

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/24/09

8:00 P.M.

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

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

SPECIAL PRESENTATION: Supervisor Gromack made a proclamation declaring November 24, 2009, Barry Fixler Day in Clarkstown and recognized Mr. Fixler as "Veteran of the Year."

Public Hearing #1 re: Application of United Hospice of Rockland, Inc. for a Special Permit to operate a Hospice Residence. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:05 P.M. On motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, hearing was closed 8:25 P.M. RESOLUTION NO. (555-2009)

Public Hearing #2 re: Petition of Hyenga Lake Development, LLC for special permit to construct Senior Citizen Housing. On motion of Co. Hoehmann, seconded by Co. Lasker, hearing opened 8:26 P.M. On motion of Co. Hoehmann, seconded by Co. Lasker, and unanimously adopted, hearing was closed 9:20 P.M. RESOLUTION NO. (556-2009)

Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers
Regarding agenda item #6 (res. no. 562-2009) and #15 (res. no. 573-2009), asked for clarification.

Amy Mele- Town Attorney
Regarding agenda item #6 (res. no. 562-2009), stated it is a matter of safety, so that if an owner of property on an undedicated street does not remove snow, the town has the right to do so and bill the owner afterwards.

Supervisor Gromack
Regarding agenda item #15 (res. no. 573-2009), stated that the work is completed.

Jack Barowski- New City
Regarding agenda item #7b (res. no. 564-2009), asked for salary of Police Surgeon and to define his role.

Captain Michael Sullivan- Clarkstown Police Department
Regarding agenda item #7b (res. no. 564-2009), stated the Police Surgeon is contracted to perform the officers' physicals and acts as an oversight for when officers are injured in the line of duty, to ensure that they are being treated properly and can return to full duty as soon as possible, as required by state law.

Amy Mele- Town Attorney
Regarding agenda item #7b (res. no. 564-2009), stated the Police Surgeon's contract is for \$1500/month.

RESOLUTION NO. (555-2009)
Co. Maloney offered and Co. Borelli seconded

SPECIAL FINDINGS AND TOWN BOARD RESOLUTION GRANTING SPECIAL PERMIT PURSUANT TO SECTION 290-15 and SECTION 290-17(W) OF THE TOWN ZONING LOCAL LAW TO THE UNITED HOSPICE OF ROCKLAND, INC., FOR A HOSPICE RESIDENCE, NEW CITY, NEW YORK

WHEREAS, UNITED HOSPICE OF ROCKLAND, INC., by petition dated September 1, 2009, petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17(W) of the Zoning Local Law, to operate a hospice residence at the premises designated on the Clarkstown Tax Map as 33.12-2-8, for property located at 415 Buena Vista Road, New City, New York;

WHEREAS, by resolution dated October 20, 2009, the Town Board scheduled a public hearing to be held on November 24, 2009, made the required referrals to the Town of Clarkstown Planning Board, the Rockland County Commissioner of Planning, and appointed the Clarkstown Planning Board as its agent for the purpose of compliance with the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on November 24, 2009, at 8:00 P.M., or as soon thereafter as possible, to consider such application, and WHEREAS, by memo dated November 19, 2009, the Clarkstown Planning Board submitted a report and resolution adopted November 18, 2009 in which the Planning Board opined that the hospice residence:

1. Is appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestions or create a traffic hazard;
3. Will not create, at any point of determination set forth in the Town Zoning Local Law Section 290-13F, G & H any more dangerous and objectionable elements referred to in Section 29-0-13A than is characteristic of the uses expressly 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; and
6. Will comply with other regulations application to such use.

RESOLUTION NO. (555-2009) continued

and

WHEREAS, by memo dated November 19, 2009, the Planning Board, acting as agent for the Town Board, forwarded a resolution adopted on November 18, 2009, in which the Planning Board identified the potential impacts of the project, evaluated the proposed mitigating measures and concluded that there is no potential for significant environmental impact as the potential impacts have been adequately mitigated to the maximum extent practicable, and

WHEREAS, by letter dated November 24, 2009, the Rockland County Planning Department recommended approval of the Petition, provided that the site plan be referred to the Town of Ramapo for their review and comment, and

WHEREAS, the Town Board by this resolution intends to grant a Special Permit to the applicant upon the following special findings and specific conditions set forth herein pursuant to Section 290-15 and Section 290-17(W) of the Zoning Local Law of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, the Town Board, after due consideration of all the facts and circumstances presented in the petition, the information presented at the public hearing, as well as the report of the Clarkstown Planning Board, as agent for the Town Board with respect to SEQRA, has determined that the project is an unlisted action, that the project has no potential for significant adverse environmental impact, and that the potential impacts have been mitigated to the maximum extent practicable, and be it

FURTHER RESOLVED, that pursuant to Section 290-15 of the Zoning Local Law of the Town of Clarkstown, finds that the proposed use, as described in the petition and represented by the applicant and its professionals before the Town Board and before the Planning Board of the Town of Clarkstown, shall:

1. Be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Not cause undue traffic congestion or create a traffic hazard;
3. 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 expressly permitted of right in the same district;
4. Not adversely affect the character of or property values in the area;
5. Not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Comply with all other regulations applicable to such use.

and be it

FURTHER RESOLVED, that the application for a Special Permit to operate a hospice residence shall at all times comply with all the requirements of Section 290-17(W) of the Zoning Local Law of the Town of Clarkstown and that the following additional conditions shall apply:

1. The Planning Board is hereby directed to refer the site plan application for the hospice residence to the Town of Ramapo for their review and comment, as per the Rockland County Planning Department’s November 24, 2009 letter;
2. The emergency electric generator shall only be used in the event of an emergency power outage with the exception of once monthly testing for no more than thirty (30) minutes. Testing shall not be performed after 6:00 p.m., before 8:00 a.m., or on weekends.

and be it

FURTHER RESOLVED, that the within SPECIAL FINDINGS and RESOLUTION setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk, and be it

FURTHER RESOLVED, that this resolution shall constitute the Special Permit granted to petitioner pursuant to Section 290-17(W).

