

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

6/16/09

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.

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Supervisor Gromack and the Town Board paid tribute to former Councilman Ralph Mandia, welcoming his family and friends during this difficult time. Chief Peter Noonan spoke about Honorable Mandia's service and dedication as a Police Commissioner and presented a plaque to his sons. Frank Voss spoke, on behalf of the three thousand plus volunteers in Rockland County, about Hon. Mandia's commitment to the volunteer services and his efforts to bring affordable housing for volunteers to fruition. Mr. Voss described the tradition of the tolling of the bell for the passing of a volunteer service member in the line of duty, followed by the tolling of the bell in dedication to Hon. Mandia's memory. Scott Milich, Chairman of the Pride of Clarkstown Committee, spoke about the Pride of Clarkstown program, which was based on Hon. Mandia's vision to recognize the hard work and efforts of commercial property owners who maintain and enhance their property. Mr. Milich stated that Hon. Mandia was a symbol of selflessness to the residents of Clarkstown and will forever be missed. Greg Tobin spoke about Hon. Mandia's love for his family, those serving in the armed forces, the volunteer emergency service members, and how his sincere dedication to the residents of Clarkstown must not be forgotten. Co. Maloney stated that it was a privilege to serve twenty of his thirty-six years with Hon. Mandia, whose only concern when sitting on the Town Board was about what was good for the people of Clarkstown. His work as a Police Commissioner made the Clarkstown Police force the best there is. Co. Lasker stated that Hon. Mandia was a real gentleman, a kind spirit, a modest and humble man. As a dedicated public servant, he took on a lot of issues, such as the West Nyack Hamlet Green, volunteer and senior housing, and revitalization, and dedicated his life to making Clarkstown a better place and he succeeded. Co. Borelli stated that Hon. Mandia was like a teacher to him, calling their time together "Clarkstown Government 101," and how he will miss his guidance. Co. Hoehmann considered Hon. Mandia a friend and mentor, and when told by someone that he had replaced Ralph on the board, he replied, "No, I did not replace Ralph on the board. I sit on his seat, because you can't replace Ralph." Co. Hoehmann spoke about continuing to work on the issues that mattered to Hon. Mandia, a true servant of the people. Supervisor Gromack stated that Ralph had so many friends, and the reason that he had so many friends, was because he was a friend to so many people. Ralph cherished and loved his family the most and he loved the people of Clarkstown. Supervisor Gromack noted that when a person talked to Hon. Mandia, they knew he was giving them his fullest attention. He further spoke about Hon. Mandia's tremendous courage and how a lesser person would have quit a long time ago, but despite his disability worsening, his determination grew stronger, making Town Board and civic meetings. The Supervisor expressed that there is not a more impressive person that he has met in his lifetime than Ralph Mandia, a man who has made his mark on public service and the Town of Clarkstown and so many lives that he touched. Supervisor Gromack thanked Hon. Mandia's family for sharing his love and life and laughter with our town and its residents, and for the lives that he touched that are so much more enriched because of the man who he is.

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Public Hearing #1 re: Proposed Local Law entitled: "A Local Law to Amend Several Chapters of the Town Code of the Town of Clarkstown (Administration Section). On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:40 P.M. On motion of Co. Maloney, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was closed 8:50 P.M. RESOLUTION NO. (306-2009)

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Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers

Regarding agenda item #16 (res. no. 340-2009), asked if the property was being donated, agenda item #19 (res. no. 343-2009), asked for a reason for the amendment, and agenda item #14 (res. no. 338-2009), asked if it was a temporary easement or a permanent easement?

Amy Mele- Town Attorney

Regarding agenda item #16 (res. no. 340-2009), stated the property was being donated. Regarding agenda #19 (res. no. 343-2009), stated there was a discrepancy between the town and county map for the width of Little Tor Road, with the town's as 70' and the county's as 60'. The change will show the width as 60'. Regarding agenda item #14 (res. no. 338-2009), stated it pertained to a permit for a drainage project and the Palisades Center Mall was paying \$2 million for the project.

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The Supervisor opened the meeting for general public comments.

Steven Levine- Congers

Stated any decisions about the property on Massachusetts Avenue that is owned by Fannie Mae should be done in a public manner and the Town Board should not remove the lien.

Amy Mele- Town Attorney

Stated that discussions with the attorneys are not public, but Town Board discussions are.

Barry Goldberg- Goshen

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

Roberta Bangs- Nanuet, President of Hi-Tor Animal Shelter

Stated she wanted to be here for the tribute to Co. Mandia and that the shelter has a new executive director.

