

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 9/22/09 8:00 P.M.

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

Supervisor declared Town Board meeting opened.

Presentation of Colors: Clarkstown Police Honor Guard, Detective Robert McDonald.
Master of Ceremony: Police Chaplain Rev. David S. Lothrop
Salute to the Flag: Chief of Police Peter Noonan
Invocation: Police Chaplain Rev. David S. Lothrop

PRESENTATION OF SHIELDS:

PROMOTIONS:

Captain Michael R. Sullivan
Lietenant Raymond F. McCullagh
Sergeant Glenn P. Cummings

INDUCTIONS:

P.O. Sean Suarez
P.O. Ryan Davan
P.O. William Robinson

Oath of Office: Councilman Frank Borelli

Remarks: Clarkstown P.B.A. President, P.O. Mitchel Schroeder and Clarkstown Town Board Members Supervisor Alexander J. Gromack, Councilwoman Shirley Lasker, Councilman George Hoehmann, Councilman Frank Borelli
Dismissal: Police Chaplain Rev. David S. Lothrop

SPECIAL PRESENTATION: Girl Scouts Heart of the Hudson for participation in Food Drive

Troop 40776: Alyssa Breslow, Gina Celio, Alex Pasin, Erica Tenteromano
Troop 40020: Helen Smith
Troop 40777: Ashley Pichardo, Tamara Pichardo

Public Hearing #1 re: Proposed Comprehensive Plan/Draft Environmental Impact Statement. On motion of Co. Lasker, seconded by Co. Borelli, hearing opened 8:18 P.M. On motion of Co. Borelli, seconded by Co. Hoehmann, and unanimously adopted, questions will be taken for ten days and the public hearing was closed 9:11 P.M. RESOLUTION NO. (453-2009)

Public Hearing #2 re: Application of Cal Mart Enterprises, Inc. for a Special Permit for a landfill operation to the NYS DOT and the New York-New Jersey Trail Conference. On motion of Co. Hoehmann, seconded by Co. Borelli, and unanimously adopted, the public hearing was closed with a reserved decision 9:57 P.M. RESOLUTION NO. (454-2009)

Public Hearing #3 re: Proposed local law to amend Chapter 251 (Wireless Communications Facilities) of the Town Code of the Town of Clarkstown. On motion of Co. Lasker, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was closed 10:10 P.M. RESOLUTION NO. (455-2009)

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

RESOLUTION NO. (453-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN BOARD CLOSING THE PUBLIC HEARING REGARDING THE PROPOSED COMPREHENSIVE PLAN/DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, a public hearing pursuant to Section 272-a of the Town Law and 6 NYCRR 617.9(a)(4)(ii), was held on September 22, 2009, at 8:00 p.m., concerning the Town of Clarkstown's proposed Comprehensive Plan/Draft Generic Environmental Impact Statement, and

WHEREAS, interested parties were heard, and the Town Board reviewed written and verbal comments from the public to date and recommendations from the Rockland County Commissioner of Planning;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby closes the public hearing regarding the proposed Comprehensive Plan/Draft Generic Environmental Impact Statement, and be it

FURTHER RESOLVED, that pursuant to NYCRR Part 617.9(a)(4)(iii) the Town will accept written comments from the public until October 2, 2009, and be it

FURTHER RESOLED, that the Special Board is hereby directed, pursuant to NYCRR Part 617.9(a)(5), to prepare a Final Generic Environmental Impact Statement/Amended Comprehensive Plan for presentation to the Town Board, which shall address the substantive comments received by various entities as set forth in NYCRR Part 617.9(b)(8).

On roll call the vote was as follows

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

RESOLUTION NO. (454-2009)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION CLOSING THE PUBLIC HEARING AND RESERVING DECISION CONCERNING SPECIAL PERMIT APPLICATION OF CAL MART ENTERPRISES, INC., FOR A LANDFILL OPERATION FOR PROPERTY KNOWN AS MAP 35.18-1-4.3

WHEREAS, on July 9, 2009, CAL MART ENTERPRISES, INC., filed a petition to the Town Board of the Town of Clarkstown seeking a Special Permit for a Landfill Operation on property owned by Niles and Janet Davies, pursuant to the provisions of General Use Regulations Section 290-11A, Table 14, M District, Column 3, Item B2, and Section 290-17L of the Zoning Local Law of the Town of Clarkstown. Said property is located south of Long Clove Road (to be renamed Landmark Drive) and north of Route 304, Congers, New York, which is designated on the Clarkstown Tax Map as 35.18-1-4.3, and more particularly described on Schedule "A;"(on file with Town Clerk) WHEREAS, a public hearing was duly held on September 22, 2009, at 8:00 P.M., to consider such application; NOW, THEREFORE, be it RESOLVED, the Town Board hereby closes the public hearing and reserves decision concerning the Special Permit application of Cal Mart Enterprises, Inc., for a landfill operation for property designated on the Tax Map as 35.18-1-4.3.

On roll call the vote was as follows

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

RESOLUTION NO. (455-2009)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 5 – 2009

WHEREAS, a proposed local law entitled, "A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN" was introduced by Councilman Frank Borelli, at a Town Board meeting held on July 21, 2009, and WHEREAS, the purpose of this Local Law is to conform to the U.S. District Court's March 26, 2009 Order in the matter entitled, New York SMA Limited Partnership d/b/a Verizon Wireless, et al v. Town of Clarkstown, et al, E.D.N.Y. Docket No. 07 CV 7637, and WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 21, 2009 directed that a public hearing be held on September 22, 2009, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law and, WHEREAS, notice of said hearing was duly prepared and published in the Journal News, and WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 21, 2009, and WHEREAS, on July 21, 2009, the Town Board declared itself lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), and directed HDR/LMS, Town Consultant, to act as its agent with respect to SEQRA review, and WHEREAS, the Local Law was referred to the Rockland County Department of Planning pursuant to GML §239 M and L on July 21, 2009, and WHEREAS, by letter dated September 10, 2009, the Rockland County Department of Planning recommended approval of the Local Law, and WHEREAS, on September 22, 209, the Town Board received a Full Environmental Assessment Form and proposed Negative Declaration prepared by HDR/LMS pursuant to SEQRA, which the Town Board has reviewed and considered in making its determination herein; NOW, THEREFORE, be it RESOLVED, that pursuant to NYCRR Part 617.11, the Town Board hereby adopts the Negative Declaration attached hereto as Exhibit "A," and hereby directs the Town Attorney to file and distribute in accordance with SEQRA, and be it FURTHER RESOLVED, that Local Law No. 5 – 2009 entitled: "A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

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

RESOLUTION NO. (456-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of August 25, 2009 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (457-2009)
Co. Hoehmann offered and Co. Lasker seconded

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

RESOLVED, to decrease Account A-1990-505-0 (Contingency-Other Costs) and increase Account A-1620-409-0 (Bldg Maintenance-Fees for Services) by \$10,000.
RESOLVED, to decrease Account A-1620-110-0 (Bldg Maintenance-Salaries) by \$10,000 and increase Account A-1620-306-0 (Bldg Maintenance-Supplies) by \$6,000, A-1620-209-0 (Bldg Maintenance-Maintenance Equipment) by \$2,500 and A-1620-407-0 (Bldg Maintenance-Equipment Repairs) by \$1,500 and be it FURTHER RESOLVED, to decrease DB-5110-110-0 (Highway-Salaries) by \$85,000 and increase DB-5110-199-0 (Highway-Vacation Buybacks) by \$5,000 and DB-5110-312-0 (Highway-Auto Maintenance Supplies) by \$80,000.

