

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/21/09

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.

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

RESOLUTION NO. (373-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Special Town Board Minutes of July 7, 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. (374-2009)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for August 4, 2009, at 7:30 p.m., in Room 301 of the Clarkstown Town Hall, 10 Maple Avenue, New City, 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

RESOLUTION NO. (375-2009)
Co. Lasker offered and Co. Borelli seconded

RESOLUTION GRANTING UNITED STRUCTURAL WORKS AN APPLICATION
TO RELOCATE WITHIN THE TOWN OF CLARKSTOWN DEVELOPMENT ZONE

WHEREAS, United Structural Works (“USW”) is a steel fabricating and erecting company in the Town of Clarkstown, and
WHEREAS, USW is planning to relocate its facility from 100 Brenner Drive, Congers, New York, to a new planned facility at 45 Hemlock Drive, Congers, within the Clarkstown’s Empire Zone, and
WHEREAS, the current location would not accommodate USW’s planned expansion, and
WHEREAS, USW expects to hire an additional ten (10) full time employees as a result of its relocation, and
WHEREAS, USW will invest approximately \$5,100,000 in the purchase, construction and outfitting of the new facility that can accommodate its projected growth;
NOW, THEREFORE, be it
RESOLVED, that the Town of Clarkstown consents to the relocation of United Structural Works facility from 100 Brenner Drive, Congers, New York, to a new planned facility at 45 Hemlock Drive, Congers, within the Clarkstown’s Empire Zone.

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. (376-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH KOHL INDUSTRIAL PARK, LLC REGARDING WATER SERVICE CHARGES FOR KOHL INDUSTRIAL PARK SITE PLAN (TAX MAP DESIGNATION 44.07-2-11 & 44.08-1-87

RESOLUTION NO. (376-2009) continued

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as "Kohl Industrial Park", designated on the Clarkstown tax map as Map 44.07, Block 2, Lot 11 and Map 44.08, Block 1, Lot 87, and

WHEREAS, it has been recommended that two (2) fire hydrants be installed within the said approved site plan, for the protection of future residents, and

WHEREAS, said property is private property; and the hydrants have 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 Kohl Industrial Park, LLC, 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 Kohl Industrial Park, LLC, 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 hydrants located on such property presently owned by Kohl Industrial Park, LLC, located in the hamlet of Congers, for the site plan known as Kohl Industrial Park, affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Kohl Industrial Park, or its successor(s) in interest, for payment of the 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

RESOLUTION NO. (377-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE CLARKSTOWN CENTRAL SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2009-2010 SCHOOL TERM

WHEREAS, a School Resource Officer Program has been proposed for the Clarkstown Central School District; and WHEREAS, the Board of Education of the Clarkstown Central School District and the Clarkstown Police Department desire to provide law enforcement services of three (3) police officers to be assigned to the school district on a full time basis as the School Resource Officers.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Clarkstown Central School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of three (3) police officers to the Clarkstown Central School District on a full time basis, for the period September 1, 2009 through June 30, 2010, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Clarkstown Central School District to the Town of Clarkstown in the amount of \$96,134.00 for the School Resource Officers.

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. (378-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE NANUET SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2009-2010 SCHOOL TERM

WHEREAS, a School Resource Officer Program has been proposed for the Nanuet School District; and WHEREAS, the Board of Education of the Nanuet School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district on a full time basis as the School Resource Officer.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nanuet School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nanuet School District on a full time basis, for the period September 1, 2009 through June 30, 2010, and be it

RESOLUTION NO. (378-2009) continued

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nanuet School District to the Town of Clarkstown in the amount of \$32,800.00 for the School Resource Officer.

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. (379-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2009 and terminating on December 31, 2009, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that all other terms and conditions of the current contract, which expired December 31, 2008, shall remain the same, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$30,000.00 for year to be paid quarterly upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

FURTHER RESOLVED, that the agreement 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

RESOLUTION NO. (380-2009)

Co. Maloney offered and Co. Hoehmann seconded

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

WHEREAS, the following group wishes to adopt a specified Town location for a two year period beginning July 21, 2009 to July 21, 2011, as follows:

- Sponsor: Majestic Lawn Care & Landscape Inc., 424 Buena Vista Road, New City, NY 10956
- Location: Route 59@ Rose Road, West Nyack, New York

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for a period of two (2) years beginning July 21, 2009 to July 21, 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. (381-2009)

Co. Maloney offered and Co. Hoehmann seconded

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

BID #51-2009 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

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

RESOLUTION NO. (381-2009) continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Purchasing at the above address.

