

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/25/09

8:00 P.M.

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

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

Public Hearing #1 re: Amending official map of the Town of Clarkstown. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:00 P.M. On motion of Co. Hoehmann, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:07 P.M. RESOLUTION NO. (420-2009)

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

RESOLUTION NO. (420-2009)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AMENDING THE OFFICIAL MAP OF THE TOWN OF CLARKSTOWN

WHEREAS, on the recommendation of the Clarkstown Planning Board, the Town Board of the Town of Clarkstown by Resolution adopted on June 16, 2009, provided for a public hearing on August 25, 2009, at 8:00 p.m., to consider Amending the Official Map of the Town of Clarkstown to show 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, in order to conform with the Rockland County Official Map, and

WHEREAS, by Resolution adopted on June 16, 2009, the Town Board directed that the petition be referred to the Rockland County Department of Planning for report and recommendation, and

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

WHEREAS, the Clarkstown Planning Board considered the matter at its regularly scheduled meeting on April 22, 2009, and recommended the Amendment to the Clarkstown Official Map, and

WHEREAS, the Rockland County Planning Board, by letter dated June 25, 2009, recommended that the Town provide a more specific description of the area in question, and to submit the proposed Amendment to the County of Highways for review to ensure that the proposed amendment is consistent with the County Official Map, Part 1-County Roads, and

WHEREAS, the Town of Clarkstown has complied with the recommendations of the Rockland County Department of Planning dated June 25, 2009;

WHEREAS, the Town Board of the Town of Clarkstown has received a report dated July 22, 2009, pursuant to SEQRA, from Dennis Letson, Deputy Director of Environmental Control, which states that this matter is a Type 2 unlisted action under the provisions of 6 NYCRR Part 617 of the SEQRA regulations, which the Board has discussed and considered in making their decision herein, and

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Dennis Letson, Deputy Director of Environmental Control, dated July 22, 2009, acting as staff to the Town Board as lead agency, the Town hereby determines that the Amendment to the Official Map is a Type II action and shall not have any significant impact on the environment, and be it

FURTHER RESOLVED, that pursuant to Town Law Section 273, the Official Map of the Town of Clarkstown is hereby amended to show 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, in order to conform with the Rockland County Official Map, and be it

FURTHER RESOLVED, that Director of the Department of Environmental Control is hereby authorized and directed to amend the Official Map as set forth herein.

On roll call the vote was as follows

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

RESOLUTION NO. (421-2009)

Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Special Town Board Minutes of August 4, 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. (422-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION WITH RESPECT TO THE 2009 STORM WATER II EDUCATION PROGRAM

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

WHEREAS, Luke Kalarickal, Director of Environmental Control, has recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 per year and shall be charged to Account No. A-8730-409.

On roll call the vote was as follows

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

RESOLUTION NO. (423-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND CONCERNING THE "SUPER SAVER" DISCOUNT PROGRAM FOR THE CLARKSTOWN MINI TRANS

WHEREAS, the County of Rockland and the Town of Clarkstown wish to coordinate bus fares as it relates to cash paying, full fare, adults on the "Transport of Rockland" (TOR) and the "Clarkstown Mini Trans" (CMT), and

WHEREAS, the Town Board of the Town of Clarkstown wishes to participate in the County of Rockland Department of Public Transportation "Super Saver" Discount Program for the Clarkstown Mini Trans;

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 provide for the coordination of bus fares as it relates to cash paying, full fare, adults on the Transport of Rockland and the Clarkstown Mini Trans, and for the Town of Clarkstown to participate in the County's "Super Saver" Discount Program.

