEREAS, STEPHEN GIORDANO, by petition dated June 24, 2008, has applied for a Special Permit to construct two apartments over office space in the Valley Cottage Hamlet Center Overlay District pursuant to the provisions of Section 151 of the Town Code of the Town of Clarkstown, for property located at 17 Old Lake Road, Valley Cottage, New York, which premises is designated on the Clarkstown Tax Map as Map 59.07-1-7, and WHEREAS, by Resolution dated August 5, 2008, a public hearing was duly scheduled and thereafter held by the Town Board of the Town of Clarkstown on September 23, 2008, at which time all parties in interest were heard, and WHEREAS, the Town Board has received a recommendation from Robert Geneslaw, agent for the Town Board with respect to the New York State Environmental Quality Review Act (SEQRA), dated September 17, 2008, who has advised that the proposal is a Type II action under SEQRA and no further action is necessary, and the Town Board has considered such report in making its decision herein, and WHEREAS, the Town Board referred the petition to the Rockland County Department and Planning for review, which advised, by memo dated August 6, 2008, that the matter is not within its jurisdiction, and WHEREAS, the Town of Clarkstown Planning Board, by Resolution dated September 17, 2008, recommended that the Town Board grant the Petition;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Robert Geneslaw dated September 17, 2008, the Town Board hereby determines that issuance of the Special Permit to STEPHEN GIORDANO is a Type II action and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Local Law of the Town of Clarkstown:

1. The property is located within the Valley Cottage Hamlet Center Overlay District that provides apartments over office space as a permitted use by Special Permit of the Town Board, and shall be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard provided the applicant conforms to the terms and conditions of the permit granted herein;
3. Will not create at any point of determination set forth in Section 290-13 F, G, and H, any more dangerous and objectionable elements referred to in Section 290-13A than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to construct two (2) apartments over retail space in the Valley Cottage Hamlet Center Overlay District as defined in Section 151 of the Town Code of the Town of Clarkstown is hereby GRANTED to the applicant subject to the following conditions:

- A. Applicant must comply at all times with Section 290-15 and all other applicable provisions of the Zoning Local Law of the Town of Clarkstown;
- B. Applicant shall return to the Clarkstown Planning Board for final site plan approval;
- C. That the Applicant shall comply with all requirements of its approved site plan and remain in compliance at all times;
- D. The Applicant shall comply with all other provisions of law including, but not limited to, provisions regarding rental preferences;

and be it

FURTHER RESOLVED, that the within Special Finding and Resolution setting forth the reasons for granting said Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows

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

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RESOLUTION NO. (601-2008)  
Co. Mandia offered and Co. Lasker seconded

RESOLUTION AMENDING THE OFFICIAL MAP OF THE TOWN OF CLARKSTOWN BY  
DELETING A PORTION OF LONG CLOVE ROAD, WEST NYACK, NEW YORK

WHEREAS, the Supervisor, the Superintendent of Highways and various other Town personnel have had numerous meetings with the owners/developers of land abutting Long Clove Road and Scratchup Road in Congers, New York, in an effort to resolve outstanding issues in the area, and

WHEREAS, as a result of said meetings, the parties collectively agreed that it would be to the benefit of all involved parties to abandon and/or de-map a portion of Long Clove Road, and

WHEREAS, Long Clove Business Park Corp. agreed, in the context of said meetings, to provide the required labor, material and equipment to resurface a certain portion of Long Clove Road, from Burts Road to Long Clove Business Park's proposed dedicated Town road, and

WHEREAS, an amended application dated July 9, 2008 has been made by Long Clove Business Park Corp. that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 273 of the Town Law to delete a certain portion of a Long Clove Road, Congers, New York, as described in the metes and bounds description attached as Schedule "A," (on file with Town Clerk), and

WHEREAS, by Resolution adopted on August 5, 2008, the Town Board directed that the petition be referred to the Rockland County Department of Planning and the Town Planning Board for report and recommendation, and further directed that a public hearing be held on September 23, 2008, at 8:00 p.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to determine whether a portion of Long Clove Road should be deleted from the Official Map pursuant to Town Law Section 273, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, the Clarkstown Planning Board considered the matter at its regularly scheduled meeting on August 27, 2008 and recommended, by memo dated August 28, 2008, that the portion of Long Clove Road that is the subject of the Petition be de-mapped and removed from the Official Map, based on the following:

- 1. The de-mapping is one step in a series of efforts by the Town to separate the Southerly residential portion of Long Clove Road from the Northerly industrial portion, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report dated May 7, 2008, pursuant to SEQRA, from Robert Geneslaw, Planning Consultant for the Town, which states that this matter is an unlisted action under Part 617 of the SEQRA regulations which will not have an adverse impact on the environment, which the Board has discussed and considered in making their decision herein, and

WHEREAS, the Rockland County Department of Planning recommended approval of the Petition by letter dated August 6, 2008;

On roll call the vote was as follows

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

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RESOLUTION NO. (602-2008)  
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of August 26, 2008 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. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (603-2008)  
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Special Town Board Minutes of September 16, 2008 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. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (604-2008)  
Co. Lasker offered and Co. Maloney seconded

WHEREAS, NBC UNIVERSAL TELEVISION, a production company, has requested permission to film in

RESOLUTION NO. (604-2008) continued  
the Town of Clarkstown, on September 15 & 17, 2008.