On roll call the vote was as follows

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

RESOLUTION NO. (458-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Joanne Trainor is hereby reappointed to the position of Member – Assessment and Review Board – term effective October 1, 2009 and to expire on September 30, 2014 – at the per diem rate of \$175., per day, when the Board is in session.

On roll call the vote was as follows

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

RESOLUTION NO. (459-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Theodore J. Rickli-Highway Maintenance Supervisor II – Highway Department - is hereby accepted – effective and retroactive to August 29, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (460-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Disability Retirement of Patricia A. Flynn – Police Officer – Clarkstown Police Department is hereby accepted effective and retroactive to September 11, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (461-2009)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09042 GIS Coordinator I which contains the name of William P. Withington,
NOW, therefore, be it
RESOLVED, that William P. Withington is hereby appointed to the position of (permanent) GIS Coordinator I – Data Processing Department – at the current 2009 salary of \$79,228., - effective and retroactive to August 21, 2009.
On roll call the vote was as follows

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

RESOLUTION NO. (462-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Christopher J. Alvarado is hereby appointed to the position of (promotional) (provisional) Information Services Specialist I (Network Systems) – Data Processing Department – at the current 2009 salary of \$54,403., effective September 28, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (463-2009)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 20, 2009 that the position of Principal Clerk Typist #500833 – Planning Department (encumbered by Diane Papenmeyer) can be reclassified to the position of Administrative Secretary,
NOW, therefore, be it
RESOLVED, that the position of Principal Clerk Typist –Planning Department – is hereby reclassified to the position of Administrative Secretary – effective September 28, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (464-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Chairman of the Planning Board of Diane Papenmeyer to the position of (promotional) (provisional) Administrative Secretary – Planning Department – at the current 2009 salary of \$65,821., effective September 28, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (465-2009)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on June 23, 2009 that the position of Personnel Clerk - can be created,
NOW, therefore, be it
RESOLVED, that the position of Personnel Clerk – Personnel Department – is hereby created - effective September 28, 2009 – and be it,
FURTHER RESOLVED, that the grade for the position of Personnel Clerk – is hereby established at a grade 24.

RESOLUTION NO. (465-2009) continued

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

RESOLUTION NO. (466-2009)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Frances H. Hunt is hereby appointed (promotional)(provisional) to the position of – Personnel Clerk – Personnel Department – at the current 2009 salary of \$60,444., - effective September 28, 2009.

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

RESOLUTION NO. (467-2009)

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 one (1) year, continuing from September 25, 2009 to September 25, 2010, as follows:

- Sponsor: Tilcon New York Inc., 162 Old Mill Road, West Nyack, NY 10994
- Roads: .4 mile segment of Old Mill Road, from Tilcon's Driveway to Snake Hill Road Bridge,
and .8 mile segment of Crusher Road beginning at bridge over West Shore Railroad to corner of Casper Hill Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Tilcon New York, Inc. will continue to perform a public service in removing trash from above roadways 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 one (1) year continuing from September 25, 2009 to September 25, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Tilcon New York Inc. to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (468-2009)

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 September 1, 2009 to September 1, 2011, as follows:

- Sponsor: Clarkstown Sunrise Rotary Club, P.O. Box 9292, Bardonia, NY 10954
- Road: 0.6 mile segment of West Nyack Road, from Route 304 to the west end of St. Anthony's Church, 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 September 1, 2009 to September 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 Absent
 Co. Hoehmann. Abstain
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (469-2009)
Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE RENTAL OF EQUIPMENT IN CONNECTION WITH THE RE-CONSTRUCTION OF THE TOWN OF CLARKSTOWN POLICE IMPOUND YARD, NANUET, NEW YORK

WHEREAS, the Town of Clarkstown is re-constructing the existing police vehicle impound yard, and WHEREAS, certain earth moving equipment is required to complete the re-construction, and WHEREAS, the Town has obtained a quotation for the rental of a D31 Bulldozer from Pine Bush Equipment Company, Inc., 97 Rt. 302, Pine Bush, New York 12566 for \$4,146.00.

NOW THEREFORE, BE IT

RESOLVED, that the Deputy Director – Operations, Department of Environmental Control is hereby authorized to rent (1) Komatsu D31 Bulldozer from Pine Bush Equipment Company, Inc., 97 Rt. 302, Pine Bush, New York 12566 for the total cost of \$4,146.00, and

BE IT FURTHER RESOLVED, the cost for the rental shall be charged to account H 8759 409 83 30-0
On roll call the vote was as follows

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

RESOLUTION NO. (470-2009)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 329-2009 FOR BID #37-2009; WELLS AVENUE DRAINAGE IMPROVEMENTS

WHEREAS, Town Board Resolution 329-2009 awarded bid #37-2009; Wells Avenue Drainage Improvements To Marini Bothers Construction Co., Inc.; and

WHEREAS, unforeseen conflict with two gas mains located at the intersection of Wells Avenue and Southward Drive 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 Marini Brothers Construction Co., Inc. for the additional work in the amount of \$2,173.20; and

WHEREAS, the change order has been reviewed by the Department of Environmental Control and found acceptable as follows:

The installation of two runs of 12” ductile iron pipe across Wells Avenue.