On roll call the vote was as follows

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

RESOLUTION NO. (556-2009)

Co. Hoehmann offered and Co. Lasker seconded

SPECIAL FINDINGS AND TOWN BOARD RESOLUTION GRANTING SPECIAL PERMIT PURSUANT TO SECTION 290-15 and SECTION 290-17(0) OF THE TOWN ZONING LOCAL LAW TO THE HYENGA LAKE DEVELOPMENT, LLC, FOR A SENIOR CITIZEN HOUSING PROJECT, NANUET, NEW YORK

WHEREAS, Hyenga Lake Development, LLC, by petition dated June 9, 2009, petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17(0) of the Zoning Local Law, to construct non-profit or limited profit housing for senior citizens, on a portion of premises designated on the Clarkstown Tax Map as 57.14-3-2, for property located on Pipetown Hill Road, south of Route 59, Nanuet, New York (the “Project”); and

WHEREAS, the plans for the Project provide for two buildings, one consisting of 65 affordable senior units plus one caretaker unit (“Building One”) and one consisting of 40 affordable senior units (“Building Two”); and

WHEREAS, by resolution dated October 20, 2009, the Town Board scheduled a public hearing to be held on November 24, 2009, referred the application to the Town of Clarkstown Planning Board and the Rockland County Commissioner of Planning, and appointed the Clarkstown Planning Board as its agent for the purpose of compliance with the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, notice of the statutory hearing was published in the newspaper of general circulation and posted in the manner provided by law and filed in the Office of the Town Clerk, and

WHEREAS, the Planning Board considered the petition at its regularly scheduled meetings on November 4 and November 18, 2009, and

WHEREAS, by resolution adopted November 18, 2009, the Planning Board, as lead agency with respect to Petitioner’s site plan application, adopted a Findings Statement, a copy of which is annexed hereto and incorporated

RESOLUTION NO. (556-2009) continued

herein by reference and which has been considered by the Town Board in connection with the Special Permit Application, and

WHEREAS, by memo dated November 19, 2009, the Clarkstown Planning Board submitted a report and resolution passed on November 18, 2009, in which the Planning Board found that pursuant to Section 290-15 of the Town's Zoning Local Law: (1) the Project is appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities; (2) the project will not cause undue traffic congestion or create a traffic hazard; (3) the Project will not generate dangerous or objectionable elements as set forth in Section 290-13(f)(g) and (h) of the Town's Zoning Local Law; (4) the Project will not adversely affect the character or values of properties in the area; (5) the Project will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity or other aspects of the general welfare of the Town, and (6) the Project is anticipated to comply with all other regulations applicable to said use, and

WHEREAS, by letter dated November 24, 2009, the Rockland County Planning Department recommended approval of the petition subject to certain conditions, which the Town Board has considered in making its determination;

NOW, THEREFORE, be it

RESOLVED, that based upon the attached Findings Statement set forth in the Planning Board's November 18, 2009 resolution, the Town Board hereby determines that the Project will not have a significant adverse impact on the environment and that potential impacts have been mitigated to the fullest extent practicable, and be it

FURTHER RESOLVED, that pursuant to Section 290-15 of the Town's Zoning Local Law, the proposed use, as described in the petition and represented by the applicant and its professionals before the Town Board and before the Planning Board of the Town of Clarkstown:

- (1) Is appropriately 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; (3) will not generate dangerous or objectionable elements as set forth in Section 290-13(f)(g) and (h) of the Town's Zoning Local Law; (4) will not adversely affect the character or property values in the area; (5) will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity or other aspects of the general welfare of the Town, and (6) complies with all other regulations applicable to said use,

and be it

FURTHER RESOLVED, that the application for a Special Permit for the erection of senior citizen housing shall at all times comply with all the requirements of Section 290-17(0) of the Zoning Local Law of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the following additional conditions shall apply:

1. The applicant shall provide proof in a form satisfactory to the Town Attorney, that it is a nonprofit organization;
2. That annually the applicant shall submit a report to the Town Clerk for filing with Building Inspector in accordance with the provision of Section 290-17(0)(3);
3. Should the project qualify for tax abatement, same shall be used for the purpose of reducing rental payments for housing for the elderly in accordance with Section 290-17(0)(4)(a)(b)(c);
4. All building and dwelling units constructed under the special permit granted hereby shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code and conform to any additional State and Federal requirements established for housing for the elderly, with the number of units limited to no more than 105 one-bedroom units, plus one two-bedroom unit for the Superintendent;
5. In response to Comment No. 10 in the Rockland County Planning Department's November 24, 2009 letter, with the exception of the caretakers unit, persons under the age of 18 shall not be permitted to be permanent residents of dwelling units. For the purposes of Section 290-7.1 of the Clarkstown Zoning Local Law, a "permanent resident" shall mean any person who resides within the dwelling for more than three consecutive weeks, or has listed the residence as a dwelling for any purpose whatsoever, including, but not limited to, enrollment in public or private schools;
6. Applicant shall, prior to the issuance of a building permit, provide the Town with a true copy of the approved by-laws for the complex evidencing compliance with affordability and age restricted aspects of this Special Permit and Section 290-17(O) of the Town of Clarkstown Zoning Local Law,

and be it

FURTHER RESOLVED, that Clarkstown residents be given first priority for dwelling units to the extent permitted by law, and be it

FURTHER RESOLVED, that consistent with the Rockland Planning Department of Planning GML comments, the Planning Board shall refer the site plan for the Project to the following agencies, and any applicable permits shall be obtained:

- | | |
|--|---|
| 1. New York State Department of Transportation | 6. Orange and Rockland Utilities |
| 2. New York State Department of Environmental Conservation | 7. Village of Spring Valley |
| 3. Rockland County Drainage Agency | 8. Rockland County Sewer District No. 1 |
| 4. Rockland County Department of Highways | |
| 5. Rockland County Office of Fire and Emergency Services | |

and be it

FURTHER RESOLVED, that as per the Rockland County Planning Department's November 24, 2009 letter: (1) the Floodplain Administrator for the Town of Clarkstown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency, and (2) cross sections shall be provided for each of the proposed retaining walls to illustrate their height relation to the final contours, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a Payment in Lieu of Taxes (PILOT) agreement with the applicant, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the money in lieu of land fee shall be reduced, on a per unit basis, by the number of legally existing units on the property as of the date of acquisition by the present owner, subject to confirmation by the Building Inspector, and be it

FURTHER RESOLVED, that said reduction shall be applicable to the money in lieu of land fee due for the number of units to be built in Building One, which fee shall be paid prior to the endorsement of the site plan, and be it

FURTHER RESOLVED, that the money in lieu of land fee for Building Two shall be based upon the number of

RESOLUTION NO. (556-2009) continued

units to be built in Building Two, and shall be paid prior to the issuance of a building permit for Building Two, and be it

FURTHER RESOLVED, that the applicant has agreed to: (1) provide at least sixty (60) days notice of termination with respect to existing tenant leases, (2) assist existing tenants with relocating to like-kind properties within the County of Rockland, and (3) assume the expense of relocation, and be it

FURTHER RESOLVED, that the Planning Board shall ensure that the existing tenants are provided with notice of site plan proceedings, and be it

FURTHER RESOLVED, that the within SPECIAL FINDINGS and RESOLUTION setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk, and be it

FURTHER RESOLVED, that this resolution shall constitute the Special Permit granted to petitioner pursuant to Section 290-17(0).