On roll call the vote was as follows

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

RESOLUTION NO. (382-2009)

Co. Maloney offered and Co. Hoehmann seconded

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

BID #52-2009 – HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _____ on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Purchasing at the above address.

On roll call the vote was as follows

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

RESOLUTION NO. (383-2009)

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 # 14-2009 – DORE COURT LOW FLOW CHANNEL

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

PRINCIPAL: THERESA DI MATTEO, PRESIDENT

as per their proposed project cost not to exceed \$39,450.00 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-8760-400-409-0-84-17 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

RESOLUTION NO. (384-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing that

BID # 38-2009 – REFUSE PICK-UP SERVICE – TOWN FACILITIES

is hereby awarded to: PAT NAZZARO DISPOSAL, P.O. BOX 481, VALLEY COTTAGE, NY 10989

PRINCIPAL: PAT NAZZARO

as per the price schedule on file in the Purchasing Department, 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

RESOLUTION NO. (384-2009) continued

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.

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. (385-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION INVOKING TOWN CODE CHAPTER 216-9(B): MAINTENANCE OF VACANT PROPERTIES

WHEREAS, the Building Inspector has reported that the owner of the vacant property below has failed to perform required landscape maintenance pursuant to Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance), and

WHEREAS, appropriate diligence has been performed pursuant to Chapter 216-9(A), and

WHEREAS, the property is identified as follows:

144 S. Harrison Avenue, Congers (44.19-2-62 f/k/a 126-D-37.1)

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to dispatch a maintenance crew to perform the required trimming of grass and weeds on the above property throughout the 2009 mowing season, after which the Superintendent will submit a bill of costs to the Town Attorney by December 1, 2009 for the purpose of levying the costs incurred by the Town as a property tax lien by the Assessor.

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. (386-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION INVOKING TOWN CODE CHAPTER 216-9(B): MAINTENANCE OF VACANT PROPERTIES

WHEREAS, the Building Inspector has reported that the owner of the vacant property below has failed to perform required landscape maintenance pursuant to Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance), and

WHEREAS, appropriate diligence has been performed pursuant to Chapter 216-9(A), and

WHEREAS, the property is identified as follows:

282 N. Main Street, New City (43.7-1-3 f/k/a 60-A-10.1)

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to dispatch a maintenance crew to perform the required trimming of grass and weeds on the above property throughout the 2009 mowing season, after which the Superintendent will submit a bill of costs to the Town Attorney by December 1, 2009 for the purpose of levying the costs incurred by the Town as a property tax lien by the Assessor.

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. (387-2009)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, a resident of Morris Drive, 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:

Morris Drive, New City (between 31 & 33)(Install one (1) -70-watt-5,800 sodium vapor street light on existing utility Pole #59456/40944)

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the

RESOLUTION NO. (387-2009) continued

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

RESOLUTION NO. (388-2009)

Co. Lasker offered and Co. Borelli seconded

RESOLUTION AUTHORIZING LINE STRIPING OF THE TOWN OF CLARKSTOWN COMMUTER LOTS

WHEREAS, the Clarkstown Highway Department solicited competitive proposals for Commuter Lot line striping; and

WHEREAS, the Clarkstown Highway Department received three proposals in response to its solicitation and based upon the recommendation of the Clarkstown Superintendent of Highways; and

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Superintendent of Highways to entire into an agreement with A-Plus Striping, Inc. 12 Primrose Lane, Glenwood, NJ 07418, for the re-striping of the Clarkstown Commuter Lots; and

FURTHER RESOLVED, that the cost will not exceed \$11,977.00 and that this project shall constitute a proper charge to account number DB 5110-400-448 and that a portion of the cost in the amount of \$10,304.00 will be reimbursed by NYS Department of Transportation.