NOW, THEREFORE, be it

RESOLVED, that NBC Universal Television, % Silvercup Studios, 42-22 22<sup>nd</sup> Street, Suite 320, Long Island City, NY 11101, is hereby authorized to film a portion of T.V. series "30 Rock", on Monday, September 15 and Wednesday, September 17, 2008, [with "prep" days September 11 & 12 and a "wrap" day September 18, 2008], between the approximate hours of 7:00 am and 10:00 pm at 649 North Broadway, Upper Nyack, NY 10960 upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned sites;
- (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 parking fee of \$1,500.00 per day to the Village of Upper Nyack; and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 11, 2008, and shall be deemed the Filming Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (605-2008)  
Co. Maloney offered and Co. Borelli seconded

WHEREAS, the Town has received \$24,079.50 from United Water New York,  
 NOW THEREFORE BE IT,  
 RESOLVED, to increase Revenue Account H-15-9-2770-0 9 (Capital-Misc Revenue) and Expense Account H-8754-409-0-78-8 (Capital Projects-Almuth Drive, Linden Ct. and Meyer Drive-Water Extension District)  
 WHEREAS, various expense accounts require additional funding,  
 NOW THEREFORE BE IT,  
 RESOLVED, to decrease Account A-1010-114-0 (Councilmen-Part Time) and increase Account A-1010-204-0 (Councilmen-Office Machines) by \$450 and be it  
 FURTHER RESOLVED, to decrease Account A-7140-199-0 (Parks & Playgrounds-Vacations) and increase Account A-7140-409-0 (Parks & Playgrounds-Fees for Services) by \$8,805 and be it,  
 FURTHER RESOLVED, to decrease Accounts B-3620-201-0 (Building-Furniture & Fixtures) by \$1,000 and B-3620-230-0 (Building-Communication Equipment) by \$500 and increase Account B-3620-423-0 (Building-Association Dues) by \$1,500.

On roll call the vote was as follows

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

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RESOLUTION NO. (606-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING STERLING APPRAISALS, INC.  
TO PREPARE A TRIAL APPRAISAL ON KATHY MAYER (65.6-1-24)

WHEREAS, Kathy Mayer has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 65.6-1-24, and more commonly known as 110 North Route 303, West Nyack, New York for the years 2003/04, 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09, and  
 WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Sterling Appraisals, Inc. be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$10,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (607-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION ADOPTING THE HARTFORD PROPOSAL DATED APRIL 25, 2008 TO BE THE FINANCIAL ORGANIZATION AND ADMINISTRATIVE AGENCY TO TOWN'S DEFERRED COMPENSATION PLAN AND STATE STREET BANK AND TRUST COMPANY TO ACT AS TRUSTEE OF SAID PLAN

WHEREAS, the Town of Clarkstown did establish a Deferred Compensation Plan for employees, and WHEREAS, the Deferred Compensation Committee was appointed by the Town Board to review various proposals for a Deferred Compensation Plan, which would meet the requirements of Section 457 of Internal Revenue Code, and

WHEREAS, the Deferred Compensation Committee has recommended the award of such contract to solely one company, The Hartford Life Insurance Company, 200 Hopmeadow Street, Simsbury, CT 06089, as Administrative Services Agency and Financial Organization pursuant to Section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee has also recommended that State Street Bank and Trust Company is to act as trustee of the Plan;

NOW, THEREFORE, be it

RESOLVED, that the bid for a Deferred Compensation Plan, at no cost to the Town of Clarkstown, is to be awarded to The Hartford Life Insurance Company and State Street Bank and Trust Company, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement, in a form acceptable to the Town Attorney and the Town's Deferred Compensation Committee, with The Hartford Life Insurance Company and State Street Bank and Trust Company.

On roll call the vote was as follows

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

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RESOLUTION NO. (608-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING VALUATION PLUS, INC. TO PREPARE A PRELIMINARY APPRAISAL ON WEST ROCK TENNIS (58.18-1-1 & 2)

WHEREAS, West Rock Tennis has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 58.18-1-1 & 2, and more commonly known as 21 Pralle Lane, New City, New York for the years 2005/06, 2006/07, 2007/08 and 2008/09, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Valuation Plus, Inc. be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

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RESOLUTION NO. (609-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR PARTICIPATION IN THE STATE HOMELAND SECURITY PROGRAM LETPP (COUNTER-TERRORISM TRAINING)