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. (424-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND FOR THE POSSESSION AND OPERATION OF FOUR COUNTY TRIPS BUSES

WHEREAS, the Town of Clarkstown operates a Mini-Trans bus service for the public, and

WHEREAS, the Legislature of Rockland County adopted a resolution, pursuant to Article 5 of the General Municipal Law, to enter into a Inter-municipal agreement between the County of Rockland and the Town of Clarkstown, for the Town to possess, operate, maintain, and use four T.R.I.P.S buses owned by the County;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an Inter-municipal agreement with the County of Rockland for the period May 30, 2008 to June 30, 2014, in a form satisfactory to the Town Attorney, for the Town to possess, maintain, operate and use four T.R.I.P.S buses as no cost to the Town, and be it

FURTHER RESOLVED, that such agreement shall provide for the Town to operate the vehicles solely in connection with the operation of its Clarkstown Mini-Trans bus service for the public, as set forth in the agreement entered into between the Town and the County on May 30, 2008, and for no other purposes.

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. (425-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE TO ACCEPT A GRANT WITH RESPECT TO THE 2009 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM (JAG)

WHEREAS, the U.S. Department of Justice approved an application from the Town of Clarkstown Police Department for funding under the 2009 Byrne Justice Assistance Grant Program(JAG), and WHEREAS, by Resolution No. 241, adopted by the Town Board on April 21, 2009, the Town agreed to be the point of contact and fiscal agent for the JAG grant, and further agreed to administer the grant for the VILLAGE OF SPRING VALLEY, the TOWN OF ORANGETOWN, the TOWN OF RAMAPO, the TOWN OF HAVERSTRAW, the ROCKLAND COUNTY SHERIFF and the COUNTY OF ROCKLAND, in return for a 10% administrative fee, and

WHEREAS, the Chief of Police, Peter Noonan, has advised that the U.S. Department of Justice has tendered a contract award (2009-SB-B9-2522) to the Clarkstown Police Department and other municipalities, in the amount of \$248,036.00, of which Clarkstown receives \$47,894.00, plus \$10,544.06 for administering said grant to municipalities, and

WHEREAS, the Chief of Police has recommended that the Clarkstown Police Department accept said grant; NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the U.S. Department of Justice (Award No. 2009-SB-B9-2522), in a form approved by the Town Attorney, for the period March 1, 2009 to February 28, 2013, to obtain funding under the 2009 Byrne Justice Assistance Grant Program (JAG).

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. (426-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH SERGEI AND ELENA LOPUCHIN, 405 CHRISTIAN HERALD ROAD, VALLEY COTTAGE, NEW YORK, REGARDING ENCROACHMENT ON TOWN STREET LINE

WHEREAS, Sergei and Elena Lopuchin, owners of premises located at 405 Christian Herald Road, Valley Cottage, New York and more particularly described as Tax Map 59.12-01-10, have installed a retaining wall within a Town designated street line, and

WHEREAS, Dennis M. Letson, Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein may remain provided the property owner shall assume responsibility for maintenance of said wall and that the Town retains the right to order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owners, in a recordable form approved by the Town Attorney, establishing responsibility for maintenance of the wall, and granting a license terminable on ten (10) days written notice, to authorize the retaining wall to remain within the Town’s designated street line, located at 405 Christian Herald Road, Valley Cottage, New York and more particularly described as Tax Map 59.12-01-10, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owners or successors shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment or license to maintain same.

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. (427-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE NYACK 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 Nyack School District; and WHEREAS, the Board of Education of the Nyack 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.

RESOLUTION NO. (427-2009) continued

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 Nyack 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 Nyack 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 Nyack School District to the Town of Clarkstown in the amount of \$31,027.00 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. (428-2009)

Co. Borelli offered and Co. Hoehmann seconded

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

BID#53-2009 – CLARKSTOWN POLICE COMMUNICATIONS CENTER RENOVATIONS

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (429-2009)

Co. Borelli offered and Co. Hoehmann seconded

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

BID #54-2009 – MOUNTAINVIEW EMERGENCY COMMUNICATIONS TOWER SITE IMPROVEMENTS

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (430-2009)

Co. Hoehmann offered and Co. Maloney seconded

WHEREAS, by Resolution #319-2009 the Town Board authorized advertising for bids for Bid #43-2009 – Vending Machine Services and