Christopher Goodyear- West Nyack, 35 year veteran of the Clarkstown Police Department

Read and submitted a letter regarding the Clarkstown Police Department, (on file with Town Clerk).

Supervisor Gromack-

Stated that he and the Town Board have the highest respect for the police department and those that serve. The Town Board will ask questions of any and all departments regarding finances, particularly during these difficult economic times.

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RESOLUTION NO. (306-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 4 – 2009

WHEREAS, a proposed local law entitled, “A Local Law Amending Chapter 1-General Provisions, Chapter 4-Appearance Tickets, Chapter 6-Assessor -Office of, Chapter 10-Condominium Information Board, Chapter 13-Drug Abuse Prevention Council, Chapter 16-Environmental Control-Department of, Chapter 40-Personnel Policies, Chapter 42-Planning Board and Board of Appeals, Chapter 45-Police Department, Chapter 59-Safety Committee, Chapter 68-Traffic and Traffic Fire Safety Advisory Board, Chapter 84—Youth Commission, Chapter 113-Bus Transportation, and Chapter 226-Recycling, of the Code of the Town of Clarkstown,” was introduced by Councilman John Maloney, at a Town Board meeting held on May 19, 2009, and

WHEREAS, the purpose of this law is to delete certain sections of the Town Code which are no longer applicable, to clarify certain sections, and to bring other sections up to date, specifically to delete Chapters 10 (Condominium Information Board), 13 (Drug Abuse Prevention Council), 40 (Personnel Policies), 59 (Safety Committee), 84 (Youth Commission), as these boards are no longer in existence, and Chapter 113 (Bus Transportation) as this section is superseded by New York State Law, and modify the following Chapters:

Chapter 1 (General Provisions) - Change in definition of title (Chief Code Enforcement Officer);

Chapter 4 (Appearance Tickets) - Clarify and expand authority of Town personnel to issue appearance tickets;

Chapter 6 (Assessor) – Provide for six year term in accordance with current practice;

Chapter 16 (Department of Environmental Control) - Update language and duties to conform to current responsibilities;

Chapter 42 (Certification of Planning Board and ZBA Members) - Update training requirements to conform to NYS law;

Chapter 45 (Police Department) – Revise sections relating to mutual aid and the right to choose legal counsel;

Chapter 68 (Traffic & Traffic Fire Safety Advisory Board) – Revise definition of ‘member’, ‘quorum’ and add Traffic Calming Program procedures;

Chapter 226 (Recycling) – Insert definitions for paper and cardboard, include time periods for collection, and update penalties for violations;

and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 19, 2009, directed that a public hearing be held on June 16, 2009, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on June 3, 2009, 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 June 4, 2009, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 16, 2009, and

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4 – 2009 entitled:

“A Local Law Amending Chapter 1-General Provisions, Chapter 4-Appearance Tickets, Chapter 6-Assessor -Office of, Chapter 10-Condominium Information Board, Chapter 13-Drug Abuse Prevention Council, Chapter 16-Environmental Control-Department of, Chapter 40-Personnel Policies, Chapter 42-Planning Board and Board of Appeals, Chapter 45-Police Department, Chapter 59-Safety Committee, Chapter 68-Traffic and Traffic Fire Safety Advisory Board, Chapter 84—Youth Commission, Chapter 113-Bus Transportation, and Chapter 226-Recycling, 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. Hoehmann... . . . . 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. (307-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Town Board Minutes of May 19, 2009 is 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. (308-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Robert C. Johnson, Member – Fire Board of Appeals – is hereby accepted – effective and retroactive to May 28, 2009.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (309-2009)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on May 18, 2009 that the position of Maintenance Helper #500945 – (encumbered by Anthony Loperfido) - Parks Board and Recreation Commission – can be reclassified to the position of Custodian I,

NOW, therefore, be it

RESOLVED, that the position of Maintenance Helper is hereby reclassified to the position of Custodian I – Parks Board and Recreation Commission – effective June 17, 2009.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (310-2009)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08097 Custodian I which contains, the name of Anthony Loperfido,

NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Anthony Loperfido to the position of (permanent) Custodian I – Parks Board and Recreation Commission – at the current 2009 annual salary of \$55,545., - effective June 17, 2009.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (311-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that John A. Miele is hereby reappointed to the position of Member – Traffic & Traffic Fire Safety Advisory Board -at the 2009 salary of \$2,800., - term effective and retroactive to April 1, 2009 and to expire on March 31, 2014.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (312-2009)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Daniel C. Lettre has requested a leave of absence, without pay, and

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

NOW, therefore, be it

RESOLVED, that Daniel C. Lettre – Senior Groundswoker – Maintenance Department – is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to June 4, 2009 to December 4, 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. (313-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Samantha Correa, – Payroll Clerk and Data Entry Operator – Clarkstown Police Department – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective June 22, 2009.