On roll call the vote was as follows

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

RESOLUTION NO. (557-2009)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of November 5, 2009 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (558-2009)

Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2009 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

THEREFORE, BE IT

RESOLVED, that the 2009 budget is hereby amended.

On roll call the vote was as follows

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

RESOLUTION NO. (559-2009)

Co. Hoehmann offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$6,639.31 from D.A.R.E. Donations, \$2,400 from Farm family Insurance and \$150,000 From the State of New York,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-2705-0 (General Fund-Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$6,639.31 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-8-2680-0 (General Fund-Insurance Recoveries) and Expense Account A-7140-424-0 (Parks & Playgrounds-Contractual Expenses) by \$2,400 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-10-3850-0 (NYS-Multi-Modal Program) and Expense Account H-8758-409-0-82-6 (Capital Project-First Street sidewalk & curbing reconstruction project) by \$150,000 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-3140-404-0 (Canine-Travel/Meals) and increase Account A-3140-301-0 (Canine-Food) by \$1,200 and be it

FURTHER RESOLVED, to decrease Accounts A-3220-404-0 (School Resource Officer-Travel/Meals) by \$1,792.22 and A-3220-414-0 (School Resource Officer-Conferences) by \$3,000 and increase Account A-3220-230-0 (School Resource Officers-Communication Equipment) by \$4,792.22 and be it

FURTHER RESOLVED, to decrease Account DB-5110-312-0 (Highway Dept.-Automotive Maintenance) and increase Account DB-5110-407-0 (Highway Dept.-Equipment Repairs) by \$2,600.

On roll call the vote was as follows

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

RESOLUTION NO. (560-2009)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the redevelopment of a single family parcel at 79 Hall Avenue, New City (51.10-2-25) was completed under Building Permit #06-1002 issued to Fel-Sig Realty, and
WHEREAS, the Town of Clarkstown Department of Environmental Control retained escrow funds as a condition of the original building permit in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for fulfillment of site work requirements, and
WHEREAS, said funds were defaulted by Town Board Resolution 698-2008 on 11-06-08, due to developer's failure to remediate the original defective lawn installation, and
WHEREAS, the Director of Environmental Control subsequently contracted for the remediation of the faulty site work with funds in the amount of \$1,475.00 and
WHEREAS, the work has been completed to the Director's satisfaction,
NOW, THEREFORE be it RESOLVED, that the Town Board hereby authorizes the return of the \$1,025.00 balance of the defaulted escrow funds to Tucker, Inc., the developer of 79 Hall Avenue.

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

RESOLUTION NO. (561-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION SCHEDULING TOWN BOARD WORKSHOPS AND TOWN BOARD MEETINGS FOR THE YEAR 2010

"RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2010, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

Table with 2 columns: Workshop Meeting (7:30 P.M. - Room 301) and Town Board Meetings (8:00 P.M. - Auditorium). Rows list months from January to December with corresponding meeting dates and notes like '(Reorganization)' or '(Thurs. at 7:00 p.m.)'.

Please Note: Police Department matters will be discussed at the Workshop Meetings.

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

RESOLUTION NO. (562-2009)

Co. Maloney offered and Co. Lasker seconded

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

NOW, THEREFORE, be it

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

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

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

On roll call the vote was as follows
Co. Lasker Yes

RESOLUTION NO. (562-2009) continued

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

RESOLUTION NO. (563-2009)

Co. Maloney offered and Co. Hoehmann seconded

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH PARTNERS IN SAFETY, INC. CONCERNING THE DRUG AND ALCOHOL TESTING PROGRAM

WHEREAS, PARTNERS IN SAFETY, INC. has submitted a proposal for the renewal of an agreement with the Town of Clarkstown, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver’s licenses, and

WHEREAS, John W. Coyle, Safety Manager, has recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form satisfactory to the Town Attorney, with Partners in Safety, Inc., 800 Route 17M, Middletown, New York, for the period commencing January 1, 2010 and terminating on December 31, 2010, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver’s licenses, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional and other liability insurance coverage, as required by the Town Attorney, and be it

FURTHER RESOLVED, that the fee for the year 2010, for such services, shall be \$3,726.00, with additional hourly fees in accordance with said proposal dated November 1, 2009, which fees shall be charged to Account No. A 9000-409.

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

RESOLUTION NO. (564-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FRANK X. GARIGALI, M.D. OF MID ROCKLAND MEDICAL GROUP, TO ACT AS POLICE SURGEON FOR THE YEAR 2009

WHEREAS, Chief of Police Peter T. Noonan has recommended renewing an agreement with Frank X. Garigali, M.D., of Mid Rockland Medical Group, to provide services to the Clarkstown Police Department as the police surgeon for the calendar year 2009, at the same terms and conditions as the prior agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Frank X. Garigali, M.D., of Mid Rockland Medical Group, as referred to herein, for the period January 1, 2009 to December 31, 2009, upon the same terms and conditions as the prior agreement;

and be it

FURTHER RESOLVED, that compensation for said services shall be at Dr. Garigali's regular rates established for annual physical examinations for sworn personnel plus the sum of \$1,500.00 per month, all of which shall be charged to Account No. A 3120-409.

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

RESOLUTION NO. (565-2009)

Co. Maloney offered and Co. Borelli seconded

WHEREAS, Jonah Jacobsen, attorney for Prabhudada Restaurant Inc., has advised that they intend to apply for an on-premises liquor license for property located at 365 West Route 59, Nanuet, New York, for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Prabhudada Restaurant Inc., for a liquor license at the premises referred to herein.

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

RESOLUTION NO. (566-2009)
Co. Lasker offered and Co. Borelli seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and
WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, continuing from November 28, 2009 to November 28, 2011, as follows:

Sponsor: Pell & Associates, P.O. Box 283, West Nyack, NY 10994
Roads: 0.5 mile segment of Rose Road from Route 59 to West Nyack Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Pell & Associates 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 November 28, 2009 to November 28, 2011, 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 Pell & Associates to remove trash from the roadway.