WHEREAS, bids were to be received by the Purchasing Department on July 14, 2009 by 3:00 p.m. and

WHEREAS, only one bid was received, now therefore be it

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

BID #43A-2009 – VENDING MACHINE SERVICES

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. (431-2009)
Co. Hoehmann offered and Co. Maloney seconded

WHEREAS, by Resolution #325-2009 the Town Board authorized advertising for bids for Bid #49-2009 – Synthetic Ice – Recreation, and
WHEREAS, bids were to be received by the Purchasing Department on August 17, 2009 by 11:00 a.m., and
WHEREAS, only one bid was received, now therefore be it

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

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. (432-2009)
Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, Christina Cifuni, has requested a six (6) month 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 Christina Cifuni – Courier – Mail and Copy – is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to August 24, 2009 to February 24, 2010.

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

RESOLUTION NO. (433-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that Rudy Damonti is hereby reappointed to the position of Member – Parks Board and Recreation Commission –at the 2009 annual salary of 3,300., – term effective and retroactive to August 16, 2009 and to expire on August 15, 2014.

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. (434-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that Brian Tesseyman is hereby reappointed to the position of Member – Parks Board and Recreation Commission – at the 2009 annual salary of 3,300., – term effective and retroactive to August 16, 2009 and to expire on August 15, 2014.

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. (435-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that Mark Maraia is hereby reappointed to the position of Member – Zoning Board of Appeals – at the 2009 annual salary of \$5,700., – term effective and retroactive to August 18, 2009 and to expire on August 17, 2014.

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. (436-2009) INTENTIONALLY NOT USED

RESOLUTION NO. (437-2009)
Co. Lasker offered and Co. Maloney seconded

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

BID # 50-2009 – MAY PLACE DRAINAGE IMPROVEMENTS
is hereby awarded to: W. HARRIS & SON, INC., 37 W. WASHINGTON AVENUE, PEARL RIVER, NY 10965
PRINCIPAL: TIMOTHY HARRIS, ANTOINETTE R. HARRIS

as per their proposed project cost not to exceed \$38,102.00 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 14, 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. (438-2009)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that
BID #52-2009 – HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to: CHEMUNG SUPPLY CORP., P.O. BOX 527ELMIRA, NY 14902
 PRINCIPAL: MYRA S. STEMERMAN, MARC P. STEMERMAN
 ROCAL, INC., 3186 CR550FRANKFORT, OH 45628
 PRINCIPAL: ROBERT D. LIGHTLE
 FLINT TRADING, INC., 115 TODD CT., THOMASVILLE, NC 27360
 PRINCIPAL: MATT SOULE, STEVE VETTER
 3M CENTER, BLDG. 225-5S-08, BOX 33225, ST. PAUL, MN 55133-3225
 PRINCIPAL: A PUBLIC CORPORATION
 VULCAN SIGNS, P.O. BOX 1850, FOLEY, AL 36536-1850
 PRINCIPAL: AN EMPLOYEE OWNED COMPANY

as per attached item/price schedule 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. (439-2009)
Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$20,000 from the Rockland County Office of Community Development
NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-11-4995-0 (Federal Aid-Community Development Funds) and Expense Account A-7610-404-0 (Programs for the Aging-Travel & Meals) by \$20,000 and

WHEREAS, the following accounts require additional funding,
NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-7141-329-0 (Community Rec. Centers-Recreation Supplies) and increase Account A-7141-424-0 (Community Rec. Centers-Contractual Expense) by \$2,000 and be it

FURTHER RESOLVED, to decrease DB-5110-311-0 (Highway-Gasoline) and increase DB-5110-408-0 (Highway-Building Repairs) by \$12,400.