Total Change Order Amount \$2,173.20

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$70,000.00 to \$72,173.20 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 8760 400 409 0 84 13
On roll call the vote was as follows

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

RESOLUTION NO. (471-2009)
Co. Lasker 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 segment of town road for an additional period of two (2) years, continuing from September 1, 2009 to September 1, 2011, as follows:

Sponsor: Aldan Press, 57 Bardonia Road, Bardonia, NY 10954

Road: 0.9 mile segment of Ludvigh Road, from Route 304 to Middletown Road, Bardonia, 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 September 1, 2009 to September 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 Absent
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (472-2009)

Co. Hoehmann offered and Co. Lasker seconded

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

BID # 43-2008 – VALLEY COTTAGE HAMLET IMPROVEMENTS – PHASE III

is hereby awarded to: TILCON NEW YORK, INC., 162 OLD MILL ROAD, WEST NYACK, NY 10994

PRINCIPAL: A PUBLIC CORPORATION

as per their proposed project cost not to exceed \$363,630.00 plus a fifteen (15) % contingency 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-5111-400-409-0-4-17, 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 Absent
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (473-2009)

Co. Hoehmann offered and Co. Lasker seconded

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

BID #21-2009 BUENA VISTA ROAD ROADWAY AND DRAINAGE IMPROVEMENTS

is hereby awarded to: SCHENLEY CONSTRUCTION, INC., 731 Warwick Turnpike, Hewitt, New Jersey 07421

PRINCIPALS: DIANE DEAVER, PRESIDENT, KENNETH E. DEAVER, VICE-PRESIDENT

as per their proposed project cost as follows:

Total price – Original Construction Plan: \$1,038,130.00;

Add/alternate #1 – Install 710 Tons of Top Course Asphalt @ \$94.00/Ton: \$66,740.00;

Add/alternate #2 – Excavate and backfill trench for 725 linear feet of gas main relocation @ \$45.00/linear foot and excavate and backfill trenches for 175 linear feet of gas services relocation @ \$62.00/linear foot: \$43,475.00 (Orange & Rockland Utilities, Inc. is to reimburse the Town of Clarkstown for all costs associated with the work performed under this add alternate item)

For a total project cost of \$1,148,345.00 plus a fifteen (15) % contingency; and

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

- a) Signed Contract Documents – Four Sets
- b) Performance Bond – 100% of Project Cost
- c) Labor and Materials Payment Bond – 100% of Proposed Project Cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation Insurance Coverage
- g) Certificate of Worker's Disability Insurance Coverage

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

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

BE IT FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8755-409-0-79-34; and

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

On roll call the vote was as follows

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

RESOLUTION NO. (474-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Superintendent of Highways that
BID # 22-2009 – ROADWAY RECONSTRUCTION – VARIOUS LOCATIONS
is hereby awarded to: TILCON NEW YORK, INC., 162 OLD MILL ROAD, WEST NYACK, NY 10994
PRINCIPAL: A PUBLIC CORPORATION

as per their proposed project cost not to exceed \$801,661.00 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 Superintendent of Highways
On roll call the vote was as follows

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

RESOLUTION NO. (475-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #56-2009 – 2 PATRIOT COURT STREAM CHANNEL 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 upon payment of the prescribed fee.

On roll call the vote was as follows

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

RESOLUTION NO. (476-2009)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by proposal dated July 6, 2009, American Appraisal Associates has proposed to renew its contract with the Town, to provide fixed asset inventory and insurance appraisal for the Year 2009;
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with American Appraisal Associates, in a form approved by the Town Attorney, to provide fixed assets inventory and insurance appraisal to the Town of Clarkstown for the Year 2009, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$2,275.00 and shall be charged to Account No. A 1315-409.

On roll call the vote was as follows

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

RESOLUTION NO. (477-2009)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND, FOR PARTICIPATION IN THE ROCKLAND COUNTY NARCOTICS TASK FORCE

WHEREAS, the County of Rockland wishes to assist the Town of Clarkstown in its crime intelligence gathering and drug law enforcement activities, and

RESOLUTION NO. (477-2009) continued

WHEREAS, the Town of Clarkstown wishes to provide the Rockland County Narcotics Task Force with two members of its Police Department for crime fighting activities, and

WHEREAS, the County of Rockland initiated a program to reimburse local municipalities for drug law enforcement activities, and the Legislature of Rockland County has provided funds in its 2009 Budget for the purpose of reimbursement of compensation for two Clarkstown Police Officers for said law enforcement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the County of Rockland, through its District Attorney’s Office, for the sum of \$73,920.00 per police officer, for the total sum of \$147,840.00, for the period January 1, 2009 and terminating December 31, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (478-2009)

Co. Lasker 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 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 Justice Assistance Grant Program (JAG), Grant No. 2009-DJ-BX-0780, and WHEREAS, by Resolution No. 365, adopted by the Town Board on July 7, 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, and

WHEREAS, the Chief of Police, Peter Noonan, has advised that the U.S. Department of Justice has tendered a contract award (2009-DJ-BX-0780) to the Clarkstown Police Department and the Village of Spring Valley, in the amount of \$36,946.00, of which Clarkstown receives \$11,613.00, 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-DJ-BX-0780), in a form approved by the Town Attorney, for the period October 1, 2008 to September 30, 2012, to accept grant funding under the 2009 Byrne Justice Assistance Grant Program (JAG).

On roll call the vote was as follows

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

RESOLUTION NO. (479-2009)

Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (JIFFY LUBE INTERNATIONAL, INC. AND DENPEG CORP. – 65.35-1-15)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Jiffy Lube International, Inc. v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Clarkstown and The Town of Clarkstown, Index Nos. 4723/03, 4128/04, 4848/05, 5943/06, 5690/07 and 7211/08, and Denpeg Corp. v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Clarkstown and The Town of Clarkstown, Index No. 6946/09, affecting parcel designated as Tax Map 65.35-1-15, and more commonly known as 31 Route 59, Central Nyack, New York 10960 for the years 2003, 2004, 2005, 2006, 2007, 2008 and 2009, and

WHEREAS, the attorney for the petitioners has proposed to settle the proceedings and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner, Jiffy Lube International, Inc., described on the assessment roll as Tax Map 65.35-1-15 be reduced for the year 2005/06 from \$386,500.00 to \$360,000.00 at a cost to the Town of \$397.45;
2. The assessment on the premises owned by the petitioner, Jiffy Lube International, Inc., described on the assessment roll as Tax Map 65.35-1-15 be reduced for the year 2006/07 from \$386,500.00 to \$330,000.00 at a cost to the Town of \$869.61;
3. The assessment on the premises owned by the petitioner, Jiffy Lube International, Inc., described on the assessment roll as Tax Map 65.35-1-15 be reduced for the year 2007/08 from \$386,500.00 to \$309,000.00 at a cost to the Town of \$1,341.23;
4. The assessment on the premises owned by the petitioner, Jiffy Lube International, Inc., described on the

RESOLUTION NO. (479-2009) continued

assessment roll as Tax Map 65.35-1-15 be reduced for the year 2008/09 from \$386,500.00 to \$335,000.00 at a cost to the Town of \$861.98;

5. The assessment on the premises owned by the petitioner, Denpeg Corp., described on the assessment roll as Tax Map 65.35-1-15 be reduced for the year 2009/10 from \$386,500.00 to \$360,000.00 at no cost to the Town;