WHEREAS, the County of Rockland has tendered a contract award to the Town of Clarkstown Police Department for participation in the State Homeland Security Program LETPP (Counter-Terrorism Training) for overtime reimbursement in the amount of \$34,223.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain overtime reimbursement to the Town of Clarkstown Police Department in the amount of \$34,223.00, for participation in the State Homeland Security Program LETPP (Counter-Terrorism Training), for the period July 1, 2006 through June 30, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (610-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF  
TAX CERTIORARI (WACHOVIA CORPORATION – 57.65-1-9)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Wachovia Corporation v. The Town of Clarkstown, a Municipal Corporation, Its Assessor and Board of Assessment Review, Index Nos. 4235/03, 4414/04, 4962/05, 5509/06 and 5773/07, affecting parcel designated as Map 57.65, Block 1, Lot 9, and more commonly known as 154 Spring Valley Market Place, Spring Valley, New York 10977 for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08, 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 Central 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 Map 57.65, Block 1, Lot 9 be reduced for the year 2005/06 from \$1,127,500.00 to \$1,054,200.00 at a cost to the Town of \$595.70;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.65, Block 1, Lot 9 be reduced for the year 2006/07 from \$1,127,500.00 to \$986,550.00 at a cost to the Town of \$1,219.47;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.65, Block 1, Lot 9 be reduced for the year 2007/08 from \$1,127,500.00 to \$969,650.00 at a cost to the Town of \$1,533.51;
4. Reimbursement for the years 2005/06, 2006/07 and 2007/08 on the parcel described as Map 57.65, Block 1, Lot 9, 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;
5. There is no reduction in the assessment on the premises owned by the petitioner described on the assessment roll as Map 57.65, Block 1, Lot 9 for the years 2003/04 and 2004/05;
6. 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. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Borelli . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (611-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (SV ASSOCIATES 96 LLC – 57.57-1-2)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, SV Associates 96 LLC v. Town of Clarkstown, (Municipal Corporation), its Assessor and Board of Assessment Review, Index Nos. 4371/03, 4251/04, 4702/05, 5198/06, 5546/07 and 6492/08, affecting parcel designated as Map 57.57, Block 1, Lot 2, and more commonly known as 96 East Route 59, Spring Valley, New York for the years 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 Central 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 Map 57.57, Block 1, Lot 2 be reduced for the year 2003/04 from \$461,400.00 to \$450,000.00 at a cost to the Town of \$73.64;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.57, Block 1, Lot 2 be reduced for the year 2004/05 from \$461,400.00 to \$433,300.00 at a cost to the Town of \$220.18;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.57, Block 1, Lot 2 be reduced for the year 2005/06 from \$461,400.00 to \$409,200.00 at a cost to the Town of \$424.23;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.57, Block 1, Lot 2 be reduced for the year 2006/07 from \$461,400.00 to \$396,800.00 at a cost to the Town of \$558.91;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.57, Block 1, Lot 2 be reduced for the year 2007/08 from \$461,400.00 to \$378,500.00 at a cost to the Town of \$805.37;
6. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.57, Block 1, Lot 2 be reduced for the year 2008/09 from \$461,400.00 to \$411,500.00 at no cost to the Town;
7. Reimbursement for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08 on the parcel described as Map 57.57, Block 1, Lot 2, as stated above, be made within sixty (60) days, without interest, through the Office

RESOLUTION NO. (611-2008) continued

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. Maloney . . . . .	Yes
Co. Mandia. . . . .	Yes
Co. Borelli... . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (612-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (DESTASO ENTERPRISES LTD. – 57.14-3-2)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, DeStaso Enterprises Ltd. v. Town of Clarkstown, (Municipal Corporation), its Assessor and Board of Assessment Review, Index Nos. 4664/05, 5184/06, 5536/07 and 6508/08, affecting parcel designated as Map 57.14, Block 3, Lot 2, and more commonly known as 159 Route 59, Spring Valley, New York for the years 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 Central 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 Map 57.14, Block 3, Lot 2 be reduced for the year 2005/06 from \$481,000.00 to \$297,600.00 at a cost to the Town of \$3,324.60;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.14, Block 3, Lot 2 be reduced for the year 2006/07 from \$455,500.00 to \$270,000.00 at a cost to the Town of \$3,454.62;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.14, Block 3, Lot 2 be reduced for the year 2007/08 from \$455,500.00 to \$251,000.00 at a cost to the Town of \$4,298.56;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 57.14, Block 3, Lot 2 be reduced for the year 2008/09 from \$455,500.00 to \$265,000.00 at no cost to the Town;
5. Reimbursement for the years 2005/06, 2006/07 and 2007/08 on the parcel described as Map 57.14, Block 3, Lot 2, 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;

6. 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. Maloney . . . . .	Yes
Co. Mandia. . . . .	Yes
Co. Borelli... . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (613-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (BOARD OF MANAGERS OF THE OMNI COURT CONDOMINIUM – 43.11-1-54./10 THROUGH ./450)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Board of Managers of the Omni Court Condominium v. The Assessor(s) of the Town of Clarkstown and the Town of Clarkstown, Index Nos. 4163/99, 3989/00, 4430/01, 4761/02, 4834/03, 4556/04, 4990/05, 5276/06, 5935/07 and 6946/08, affecting parcels designated as Map 43.11, Block 1, Lots 54./10 through ./450, and more commonly known as Omni Court, New City, New York for the years 1999/00, 2000/01, 2001/02, 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

RESOLUTION NO. (613-2008) continued  
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 Clarkstown Central School District, who believe the best interests of the Town and the School District are being served, and

WHEREAS, such settlement does not involve any change to the assessed value and all changes impact only the restricted assessed valuations, and, therefore, there is no liability to the Town or the School District;

NOW, THEREFORE, be it

RESOLVED, that 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. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (614-2008)  
Co. Borelli offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING AND REFERRING A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN" TO THE COUNTY AND TOWN PLANNING BOARDS

WHEREAS, Councilperson Borelli, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN," and

WHEREAS, the purpose of this local law is to amend Chapter 290-3 and Chapter 290-11A to add the definition of Contractor Storage Yard, and to include the Contractor Storage Yard as an allowable use in the M Zone, subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA) the Town Board determines that it shall act as lead agency, and 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 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 November 25, 2008 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. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (615-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID#41-2008 – WORK CLOTHING AND ACCESSORY SAFETY ITEMS  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Authorized Purchasing Agent .

On roll call the vote was as follows

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

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RESOLUTION NO. (616-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID#42-2008 – DRAINAGE EASEMENT REPAIRS, 2 ½ MARY ANN LANE, NEW CITY  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York  
\_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it  
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the  
Clarkstown Authorized Purchasing Agent .