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. (440-2009)
Co. Maloney offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 25, 2009, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON MAY PLACE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$40,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$40,000 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:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct drainage improvements on May Place. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$40,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$40,000 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 \$40,000 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

RESOLUTION NO. (441-2009)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION REFERRING APPLICATION OF CAL MART ENTERPRISES, INC., FOR A SPECIAL PERMIT FOR A LANDFILL OPERATION, TO THE NYSDOT AND THE NEW YORK-NEW JERSEY TRAIL CONFERENCE, AND SCHEDULING A PUBLIC HEARING

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 upon recommendation of the Rockland County Commissioner of Planning, the Town will refer the application to the New York State Department of Transportation and the New York-New Jersey Trail Conference for their review and recommendation, and be it

FURTHER RESOLVED, that a public hearing pursuant to said Zoning Local Law shall be held on September 22, 2009, at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, at 8:00 P.M., to consider the application of Cal Mart Enterprises, Inc. relative to said Special Permit, and be it

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

FURTHER RESOLVED, that the Petitioner 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.

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. (442-2009)
Co. Lasker offered and Co. Borelli seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, continuing from August 1, 2009 to August 1, 2011, as follows:

Sponsor: Dr. Paul M. Lentini, Bardonia Chiropractic, 28 Bardonia Road, Bardonia, NY 10954

Road: 0.7 mile segment of Bardonia Road, from Route 304 to Germonds Road, Bardonia/West Nyack, NY and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that said group 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 August 1, 2009 to August 1, 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 the above named 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. (443-2009)
Co. Lasker offered and Co. Borelli seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of various town roads for an additional period of two (2) years, continuing from August 15, 2009 to August 15, 2011, as follows:

Sponsor: American Legion Wm. E. DeBoise, Jr. Post No. 1682, 65 American Legion Way, New City, NY 10956

Road: .1 mile segment of American Legion Way, from Congers Road to Route 304, New City, NY 10956 and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that said group 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 August 15, 2009 to August 15, 2011, in a form

RESOLUTION NO. (443-2009) continued

approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the above named group 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. (444-2009)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and WHEREAS, the following group wishes to continue to adopt the below segment of various town roads for an additional period of two (2) years, continuing from August 15, 2009 to August 15, 2011, as follows:

Sponsor: Curti's Landscaping, Inc., 91 West Nyack Road, Nanuet, NY 10954

Roads: .3 mile segment of Demarest Mill Road, from Route 304 to West Nyack 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 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 August 15, 2009 to August 15, 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 Curti's Landscaping, Inc. 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. (445-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO PERFORM IMPROVEMENTS WITHIN THE TOWN RIGHT OF WAY LOCATED IN FRONT OF 572 MILLBURN COURT, VALLEY COTTAGE

WHEREAS, a drainage condition exists in front of 572 Millburn Court, Valley Cottage

WHEREAS, the Department of Environmental Control has prepared a plan to ameliorate the adverse drainage condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to perform the work in accordance with the plan; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by MRJ Excavating, Inc and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to MRJ Excavating, Inc. for their low proposal of \$9,850.00;

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of: MRJ Excavating, Inc., 7 Beaver Court, New City, New York 10956

to perform this work in accordance with their proposal for an amount not to exceed \$9,850.00; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account # H8759-409-0-83-20

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. (446-2009)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 327-2009 FOR BID #45-2007; ELKS DRIVE DRAINAGE IMPROVEMENTS

WHEREAS, Town Board Resolution 327-2009 awarded bid #45-2007; Elks Drive Drainage Improvements to Cal Mart Enterprises LLC; and

RESOLUTION NO. (446-2009) continued

WHEREAS, unforeseen conditions required additional work by the contractor in order to complete the project; and WHEREAS, a change order request for change order #1 was submitted by Cal-mart Enterprises LLC for the additional work in the amount of \$2,875.00; and WHEREAS, the change order has been reviewed by the Department of Environmental Control and found acceptable as follows:

- a. Remove and dispose of ±24” tree.