6. There is no reduction in the assessment on the premises owned by the petitioner, Jiffy Lube International, Inc., described on the assessment roll as Tax Map 65.35-1-15 for the years 2003/04 and 2004/05;

7. Reimbursement for the years 2005/06, 2006/07, 2007/08 and 2008/09 on the parcel described as Tax Map 65.35-1-15 as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

8. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

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

RESOLUTION NO. (480-2009)

Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
(STROBER-KING BUILDING SUPPLY CENTER, INC. – 44.12-2-54)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Strober-King Building Supply Center, Inc. v. The Town of Clarkstown, Its Assessor and Board of Assessment Review, Index Nos. 4250/04, 4698/05, 5195/06, 5543/07 and 6501/08, affecting parcel designated as Tax Map 44.12-2-54 and more commonly known as 102 North Route 9W, Congers, New York 10920 for the years 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 44.12-2-54 be reduced for the year 2004/05 from \$1,151,200.00 to \$817,400.00 at a cost to the Town of \$5,869.68;

2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 44.12-2-54 be reduced for the year 2005/06 from \$1,151,200.00 to \$805,800.00 at a cost to the Town of \$6,261.27;

3. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 44.12-2-54 be reduced for the years 2006/07 and 2007/08 from \$1,151,200.00 to \$759,800.00 at a cost to the Town of \$15,516.34;

4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 44.12-2-54 be reduced for the year 2008/09 from \$1,151,200.00 to \$863,400.00 at a cost to the Town of \$5,866.68;

5. Reimbursement for the years 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09 on the parcel described as Tax Map 44.12-2-54, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

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

RESOLUTION NO. (481-2009)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED “AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

WHEREAS, Councilperson Hoehmann, a member of the Town Board of the Town of Clarkstown, has

RESOLUTION NO. (481-2009) continued

introduced a proposed local law entitled,

“AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on October 20, 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 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.

On roll call the vote was as follows

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

RESOLUTION NO. (482-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION CONCERNING PRELIMINARY BUDGET FOR 2010 AND SCHEDULING A PUBLIC HEARING

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

WHEREAS, pursuant to Resolution No. 744-2008, adopted by the Town Board on November 25, 2008, the Town Board scheduled a Town Board meeting for November 5, 2009, at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Board hereby schedules a public hearing for November 5, 2009, at 7:00 p.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2010, and be it

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (483-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING INCLUSION OF PROJECT LABOR AGREEMENTS FOR THE PROJECT KNOWN AS “THE POLICE DEPARTMENT COMMUNICATIONS CENTER UPGRADE”

WHEREAS, by Resolution No. 281, adopted on May 19, 2009, the Supervisor was authorized to enter into an agreement with H2M Group to conduct feasibility studies to determine whether Project Labor Agreements were warranted, and,

WHEREAS, H2M Group conducted a feasibility study for the “POLICE DEPARTMENT COMMUNICATIONS CENTER UPGRADE,” and

WHEREAS, said study concluded that a Project Labor Agreement was recommended for said project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the inclusion of Project Labor Agreement for the following public works project:

BID NO. 53-2009 POLICE DEPARTMENT COMMUNICATIONS CENTER UPGRADE

On roll call the vote was as follows

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

RESOLUTION NO. (484-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION #816-2008 AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RENT PAVING EQUIPMENT AND OPERATORS IN CONNECTION WITH THE EXPANSION OF THE CLARKSTOWN POLICE DEPARTMENT VEHICLE IMPOUND YARD, NANUET, NEW YORK

RESOLUTION NO. (484-2009) continued

WHEREAS, the Department of Environmental Control has been directed to construct improvements for the expansion of the Clarkstown Police Department Vehicle Impound Yard, and

WHEREAS, the Department of Environmental Control has undertaken the construction of the expansion of the impound yard utilizing Department personnel, and

WHEREAS, it was necessary to rent paving equipment and operators to perform the paving of the new asphalt access road, and

WHEREAS, the Department of Environmental Control has obtained a proposal from Tilcon, New York, 162 Old Mill Road, Valley Cottage, New York 10994 for the rental of the required equipment and operators necessary to complete the work, and

WHEREAS, the proposal submitted by Tilcon, New York was based on the work being completed in one (1) day, and

WHEREAS, the completion of the required work required an additional day and one half (1 1/2 Days).

NOW, THEREFORE, BE IT

RESOLVED, that Town Board resolution #816-2008 is hereby amended to reflect the additional cost of \$14,041.45 for the rental of equipment and operators necessary to complete the project, and

BE IT FURTHER RESOLVED, that the total cost for the rental of the asphalt paving equipment and operators shall not exceed \$33,541.45 and shall be a proper charge to account #H 8759-409-0-83-30.

On roll call the vote was as follows

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

RESOLUTION NO. (485-2009)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE PURCHASE OF HOT MIX BITUMINOUS CONCRETE FOR RE-CONSTRUCTION OF THE CLARKSTOWN POLICE DEPARTMENT VEHICLE IMPOUND YARD, NANUET, NEW YORK

WHEREAS, the Department of Environmental Control has been directed to construct improvements for the expansion of the Clarkstown Police Department Vehicle Impound Yard, and

WHEREAS, the Department of Environmental Control has undertaken the construction of the expansion of the impound yard utilizing Department personnel, and

WHEREAS, it is necessary to purchase hot mix bituminous concrete for the final paving of the impound yard, and

WHEREAS, as permitted by GML 103(3), the hot mix bituminous concrete shall be purchased via Rockland County Bid No. RFB-RC-09-024, and

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to purchase hot mix bituminous concrete via Rockland County Bid No. RFB-RC-09-024 from Tilcon, New York, and

BE IT FURTHER RESOLVED, that the cost for the purchase of hot mix bituminous concrete shall not exceed \$49,690.09 and shall be a proper charge to account #H 8759-409-0-83-30.

On roll call the vote was as follows

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

RESOLUTION NO. (486-2009)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING CHANGE ORDER #1, NEW CITY COMMUTER PARKING LOT, BID #11-2008, NYS ROUTE 304, NEW CITY, NEW YORK

WHEREAS, the Town of Clarkstown is currently constructing a commuter parking lot located on NYS Route 304, new City, New York, and

WHEREAS, the following changes were required,

1. Installation of temporary pipe culvert required by NYSDOT
2. Modifications to storm water detention pond outlet structure
3. Modifications to the bus shelter, and

WHEREAS, the General Contractor has submitted the proposal for the above referenced work, 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 \$21,569.60.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1, for Bid #11-2008 is approved for the additional cost of \$21,569.60, and be it FURTHER RESOLVED, that Capital Account No. H 8757 409 81 27 shall be increased by \$21,569.60 for a total of \$983,393.60 to reflect the cost of the Change Order.