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

RESOLUTION NO. (567-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION DEFAULTING SECURITY DEPOSIT FOR USE OF SOLID WASTE FACILITY

WHEREAS, Olivia Rose Landscaping, Inc. provided a security deposit in the amount of \$2,000.00 in the form of an Assignment of Certificate of Deposit No. 673970 for its use of the Solid Waste Facility, and

WHEREAS, Olivia Rose Landscaping, Inc. has failed to pay outstanding invoices due to the Town of Clarkstown in the amount of \$612.00 for its use of the Solid Waste Facility from September 2008 through November 2008 after repeated attempts by the Comptroller's Office to collect, and

WHEREAS, the Comptroller's Office recommends defaulting said security deposit to pay these outstanding invoices and return any balance of the security deposit left over to Olivia Rose Landscaping, Inc.;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby defaults the security deposit in the amount of \$2,000.00 to pay outstanding invoices owed by Olivia Rose Landscaping, Inc. and directs the Comptroller's Office to return any balance left over from the security deposit after paying said invoices.

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

RESOLUTION NO. (568-2009)
Co. Hoehmann offered and Co. Maloney seconded

WHEREAS, Britali Estates, Inc. furnished to the Town of Clarkstown a Letter of Credit No.95-0502 in the amount of \$97,000.00 as security for a performance bond to secure the completion of improvements in the Britali Estates Subdivision, as shown on the final plat of Britali Estates (41-A-6), which was filed in the Rockland County Clerk's Office on May 10, 1995, and

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

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 95-0502 in the amount of \$97,000 may be released to the guarantor.

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

RESOLUTION NO. (569-2009)
Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING RELEASE OF OWNER'S PERFORMANCE BOND (ISLAMIC CENTER OF ROCKLAND SITE PLAN – 59.15-01-11, 12 & 14)

RESOLVED, that based upon the recommendation and report of the Deputy Director of the Department of Environmental Control, the Owner's Performance Bond for site restoration furnished to the Town by Rockland

RESOLUTION NO. (569-2009) continued

Muslim Trust, Inc. in the amount of \$23,350.00, in connection with the Islamic Center of Rockland Site Plan designated on the Clarkstown Tax Map as 59.15-01-11, 12 and 14, may be released as all the required work has been completed to the satisfaction of the Department of Environmental Control.

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

RESOLUTION NO. (570-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION ACCEPTING CONSERVATION EASEMENT (170 RIDGE ROAD, LLC SUBDIVISION – 52.19-2-14 & 20)

WHEREAS, in accordance with the requirements of the Planning Board and as a condition to approval of the final map with regard to the 170 Ridge Road, LLC Subdivision, 170 Ridge Road, LLC has offered conveyance of a Conservation Easement to the Town of Clarkstown, as shown on the final plat of 170 Ridge Road, LLC, designated on the Clarkstown Tax Map as 52.19-2-14 & 20, and

WHEREAS, the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended acceptance of the conveyance; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Conservation Easement and orders same recorded in the Office of the Rockland County Clerk at the expense of the grantor.

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

RESOLUTION NO. (571-2009)

Co. Borelli offered and Co. Maloney seconded

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

BID#7-2010 – UNIFORMS – CLARKSTOWN POLICE DEPARTMENT

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

RESOLUTION NO. (572-2009)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING AN INCREASE IN THE ALLOWANCE FOR BID #21-2009 BUENA VISTA ROAD ROADWAY & DRAINAGE IMPROVEMENTS FOR THE PREPARATION OF A PROJECT LABOR AGREEMENT FEASIBILITY STUDY AND TO RETAIN THE SERVICES OF A PRIVATE ELECTRICIAN TO PERFORM UTILITY RELOCATION WORK

Whereas, by Resolution #681-2008 the Town Board of the Town of Clarkstown retained the services of H2M Group (H2M) to perform feasibility studies to determine whether a Project Labor Agreement (PLA) is warranted on certain capital improvement projects, and authorized the expenditure to be charged to the capital improvement project at issue; and

Whereas, Bid #21-2009 Buena Vista Road Roadway & Drainage Improvements is one of the projects for which a feasibility was performed; and

Whereas, an invoice has been submitted by H2M in the amount of \$9,300.00 for the feasibility study performed for the subject project, which the Department of Environmental Control has reviewed said invoice and finds it to be correct; and

Whereas, as part of this project it is necessary for Orange and Rockland Utilities, Inc. (O&R) to install new utility poles and for the respective utility companies to relocate their existing utility lines onto the new poles on the east side of Buena Vista Road; and

Whereas, the existing electric service to #22 Buena Vista Road at the northern corner of the intersection of Buena Vista Road and Beatrice Lane is an in-ground service emanating from the existing utility pole; and

Whereas, the installation of a new utility pole at this location has necessitated the relocation of the feed for the in-ground electric service to #22 Buena Vista Road from the existing pole to the new pole; and

Whereas, it is the policy of O&R that they do not relocate existing in-ground service feeds as part of the new pole installation and utility line relocation work; and

Whereas, the Department of Environmental Control has solicited a proposal in the amount of \$2,150.00 from Mag

RESOLUTION NO. (572-2009) continued

Electric Company of Congers, New York to perform the work necessary to relocate the feed for the in-ground service from the existing pole to the new pole; and
Whereas all work associated with this service relocation shall be performed within the right-of-way limits for Buena Vista Road; and

Whereas, the Department of Environmental Control has reviewed said proposal and finds it to be acceptable; Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of Mag Electric Company to perform all work required to relocate the in-ground electric service feed to #22 Buena Vista Road in accordance with their proposal; and

Be It Further Resolved that the allowance for Bid #21-2009 Buena Vista Road Roadway & Drainage Improvements be increased by \$11,450.00 to reflect the costs associated with these change orders on contract; and

Be It Further Resolved that this amount shall not increase without further Town Board resolution; and

Be It Further Resolved that this shall be a proper charge to account #H-8755-409-0-79-34.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (573-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing Change Order to Bid No. 56-2007 Reconditioning of Town Hall Elevators

WHEREAS, H2M Group, engineers for the project, has recommended additional work for the reconditioning of the two (2) Town Hall elevators, which work is of the same nature as the original work authorized by the Town Board by Resolution No. 386/2008 dated June 17, 2008 and was not anticipated until work on the original project was begun, and