Total Change Order Amount \$2,875.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$398,398.00 to \$401,273.00 to reflect the additional cost of the change order; and BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H -8753-400-409-0-77-23

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. (447-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN BOARD REGARDING THE PROPOSED COMPREHENSIVE PLAN/DRAFT ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO TOWN LAW SECTION 272(A)(8) AND THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

WHEREAS, by Resolution No. 761-2006, adopted by the Town Board on November 8, 2006, the Town Board created a Special Board, pursuant to Town Law 272-a, to prepare a new Comprehensive Plan for the Town of Clarkstown, and

WHEREAS, by Resolution No. 604-2007, adopted by the Town Board on September 25, 2007, the Town Board designated itself as lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”) and declared the Special Board as its agent pursuant to SEQRA, and further directed, pursuant to Town Law 272(a)(8), that the Comprehensive Plan shall be prepared as a Generic Environmental Impact Statement (GEIS) pursuant to SEQRA, and

WHEREAS, the Special Board, consistent with Section 272(a)(6)(b) of the Town Law, held numerous public meetings, including but not limited to two town-wide workshops and five hamlet workshops as set forth on Exhibit A, initiated three town-wide mailings encouraging participation in the process, and utilized other media, such as postcards, newspaper announcements, mailed questionnaires and web alerts in order to assure full opportunity for citizen participation in preparation of the Comprehensive Plan, and

WHEREAS, the Special Board has prepared a Draft Comprehensive Plan in the form of a Draft GEIS, and WHEREAS, the Draft Comprehensive Plan/GEIS was presented to the Town Board by the Special Board at a Town Board workshop held on August 4, 2009, and copies of the Draft Comprehensive Plan/GEIS have been provided to the Town Board,

NOW, THEREFORE, be it

RESOLVED, that the Draft Comprehensive Plan/GEIS is hereby accepted and deemed complete, and be it FURTHER RESOLVED, that the Special Board is hereby directed to file, distribute and publish the “Notice of Completion” attached hereto as Exhibit B in accordance with 6 NYCRR Part 617.12(b)(1) and 617.12(c), and be it FURTHER RESOLVED, that the Special Board is hereby directed to distribute the Draft Comprehensive Plan/GEIS to the Town of Clarkstown Planning Board, the Rockland County Planning Department and the other interested agencies identified on Exhibit C, in accordance with 6 NYCRR Part 617.6(b) and 617.12(b)(1), and other municipalities and governmental bodies as may be required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Section 272-a of the Town Law and 6 NYCRR 617.9(a)(4)(ii), shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 22, 2009, at 8:00 p.m., and be it FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by 6 NYCRR 617.12(c) and file proof thereof in the Office of the Town Clerk.

Exhibit A - Public Outreach Meetings

Meeting Type	Meeting	Date	Location
Facilitator Training	Facilitator Training Session	October 11, 2007	Town Hall
Town-wide	Kick-Off for Public Participation - Identification of Ideas	October 25, 2007	Town Hall
Hamlet	Nanuet/Spring Valley & Bardonia	December 3, 2007	Nanuet High School
Hamlet	Valley Cottage & Upper Nyack	January 10, 2008	Nyack High School
Hamlet	Congers & Rockland Lake	January 24, 2008	Congers Community Center
Hamlet	New City	February 4, 2008	Clarkstown North High School
Hamlet	West Nyack & Central Nyack/Nyack	February 21, 2008	Clarkstown South High School
Town-wide	Religious & Cultural Outreach	March 4, 2008	Town Hall
Town-wide	Presentation & Discussion of Ideas from Kick-Off and Area Workshops, and Initial Research	May 15, 2008	Town Hall

RESOLUTION NO. (447-2009) continued

EXHIBIT B

State Environmental Quality Review (SEQR)

Notice of Completion of Draft Generic Environmental Impact Statement and Notice of SEQR Hearing