On roll call the vote was as follows

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

RESOLUTION NO. (487-2009)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING CHANGE ORDER #2, CONTRACT-G, 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, the following changes were required:

1. Credit for the use of Thermax Sheathing Insulation
2. Change the 18 ga. Top track to 10 ga. Top track per structural engineer
3. Install additional concrete apron on north side of building
4. Additional tree removal for new electric service
5. Additional drainage work due to unforeseen underground obstructions
6. De-mobilize and Re-mobilize to site, and

WHEREAS, the General Contractor has submitted the proposal for the above referenced work, 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 \$11,078.27;

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #2, Contract-G, General Contracting, for Bid #48-2008 is approved for the additional cost of \$11,078.27, and be it

FURTHER RESOLVED, that Capital Account No. H 8759 409 0 83 20 shall be increased by \$11,078.27 to \$1,128,278.93 to reflect the cost of the Change Order.

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

RESOLUTION NO. (488-2009)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO OBTAIN THE CONSTRUCTION ADMINISTRATION SERVICES IN CONNECTION WITH THE HACKENSACK RIVER FLOOD MANAGEMENT PROJECT BID #47-2008, WEST NYACK, NEW YORK

WHEREAS the Town of Clarkstown has awarded Bid #47-2008 for the Hackensack River Natural Area Improvement and Flood Management Project, and

WHEREAS construction engineering administration services are required to assist the Town with construction inspection, and

WHEREAS the Director of the Department of Environmental Control has obtained a proposal from M.G. McLaren Engineering Group for the additional construction engineering administration services, and

WHEREAS the Director of the Department of Environmental Control has reviewed the proposal and found it to be reasonable.

NOW THEREFORE BE IT

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to obtain the services of M.G. McLaren Engineering Group, 100 Snake Hill Road, West Nyack, New York 10994 in accordance with their proposal dated September 17, 2009, and

BE IT FURTHER RESOLVED that the cost for the construction engineering administration services shall be charged to account H 7186 400 409 0 59 1 at a cost not to exceed \$12,500.00.

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

RESOLUTION NO. (489-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO FILE AN APPLICATION, AND ENTER INTO AN AGREEMENT WITH NEW YORK STATE, FOR A GRANT FOR THE CONSTRUCTION OF THE KAYAK AND CANOE LAUNCH AT WESTERN HIGHWAY, WEST NYACK, NEW YORK

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has established funds for local governments to apply for a grant associated with the development of projects in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and

WHEREAS, the Clarkstown Parks and Recreation Commission has proposed the construction of a Kayak and Canoe Launch, with amenities, to be located on vacant Town land adjacent to the CSX Railroad tracks, located at Western Highway and west shore of the Hackensack River, West Nyack, New York, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that the Town enter into an agreement with the State to apply for said grant;

WHEREAS, the Town Board of the Town of Clarkstown wishes to file an application with New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in a form approved by the Town Attorney, for a grant not to exceed \$100,000.00, to support

RESOLUTION NO. (489-2009) continued

the construction of the Kayak and Canoe Launch at Western Highway, West Nyack, New York, and WHEREAS, upon approval of the application by the State, the Town shall execute an agreement for financial assistance for the project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to apply to the New York State Office of Parks, Recreation and Historic Preservation, for a grant in the amount not to exceed \$100,000.00, and to enter into an agreement and any required supporting documents, in a form approved by the Town Attorney, to obtain funding to support the construction of the Kayak and Canoe Launch at Western Highway, West Nyack, New York.

On roll call the vote was as follows

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

RESOLUTION NO. (490-2009)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO FILE AN APPLICATION, AND ENTER INTO AN AGREEMENT WITH NEW YORK STATE, FOR A GRANT FOR THE DEVELOPMENT OF TRAILS AND OUTDOOR AMENITIES ON TOWN PROPERTY KNOWN AS THE DAVENPORT PRESERVE, NEW CITY, NEW YORK

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has established funds for local governments to apply for a grant associated with the development of projects in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and

WHEREAS, the Clarkstown Parks and Recreation Commission has proposed the development of trails and outdoor amenities on Town property known as the Davenport Preserve, at Saw Mill Road and Buena Vista Road, New City, New York, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that the Town enter into an agreement with the State to apply for said grant;

WHEREAS, the Town Board of the Town of Clarkstown wishes to file an application with New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in a form approved by the Town Attorney, for a grant not to exceed \$200,000.00, to support the development of trails and outdoor amenities on the Davenport Preserve property, and

WHEREAS, upon approval of the application by the State, the Town shall execute an agreement for financial assistance for the project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to apply to the New York State Office of Parks, Recreation and Historic Preservation, for a grant in the amount not to exceed \$200,000.00, and to enter into an agreement and any required supporting documentation, in a form approved by the Town Attorney, to obtain funding to support the development of trails and outdoor amenities on Town property known as the Davenport Preserve, at Saw Mill Road and Buena Vista Road, New City, New York, and if appropriate.

On roll call the vote was as follows

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

RESOLUTION NO. (491-2009)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH MASER CONSULTING P.A. TO PROVIDE PROFESSIONAL SERVICES CONCERNING THE NEW CITY DOWNTOWN REVITALIZATION PROJECT

WHEREAS, Maser Consulting P.A. has submitted a proposal dated September 22, 2009, to provide construction administration and inspection services with regard to the New City Downtown Revitalization Project - Phase I, and WHEREAS, the Clerk of the Works has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Clerk of the Works, the Town Board hereby authorizes the Supervisor to enter into an agreement with Maser Consulting P.A., in a form approved by the Town Attorney, to provide construction administration and inspection services with regard to the New City Downtown Revitalization Project - Phase I, pursuant to its proposal dated February 22, 2009, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed \$393,000.00 for an eighteen (18) period without further authorization from the Town Board and shall constitute a proper charge to Account No. H 5111-409-0-4-16.

On roll call the vote was as follows

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

RESOLUTION NO. (492-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR MASS TRANSPORTATION

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2009 to March 31, 2010, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (493-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH JAMES AND MAURA HANIGAN, 23 MERIWETHER TRAIL, CONGERS, NEW YORK, REGARDING ENCROACHMENT ON TOWN DRAINAGE EASEMENT

WHEREAS, James J. and Maura L. Hanigan, owners of premises located at 23 Meriwether Trail, Congers, New York and more particularly described as Tax Map 44.6-1-34, have installed a fence and plantings within a Town drainage easement, 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 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, granting a license terminable on ten (10) days written notice, to authorize the fence and plantings to remain in the Town's drainage easement, located at 23 Meriwether Trail, Congers, New York and more particularly described as Tax Map 44.6-1-34, 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 Absent
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (494-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO ACCESS AGREEMENT CONCERNING NEW CITY DOWNTOWN REVITALIZATION PROJECT

WHEREAS, the town is about to perform certain improvements on South Main Street, New City, New York pursuant to the New City Downtown Revitalization Project, and

WHEREAS, the Town has requested permission to use property for a staging area which is owned by 101 South Main Street Corp. and located at 101 South Main Street, New City, New York 10956 with a Tax Map designation of 43.19-1-9, and

WHEREAS, the Town and the owner of the property wish to enter into an Access Agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an Access Agreement with 101 South Main Street Corp., in a form approved by the Town Attorney, for use of property located at 101 South Main Street, New City, New York as a staging area for the New City Downtown Revitalization Project, and be it

FURTHER RESOLVED, that the total cost for a one year period shall not exceed \$5,300 and this shall be a proper charge to Capital Account No. H 5111-409-0-4-16.