On roll call the vote was as follows

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

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RESOLUTION NO. (314-2009)

Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$147,917.31 from the County of Rockland, \$87,017.49 from Money in Lieu of Land donations, \$5,000 from Tilcon New York, Inc., \$3,400 from donations to the Greening Initiative Program and \$3,492 from the State of New York,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc.) and Expense Account H-8755-409-0-79-31 (-Capital Projects-Commuter Lot Monitoring System) by \$147,917.31 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-1 (Donations-Money in Lieu of Land) and Expense Account A-9550-910-1 (Transfer to Capital) by \$87,017.49 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (Gifts & Donations) and Expense Account A-7620-409-0 (Adult Activities-Fees for Services) by \$5,000 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (Gifts & Donations) and Expense Account A-8511-319-0 (Community Beautification-Misc Supplies) by \$3,400 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-10-4990-0 (Federal Aid-Justice Ct Assistance) by \$3,492 and increase Expense Account A-1110-307-0 (Justice Ct-Uniforms) by \$1,662, A-1110-201-0 (Justice Ct-Furnishings/Fixtures) by \$810 and A-1110-327-0 (Justice Ct-Misc Supplies) by \$1,020 and

WHEREAS, the following account requires additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account B-8020-423-0 (Planning-Association Dues) and increase B-8020-328-0 (Planning-Books/Publications) by \$830

On roll call the vote was as follows

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

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RESOLUTION NO. (315-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR J.A.R.G. INC. (DBA AS FRENCH QUARTER)

WHEREAS, J.A.R.G. Inc., doing business as the French Quarter, 395 South Main Street, New City, New York, advised that they intend to apply for an on-premises liquor license 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 J.A.R.G. INC. (DBA as the FRENCH QUARTER), 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

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RESOLUTION NO. (316-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR PRABHUDADA RESTAURANT, INC.

RESOLUTION NO. (316-2009) continued

WHEREAS, Jonah Jacobson, attorney for Prabhudada Restaurant, Inc., has advised that his clients intend to apply for an on-premises liquor license for a restaurant to be 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

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RESOLUTION NO. (317-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE ADOPTION OF THE TOWN OF CLARKSTOWN SEWER DEPARTMENT AND LANDFILL MAINTENANCE CONFINED SPACE ENTRY PROGRAM

WHEREAS, in keeping with its tradition of concern for employee safety, the Department of Environmental Control has refined its requirements for confined space entry to conform to OSHA 1910.146 Permit Required Confined Space Standard, with regard to the Sewer Department and Landfill Maintenance employees, and

WHEREAS, the Town Board wishes to establish the refined procedures as set forth in the program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the adoption of the Department of Environmental Control "Confined Space Entry Program," for the Sewer Department and Landfill Maintenance employees.

On roll call the vote was as follows

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

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RESOLUTION NO. (318-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING AN INCREASE IN THE SCOPE OF WORK FOR ENGINEERING AND DESIGN SERVICES FOR THE QUASPECK PARK STORM DRAIN PROJECT

Whereas, the Town of Clarkstown has, by Town Board resolution #117-2005, retained McLaren Engineering Group of West Nyack, New York to perform engineering and design services for the Quaspeck Park Storm Drain Project; and

Whereas, the Town of Clarkstown is currently negotiating with the Palisades Interstate Park Commission (PIP) for the acquisition of a drainage easement over lands now or formerly of the PIP; and

Whereas, as a condition of said negotiations, the PIP is requiring that a Phase 1A Archaeological Assessment be prepared in connection with the proposed easement through their lands; and

Whereas, this work is not included in the original scope of work for this project; and

Whereas, the Department of Environmental Control has requested that McLaren Engineering Group provide a proposal for the additional services associated with this increase in the scope of work; and

Whereas, McLaren Engineering Group has submitted a proposal retaining the services of Historical Perspectives Inc. of Westport, Connecticut as a sub-contractor to perform the work associated with the preparation of the Phase 1A Archaeological Assessment; and

Whereas, the Department of Environmental Control has reviewed McLaren Engineering Group's proposal and finds it to be acceptable;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes an increase in the allotment for this project in the amount of \$3,100.00 to cover the costs associated with the increase in the scope of work; and

Be It Further Resolved that this shall be a proper charge to account # H 8755 – 409 – 0 – 79 – 1.