Lead Agency: Town of Clarkstown Town Board

Project Number: N/A

Address: Town of Clarkstown, 10 Maple Avenue, New City, New York 10956

Date: August 25, 2009

Local Law #: N/A

Comments accepted until: 10 days after the close of the public hearing

Public Hearing (date & time): September 22, 2009 (at): 8:00 PM

Name of Action: Adoption of the 2009 Town of Clarkstown Comprehensive Plan

Description of Action:

The 2009 Town of Clarkstown Comprehensive Plan will serve as a guide for land use decisions in the Town. The Plan is organized around seven themes: Economic Development, Environmental Resources, Health Safety & Welfare, Historic Resources, Housing, Parks Recreation & Open Space, and Transportation. The Plan follows the format of a Generic Environmental Impact Statement under the provisions of the New York State Town Law Section 272 – a – 8. The Comprehensive Plan recommends changes to the Town policies, codes and zoning as well as calls for further analysis of land use along the Town's State roadway corridors and within hamlet centers.

Location: Town of Clarkstown, Rockland County, New York

Potential Environmental Impacts:

IMPACT ON LAND

1. Land disturbance due to regrading for buildings, parking, trails, roads and sidewalks, etc.
2. Litter and debris generated around trails and recreational facilities.

IMPACT ON WATER

1. Increased stormwater runoff from additional impervious surfaces as a result of buildings, parking, trails roads and sidewalks, etc.
2. Increased water consumption

IMPACT ON AIR

1. Increased building emissions
2. Air pollution associated with vehicles

IMPACT ON PLANTS AND ANIMALS

1. Overpopulation of wildlife, increased human/wildlife conflicts
2. Tree Removal

IMPACT ON AESTHETIC RESOURCES

1. Increased light pollution

IMPACT ON OPEN SPACE AND RECREATION

1. Development of currently undeveloped land.
2. Litter and debris generated around trails.

IMPACT ON TRANSPORTATION

1. Increased traffic congestion.

IMPACT ON ENERGY

1. Increased energy consumption.

NOISE AND ODOR IMPACT

1. Disturbances to adjacent property owners
2. Noise associated with additional vehicles

IMPACT ON PUBLIC HEALTH

1. Increased injury risk associated with higher travel speeds.

IMPACT ON GROWTH CHARACTER COMMUNITY OR NEIGHBORHOOD

1. Reduced development potential.
2. Increased cost of construction.
3. Change in neighborhood character associated with increased density and additional sidewalks.
4. Code violations.
5. Additional staff or staff time and technology resources.
6. Restricted use of property. Decreased property and resale values
7. Increased taxes associated with payments for acquisition, maintenance and construction.
8. Increase usage of park facility and infrastructure including parking and utilities.
9. Relocation of residents or businesses due to acquisition of private property for new or widened roadways.

A copy of the Draft / Final EIS may be obtained from:

Contact Person: Jose Simoes, Town Planner

Address: Town of Clarkstown, 10 Maple Avenue, New City, New York 10956, 845-639-2070

www.town.clarkstown.ny.us, getinvolved@town.clarkstown.ny.us

The Plan will also be available at the following local libraries:

-New City Library

-West Nyack Free Library

-Valley Cottage Library

-Nanuet Public Library

A copy of this notice must be sent to:

1. Department of Environmental Conservation, 625 Broadway Albany, New York 12233-1750
2. Chief Executive Officer, Town of Clarkstown
3. Any person who has requested a copy of the Draft / Final EIS
4. Any other involved agencies
5. Environmental Notice Bulletin 625Broadway Albany, NY 12233-1750

Copies of the Draft EIS must be distributed according to 6NYCRR 617.12(b)