On roll call the vote was as follows

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

RESOLUTION NO. (495-2009)
Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 22, 2009, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO BUENA VISTA ROAD, INCLUDING RELATED DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,320,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,320,000 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 improvements to Buena Vista Road, including related drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,320,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,320,000 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 \$1,320,000 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. 20 (c) of the Law, is fifteen (15) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "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 Absent
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (496-2009)
Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 22, 2009, AUTHORIZING THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS IN CONNECTION WITH THE VALLEY COTTAGE DOWNTOWN REVITALIZATION PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$420,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$420,000 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 sidewalk improvements in connection with the Valley Cottage Downtown Revitalization Project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$420,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$420,000 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 \$420,000 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. 24 of the Law, is ten (10) 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 Absent
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (497-2009)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Superintendent of Highways via the County Legislator of the district has received complaints from a resident regarding an area intensely utilized by numerous dog walkers where violations of Town Code Chapter 125-4F (Nuisance by failure to clean up) are frequently observed, and

WHEREAS, an inspection of the area has been conducted by the Code & Zoning Enforcement resulting in findings that the complaints are substantiated, and

WHEREAS, the resident has requested controlling signage to better notify errant dog walkers, facilitate enforcement and better protect the green space in the neighborhood,

NOW, THEREFORE, be it RESOLVED, that the Superintendent of Highways is hereby authorized to install:

One (1) 'Dog Waste Prohibited' sign at the corner of North Lexow Avenue and Peter Place in the hamlet of Nanuet.

On roll call the vote was as follows

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

RESOLUTION NO. (498-2009)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE PURCHASE OF A PARCEL OF PROPERTY FOR THE WEST NYACK DOWNTOWN REVITALIZATION PROJECT MAP 65.05-2-23

WHEREAS, the Town of Clarkstown is in the process of designing the revitalization of downtown West Nyack; and WHEREAS, the Town has identified certain parcels for potential acquisition which may be of value in the revitalization process; and

WHEREAS, the owner of certain property located at 731 West Nyack Road, West Nyack, New York, one of the properties identified by the Town (the "Parcel"), has indicated a willingness to negotiate a sale of said parcel;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney's office is hereby authorized and directed to pursue the acquisition of the Parcel; and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a Purchase and Sale Agreement for the acquisition of said premises, and is further authorized to execute any ancillary documents necessary to effect the purchase.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Steven Levine- Congers

Spoke about issues regarding property on Massachusetts Avenue in Congers and asked if anyone applied for a permit to remediate, and then stated that his property was unfairly assessed.

Amy Mele- Town Attorney

Stated that nobody had applied for a permit to remediate.

Barry Goldberg- Goshen

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

Amy Mele- Town Attorney

Stated that Mr. Goldberg had obtained an attorney and it would be inappropriate for the Town Board to comment.

On motion of Co. Hoehmann, seconded by Co. Lasker, and unanimously adopted, the Town Board Meeting was adjourned, 11:07 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

9/22/09

8: 18 P.M.

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

Re: Proposed Comprehensive Plan / Draft Environmental Impact Statement pursuant to Town Law Section 272 (A) (8) and the State Environmental Quality Review Act (SEQRA).

On motion of Co. Lasker, seconded by Co. Borelli, hearing opened 8:18 P.M.

Amy Mele- Town Attorney

GOOD EVENING. AS THE TOWN CLERK STATED, WE ARE HERE THIS EVENING TO HEAR YOUR COMMENTS REGARDING THE TOWN’S PROPOSED COMPREHENSIVE PLAN AMENDMENT. TOWN LAW SECTION 272-A ENCOURAGES TOWNS TO ADOPT A COMPREHENSIVE PLAN, WHICH, AS THE TOWN PLANNER WILL EXPLAIN IN MORE DETAIL IN A MINUTE, IS BASICALLY A “ROADMAP” FOR THE TOWN’S FUTURE DEVELOPMENT. THE LAW ALSO PROVIDES THAT IF A TOWN DOES ADOPT A COMPREHENSIVE PLAN, IT MUST PERIODICALLY REVIEW IT AND UPDATE IT IF NECESSARY SO THAT IT DOESN’T BECOME STALE. IT IS THAT REVIEW AND UPDATING PROCESS THAT BRINGS US HERE THIS EVENING.

TO GIVE YOU A BIT OF HISTORY, THE TOWN OF CLARKSTOWN FIRST ADOPTED A COMPREHENSIVE PLAN (THEN KNOWN AS A MASTER PLAN) IN 1966. THE MOST RECENT UPDATE OCCURRED IN 1999. IN NOVEMBER 2007, THE TOWN BOARD CREATED A SPECIAL BOARD THAT WAS CHARGED WITH REVIEWING AND UPDATING THE 1999 PLAN. THE COMPREHENSIVE PLAN SPECIAL BOARD MADE USE OF THE DATA FROM SEVERAL STUDIES THAT WERE COMMISSIONED, ALONG WITH THE RESEARCH OF NUMEROUS COMMITTEES THAT WERE FORMED, TO ADDRESS THE ISSUES HIGHLIGHTED IN THE 1999 COMPREHENSIVE PLAN. THE STUDIES AND REPORTS COMMISSIONED AND REVIEWED BY THE SPECIAL BOARD RANGED FROM HOUSING, OPEN SPACE, PARKS, ENVIRONMENTAL RESOURCES AND HAMLET CENTERS TO DRAINAGE, ECONOMIC DEVELOPMENT AND TRANSPORTATION. THESE STUDIES ARE REFERENCED THROUGHOUT THE PLAN AND THE FULL TEXT OF THE STUDIES IS SET FORTH IN THE APPENDIX.

THE SPECIAL BOARD ALSO WENT TO GREAT LENGTHS TO ENGAGE AND EDUCATE THE PUBLIC DURING THE PROCESS. AT LEAST FOUR TOWNWIDE MAILINGS WERE SENT, INCLUDING THE POSTCARD YOU RECEIVED ABOUT TONIGHT’S PUBLIC HEARING. A SUMMARY OF THE BOARD’S PUBLIC OUTREACH EFFORTS IS SET FORTH IN TABLE 1 IN THE PLAN.