On roll call the vote was as follows

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

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RESOLUTION NO. (617-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID#43-2008 – VALLEY COTTAGE HAMLET IMPROVEMENTS PHASE III  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York  
\_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it  
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the  
Clarkstown Authorized Purchasing Agent .

On roll call the vote was as follows

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

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RESOLUTION NO. (618-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID #1-2009 – ATHLETIC & RECREATION SUPPLIES  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York  
\_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it  
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the  
Clarkstown Purchasing Department at the above address

On roll call the vote was as follows

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

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RESOLUTION NO. (619-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID#44-2008–Downtown New City Revitalization Phase I Redevelopment of Landau Park  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at  
\_\_\_\_\_ 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 Authorized Purchasing Agent at the above address, upon payment of the prescribed fee.

On roll call the vote was as follows

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

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RESOLUTION NO. (620-2008)  
Co. Mandia offered and Co. Lasker 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 a town road for an additional period of two (2) years, continuing from September 10, 2008 to September 10, 2010, as follows:

Sponsor: R & M Landscaping, P.O. Box 294, Congers, NY 10920  
Road: 1.72 mile segment of Old Haverstraw Road, from Lake Road to Route 304, 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 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 September 10, 2008 to September 10, 2010, 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 R & M Landscaping to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (621-2008)  
Co. Mandia offered and Co. Lasker 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 a town road for an additional period of two (2) years, continuing from September 23, 2008 to September 23, 2010, as follows:

Sponsor: Hiep Sanitation, P.O. Box 90, West Nyack, NY 10994  
Road: .13 mile segment of Snake Hill Road, from 22 Snake Hill Road to intersection of Crusher Road, West Nyack, NY 10994;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Hiep Sanitation 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 September 23, 2008 to September 23, 2010, 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 Hiep Sanitation to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (622-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVED, that the resignation (by retirement) of Edward M. Smith, Automotive Mechanic I & Body Repairer - Highway Department is hereby accepted – effective and retroactive to August 30, 2008.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (623-2008)  
Co. Mandia offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on June 6, 2008 that the position of Automotive Mechanic I – Clarkstown Mini Trans - can be created,

NOW, therefore, be it

RESOLVED, that the position of Automotive Mechanic I – Clarkstown Mini Trans – is hereby created – effective September 24, 2008 – and be it,

FURTHER RESOLVED, that the position #501082 Automotive Mechanic I and Body Repairer - is hereby

RESOLUTION NO. (623-2008) continued  
withdrawn – effective September 24, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (624-2008)  
Co. Mandia offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on August 25, 2008 that the position of Senior Clerk Typist #500678 – Personnel Department - (encumbered by June A. Gabrielli) – can be reclassified to the position of Principal Clerk,

NOW, therefore, be it

RESOLVED, that the position of Senior Clerk Typist – is hereby reclassified to the position of Principal Clerk – Personnel Department - effective and retroactive to September 15, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (625-2008)  
Co. Mandia offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06067 Principal Clerk which contains the name of June A. Gabrielli,

NOW, therefore, be it

RESOLVED, that June A. Gabrielli is hereby appointed to the position of (permanent) Principal Clerk – Personnel Department – at the current 2008 salary of \$51,273., - effective and retroactive to September 15, 2008.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (626-2008)  
Co. Mandia offered and Co. Borelli seconded

WHEREAS, Pamela McQuade, has requested a leave of absence, without pay, and

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

NOW, therefore, be it

RESOLVED, that Pamela McQuade, Principal Clerk Stenographer – Parks Board and Recreation Commission – is hereby granted a one (1) month leave of absence, without pay, effective and retroactive to September 1, 2008 to October 1, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (627-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Fredrick Hastings to the position of (provisional) Parks Maintenance Director – Parks Board and Recreation Commission – at the current 2008 salary of \$82,492 - effective and retroactive to September 15, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (628-2008)  
Co. Mandia offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08047 (promotional) Custodian II - which contains the name of George F. Hernandez,  
NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of George F. Hernandez to the position of (permanent) Custodian II - Parks Board and Recreation Commission - at the 2008 annual salary of \$53,584., - effective and retroactive to July 25, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (629-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVE, that Karen M. McCombs is hereby reappointed to the position of Member – Assessment and Review Board – term effective October 1, 2008 and to expire on September 30, 2013 at the rate of \$175., per day, when the Board is in session.

On roll call the vote was as follows

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

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RESOLUTION NO. (630-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of John P. Booth to the position of Motor Equipment Operator II – Highway Department – at the current 2008 salary of \$46,967., - effective October 13, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (631-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of John E. Durkin Jr. to the position of Motor Equipment Operator II – Highway Department – at the current 2008 salary of \$46,967., - effective October 13, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (632-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Rocco M. Russo to the position of Motor Equipment Operator II – Highway Department – at the current 2008 salary of \$46,967., - effective October 13, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (633-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Egidio Selvaggi to the position of Motor Equipment Operator II – Highway Department – at the current 2008 salary of \$46,967., - effective October 13, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (634-2008)  
Co. Mandia offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06037 (contingent-permanent) Records Clerk Typist (Law Enforcement) which contains the name of Joan M. Murphy, NOW, therefore, be it