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. (389-2009)

Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, the Town of Clarkstown's new connector road from the current Medical Park Drive through to Centerock Road, West Nyack, has been installed, and

WHEREAS, this installation was designed to deter commercial through traffic from the Parkway Drive//Brook Hill Drive residential neighborhood, and

WHEREAS, the Cambridge University Press Special Permit and Site Plan mandate certain traffic control devices in order to facilitate the abovementioned reduction in commercial traffic through the residential neighborhood, and

WHEREAS, the Town Board is desirous of facilitating this matter to improve the traffic safety conditions in this commercial and residential corridor,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install appropriate directional and informational signage, subject to his discretion and authority, in the following locations: Parkway Drive & West Nyack Road, Brook Hill Drive & Route 59, Brook Hill Drive & Cambridge Press entrance, Crosfield Avenue & West Nyack Road, Crosfield Avenue & Route 59, Crosfield Avenue & Centerock Road, Medical Park Drive & West Nyack Road.

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. (390-2009)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the resignation by (retirement) of Peter J. Palko – Custodian I – Maintenance Department –is hereby accepted effective and retroactive to June 27, 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. (391-2009)
Co. Maloney offered and Co. Hoehmann seconded

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

WHEREAS, the following group wishes to continue to adopt the below segments of various town roads for an additional period of two (2) years, continuing from July 19, 2009 to July 19, 2011, as follows:

Sponsor: Window & Door Outlet LLC, P.O. Box 2054, New City, NY 10956

Roads: 0.8 mile segment of Phillips Hill Rd from North Main Street to North Little Tor Road, New City, New York, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Window & Door Outlet LLC 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 July 19, 2009 to July 19, 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 Window & Door Outlet LLC 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. (392-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING CHANGE ORDER #1, PLUMBING, BID #48-2008, RENOVATIONS TO SEWER DEPARTMENT WAREHOUSE BUILDING, BURNSIDE AVENUE, CONGERS, NEW YORK

WHEREAS, the existing Sewer Department Warehouse located on Burnside Avenue, Congers, New York is currently undergoing renovations, and

WHEREAS, changes to the installation of the water service for fire protection were required by the Fire Inspector, and

WHEREAS, the Plumbing Contractor has submitted the proposal for the required modifications to the water supply installation, and

WHEREAS, the Town's Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work is \$11,208.28.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1, Plumbing, for Bid #48-2008 is approved for the additional cost of \$11,208.28.

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. (393-2009)
Co. Maloney offered and Co. Lasker seconded

Resolution Authorizing Change Order #1, General Contracting, Bid #48-2008, Renovations to Sewer Department Warehouse Building, Burnside Avenue, Congers, New York

WHEREAS, the existing Sewer Department Warehouse located on Burnside Avenue, Congers, New York is currently undergoing renovations, and

WHEREAS, in the course of performing the general contracting work, un-suitable soils were encountered which required additional excavation and replacement with suitable material for the foundation of the existing building, and

WHEREAS, the General Contractor has submitted the proposal for the correction of the unsuitable conditions, and

WHEREAS, the Town's Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work is \$15,217.66.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1, General Contracting, for Bid #48-2008 is approved for the additional cost of \$15,217.66, and

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. (394-2009)
Co. Maloney offered and Co. Hoehmann seconded

Resolution Amending Town Board Resolution No. 356-2009, Which Amended Resolution No. 213-2009 For Bid #31-2009; Phillips Hill Road At/Near #415 Stream Channel Improvements

WHEREAS, Town Board Resolution No. 213-2009 awarded bid #31-2009; Phillips Hill Road at/near #415 Stream Channel Improvements to Cal Mart Enterprises LLC; and

WHEREAS, by Resolution No. 356-2009 the Town Board approved the necessary project increase amount of \$7,813.60 from the original bid, however, the increase should have been \$9,013.00;

NOW, THEREFORE, be it

RESOLVED, that the allowance for this project be corrected and increased from the original bid amount of \$95,559.00 to \$104,572.00 to reflect the additional cost of \$9,013.00 for said change order; and be it

FURTHER RESOLVED that this shall continue to be a proper charge to account # H 8760-400-409-0-84-7.