IN NEW YORK STATE, MOST PROJECTS OR ACTIVITIES PROPOSED BY A STATE AGENCY OR UNIT OF LOCAL GOVERNMENT REQUIRE AN ENVIRONMENTAL IMPACT ASSESSMENT AS PRESCRIBED BY THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA). UNDER SEQRA, THE ADOPTION OF A MUNICIPALITY’S LAND USE PLAN, SUCH AS A COMPREHENSIVE PLAN, IS PRESUMED TO REQUIRE THE PREPARATION OF A GENERIC ENVIRONMENTAL IMPACT STATEMENT, OR “GEIS.” AN GEIS CONCISELY DESCRIBES AND ANALYZES A PROPOSED ACTION WHICH MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

NEW YORK STATE TOWN LAW ALSO PROVIDES THAT, IN DRAFTING A COMPREHENSIVE PLAN, THE TOWN MAY DESIGN THE PLAN TO ALSO SERVE AS AN ENVIRONMENTAL IMPACT STATEMENT. THUS, SINCE THE PREPARATION OF A COMPREHENSIVE PLAN GENERALLY REQUIRES THE PREPARATION OF A GEIS, THE SPECIAL BOARD RECOMMENDED THAT THE TOWN BOARD CONDENSE THE PROCESS AND PREPARE THE COMPREHENSIVE PLAN AS A GEIS, AND THAT’S WHAT WE ARE HERE TO CONSIDER TONIGHT.

UNDER THE PROVISIONS OF SEQRA, THE TOWN IS REQUIRED TO CONSIDER AND ADDRESS ANY SUBSTANTIVE COMMENTS RECEIVED IN CONNECTION WITH THE GEIS, INCLUDING THOSE MADE AT TONIGHT’S PUBLIC HEARING. BECAUSE THE LAW IS VERY SPECIFIC THAT WE MUST ADDRESS YOUR COMMENTS, WE ARE RESPECTFULLY REQUESTING THAT YOU ADHERE TO SOME BASIC RULES WITH RESPECT TO TONIGHT’S PUBLIC HEARING:

1. PLEASE STATE YOUR COMMENTS AS CLEARLY AND SUCCINCTLY AS POSSIBLE. FOR EXAMPLE, IF YOU FEEL THAT ONE OF THE RECOMMENDATIONS SET FORTH IN THE PLAN MAY HAVE A SPECIFIC IMPACT YOU’D LIKE THE BOARD TO CONSIDER, PLEASE REFERENCE THE RECOMMENDATION AND DESCRIBE WHAT YOU WOULD LIKE TO SEE THE TOWN ADDRESS.
2. KINDLY MAKE YOUR COMMENTS IN THE FORM OF STATEMENTS, RATHER THAN QUESTIONS. TONIGHT’S PUBLIC HEARING IS INTENDED TO HEAR YOUR SPECIFIC CONCERNS, NOT TO ENGAGE IN A BACK AND FORTH QUESTION AND ANSWER SESSION. IF YOU HAVE SPECIFIC QUESTION, WE REQUEST THAT YOU CONTACT OUR TOWN PLANNING DEPARTMENT AT 639-2070 DURING BUSINESS HOURS. LEGAL QUESTIONS MAY BE DIRECTED TO ME AT 639-2060.
3. PLEASE MAKE SURE THAT YOUR COMMENTS RELATE TO SOME ASPECT OF THE COMPREHENSIVE PLAN/GEIS. IF YOU HAVE OTHER ISSUES YOU’D LIKE TO RAISE WITH THE TOWN BOARD TONIGHT, THERE WILL BE AT LEAST TWO MORE OPPORTUNITIES TO DO SO – ONCE BEFORE THE REGULAR AGENDA ITEMS TO DISCUSS ITEMS ON THE AGENDA AND ONCE AT THE CONCLUSION OF THE MEETING TO DISCUSS ANY OTHER ISSUES YOU MAY HAVE.

4. IF CALLED UPON TO SPEAK, WE REQUEST THAT YOU COME TO THE PODIUM, SIGN IN, AND STATE YOUR NAME AND ADDRESS FOR THE RECORD. WE DO HAVE A COURT REPORTER HERE THIS EVENING SO SIGNING IN AND STATING YOUR NAME FOR THE RECORD WILL MAKE IT EASIER FOR HIM TO ATTRIBUTE YOUR COMMENTS CORRECTLY.
5. FINALLY, IF FOR SOME REASON YOU WOULD PREFER NOT TO VOICE YOUR COMMENTS AT THE MEETING, OR IF WE RUN OUT OF TIME, YOU MAY ALSO DO SO IN WRITING EITHER VIA EMAIL OR LETTER. BOTH MEANS OF SUBMITTING COMMENT ARE LISTED ON THE EXECUTIVE SUMMARIES WHICH WE HAVE HANDED OUT THIS EVENING.

DEPENDING ON THE NUMBER OF PEOPLE WISHING TO SPEAK, THE TOWN BOARD MAY OR MAY NOT CONTINUE TONIGHT'S PUBLIC HEARING TO ITS NEXT REGULARLY SCHEDULED PUBLIC MEETING ON OCTOBER 25, 2009. IF IT DOES, AND YOU HAVE NOT HAD THE OPPORTUNITY TO SPEAK, YOU MAY ATTEND THE OCTOBER MEETING AND HAVE YOUR COMMENTS HEARD. IF THE TOWN BOARD CLOSSES THE PUBLIC HEARING TONIGHT, YOU WILL STILL HAVE 10 DAYS TO SUBMIT ANY ADDITIONAL COMMENTS IN WRITING AS I DESCRIBED ABOVE.

LASTLY, WHILE YOU WILL HEAR A LOT TONIGHT ABOUT WHAT A COMPREHENSIVE PLAN IS, I'D LIKE TO TAKE ONE MINUTE TO EXPLAIN WHAT IT IS NOT. THE COMPREHENSIVE PLAN DOES NOT PUT INTO EFFECT ANY ZONE CHANGES WITHIN THE TOWN, OR IMPOSE ANY NEW LAWS REGARDING THE USE OF YOUR OR ANY OTHER LANDOWNER'S PROPERTY. THE PLAN MAY RECOMMEND ZONE CHANGES, NEW REGULATIONS OR ADDITIONAL STUDIES, BUT ANY CHANGES TO THE LAWS RELATING TO YOUR PROPERTY CAN ONLY HAPPEN BY ADOPTING A LOCAL LAW, AND THAT CAN ONLY HAPPEN AFTER NOTICE TO ALL AFFECTED PROPERTY OWNERS AND AT LEAST ONE PUBLIC HEARING. WHILE THE TOWN'S ZONING LAWS MUST BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN, THE ADOPTION OF ZONING LAWS IS THE SECOND STEP IN THE PROCESS. WE ARE NOW CONSIDERING STEP ONE.