WHEREAS, said changes cost \$21,024.00 and include all labor, material and equipment for the following:

- 1. Recapping of framework on six (6) floors for the two (2) elevators; and
- 2. Recovering of doors with scratch resistant stainless steel material, and

WHEREAS, said work has been reviewed and approved by H2M Group, and

WHEREAS, the Public Works Administrator has reviewed the proposed change order and found it acceptable in both scope and price;

NOW, THEREFORE, be it

RESOLVED that the Town Board of the Town of Clarkstown hereby authorizes Change ORDER No. 1 as recommended by H2M Group, to provide for additional work by Thyssen Krupp Elevator Corporation, as described herein for an increase of \$21,024.00 and for a total cost for Bid No. 56-2007 of \$250,701.00, and be it

FURTHER RESOLVED, that said change order shall be a proper charge to Account No. H-8759-400-0-83-18.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (574-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR THE DEMAREST MILL CREEK IMPROVEMENTS PHASE III, WEST NYACK, TOWN OF CLARKSTOWN ROCKLAND COUNTY, NEW YORK

WHEREAS, the Town of Clarkstown has proposed certain modifications and improvements to and along the Demarest Mill Creek in West Nyack, New York (the "Project"), and

WHEREAS, A Full Environmental Assessment Form has been prepared in compliance with 6NYCRR - Part 617 (SEQR), under authority of the New York State Environmental Conservation Law, to evaluate potential impacts and mitigation measures (if any) resulting from the Project, and;

WHEREAS, a Negative Declaration was adopted on March 24, 2009 based on drawings and EAF documents circulated January 19, 2009, and

WHEREAS, based on further comments from reviewing agencies, the Project was modified and the scope of the Project was substantially reduced, and

WHEREAS, the engineer has incorporated modifications into the design plans for the Project to mitigate the identified potential adverse environmental impacts, and

WHEREAS, the potential beneficial impacts far outweigh any short-term environmental impacts, specifically, the removal of debris at the Demarest Mill Road Culvert, stabilization of stream banks and the partial removal of a dam will greatly enhance proper stream flow of the Demarest Mill Creek, and

WHEREAS, it has been determined that the proposed project is an UNLISTED action;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown, as lead agency, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared, and be it

FURTHER RESOLVED, that the attached negative declaration be filed and distributed in accordance with SEQRA.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

RESOLUTION NO. (574-2009) continued

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

RESOLUTION NO. (575-2009)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has certified on October 8, 2009 that the position of Chief Fire Safety Inspector II #501084 – Building Department can be reclassified to the position of Chief Fire Safety Inspector,

NOW, therefore, be it

RESOLVED, that the position of Chief Fire Safety Inspector II – is hereby reclassified to the position of Chief Fire Safety Inspector – Building Department – effective November 24, 2009.

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

RESOLUTION NO. (576-2009)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the as the Rockland Personnel Office has furnished Certification of Eligibles #09054 Real Property Data Collector – which contains the name of Thomas J. Isenbek,

NOW, therefore, be it

RESOLVED, that Thomas J. Isenbek is hereby appointed to the position of (permanent) Real Property Data Collector – Office of the Town Assessor – at the current 2009 salary of \$40,886., effective and retroactive to November 23, 2009.

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

RESOLUTION NO. (577-2009)

Co. Maloney offered and Co. Borelli seconded

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #20-2009 Virginia Street/Carolina Drive to Pinebrook Industries, Inc. of New City, New York; and

Whereas, unanticipated field conditions have required changes not included in the original scope of work for the project; and

Whereas, this amendment consists of the following required changes:

1. Supply and install sand around 300 linear feet of existing gas main on the south side of Virginia Street exposed during the installation of drainage improvements in accordance with Orange & Rockland Utilities, Inc. requirements: \$800.00
2. Connect existing 4” PVC footing drain outlet from #20 Virginia Street into the new storm drain system: \$200.00
3. Install 260 linear feet of 4” diameter PVC pipe and two (2) cleanouts to connect two (2) existing 4” PVC French drain outlets from #20 Virginia Street into the storm drain system: \$2,210.00
4. Saw-cut and jackhammer pre-cast concrete catch basins #102 & #103 to widen the opening from 24” to 36” to accommodate the existing 36” diameter corrugated metal pipe: \$1,000.00
5. Excavate & dispose of 11 cubic yards of unsuitable material encountered beneath the proposed 15” and 36” HDPE storm drain lines; furnish and install 22 tons of 3/4” stone replacing the unsuitable material: \$1,500.00
6. Excavate & dispose of an approximately 6’x8’x4’ boulder encountered during excavation for proposed 15” diameter HDPE storm drain line: \$750.00
7. Install an “overflow” swale within the existing drainage easement at #20 Virginia Street approximately 8’ wide by 2’ deep by 75’ long (including restoration) in accordance with the plan prepared by the Department of Environmental Control: \$800.00
8. Excavate and dispose of approximately 13 cubic yards of native backfill material from the trench for the 6” HDPE underdrain installed within the existing easement at #20 Virginia Street as directed by the Department of Environmental Control; furnish and install 25 tons of ¾” stone as backfill: \$1,600.00

and
Whereas, all costs relative to this amendment have been negotiated by the Department of Environmental Control and are in accordance with the contract specifications;

Now, Therefore, Be It

Resolved that the Town Board of the Town of Clarkstown hereby authorizes an amendment to the contract amount for Bid #20-2009 Virginia Street/Carolina Drive Drainage Improvements in the amount of \$8,860.00; and be it Further Resolved, that the total cost of the project shall not exceed \$317,640.00 without further Town Board resolution and it shall be a proper charge to account # H 8755- 409-0-79-34, and be it Further Resolved, that this Resolution is hereby made retroactive to October 20, 2009.