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. (395-2009)
Co. Hoehmann offered and Co. Maloney seconded

Resolution Referring Application of Cal Mart Enterprises, Inc., for a Special Permit for Landfill Operation, to the Rockland County Planning Commissioner and the Clarkstown Planning Board

WHEREAS, Cal Mart Enterprises, Inc. has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation pursuant to the provisions of Section 290-11A, Table 15 of the General Use Regulations for an M District, Column 3, Section B, Paragraph 2 of the Zoning Local Law of the Town of Clarkstown, for property located south of Long Clove Road (to be renamed Landmark Drive) and north of Route 304, Congers, New York, and designated on the Clarkstown Tax Map as 35.18-1-4.3, and

WHEREAS, the petitioner is the authorized representative of the owners Niles and Janet Davies;

NOW, THEREFORE, be it

RESOLVED, that the application is hereby referred to the Rockland County Planning Commissioner and the Clarkstown Planning Board for their review and recommendation, and be it

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

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. (396-2009)
Co. Maloney offered and Co. Hoehmann seconded

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

WHEREAS, the County of Rockland has tendered a contract award to the Town of Clarkstown Police Department for participation in the State Homeland Security Program (Counter-Terrorism Training) for overtime reimbursement in the amount of \$5,538.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain overtime reimbursement to the Town of Clarkstown Police Department in the amount of \$5,538.00, for participation in the State Homeland Security Program (Counter-Terrorism Training), for the period of October 15, 2008.

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. (397-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING IMPROVEMENTS TO VARIOUS RECREATIONAL FACILITIES AT TOWN PARKS

WHEREAS, the H2M Group has submitted a proposal to provide professional engineering services with respect to improvements to recreational facilities at several Town parks, and

WHEREAS, the Superintendent of Recreation and Parks has reviewed the proposal and finds it reasonable in scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the H2M Group, in a form approved by the Town Attorney, to perform professional engineering services with respect to improvements to a variety of recreational facilities at sever Town parks, pursuant to its proposal dated July 17, 2009, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$57,200 and will be charged to Account No. H 8760-409-0-84-18.

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. (398-2009)
Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$6,459.46 from D.A.R.E. Donations, \$3,000 from Provident Bank and \$2,000 from CSC Holdings, Inc.

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) by 11,459.46 and increase Expense Accounts A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$6,459.46 and A-7620-409-0 (Recreation/Adult Activities-Fees for Services) by \$5,000 and

WHEREAS, the following accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Accounts A-1620-412-0 (Maintenance-Refuse Pickup/Windows) by \$5,000 and A-1620-413-0 (Maintenance-Trees/Shrubs) by \$5,000 and increase Account A-1620-306-0 (Maintenance-Maintenance Supplies) by \$10,000 and be it

FURTHER RESOLVED, to decrease Account A-3120-199-0 (Police-Vacation Buy Backs) and increase Account A-3510-199-0 (Control of Animals-Vacation Buy Backs) by \$1,575.53 and be it

FURTHER RESOLVED, to decrease Account B-8110-382-0 (Sewer-Stone/Sand) and increase B-8110-219-0 (Sewer-Misc Equipment) by \$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. (399-2009)
Co. Borelli offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 251 – WIRELESS COMMUNICATIONS FACILITIES LAW

WHEREAS, by Resolution No. 431 - 2007 dated July 24, 2007, the Town Board adopted Chapter 251 (the “Wireless Communications Facilities Law,” hereinafter, the “Law”), which had amended the previous Chapter 251 in its entirety; and

WHEREAS, on September 7, 2007, various wireless telecommunications carriers filed a lawsuit against the Town (New York SMSA Ltd. Partnership d/b/a Verizon Wireless et. al. v. The Town of Clarkstown, 07-CIV-7637) alleging that certain provisions of the Law violated the Telecommunications Act of 1996; and

WHEREAS, on March 23, 2009, the Court issued an order granting in part and denying in part the relief sought by Plaintiffs, and ordered that the Town revise the Law in accordance with its decision by September 26, 2009; and

WHEREAS, the Town has sought a stay of the Court’s decision pending appeal, however, no decision has been issued as of yet; and

WHEREAS, in the event the Town’s motion for a stay is denied, the Town must schedule a public hearing to consider the amendments;

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, shall be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on September 22, 2009, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the

RESOLUTION NO. (399-2009) continued

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 proposed local law is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and HDR/LMS, the Town’s consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (400-2009)