On roll call the vote was as follows

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

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RESOLUTION NO. (319-2009)  
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID#43-2009 – VENDING MACHINE SERVICES  
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

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RESOLUTION NO. (320-2009)  
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID #44-2009 – ZUKOR ROAD CULVERT REPAIR  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_  
\_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it  
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the  
Clarkstown Department of Environmental Control 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. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (321-2009)  
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID #45-2009 – MILL CREEK DRAINAGE PROJECT  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_  
\_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it  
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the  
Clarkstown Department of Environmental Control 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. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (322-2009)  
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID #46-2009 – HEATON’S POND PROJECT  
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_  
\_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it  
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the  
Clarkstown Department of Environmental Control 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. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (323-2009)  
Co. Maloney offered and Co. Hoehmann seconded

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

RESOLUTION NO. (323-2009) continued  
BID #47-2009 – CENTRAL NYACK DRAINAGE PROJECT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control 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. Hoehmann. . . . . Yes
  - Co. Borelli. . . . . Yes
  - Supervisor Gromack . . . . . Yes
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RESOLUTION NO. (324-2009)  
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID #48-2009 – QUASPECK DRAINAGE PROJECT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control 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. Hoehmann. . . . . Yes
  - Co. Borelli. . . . . Yes
  - Supervisor Gromack . . . . . Yes
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RESOLUTION NO. (325-2009)  
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID#49-2009 – SYNTHETIC ICE - RECREATION

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
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RESOLUTION NO. (326-2009)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AN INCREASE IN THE ALLOWANCE FOR BID #20-2009 VIRGINIA STREET/CAROLINA DRIVE DRAINAGE IMPROVEMENTS FOR THE PREPARATION OF A FEASIBILITY STUDY TO DETERMINE IF A PROJECT LABOR AGREEMENT IS WARRANTED

Whereas, by Resolution No. 681-2008, the Town Board of the Town of Clarkstown retained the services of H2M Group – Holzmacher, McLendon & Murell, P.C. (H2M) to perform feasibility studies to determine whether a Project Labor Agreement (PLA) is warranted on certain projects; and  
Whereas, Bid #20-2009 Virginia Street/Carolina Drive Drainage Improvements was one of the projects for which a feasibility study was performed; and  
Whereas, in accordance with their contract, compensation for services rendered by H2M is based on a sliding scale referenced to the estimated project construction cost; and  
Whereas, an invoice has been submitted by H2M in the amount of \$6,900.00 for the feasibility study performed for the subject project; and  
Whereas, the Department of Environmental Control has reviewed said invoice and finds it to be correct;  
Now, Therefore Be It Resolved that the allowance for Bid # 20-2009 Virginia Street/Carolina Drive Drainage Improvements be increased from \$38,950.00 to \$45,850.00 to reflect the costs associated with the preparation of said feasibility study; 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. (327-2009)  
Co. Maloney offered and Co. Borelli seconded

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

**BID # 45-2007 – ELKS DRIVE DRAINAGE IMPROVEMENTS**

is hereby awarded to: CAL-MART ENTERPRISES LLC, 4 BURTS ROAD, CONGERS, NY 10920

PRINCIPAL: CARL V. WORTENDYKE, MARTIN C. WORTENDYKE, PETER T. WORTENDYKE

as per their proposed project cost not to exceed \$398,398.00 and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number

H-8753-400-409-0-77-23 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. Hoehmann . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (328-2009)  
Co. Maloney offered and Co. Borelli seconded

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

**BID # 20-2009 – VIRGINIA STREET/CAROLINA DRIVE DRAINAGE IMPROVEMENTS**

is hereby awarded to: PINEBROOK INDUSTRIES, P.O. BOX 723, NEW CITY, NY 10956

PRINCIPAL: THERESA DI MATTEO

as per their proposed project cost not to exceed \$246,500.00 and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number

H-8755-400-409-0-79-34 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. Hoehmann . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (329-2009)  
Co. Maloney offered and Co. Borelli seconded

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

**BID # 37-2009 – WELLS AVENUE DRAINAGE IMPROVEMENTS**

is hereby awarded to: Marini Brothers Construction Co., Inc., 9 Lafayette Street, Hackensack, NJ 07601

PRINCIPAL: MIKE DANIELE, ANTHONY MARINI

RESOLUTION NO. (329-2009) continued

as per their proposed project cost not to exceed \$70,000.00 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
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number