EXHIBIT C

INVOLVED AGENCIES

Clarkstown Town Board

Rockland County Planning Department

RESOLUTION NO. (447-2009) continued

INTERESTED AGENCIES

- | | |
|---|--|
| Clarkstown Architecture and Landscape Commission | Clarkstown Planning Board |
| Clarkstown Building Department | Clarkstown Police Department |
| Clarkstown Department of Environmental Control | Clarkstown Town Attorney |
| Clarkstown Highway Department | Clarkstown Town Clerk |
| Clarkstown Historic Review Board | Clarkstown Zoning Board of Appeals |
| Rockland Lake Fire Department | Hillcrest Fire Department |
| Nanuet Fire Department | New City Fire Department |
| Valley Cottage Fire Department | East Spring Valley Fire Department |
| Central Nyack Fire Department | West Nyack Fire Department |
| Congers Fire Department | Nyack Joint Fire Department |
| Congers/Valley Cottage Volunteer Ambulance Corps | Nyack Community Ambulance Corps |
| Nanuet Community Ambulance Corps | Spring Hill Ambulance Corps |
| New City Volunteer Ambulance and Paramedic | |
| Clarkstown Central School District | Nanuet Union Free School District |
| East Ramapo Central School District | Nyack Union Free School District |
| Nanuet Public Library | West Nyack Free Library |
| New City Library | Valley Cottage Library |
| Town of Haverstraw Town Board | Town of Ramapo Town Board |
| Town of Orangetown Town Board | |
| Village of Chestnut Ridge Village Board | Village of Upper Nyack Village Board |
| Village of Haverstraw Village Board | Village of South Nyack Village Board |
| Village of New Square Village Board | Village of Spring Valley Village Board |
| Village of Nyack Village Board | |
| Rockland County Planning Department | Rockland County Department of Highways |
| Rockland County Planning Board | Rockland County Sewer District #1 |
| Rockland County Department of Health | |
| New York State Department of Environmental Conservation, Region 3 | |
| New York State Department of Transportation, Region 8 | |
| New York State Thruway Authority | |
| Palisades Interstate Park Commission | |
| Federal Emergency Management Agency | |
| U.S. Army Corps of Engineers | |

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. (448-2009)
 Co. Lasker offered and Co. Maloney seconded

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

BID # 47A-2008 – HACKENSACK RIVER NATURAL AREA IMPROVEMENTS
 is hereby awarded to: CAL MART ENTERPRISES, INC., 4 BURTS ROAD, CONGERS, NY 10920
 PRINCIPAL: CARL V. WORTENDYKE, MARTIN C. WORTENDYDE, PETER T. WORTENDYKE
 as per their proposed project cost not to exceed \$963,369.00 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
- h) Signed Labor Agreement

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-7186-400-409-0-59-1

RESOLUTION NO. (448-2009) continued

On roll call the vote was as follows

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

RESOLUTION NO. (449-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION GRANTING PERMISSION TO THE ROTARY CLUB OF CONGERS-VALLEY COTTAGE TO DISPENSE ALCOHOLIC BEVERAGES FOR THE ITALIAN FESTIVAL AT CONGERS STATION PARK

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Rotary Club of Congers-Valley Cottage wishes to obtain a permit from the Parks Board and Recreation Commission to hold the Congers Italian Festival in the Town of Clarkstown at the Congers Station Park, Burnside Avenue, Congers, New York, on October 18, 2009, rain date October 25, 2009, and

WHEREAS, the permittee has requested permission to dispense alcoholic beverages on the occasion;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Rotary Club of Congers-Valley Cottage to dispense alcoholic beverages in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, for the Congers Italian Festival which shall be held in the Town of Clarkstown, at the Congers Station Park, Burnside Avenue, Congers, New York, on October 18, 2009, rain date October 25, 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. (450-2009)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION GRANTING PERMISSION TO LICENSED WINERIES AND/OR LICENSED FARM WINERIES TO DISPENSE ALCOHOLIC BEVERAGES AT THE CONGERS ITALIAN FESTIVAL

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, Marvin Baum wishes to obtain a Farmer's Market permit on behalf of the Rotary Club of Congers-Valley Cottage from Parks Board and Recreation Commission to hold the Congers Italian Festival on Town property including Burnside Avenue and Congers Station Park, on October 18, 2009, rain date October 25, 2009, and