RESOLVED, that Joan M. Murphy is hereby appointed to the position of (contingent-permanent) Records Clerk Typist (Law Enforcement) -Clarkstown Police Department – at the current 2008 salary of \$43,038., effective and retroactive to September 15, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (635-2008)  
Co. Mandia offered and Co. Borelli 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., Helena M. Walsh, Paralegal Specialist I (Municipal Law) – Office of the Town Attorney – is hereby granted an extension of her Sick Leave of Absence – at one-half pay – effective October 1, 2008 to November 1, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (636-2008)  
Co. Mandia offered and Co. Borelli seconded

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Supt. of Recreation and Parks that the following 2009 part-time salaries be established:

<b>PART-TIME</b>	<b>2009 MINIMUM</b>	<b>2009 Proposed MAXIMUM</b>
Recreation Aide.....	\$ 7.15/hr.	\$18.00/hr.
Recreation Assistant.....	\$ 7.15/hr.	\$18.00/hr.
Recreation Leader.....	\$10.00/hr.	\$25.00/hr.
Recreation Specialist.....	\$10.00/session	\$60.00/session
Lifeguard.....	\$10.00/hr.	\$15.00/hr.
Head Lifeguard.....	\$13.00/hr.	\$17.00/hr.
Water Safety Instructor.....	\$12.00/hr.	\$14.00/hr.
Laborer-Student.....	\$ 8.00/hr.	\$13.00/hr.
Groundswoker .....	\$10.00/hr.	\$15.00/hr.
Custodial Worker (Seasonal) .....	\$ 7.15/hr.	\$20.00/hr.

RESOLUTION NO. (636-2008) continued

2009 CONTRACT

Senior Citizen's Leader (Part-time) Frank DiMaria	<b>\$37,872</b>
Aquatic Director (Seasonal) Joan Neunendorf	<b>\$20,000</b>
Asst. Aquatic Director (Seasonal) Kerrienne Schwartz	<b>\$10,500</b>
Senior Recreation Leader (Seasonal) (Camps/playgrounds) James Nash	<b>\$12,724</b>
Senior Recreation Activity Specialist (Seasonal) (Arts & Crafts) – Soledad Nieves	<b>\$ 4,492</b>
Senior Recreation Activity Specialist (Seasonal) (Sr. Show) - Ann Slingsby	<b>\$10,415</b>

On roll call the vote was as follows

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

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RESOLUTION NO. (637-2008)  
Co. Mandia offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles # 04200 Police Officer - which contains the name of Sean Suarez,

Now, therefore, be it

RESOLVED, that Sean Suarez is hereby appointed to the position of Police Officer – Clarkstown Police Department – at the current 2008 annual salary of \$61,905., effective September 29, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (638-2008)  
Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Clerk has received the Tentative Budget from the Town Comptroller and presented same to the Town Board in accordance with the provisions of Town Law §10, and

WHEREAS, pursuant to Resolution No. 727-2007, adopted by the Town Board on December 18, 2007, the Town Board scheduled a Town Board meeting for November 6, 2008, at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Tentative Budget, as received by the Town Clerk, is hereby designated the Preliminary Budget and the Town Clerk is directed to prepare 25 copies of the Budget, for public distribution pursuant to Town Law §106, and be it

FURTHER RESOLVED, that the Town Board hereby schedules a public hearing for November 6, 2008, at 7:00 p.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2009, and be it

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

FURTHER RESOLVED, that at said Special Meeting, the Town Board may consider other business if it wishes.

On roll call the vote was as follows

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

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RESOLUTION NO. (639-2008)  
Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AMENDMENT TO THE CONTRACT AMOUNT  
FOR BID #69-2005 SOUTH MOUNTAIN ROAD CULVERT REPLACEMENT

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #69-2005 South Mountain Road Culvert Replacement to Precision Site Development, Inc. of Mount Vernon, New York; and  
Whereas, unanticipated field conditions and design modifications require certain change orders to the contract, and  
Whereas this amendment consists of the following required changes:

1. Furnish and install alternate backfill material (3/4" recycled material at \$25.30/cubic yard in place and NYSDOT Item 304 equivalent recycled subbase material at \$20.13/cubic yard in place) replacing native material specified in the original contract documents that was found to be unsuitable.  
The additional cost for this work is \$3,819.59.
2. Furnish and install filter fabric geotextile on the top and sides of the precast concrete box culvert. This additional work was performed for the lump sum price of \$500.00.
3. Reimbursement to Precision Site Development, Inc. for overtime charges associated with relocation and restoration of the existing gas main by Orange & Rockland Utilities, Inc. on August 1, 2008 and August 20, 2008 in the amount of \$1,418.92.
4. Remove and dispose of three (3) additional trees (one dead 48" diameter elm, one dead 42" diameter elm and one twin 15" diameter ash) not included in the original scope of work for this project. This work was done for the lump sum price of \$5,750.00;

and

Whereas, all costs relative to this amendment have been reviewed by the Department of Environmental Control and found to be reasonable and in accordance with the contract specifications,  
Now, Therefore, Be It, Resolved that the Town Board authorizes Amendment No. 1 to the contract price for Bid No. 69-2005 South Mountain Road Culvert Replacement in the amount of \$11,488.51; and  
Be It Further Resolved that the total cost of the project shall not exceed \$290,488.51 without further Town Board resolution and shall be a proper charge to account # H 8758 400 409 0 82 30.