H-8760-400-409-0-84-13 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. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (330-2009)

Co. Maloney offered and Co. Borelli seconded

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

BID #41-2009 – Five Dump Bodies with Salt Spreading and Liquid Application Attachment

is hereby awarded to the lowest responsible bidder:

REED SYSTEMS, 458 JOHNSON AVENUE, P.O. BOX 158, BOHEMIA, NY 11716-0158

PRINCIPALS: JOAN REED

as per their low bid proposal of \$75,900.00 each unit for five units and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8760-400-409-0-84-10 not to exceed \$379,500.00 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. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (331-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID#42-2009 – PAPER AND PLASTICS

is hereby awarded to:

PERKINS PAPER  
 206 WEMBLY ROAD  
 NEW WINDSOR, NY 12553  
 PRINCIPALS: GARY PERKINS  
 LARRY PERKINS  
 ALLEN PERKINS

UNIPAK CORP  
 2265 NATIONAL DRIVE  
 BROOKLYN, NY 11234  
 PRINCIPALS: BRIAN MARCUS

BORAX PAPER PRODUCTS  
 1390 SPOFFORD AVENUE  
 BRONX, NY 10474  
 PRINCIPALS: MARC BORAK  
 STEVEN DENMARK

CENTRAL POLY CORP  
 18 DONALDSON PLACE  
 LINDEN, NJ 07036  
 PRINCIPALS: ANDREW HOFFER  
 AGNES SERHOFER

as per the price/item list on file in the Purchasing Department.

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. (332-2009)  
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12386, Highland Vista Estates, New City.  
Hydrant #11268 – located 40’ s/o new Red Rock Rd  
Hydrant #11269 – located 590’ s/o new Red Rock Rd  
Hydrant #11270 – located 1030’ n/o Summit Dr. end & Red Rock Rd  
Hydrant #11271 – located 530’ n/o Summit Dr. end & Red Rock Rd.  
Hydrant #11272 – located at end of Summit Dr. & start of Red Rock Rd  
Hydrant #11273 – located 450’ n/o Old Phillips Hill Rd  
Hydrant #11274 – located on Old Phillips Hill Rd & 130’ w/o Summit Dr.  
Hydrant # 11275 – located on Old Phillips Hill Rd. & 525 e/o Buena Vista Rd.

and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Mark Papenmeyer, Chief Fire Safety Inspector.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (333-2009)  
Co. Borelli offered and Co. Lasker seconded

WHEREAS, a resident of Stetson Court, New City, in the Town of Clarkstown have requested that street lighting be installed to improve the safety and welfare of the community, and  
WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control, and  
WHEREAS, a majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

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

Stetson Court, New City (between 5 & 6) (Install one (1) -70-watt-5,800 sodium vapor street light on existing utility Pole #58951/41635)

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

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (334-2009)  
Co. Lasker offered and Co. Maloney 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 a specified Town location for an additional period of two (2) years, beginning June 5, 2009 to June 5, 2011, as follows:

Sponsor: Nanuet Rotary Club, P.O. Box 281, Nanuet, New York 10954

Location: Corner of South Middletown Road and the south end of Old Middletown Road, Nanuet, NY 10954  
and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from June 5, 2009 to June 5, 2011, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows

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

RESOLUTION NO. (335-2009)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH TILCON NEW YORK, INC. REGARDING WATER SERVICE CHARGES FOR EASTERN CONCRETE RELOCATION OF CONCRETE PLANT SITE PLAN (TAX MAP DESIGNATION 59.10-1-65, 66, 67, 68)

WHEREAS, as a condition of final site plan approval by the Planning Board, it has been recommended that one (1) fire hydrant be installed for proper fire protection within the said approved site plan known as "Eastern Concrete Relocation of Concrete Plant", designated on the Clarkstown tax map as Map 59.10, Block 1, Lots 65, 66, 67, 68, and

WHEREAS, said property is private property; and the hydrant has been installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Tilcon New York, Inc., as owner, in the form of a Declaration of Covenant, which shall be filed with the Rockland County Clerk and shall run with the land, in a form as approved by the Town Attorney, whereby Tilcon New York, Inc., or its successor(s) in interest, shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the fire hydrant located on such property known as Map 59.10, Block 1, Lots 65, 66, 67, 68, located in the hamlet of West Nyack, for the site plan known as "Eastern Concrete Relocation of Concrete Plant", affecting the tax map parcel referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Tilcon New York, Inc., or its successor(s) in interest, for payment of water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate within thirty (30) days of billing shall be subject to a 5% penalty and, if not paid thereafter, shall be a lien upon the premises and said charge shall become an additional tax on the following year's tax bill.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Borelli . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (336-2009)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH TILCON NEW YORK, INC. REGARDING WATER SERVICE CHARGES FOR EASTERN CONCRETE RELOCATION OF CONCRETE PLANT SITE PLAN (TAX MAP DESIGNATION 59.10-1-65, 66, 67, 68)