On roll call the vote was as follows
 Co. Lasker..... Yes
 Co. Maloney..... Yes

RESOLUTION NO. (577-2009) continued

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

RESOLUTION NO. (578-2009)

Co. Maloney offered and Co. Borelli seconded

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #20-2009 Virginia Street/Carolina Drive Drainage Improvements to Pinebrook Industries, Inc. of New City, New York; and

Whereas, unanticipated field conditions and modifications to the design of the proposed storm drain improvements have resulted in changes not included in the original scope of work for the project; and

Whereas, this amendment consists of the following required changes:

1. Install a new oversized catch basin and approximately 55 linear feet of 30" diameter HDPE storm drain pipe not included in the original plan for this project to divert storm runoff from the south side of Virginia Street to the north side and make more efficient use of the newly installed infiltration chambers: \$12,000.00
2. Remove and dispose of a damaged, sub-standard catch basin located at the northwest corner of the intersection of Virginia Street and Carolina Drive; replace the existing catch basin with a new catch basin at the same location: \$5,000.00
3. Remove and replace approximately 50 linear feet of existing concrete curb at the west limits of the project not included in the original scope of work for this project necessitated by the additional drainage installations in item #1 above: \$1,800.004.
Reimburse Pinebrook Industries, Inc. for three (3) hours of lost time due to the relocation of an existing sanitary sewer house connection by Town forces: \$500.00
5. Install Truing & Leveling Course Asphalt at several locations on Virginia Street to correct voids in the existing base course asphalt pavement for a unit price of \$135.00 per ton in place for a total not to exceed \$5,400.00;

and

Whereas, all costs relative to this amendment have been negotiated by the Department of Environmental Control and are in accordance with the contract specifications;

Now, Therefore, Be It

Resolved, that the Town Board of the Town of Clarkstown hereby authorizes an amendment to the contract amount for Bid # 20-2009 Virginia Street/Carolina Drive Drainage Improvements in the amount of \$24,700.00; and be it

Further Resolved that the total cost of the project shall not exceed \$353,041.25 without further Town Board resolution and it shall be a proper charge to account # H 8755-409-0-79-34.

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

RESOLUTION NO. (579-2009)

Co. Maloney offered and Co. Lasker seconded

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

WHEREAS, Clarkstown Chief of Police, Peter Noonan, advised that the Town of Ramapo has authorized its Supervisor, pursuant to Resolution No. 573-2009, to extend a license agreement pursuant to the same terms and conditions for another year, with the Town of Clarkstown for use of the Town of Ramapo Firing Range Facility by the Clarkstown Police Department, and

WHEREAS, the Clarkstown Police Department wishes to extend the license agreement for the calendar year 2010;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement with the Town of Ramapo, in a form approved by the Town Attorney, for use of the Town of Ramapo's Police Range Facility by the Clarkstown Police Department for the calendar year 2010.

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

RESOLUTION NO. (580-2009)

Co. Lasker offered and Co. Maloney seconded

Resolution Accepting Deed Concerning SMK-North Grant Subdivision (Congers – 44.11-2-48)

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final subdivision approval by the Planning Board with regard to a subdivision known as "SMK-NORTH GRANT," Tax Map 44.11-2-48, SMK Home Builders, Inc. has tendered a deed to the Town of Clarkstown, dated November 9, 2009, for future road widening purposes on North Grant Street, Congers, New York, and

WHEREAS, the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended acceptance and recording of said Deed and the Town Attorney has advised that the tendered instrument is in recordable form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Deed for road widening purposes from SMK Home Builders, Inc. and orders same recorded in the Rockland County Clerk's Office at the

RESOLUTION NO. (580-2009) continued
expense of the grantor.

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

RESOLUTION NO. (581-2009)
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that Edward Bertolino is hereby appointed to the position of Member – Traffic and Traffic Fire Safety Advisory Board – (to fill the unexpired term of George L. Cebisch) – term effective November 30, 2009 and to expire on March 1, 2012 – at the current 2009 annual salary of 2,800.

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

RESOLUTION NO. (582-2009)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION ADOPTING A FINDINGS STATEMENT AND REVISIONS TO THE FINAL
COMPREHENSIVE PLAN AND FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)

WHEREAS, pursuant to NYCRR Part 617.9(a)(5) the Special Board, as the Town’s agent pursuant to SEQRA, has prepared a Final Comprehensive Plan and Final Generic Environmental Impact Statement (FGEIS), which addresses, pursuant to 6NYCRR Part 617.9(b)(8), the substantive comments received by various entities in response to the Draft Generic Environmental Impact Statement (DGEIS) which was deemed complete by the Town Board via resolution on August 25, 2009, and which comment period ended on October 2, 2009, and

WHEREAS, by Resolution No. 530-2009, adopted October 20, 2009, the Town Board deemed the Final Comprehensive Plan/FGEIS complete, and directed the Special Board to file, distribute, and publish a Notice of Completion pursuant to 6NYCRR Part 617.12(b)(1) and 617.12(c), and

WHEREAS, the Town Board further directed the Special Board to distribute the Final Comprehensive Plan/FGEIS to the Rockland County Planning Department, the Town of Clarkstown Planning Board, and other interested agencies in accordance with 6NYCRR Part 617.12(a)(2)(iii) and 617.12(B)(1), and to other municipalities and governmental bodies as required by Sections 239-l and 239-m of the General Municipal Law, and

WHEREAS, by Resolution No. 530-2009, the Town Board further established a comment period of fifteen (15) calendar days, pursuant to 6NYCRR 617.11(a), which comment period ended on November 4, 2009, and

WHEREAS, the following entities provided comments during the comment period:

- 1. Congers Civic Association, by letter dated October 30, 2009;
- 2. Rockland County Sewer District No. 1, by letter dated November 3, 2009;
- 3. Tilcon New York, Inc., by letter dated November 4, 2009;
- 4. West Branch Conservation Association, memo submitted via email on November 4, 2009; and

WHEREAS, the comments consisted of both substantive remarks as well as grammatical and typographical suggestions, and

WHEREAS, the Special Board has prepared a draft Findings Statement pursuant to 6NYCRR Part 617.11, which Findings Statement addresses the substantive changes received during the comment period, and

WHEREAS, the Rockland County Planning Department, by letter dated November 17, 2009, commented on the Comprehensive Plan/FGEIS pursuant to General Municipal Law 238-l and 239-m and recommended adoption of the Final Comprehensive Plan/FGEIS subject to certain modifications, and

WHEREAS, the Town Planner, on behalf of the Special Board prepared a memo dated November 23, 2009, in which he addresses the grammatical and typographical suggestions received during the comment period as well as the Rockland County Planning Board’s comments under General Municipal Law 239-l and 239-m, and recommends certain revisions to the Final Comprehensive Plan/FGEIS as “errata,” and

WHEREAS, the Town Board has carefully considered the comments from various entities and has reviewed and considered the Findings Statement and November 23, 2009 memo from the Town Planner;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the Findings Statement (on file with Town Clerk) attached hereto as Exhibit “A,” and hereby directs that the Special Board file and distribute the Findings Statement in accordance with 6NYCRR 617.12(b), and be it