On roll call the vote was as follows

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

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RESOLUTION NO. (640-2008)  
Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AMENDMENT TO THE CONTRACT AMOUNT  
FOR BID #57-2007 LAUREL ROAD LOW FLOW CHANNEL

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #57-2007 Laurel Road Low Flow Channel to Danny Clapp Landscaping, Inc. of New City, New York; and  
Whereas, the existing 65" x 40" arched corrugated metal pipe at the inlet (south) end of the proposed concrete low flow channel was found to be heavily occluded with accumulated sediment for nearly its entire length; and  
Whereas said storm drain pipe is located within an existing Town drainage easement; and  
Whereas, the Department of Environmental Control has solicited a proposal from Danny Clapp Landscaping, Inc. to clean the storm drain pipe from the headwall at the south end of the subject project south to the north side of York Drive, a distance of approximately 175 linear feet; and  
Whereas, the Department of Environmental Control has reviewed said proposal and found it to be reasonable and in accordance with the contract specifications;  
Now, Therefore, Be It Resolved that the Town Board authorizes Amendment No. 1 to the contract price for Bid No. 57-2007 Laurel Road Low Flow Channel in the amount of \$3,400.00 in accordance with said proposal; and  
Be It Further Resolved that the total cost of the project shall not exceed \$50,800.00 without further Town Board resolution and shall be a proper charge to account # H 8759 - 409 - 0 - 83 - 22.

On roll call the vote was as follows

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

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RESOLUTION NO. (641-2008)  
Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AMENDMENT TO THE CONTRACT AMOUNT  
FOR BID #31-2008 SOUTH LITTLE TOR ROAD DRAINAGE REPAIR

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #31-2008 South Little Tor Road Drainage Repair to Belleville Landscaping Inc. of Congers, New York; and  
Whereas, the residents of two of the properties affected by the construction have requested that additional plantings be installed to replace existing plantings that were removed as part of the project; and

RESOLUTION NO. (641-2008) continued

Whereas, the Department of Environmental Control has solicited a proposal from the contractor to furnish and install one (1) five-foot tall Norway Spruce tree and five (5) five-foot diameter Lilac shrubs not included in the original scope of work for this project; and

Whereas, the Department of Environmental Control has reviewed said proposal and found it to be reasonable and in accordance with the contract specifications;

Now, Therefore, Be It, Resolved that the Town Board authorizes Amendment No. 1 to the contract price for Bid No. 31-2008 South Little Tor Road Drainage Repair in the amount of \$400.00; and

Be It Further Resolved that the total cost of the project shall not exceed \$43,900.00 without further Town Board resolution and shall be a proper charge to account # H 8759 409 0 83-23.

On roll call the vote was as follows

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

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RESOLUTION NO. (642-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AN AMENDED AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING THE SOLID WASTE TRANSFER FACILITY

WHEREAS, the H2M Group conducted an Assessment/Evaluation for the Town of Clarkstown on the operation of the Solid Waste Transfer Facility in West Nyack, New York. The summary report issued on April 18, 2005, included a series of recommendations for the long term operation of the facility, which H2M has assisted the Town in implementing, and

WHEREAS, H2M has apprised the Town that additional engineering services will be required as the result of the continued evaluation for the Rockland County Solid Waste Management Authority (RCSWMA) purchase/lease option;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with H2M, in a form approved by the Town Attorney, to perform additional engineering services concerning the Solid Waste Transfer Facility pursuant to its proposal dated September 2, 2008, and be it

FURTHER RESOLVED, that the additional fee shall not exceed \$25,000.00 for said work and shall be charged to Account No. SR 8160-409-0.

On roll call the vote was as follows

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

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RESOLUTION NO. (643-2008) intentionally not used

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RESOLUTION NO. (644-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN APPLICATION, PURSUANT TO SECTION 837-d OF THE EXECUTIVE LAW, WITH RESPECT TO REIMBURSEMENT TO THE CLARKSTOWN POLICE DEPARTMENT FOR THE PURCHASE OF SOFT BODY BALLISTIC ARMOR VESTS FOR POLICE OFFICERS

WHEREAS, the Chief of Police has advised that Section 837-d of the Executive Law authorizes municipalities to apply for partial reimbursement of expenses incurred for the purchase of "soft body ballistic armor vests" for police officers, and

WHEREAS, the Chief of Police has recommended submission of several applications for such reimbursement which may result in an award in the amount of \$3,863.50 to reimburse for expenditures previously made by the Police Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an application, pursuant to Section 837-d of the Executive Law, for the partial reimbursement to the Clarkstown Police Department for expenditures incurred for the purchase of "soft body ballistic armor vests" for police officers.

On roll call the vote was as follows

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

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RESOLUTION NO. (645-2008)  
Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

CAMBRIDGE UNIVERSITY PRESS  
100 S. BROOKHILL DRIVE  
WEST NYACK, NY 10994  
51-A-23 (64.7-1-10)

By the installation of Fire lane designations, and  
WHEREAS, IAN BRADIE, DIRECTOR, requested that the Town of Clarkstown designate said fire lanes.  
NOW, THEREFORE, BE IT

RESOLVED, that the pursuant to said Local Law 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

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

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RESOLUTION NO. (646-2008)  
Co. Lasker offered and Co. Maloney seconded

Resolution Appointing the Director of the Department of Environmental Control as the  
Stormwater Management Program Coordinator for the Town of Clarkstown

WHEREAS, the NYSDEC has authorized the Town of Clarkstown to discharge stormwater from it's municipal drainage systems under the "General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems" (MS4), and

WHEREAS, the Director of Environmental Control was previously appointed as the Stormwater Management Officer of the Town pursuant to Chapter 249A of the Town Code, and