WHEREAS, as a condition of final site plan approval by the Planning Board, it has been recommended that one (1) fire hydrant be installed for proper fire protection within the said approved site plan known as "Eastern Concrete Relocation of Concrete Plant", designated on the Clarkstown tax map as Map 59.10, Block 1, Lots 65, 66, 67, 68, and

WHEREAS, said property is private property; and the hydrant has been installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Tilcon New York, Inc., as owner, in the form of a Declaration of Covenant, which shall be filed with the Rockland County Clerk and shall run with the land, in a form as approved by the Town Attorney, whereby Tilcon New York, Inc., or its successor(s) in interest, shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the fire hydrant located on such property known as Map 59.10, Block 1, Lots 65, 66, 67, 68, located in the hamlet of West Nyack, for the site plan known as "Eastern Concrete Relocation of Concrete Plant", affecting the tax map parcel referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Tilcon New York, Inc., or its successor(s) in interest, for payment of water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate within thirty (30) days of billing shall be subject to a 5% penalty and, if not paid thereafter, shall be a lien upon the premises and said charge shall become an additional tax on the following year's tax bill.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Borelli . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (337-2009)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE H2M GROUP TO PROVIDE ENGINEERING SERVICES CONCERNING SITE IMPROVEMENTS/COMMUNICATION SHELTER AT THE POLICE COMMUNICATION TOWER SITE, MOUNAINVIEW AVENUE, NYACK, NEW YORK

RESOLUTION NO. (337-2009) continued

WHEREAS, the Town of Clarkstown has solicited proposals for professional engineering/architectural services for site improvements/communications shelter to be located at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and

WHEREAS, the H2M Group has submitted a proposal dated June 11, 2009, which was found to be reasonable in terms of scope and price and the Director of Finance recommended the hiring of this company;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with H2M, in a form approved by the Town Attorney, to provide professional engineering/architectural services for site improvements/communications shelter to be located at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and be it

FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$25,000.00, pursuant to H2M's proposal, and shall be charged to Account No. H 8754-409-0-78-41, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows

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

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RESOLUTION NO. (338-2009)

Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, EKLECCO NEWCO, LLC has agreed to convey an Easement to the Town of Clarkstown for maintenance of a berm and flood control wall constructed pursuant to the Hackensack River Natural Area Improvements Project on property shown on the Clarkstown Tax Map as 65.5 - 2- 2, and

WHEREAS, the Department of Environmental Control 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 Supervisor of the Town of Clarkstown is hereby authorized to accept said Easement on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said Easement is hereby ordered recorded in the Office of the Rockland County Clerk.

On roll call the vote was as follows

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

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RESOLUTION NO. (339-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR STABILIZATION OF STREAM BANK AND DEBRIS REMOVAL WITHIN A DRAINAGE EASEMENT IN THE VICINITY OF 306 Old Mill Road, Valley Cottage, NEW YORK FEMA PW # 1573

Whereas, Town Board resolution #153-2009 awarded bid for stream bank stabilization and debris removal at 306 Old Mill Road, Valley Cottage to Pine Brook Industries in New City, NY; and  
Whereas, unanticipated field conditions have resulted in changes in the work being performed as part of this project; and

Whereas, the required changes made in reference to this change order are as follows:

Deliver and install additional large boulders (min 2'x3') to stabilize approximately 75 feet of stream bank, install clean fill and screen topsoil, seed and mulch.

Whereas, all costs relative to Change Order No. 1 have been reviewed by the Department of Environmental Control and were found to be reasonable and in accordance with the Specifications,

Now, Therefore, Be It Resolved that the total approved cost for this change order on contract is \$1,980.00; and Be It Further Resolved that the current budget allowance for this project shall be increased to \$18,480.00 to reflect the additional cost of this change order on contract; and

Be It Further Resolved that this shall be a proper charge to account # H 8758-409-0-82-11

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. (340-2009)  
Co. Borelli offered and Co. Lasker seconded

Resolution Authorizing the Supervisor to Enter into Contract for Property Acquisition