FURTHER RESOLVED, that the November 23, 2009 memo by the Town Planner and the errata set forth therein are hereby incorporated by reference into the Final Comprehensive Plan/FGEIS, and be it

FURTHER RESOLVED, that the Town Board adopts the recommendations set forth in the Town Planner’s November 23, 2009 memo with respect to the Rockland County Department of Planning’s comments pursuant to General Municipal Law 239-l and 239-m, and be it

FURTHER RESOLVED, that comments numbered 1 and 7, by the Rockland County Planning Department dated November 17, 2009 are hereby overridden for the following reasons:

- (1) Comment 1 - As set forth in the November 23, 2009 memo from the Town Planner, the Town has already addressed this issue through legislation;
- (2) Comment 7 - As set forth in the November 23, 2009 memo from the Town Planner, these issues will be addressed in the form of specific zoning amendments as the Town implements the Plan.

and be it

RESOLUTION NO. (582-2009) continued

FURTHER RESOLVED, that the Final Comprehensive Plan/FGEIS, as amended herein, is hereby adopted, and be it

FURTHER RESOLVED, that the Special Board shall continue in existence and be charged with assisting the Town Board with carrying out the recommendations set forth in the Final Comprehensive Plan, including but not limited to, commissioning recommended studies and proposing revisions to the Town’s Zoning Local Law consistent with the recommendations set forth in the Final Comprehensive Plan.

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

RESOLUTION NO. (583-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A SUPPORT CONTRACT AND LICENSE AGREEMENT WITH PSTEK TO PROVIDE HUMAN RESOURCES SOFTWARE, TRAINING AND SUPPORT

WHEREAS, the Town Personnel Department and the Director of Automated Systems have determined that the Town Personnel Department is in need of data management software; and

WHEREAS, the Director of Automated Systems and Director of Personnel solicited proposals from three (3) software providers; and

WHEREAS, the Director of Automated Systems and Director of Personnel recommend the purchase of the “PStek Civil Service Module,” which is also utilized by the County of Rockland;

NOW, THEREFORE BE IT

RESOLVED, that the Supervisor to enter into a Support Contract and License Agreement with PStek, Inc., in a form approved by the Town Attorney, for the lease finance of the PStek Civil Service Software; and be it

FURTHER RESOLVED, that the cost of said lease finance and related support shall not exceed \$48,000 annually and shall constitute a proper charge to account no. A-1680-453.

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

RESOLUTION NO. (584-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH ORANGE AND ROCKLAND UTILITIES, INC.

WHEREAS, the Town of Clarkstown constructed an emergency communications tower (the “Communications Tower”) on certain property located on Mountainview Avenue, Valley Cottage, New York, and owned by United Water, Inc.; and

WHEREAS, the purpose of the Communications Tower is to provide for improved emergency communications among public entities and utilities; and

WHEREAS, Orange and Rockland, Inc. has requested permission to locate 4 antennae on the Communications Tower;

NOW, THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement, in a form approved by the Town Attorney, with Orange & Rockland Utilities, Inc. allowing the placement of 4 antenna on the Communications Tower; and be it

FURTHER RESOLVED, that said agreement shall provide, among other things, for payment to the Town of \$1000 per month per antennae, for a pro rata contribution toward the cost of ground shelters and for Orange & Rockland to name the Town as an additional insured on a policy deemed acceptable to the Insurance and Claims Manager.

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

RESOLUTION NO. (585-2009)

Co. Borelli offered and Co. Hoehmann seconded

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

BID#8-2010 – COMBINATION GRANULAR & LIQUID ANTI-ICING UNIT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by 11:00 A.M. on December 14, 2009 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

RESOLUTION NO. (585-2009) continued

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

RESOLUTION NO. (586-2009)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING AN INCREASE IN THE ALLOWANCE FOR BID #21-2009 BUENA VISTA ROAD ROADWAY & DRAINAGE IMPROVEMENTS FOR THE PREPARATION OF A PROJECT LABOR AGREEMENT FEASIBILITY STUDY AND TO RETAIN THE SERVICES OF A PRIVATE ELECTRICIAN TO PERFORM UTILITY RELOCATION WORK

Whereas, by Resolution #681-2008 the Town Board of the Town of Clarkstown retained the services of H2M Group (H2M) to perform feasibility studies to determine whether a Project Labor Agreement (PLA) is warranted on certain capital improvement projects, and authorized the expenditure to be charged to the capital improvement project at issue; and

Whereas, Bid #21-2009 Buena Vista Road Roadway & Drainage Improvements is one of the projects for which a feasibility was performed; and

Whereas, an invoice has been submitted by H2M in the amount of \$9,300.00 for the feasibility study performed for the subject project, which the Department of Environmental Control has reviewed said invoice and finds it to be correct; and

Whereas, as part of this project it is necessary for Orange and Rockland Utilities, Inc. (O&R) to install new utility poles and for the respective utility companies to relocate their existing utility lines onto the new poles on the east side of Buena Vista Road; and

Whereas, the existing electric service to #22 Buena Vista Road at the northern corner of the intersection of Buena Vista Road and Beatrice Lane is an in-ground service emanating from the existing utility pole; and

Whereas, the installation of a new utility pole at this location has necessitated the relocation of the feed for the in-ground electric service to #22 Buena Vista Road from the existing pole to the new pole; and

Whereas, it is the policy of O&R that they do not relocate existing in-ground service feeds as part of the new pole installation and utility line relocation work; and

Whereas, the Department of Environmental Control has solicited a proposal in the amount of \$2,150.00 from Mag Electric Company of Congers, New York to perform the work necessary to relocate the feed for the in-ground service from the existing pole to the new pole; and

Whereas all work associated with this service relocation shall be performed within the right-of-way limits for Buena Vista Road; and

Whereas, the Department of Environmental Control has reviewed said proposal and finds it to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of Mag Electric Company to perform all work required to relocate the in-ground electric service feed to #22 Buena Vista Road in accordance with their proposal; and

Be It Further Resolved that the allowance for Bid #21-2009 Buena Vista Road Roadway & Drainage Improvements be increased by \$11,450.00 to reflect the costs associated with these change orders on contract; and

Be It Further Resolved that this amount shall not increase without further Town Board resolution; and

Be It Further Resolved that this shall be a proper charge to account #H-8755-409-0-79-34.