WHEREAS, the NYSDEC has performed an audit of the Town's program and identified areas of the Town's Stormwater Management Plan which require modification to fully implement all applicable elements of the General Permit,

NOW THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is further appointed as the Stormwater Management Program Coordinator for the Town of Clarkstown with the functions and duties of assuring Town compliance with the MS4 permit regulations and the recent audit performed by the NYSDEC, and

BE IT FURTHER RESOLVED that the Stormwater Management Program Coordinator is assigned the tasks and duties of meeting with other Town Departments, reviewing existing programs, securing site and program specific information, recommending changes to existing practices as necessary, amending the Town Stormwater Management Program as required, and all other tasks as needed to operate and administer the Town's stormwater management program and insure compliance with the provisions of the MS4 permit, and

BE IT FURTHER RESOLVED that the Stormwater Management Program Coordinator is hereby directed to complete all outfall mapping and dry weather screening of a minimum of 20% of stormwater outfalls by January 1, 2009 and submit proof of same to the Town Board and the NYSDEC within 15 days of completion.

On roll call the vote was as follows

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

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RESOLUTION NO. (647-2008)  
Co. Lasker offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 23, 2008, AUTHORIZING THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,035,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$150,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF \$885,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF 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 various road improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,035,000 and said amount is hereby appropriated

RESOLUTION NO. (647-2008) continued

therefor. The plan of financing includes the expenditure of \$150,000 expected to be received from the State of New York to pay a part of said appropriation, the issuance of \$885,000 serial bonds of the Town to finance the balance of 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 \$885,000 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 a part of 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. 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 60.00 and Section 168.00 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, and as to the execution of agreements for credit enhancements, 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.

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. Borelli... . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (648-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Director of the Department of Environmental Control that  
**BID #33-2008 – #28 CRAGMERE OVAL STREAM CHANNEL STABILIZATION**  
 is hereby awarded to: JMK ENTERPRISES, LLC, 301 NORTH MAIN STREET, SUITE 1, NEW CITY, NY 10956  
**PRINCIPALS: JOHN KNUTSEN**

as per their proposed total cost not to exceed \$53,000.00, and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement

RESOLUTION NO. (648-2008) continued

- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8759-400-409-0-83-26 not to exceed \$53,000.00 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

On roll call the vote was as follows

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

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RESOLUTION NO. (649-2008)

Co. Maloney offered and Co. Borelli seconded

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

BID#45-2008 – TOWN HALL ARCHIVAL ROOM AND STUDIO

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at \_\_\_\_\_ 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 Authorized Purchasing Agent at the above address, upon payment of the prescribed fee.

On roll call the vote was as follows

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

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RESOLUTION NO. (650-2008)

Co. Maloney offered and Co. Borelli seconded

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

BID#46-2008 – REPLACEMENT OF ROADWAY RETAINING WALL VICINITY 26 Lindbergh Lane, New City  
 Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple

Avenue, New city, New York \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

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RESOLUTION NO. (651-2008)

Co. Maloney offered and Co. Borelli seconded

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

BID#47-2008 - HACKENSACK RIVER NATURAL AREA IMPROVEMENTS

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

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

On roll call the vote was as follows

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

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RESOLUTION NO. (652-2008)  
Co. Maloney offered and Co. Lasker seconded

WHEREAS, NBC Studios, Inc., a production company, has requested permission to film in the Town of Clarkstown, on September 24, 25, 26, 29, 30, and October 1 & 2, 2008.

NOW, THEREFORE, be it

RESOLVED, that NBC Studios, Inc., 203 Meserole Avenue, 2<sup>nd</sup> Floor, Brooklyn, NY 11222, is hereby authorized to film a portion of T.V. series "Lipstick Jungle", on Wednesday, September 24, Thursday, September 25, Friday, September 26, Monday, September 29, Tuesday, September 30, Wednesday, October 1, & Thursday, October 2, 2008, between the approximate hours of 11:00 am and 4:00 am on September 24<sup>th</sup> & 25<sup>th</sup>; 9:00 am and 2:00 am on September 26<sup>th</sup>; and 7:00 am and 12 am on September 30<sup>th</sup> & October 1<sup>st</sup>, at 501 North Broadway, Upper Nyack, NY 10960, Rockland Lake Road, and Davie's Farm, Congers, NY 10920 upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned sites;
- (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 to the Town of Clarkstown, which parking fee shall be waived if Permittee is required to pay a parking fee to the Village of Upper Nyack, and be it

FURTHER RESOLVED, that this resolution shall be deemed the Filming Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (653-2008)  
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH NEW WORLD SYSTEMS TO PROVIDE SOFTWARE MAINTENANCE TO THE TOWN COMPUTER SYSTEM

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended renewal of a Software Maintenance Agreement with the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with New World Systems, in a form approved by the Town Attorney, to provide Software Maintenance to the Town of Clarkstown computer system for the period January 1, 2009 through December 31, 2011, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the total sum of \$87,475.00 for the three years, and be it

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A 1680-409.