WHEREAS, Mr. Jerrold Hirschberg, Principal of International Divestitures, Inc., owner of 296 Phillips Hill Road, New City (43.5-1-75), a vacant wooded parcel of land adjacent to Crum Creek, has approached the Town and would like to donate this parcel to the Town for no consideration, and

WHEREAS, by Resolution 287-2009 adopted May 17, 2009 the Town Board authorized the Town Attorney to pursue this acquisition and a negative declaration under SEQRA was made,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract for the acquisition of 296 Phillips Hill Road, New City.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (341-2009)  
Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, the Clarkstown Highway Department and the Clarkstown Police Department have observed an area at the Dead End/Turn Around of Albacon Road, Nanuet that is intensely utilized by numerous dog walkers where violations of Town Code Chapter 125-4F (Nuisance by failure to clean up) are frequently observed, and

WHEREAS, this area abuts a Town of Clarkstown 'Open Area' parcel known as 26 Albacon Road (57.11-1-13), and

WHEREAS, controlling signage will serve to notify errant dog walkers and better protect the green space in this neighborhood;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby directed to install:

'Dog Waste Prohibited' signs at the Dead End/Turn Around of Albacon Road, Nanuet in the vicinity of 26 Albacon Road.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (342-2009)  
Co. Borelli offered and Co. Hoehmann seconded

Resolution Granting Permission to Alert Hook, Ladder and Engine Company No. 1, to have a Licensed Fireworks Display at 65/66 Lake Road, Congers, New York, and Carnival

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has requested permission to have a licensed fireworks display at 65/66 Lake Road, Congers, New York, on June 28, 2009, and hold a carnival on June 25, 2009 through June 28, 2009, and

WHEREAS, Police Chief Peter Noonan, Clarkstown Police Department, Keith Garrabrant, Emergency Management Coordinator, and Vincent Narciso, Fire Safety Inspector, have reviewed the proposal and have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and that adequate police personnel will be available, and have recommended permission be granted for such fireworks display subject to certain conditions and compliance with all necessary public safety measures provided the display is held on June 28, 2009;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company No. 1 to sponsor a fireworks display at 65/66 Lake Road, Congers, on June 28, 2009, at approximately 9:00 p.m., subject to the following conditions:

- 1. Compliance with New York State Penal Law §405 and the National Fire Protection Act;
- 2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage;
- 3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
- 4. Provide a bond to the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law;
- 5. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's June 8, 2009 memo.
- 6. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

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

RESOLUTION NO. (343-2009)  
Co. Maloney offered and Co. Lasker seconded

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

WHEREAS, Little Tor Road, New City, New York, is shown on the Rockland County Official Map as 60 feet in width, which is the County's minimum standard width, and  
WHEREAS, Little Tor Road is shown on the Clarkstown Official Map as 70 feet in width, and  
WHEREAS, the Clarkstown Planning Board has reviewed the matter and recommends that the Town Board amend the Clarkstown Official Map to be consistent with the County Official Map, and  
WHEREAS, the Clarkstown Planning Board further recommends that the Town Board, in consultation with the Clarkstown Superintendent of Highways, add a map Note to the Town Official Map as pertains to County owned and maintained roads, that the roadway dimensions shown on the County Official Map shall supersede those on the Town Official Map;  
NOW, THEREFORE, be it  
RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 25, 2009, at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider Amending the Official Map of the Town of Clarkstown by changing the width of Little Tor Road from 70 feet to 60 feet in width, to be consistent with the Rockland County Official Map, and be it  
FURTHER RESOLVED, that the Town Attorney prepare said notice of public hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it  
FURTHER RESOLVED, that the Town shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk prior to said hearing, and be it  
FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it  
FURTHER RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning for his report and recommendation.

On roll call the vote was as follows

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

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RESOLUTION NO. (344-2009)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO MR. RICHARD WILLIAMSON FOR PROPERTY KNOWN AS MAP NO. 63.8-2-16

WHEREAS, Mr. Richard Williamson has requested a refund of Building Permit Fee (No. 09-364) paid in the amount of \$185.00 for property located at 56 North Lexow Avenue, Nanuet, New York, more particularly described as Tax Map No. 63.8-2-16, because the permit application to extend a deck was denied, and  
WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$80.00;  
NOW, THEREFORE, be it  
RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$105.00, of the total Building Permit fee paid in the amount of \$185.00, to Mr. Richard Williamson, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (345-2009)  
Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 16, 2009, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$720,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$720,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION  
THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

RESOLUTION NO. (345-2009) continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$720,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$720,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$720,000 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 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. 4 of the Law, is forty (40) years.