WHEREAS, it is anticipated that said not-for-profit farmers market will include as vendors one or more New York State licensed wineries and/or licensed farm wineries, and

WHEREAS, the permittee has requested permission for vendor/wineries to dispense alcoholic beverages on the date of the festival;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, for the Congers Italian Festival to be held on Town property, including Burnside Avenue and Congers Station Park, on October 18, 2009, rain date October 25, 2009, and be it

FURTHER RESOLVED, that permission to dispense alcoholic beverages is granted only to those vendor wineries which are New York State licensed wineries and/or licensed farm wineries which have furnished to the Office of the Clarkstown Town Attorney, a true copy of their respective current New York State License(s) as required by the Alcoholic Beverage Control Law, prior to the date that such vendor intends to dispense alcoholic beverages.

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. (451-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF ROCKLAND WITH RESPECT TO COMMUNITY DEVELOPMENT FUNDS FOR THE YEAR 2009

RESOLUTION NO. (451-2009) continued

WHEREAS, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2009 Community Development Block Grant Program funds to the Town of Clarkstown in an amount not to exceed \$100,000.00, for the purpose of improving Second Avenue, Nanuet, New York.

On roll call the vote was as follows

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

RESOLUTION NO. (452-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE BUILDING INSPECTOR TO ISSUE A PERMIT TO THE BIG APPLE CIRCUS

WHEREAS, the Big Apple Circus has submitted an application to the Town Building Inspector, to hold a circus at the Palisades Center Mall parking lot "J", West Nyack, New York, to begin on September 24, 2009 and finish on October 12, 2009, (the set up time to begin on September 12, 2009 and the removal of all circus equipment will be October 14, 2009), and

WHEREAS, pursuant to Section 117-13 of the Town Code, the Town Board may, for good cause, from time to time, authorize the Building Inspector to issue a permit for circuses and carnivals to operate for a term in excess of fourteen;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Building Inspector to issue a permit to the Big Apple Circus, in a form approved by the Town Attorney, to hold a circus at the Palisades Center Mall parking Lot ("J"), West Nyack, New York, for the period 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

The Supervisor opened the meeting for general public comments.

Bob Terry- New City

Asked questions regarding the project on Virginia Street.

Bob Terry- New City

Asked who is responsible for taking care of the first ten feet of property from the road, because he has a neighbor who is not maintaining it?

Joel Epstein- Code Enforcer

Stated that Mr. Terry's neighbors are in litigation at the Justice Court concerning the matter.

Barry Goldberg- Goshen

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

Rudolph J.Yacyshyn - Planning Board Vice Chairman

Officially submitted the Proposed Comprehensive Plan to the Town Board, (on file with Town Clerk), and thanked them for their support. Copies can also be viewed at the Planning Department and the libraries or downloaded from the web site.

Co. Hoehmann asked for a moment of silence in memory of a good citizen of our town, Charles Poidevin. On motion of Co. Hoehmann, seconded by Co. Borelli, and unanimously adopted, the Town Board Meeting was adjourned in memory of Mr. Poidevin, 8:26 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

8/25/09

8:00 P.M.

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

Re: Amending official map of the Town of Clarkstown.

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:00 P.M.

Margaret Terry- New City
Asked why there was no surveying being done?

Daniel Kraushaar- Deputy Town Attorney
Stated that it is a county road and we are following the county's recommendations.

Supervisor Gromack
Stated that the property owner is gaining property, about 5 feet on each side that will be their property.
Instead of the road being 70 feet wide, it will be 60 feet wide.

Co. George Hoehmann
In the future, if the county wants to widen the road, they could only widen it to 60 feet.

There being no one wishing to be further heard, on motion of Co. Hoehmann, seconded by Co. Maloney, and
unanimously adopted, the public hearing was closed 8:07 P.M. RESOLUTION NO. (420-2009)

Respectfully submitted,

David Carlucci
Town Clerk