On roll call the vote was as follows

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

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RESOLUTION NO. (654-2008)  
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AGREEMENTS WITH WYETH PHARMACEUTICALS (OR AUTHORIZED WYETH ENTITY) ACCEPTING CONVEYANCE OF REAL PROPERTY AND RENEWING COMMUTER LOT LEASE

WHEREAS, the Town of Clarkstown currently leases certain property in Nanuet, New York, from Wyeth Pharmaceuticals ("Wyeth") which property is currently used by the Town as a commuter parking lot for Clarkstown residents; and

WHEREAS, the parties wish to renew said lease; and

WHEREAS, the Town of Clarkstown has designed a drainage project in the vicinity of Jerry's Avenue, Nanuet, in order to alleviate drainage problems in the area; and

WHEREAS, as a condition to allowing the Town to perform drainage improvements on its property, Wyeth requested that a detention basin be constructed in order to mitigate against any potential adverse impact on its property; and

RESOLUTION NO. (654-2008) continued

WHEREAS, in order to facilitate the construction of the retention basin, Wyeth has offered to convey approximately 10.48 acres of property to the Town for the sum of \$1;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute any and all agreements necessary to effectuate the renewal of the Nanuet Commuter Lot lease and the conveyance of the 10.48 acre parcel described above; and be it FURTHER RESOLVED, that said agreements shall be in a form approved by the Town Attorney.

On roll call the vote was as follows

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

\*\*\*\*\*

The Supervisor opened the meeting for general public comments.

Co. Mandia

Regarding agenda item #5d (res. no. 613-2008), asked if the settlement concerned the commercial or residential property.

Amy Mele- Town Attorney

Regarding agenda item #5d (res. no. 613-2008), stated she would get back to Co. Mandia with the information.

On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, Town Board Meeting was closed 9:17 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk

TOWN OF CLARKSTOWN

PUBLIC HEARING #1

9/23/08

Town Hall

8:30 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members John Maloney, Shirley Lasker, Ralph Mandia, & Frank Borelli  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Proposed Local Law entitled: "A Local Law creating Chapter 20 (Filming) of the Code of the Town of Clarkstown."

\*\*\*\*\*

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:30 P.M.

Amy Mele- Town Attorney  
Gave an overview of the proposal.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:32 P.M. RESOLUTION NO. (598-2008)

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (598-2008)

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2  
9/23/08

Town Hall

8:32 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members John Maloney, Shirley Lasker, Ralph Mandia, & Frank Borelli  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Petition of Orchard Ridge, LLC for Change of Zone.

\*\*\*\*\*

On motion of Co. Borelli, seconded by Co. Maloney, hearing opened 8:32 P.M.

Amy Mele- Town Attorney  
Gave an overview of the petition.

Joe Simoes- Town Planner  
Gave an overview of the petition.

Anne Cutignola- Senior Planner, Tim Miller Associates  
Gave an overview of the petition.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 8:42 P.M. RESOLUTION NO. (599-2008)

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (599-2008)

TOWN OF CLARKSTOWN

PUBLIC HEARING #3

9/23/08

Town Hall

8:42 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members John Maloney, Shirley Lasker, Ralph Mandia, & Frank Borelli  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Petition of Stephen Giordano – Special Permit for two apartments over retail space in Valley Cottage.

\*\*\*\*\*

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:42 P.M.

Amy Mele- Town Attorney  
Gave an overview of the petition.

Jose Simoes- Town Planner  
Gave an overview of the petition.

Walter Sevastian-Attorney for Stephen Giordano  
Stated he was present to answer any questions, if needed.

There being no one wishing to be further heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:46 P.M. RESOLUTION NO. (600-2008)

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (600-2008)

TOWN OF CLARKSTOWN  
PUBLIC HEARING #4

Town Hall

9/23/08

8:46 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members John Maloney, Shirley Lasker, Ralph Mandia, & Frank Borelli  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Application submitted by Long Clove Business Park Corp. for abandonment of a portion of Long Clove Road, Congers.

\*\*\*\*\*

On motion of Co. Mandia, seconded by Co. Lasker, hearing opened 8:46 P.M.

Amy Mele- Town Attorney  
Gave an overview of the petition.

There being no one wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:01 P.M. RESOLUTION NO. (601-2008)

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (601-2008)

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

Town Hall

9/23/08

9:17 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members John Maloney, Shirley Lasker, Ralph Mandia, & Frank Borelli  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

On motion of Co. Maloney, seconded by Co. Borelli the special meeting was declared open, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the meeting was closed, time: 9:17 P.M.

\*\*\*\*\*

Upon motion duly made by Co. Maloney, seconded by Co. Borelli, and by the affirmative vote of all present, it was resolved,

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO ACME STONE PAVERS LLC FOR THE  
MIDDLEWOOD SENIOR CITIZEN HOUSING PROJECT

WHEREAS, the Town of Clarkstown Purchasing Department has solicited bids for snow removal at the Middlewood Senior Citizen Housing Project owned by the Clarkstown Middlewood Housing Development Fund Company, Inc., and

WHEREAS, ACME STONE PAVERS LLC has submitted a low bid to do the aforementioned work, and

WHEREAS, it is recommended that the Board accept Acme Stone Pavers's bid for a Seasonal Pricing Contract which consists of a price of \$5,370.00 for 13" with a cost per inch of \$915.00 for each additional inch of accumulation over 13 inches; together with the price for salt application to roads of \$1,750.00 per season, the price for calcium chloride application to walks of \$1,250.00 per season, and the price for labor and equipment needed to move snow of \$270.00 per hour.

NOW, THEREFORE, be it

RESOLVED, that Jeffrey P. Goldstein, of ARCO Management Corp., is authorized to sign a contract for the snow removal at the Middlewood Senior Citizen Housing Project for the 2008-2009 season with Acme Stone Pavers LLC.

Respectfully submitted,

David Carlucci  
Town Clerk