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

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 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 "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. Hoehmann . . . . . Yes  
Co. Borelli . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (346-2009)

Co. Borelli offered and Co. Lasker seconded

Resolution Authorizing Installation of Post and Chain Barrier, No Dumping & No Parking Signs

WHEREAS, the Superintendent of Highways has identified an area of chronic illegal dumping, trespass and unauthorized parking at the Right of Way of Old Mill Road, West Nyack near United Water parcel, 48 Old Mill Road (59.13-1-28) and

WHEREAS, this paved area is the bed of the former Snake Hill Road//CSX RR Track overpass, prior to its being redirected to the east, encompasses an Orange & Rockland Utilities Easement, and

RESOLUTION NO. (346-2009) continued

WHEREAS, the matter has by request of the Superintendent been researched and investigated by the Code & Zoning Enforcement Officer,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a post and chain barrier with padlocked hasp and "No Dumping" and "No Parking" signs in the Right of Way of Old Mill Road at the former Snake Hill Road in front 48 Old Mill Road and keys are to be provided to Orange & Rockland Utilities and the United Water Company per request for necessary access to the easement.

On roll call the vote was as follows

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

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RESOLUTION NO. (347-2009)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR DELLWOOD COUNTRY CLUB ASSOCIATES, LLC.

WHEREAS, Dellwood Country Club Associates, LLC, New City, New York, advised that they intend to apply for an on-premises liquor license 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 Dellwood Country Club, LLC 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

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RESOLUTION NO. (348-2009)

Co. Maloney offered and Co. Hoehmann seconded

WHEREAS a change of guiderail locations to Town Board Resolution #224-2008 of April 15, 2008 enabled the Highway Department to include several locations to be evaluated and modified and still not exceed the original capital account amount of \$200,000.00.

WHEREAS Town Board Resolution #693-2008 of October 21, 2008 addressed the aforementioned changes,

WHEREAS there are remaining funds in the original capital account,

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent, Clarkstown Highway Department is seeking authorization to install guiderails at the following locations in the Town of Clarkstown:

- Addison Boyce, New City
• West Clarkstown Road, New City
• Cambridge Press Through Road, West Nyack
• Miscellaneous Repairs of Existing Rail
a) Old Haverstraw Road, Congers
b) #455 Phillips Hill Road, New City
c) West Nyack Road by Salvation Army, West Nyack
d) 510 South Mountain, New City
e) Waldron Avenue, Central Nyack

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent, Clarkstown Highway Department is hereby authorized to charge these costs to the existing capital account created for the project, and be it

FURTHER RESOLVED, as per GML 103, the work will be completed utilizing the Dutchess County Bid for Guiderail & Accessories, RFB-DEH-2008, and be it

FURTHER RESOLVED that the cost of said guiderail shall not to exceed \$200,000.00 and shall not exceed the original capital account amount of the \$200,000.00 from Capital Account Number H 8759-409-0-83-4.

On roll call the vote was as follows

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

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On motion of Co. Hoehmann, seconded by Co. Lasker, the Town Board moved into an executive session for a personnel matter, 10:08 P.M.

RESOLUTION NO. (349-2009)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS the Rockland County Personnel Office has furnished Certification of Eligibles #05149 Police Lieutenant which contains the name of Raymond F. McCullagh, NOW, therefore, be it

RESOLVED, that Raymond F. McCullagh is hereby appointed to the position of (permanent) Police Lieutenant – Clarkstown Police Department – at the 2009 salary of \$152,958., - effective June 22, 2009.

On roll call the vote was as follows

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

On motion of Co. Borelli, seconded by Co. Hoehmann, the executive session was closed, 10:30 P.M.

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On motion of Co. Maloney, seconded by Co. Hoehmann, and unanimously adopted, Town Board Meeting was adjourned in memory of Councilman Ralph Mandia, 10:30 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #1

Town Hall

6/16/09

8: 40 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: Proposed Local Law entitled: "A Local Law to Amend Several Chapters of the Town Code of the Town of Clarkstown (Administration Section).

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On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:40 P.M.

Amy Mele- Town Attorney

Gave an overview of the proposal, stating the proposal would make changes to the town code, by deleting sections that are no longer active and to come in compliance with state law.

Steven Levine- Congers

Asked if new positions were being created and stated chapter 6 should be modified so that the Assessor's position is approved by the board every four years, not six.

Amy Mele- Town Attorney

Stated no new positions were being created.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was closed 8:50 P.M. RESOLUTION NO. (306-2009)

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (306-2009)