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

RESOLUTION NO. (587-2009)

Co. Borelli offered and Co. Maloney seconded

Resolution Amending Resolution No. 337-2009 With Respect To Authorizing an Agreement with H2m Group for Engineering Services Concerning Site Improvements/Communication Shelter at the Police Communication Tower Site, Mountainview Avenue, Nyack, New York

WHEREAS, the Town Board, by Resolution No. 337-2009, adopted on June 16, 2009, authorized an agreement with the H2M Group, to provide engineering services for Task I of the project concerning the site improvements/communications shelter to be located at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and

WHEREAS, H2M has submitted a proposal dated June 11, 2009 to provide the requested services in Task II of the project for an additional cost of 10.5% of the estimated cost of construction or \$95,000.00, as provided for in a letter dated October 9, 2009 containing construction estimates therein, which the Town Attorney has reviewed and found to be reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 337-2009, by authorizing the H2M Group to perform additional engineering services for Task II of the project pursuant to its proposal dated June 11, 2009 and subsequent October 9, 2009 proposal for an additional cost of \$95,000.00, and be it

FURTHER RESOLVED, that the total cost for H2M's services with respect to the project referred to herein shall not exceed \$95,000.00 plus reimbursable expenses, and shall constitute a proper charge to Account No. H 8754-409-0-78-41.

RESOLUTION NO. (587-2009) continued

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

The Supervisor opened the meeting for general public comments.

Tom Leonard- Congers

Congratulated Superintendent of Highways Wayne Ballard for doing an amazing job and Code Enforcer Joel Epstein for helping out with a few scout projects. Asked how to obtain certain public information without going through the process of FOIL's.

Supervisor Gromack

Stated that if you ask a question, you will get an answer, and said meetings could be set up for residents.

Christopher Serra- New City

Commended Superintendent of Highways Wayne Ballard and Captain Mann for listening to his concerns regarding speeding on Third Street in New City and working towards a prompt resolution.

Guy Gervasi- West Nyack

Submitted a letter (on file with Town Clerk), regarding town owned vehicles, town employees attending the NYS Association of Towns Conference, and a proposed ice rink at Congers Memorial Park.

Steven Levine- Congers

Asked about property on 139 Massachusetts Avenue in Congers.

Barry Goldberg- Goshen

Read and submitted a letter regarding Massachusetts Avenue properties, (on file with Town Clerk).

Jack Barowski- New City

Asked about the status of the Stop & Shop property.

Supervisor Gromack

Stated that the Stop & Shop project is still moving forward and will commence in the spring of 2010.

On motion of Co. Borelli, seconded by Co. Hoehmann, and unanimously adopted, the Town Board Meeting was adjourned, 10:12 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

11/24/09

8: 05 P.M.

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

Re: Application of United Hospice of Rockland, Inc. for a Special Permit to operate a Hospice Residence

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:05 P.M.

Amy Mele- Town Attorney

Gave an overview of the application, stating that site planning should be referred to the Town of Ramapo, the Clarkstown Planning Board would act as SEQRA agent, and there would be monthly testing of the generator.

Joe Simoes- Town Planner

Gave a project overview, stating there would be limited traffic and temporary noise during construction.

Ira Emmanuel- Attorney for applicant

Thanked the neighbors for their input, which made this one of the best site plans, and said this will be the first hospice facility in the county.

David Sugar- New City

Stated that the area where hospice will be was used as a staging area this summer for working on the sewers, creating a lot of noise, and does not believe that the noise will be kept as low as stated for the generator.

Scott Ugell- New City

Stated his mother spent her last days in a hospice and he supports this project.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, hearing was closed 8:25 P.M. RESOLUTION NO. (555-2009)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (555-2009)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

11/24/09

8:26 P.M.

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

Re: Petition of Hyenga Lake Development, LLC for special permit to construct Senior Citizen Housing. On motion of Co. Hoehmann, seconded by Co. Lasker, hearing opened 8:26 P.M.

Amy Mele- Town Attorney

Gave an overview of the petition, stating the property was originally designated for eighty condominium units, but was revised to be senior housing.

Joe Simoes- Town Planner

Spoke about extensive Environmental Impact Statement (on file with Town Clerk) and that there would be less traffic with senior housing.

Amy Mele- Town Attorney

Submitted letter she received from Environmental Design Partnership on behalf of Country Realty Company, owners of Wide World of Cars and BMW auto dealerships in Spring Valley, (on file with Town Clerk).

Ann Cutignola- Tim Miller Associates, Architects for project

Spoke about the need in Clarkstown for this type of facility and said she could answer any questions.

AJ Cappolo- Architect for Tim Miller Associates

Spoke about the project, which adheres to the Green Building Initiative.

Howard Hellman- Applicant for project

Spoke about plans for relocation of current tenants, which will be at the builder's expense, and said tenants would be given 30-60 day notice to leave, in the spring.

Dorothy Rooney- Hyenga Lake

Stated neither she, nor other residents, had any notification about having to move.

Hugo Jimenez- Spring Valley

Stated that many were not notified that they had to move and asked what would happen to the river along Pipetown Hill Road.

Joe Simoes- Town Planner

Stated the stream would be left in a natural state.

Stephanie Mendez- Hyenga Lake

Stated she moved to Hyenga Lake in February and there was no notification regarding moving.

Jim Flynn- Nanuet

Asked about the taxes on the property.

Ann Cutignola- Tim Miller Associates, Architects for project

Stated that the pilot agreement is in lieu of taxes, but has yet to be negotiated between the town and the applicant.

Guy Gervasi- West Nyack

Asked questions about the pilot agreements.

Co. Hoehmann

Asked if the applicant is seeking Energy Star Certification?

Co. Lasker

Asked if Energy Star was not at a higher standard than the Green Building Initiative?

AJ Cappolo- Architect for Tim Miller Associates

Stated that Energy Star Certification was not an option in this funding cycle, but the Green Building Initiative was and is at a higher threshold than Energy Star. Energy Star may be available in February and they could look into it.

Amy Mele- Town Attorney

Stated that the special permit will be revised to include that the applicant has agreed to give sixty days notice to the tenants, provide them with ongoing notification during the planning process, and will assume the cost of the relocation expense.

There being no one wishing to be heard, on motion of Co. Hoehmann, seconded by Co. Lasker, and unanimously adopted, hearing was closed 9:20 P.M. RESOLUTION NO. (556-2009)

Respectfully submitted,

David Carlucci
Town Clerk