Co. Maloney offered and Co. Lasker seconded

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

WHEREAS, the following group wishes to adopt a specified Town location for a two year period beginning July 21, 2009 to July 21, 2011, as follows:

Sponsor: Curtis Landscaping, Inc., 91 West Nyack Road, Nanuet, New York 10954
Location: Southeast corner of Route 304 at Bardonia Road, Bardonia, New York

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for a period of two (2) years beginning July 21, 2009 to July 21, 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. (401-2009)

Co. Maloney offered and Co. Lasker seconded

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

WHEREAS, the following group wishes to adopt a specified Town location for a two year period beginning July 21, 2009 to July 21, 2011, as follows:

Sponsor: Curtis Landscaping, Inc., 91 West Nyack Road, Nanuet, New York 10954
Location: Southwest corner of Route 304 at West Nyack Road, Nanuet, New York

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for a period of two (2) years beginning July 21, 2009 to July 21, 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. (402-2009)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AMENDING RESOLUTION NO. 343-2009 SETTING A PUBLIC HEARING TO CONSIDER AMENDING THE OFFICIAL MAP OF CLARKSTOWN AND REFERRING SAME TO THE ROCKLAND COUNTY PLANNING COMMISSIONER

WHEREAS, the Town Board is considering Amending the Clarkstown Official Map, in order to be consistent with the Rockland County Official Map, showing the width of Little Tor Road to be 60 feet from its intersection with Red Hill Road south to its intersection with New Valley Road;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 343-2009, adopted by the Town Board on June 16, 2009, is hereby amended in part as follows:

“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 Dennis Letson, Deputy Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.”

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. (403-2009)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Building Inspector has reported that the owner of the vacant property below has failed to perform required landscape maintenance pursuant to Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance), and

WHEREAS, appropriate diligence has been performed pursuant to Chapter 216-9(A), and

WHEREAS, the property is identified as follows:

307 S. Middletown Road, Nanuet (63.16-2-36 fka 12-G-3)

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to dispatch a maintenance crew to perform the required trimming of grass and weeds on the above property throughout the 2009 mowing season, after which the Superintendent will submit a bill of costs to the Town Attorney by December 1, 2009 for the purpose of levying the costs incurred by the Town as a property tax lien by the Assessor.

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. (404-2009)
Co. Maloney offered and Co. Borelli seconded

WHEREAS, the Building Inspector has reported that the owner of the vacant property below has failed to perform required landscape maintenance pursuant to Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance), and

WHEREAS, appropriate diligence has been performed pursuant to Chapter 216-9(A), and

WHEREAS, the property is identified as follows:

48 Pecan Valley Drive, New City (34.11-1-25 fka 61-B-95)

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to dispatch a maintenance crew to perform the required trimming of grass and weeds on the above property throughout the 2009 mowing season, after which the Superintendent will submit a bill of costs to the Town Attorney by December 1, 2009 for the purpose of levying the costs incurred by the Town as a property tax lien by the Assessor.

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.

Barry Goldberg- Goshen

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

Dr. Christopher Serra- New City

Spoke about traffic concerns on Third Street in New City.

Michael Hirsch- New City

Stated there are too many men on the police force.

Supervisor Gromack

Stated that the number of officers is expected to be reduced by 7-10 by the end of next year.

Jerry O'Rourke- Congers

Asked what is being done to reduce overtime in police force? Stated that lieutenants and sergeants should not receive overtime.

Supervisor Gromack

Stated we cannot force lieutenants and sergeants into management. The police are now in a 1/16 reduction in overtime. The Chief of Police is on track to cut one million dollars from the budget. We are looking for a \$1.5 million reduction in 2010. We are prepared to go to arbitration to settle our contract. We feel that if there was ever a time to go to arbitration, then this is it. We are looking for a 0% increase.

Josh Needleman- West Nyack

Stated that the building department's records take five days to receive, but in other towns, you get them right away.

Charles W. Ulrich- Valley Cottage

Read and submitted a letter and photographs regarding Storms Road, (on file with Town Clerk).

On motion of Co. Maloney, seconded by Co. Hoehmann, and unanimously adopted, Town Board Meeting was adjourned, 8:45 P.M.

Respectfully submitted,

David Carlucci
Town Clerk