THANK YOU VERY MUCH FOR COMING, AND WE LOOK FORWARD TO HEARING YOUR COMMENTS.

Jose Simoes-Town Planner

Gave an overview of the proposal, (on file with Town Clerk).

Bill Brennan- West Nyack

Thanked the Town Board for the work they put into and the Town has in giving the community an opportunity to provide input to the comprehensive plan, through the various workshops. He asked that economic development not conflict with existing residential uses and for continued investigation of action, noise complaints, dust and odor, health, safety, welfare, and development. Spoke about concerns regarding commercial traffic on Western Highway from the Orangetown town line up to West Nyack Road.

Gerry O'Rourke- Congers

Commended all the people involved with the comprehensive plan. Spoke about concerns regarding accessory housing and the danger of down-zoning entire neighborhoods and work force or affordable housing. Recommended the incorporation of professional offices over retail spaces in the plan.

Terri Thal- New City

Expressed concerns over the amount of notice given to the public about the meeting and requested the public hearing be continued to allow for more public input. Spoke about Lake Lucille and concerns regarding buffer zones, stating that the amounts in the plan are not enough compared to the 300ft. utilized in New Jersey's streams. Stressed the importance of intermunicipal agreements regarding erosion control, as mitigation really has to be created on a countywide basis. Stated the plan talks about catch basins for run-off, but there are no provisions for maintenance.

Thomas Leonard- Congers

Stated he lives here because of the single home residential nature of this community and does not see the need for more corporate parks.

Bob Dillon- New City and owns business in West Nyack

Complimented the Town Board for undertaking this process and the Planning Department for all the work that they have done. Thanked Supervisor Gromack and the entire Board for the access that he has had personally, and wanted to recognize this town as being a leader in flooding issues, and in this comprehensive plan process. Stated the U.S. Geological survey is doing a study for water resources for our region and we should wait for the final report, so we will have a better idea of what our water resources and flooding issues are. The New York State Department of Environmental Conservation has just established the scope for the environmental impact study for the proposed Haverstraw desalination plan, United Water's plan, and that plant may or may not be built, and if it is, it will likely have an adverse impact on things like flooding because we'll have more water in Lake Deforest more of the time. Stated the Tappan Zee Bridge I-287 project will create more impervious surface and more run-off. Urged the Town Board not to rush into this process as the County of Rockland is going to take a look at a comprehensive plan for the county.

Martis Granirer- New City, Executive Director of the West Branch Conservation Association

Spoke about the history of Hi Tor and the past fight to save it from quarrying and did not concur with the photograph in the comprehensive plan depicting a quarry with the caption, "Hi Tor," for Hi Tor should never be quarried. Stated he was glad to see that the plan is to use the official map to designate parkland. Asked for it to be made a policy that despite the right to ignore site specific review later, that the town will give any change that comes about as a result of this comp plan, site specific review so that people who care about it can raise the questions that matter. Expressed his dissatisfaction in only seeing the postcard about the public hearing two days prior to meeting and said he should not be expected to review a 300 page document and formulate comments about it in only 10 days, nor should anyone. He implored the Town Board to extend the comment period to 30 days, saying, "No

penalty comes with giving us, giving the people who you appeal to come to all those workshops, some time to study what became of all of their work.”

Stephanie Hausner- New City

Congratulated the Town Board and the Comprehensive Plan Board and everyone who came to all the workshops and who worked on this plan. Stated it is important that the Economic Development Office work with local businesses and business organizations to identify and survey existing infrastructure as locations to bring in new and existing businesses to our town, which will allow us to continue to acquire open space land and preserve essential areas by utilizing spaces that already exist. Asked that the town keeps moving forward in that balance of achieving environmental and economically sustainable development, so that we bring in more businesses, while preserving our quality of life.

There being no one wishing to be further heard, on motion of Co. Borelli, seconded by Co. Hoehmann, and unanimously adopted, questions will be taken for ten days and the public hearing was closed 9:11 P.M.
RESOLUTION NO. (453-2009)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (453-2009)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

9/22/09

9:11 P.M.

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

Re: Application of Cal Mart Enterprises, Inc. for a Special Permit for a landfill operation to the NYS DOT and the New York-New Jersey Trail Conference

Anthony Montalbano- Attorney for the applicant
Gave an overview of the application. Stated clean construction materials would be used to fill sinkhole on Davies property.

Karen Amatuzzo- New City
Asked about materials that would be used and requested the town makes sure they are not hazardous.

Anthony Montalbano- Attorney for the applicant
Stated Mr. Wortendyke will comment on the type of materials being used and the only trucks used will be Cal Mart trucks.

Supervisor Gromack
Asked if safeguards were made to Ms. Amatuzzo's satisfaction, would she be supportive?

Karen Amatuzzo- New City
Stated she was told the area covered in the permit would be two acres and her concern is the environmental impact.

Steven Levine- Congers
Spoke about concerns of hazardous materials and asked how many cubic yards of material would be placed at the site?

Andy Atzl- Consultant for the applicant
Stated 12,400 cubic feet of material would be used in an area of 1.76 acres.

Anthony Montalbano- Attorney for the applicant
Stated there was an agreement with the Department of Environmental Control that a log would be kept of the source of each truck of fill.

Thomas Leonard- Congers
Stated he was against landfill being placed near water supply.

Carl Wortendyke- Cal Mart
Stated they would be excavating clean fill, not construction debris, 7 feet deep from the New City Revitalization Project. If the material was carted away further, it would escalate the costs of the Downtown New City Public Works Project.

Oscar Frenaluc- Congers
Asked questions regarding project.

Amy Mele- Town Attorney
Stated that this is a special permit and the term landfill is misleading; it is just an area where fill can be placed.

Co. Borelli
Asked what is the town's recourse should the applicant not meet the requirements?

Amy Mele- Town Attorney
Stated the permit can be revoked and the clean-up would be at the applicant's expense.

Co. Hoehmann
Stated that construction and debris materials (C&D) have to go to scale at the transfer station, but we are talking about dirt, not C&D. We should not confuse clean fill and C&D.

Karen Amatuzzo- New City
Stated some of this fill has already been placed.

Carl Wortendyke- Cal Mart
Stated that 5% or less of the material would be black top.

Thomas Burn
Stated he is first hearing about this project.

Luke Kalakrial-Director, Department of Environmental Control

Stated there would be a visual inspection and if there were any doubt, then the fill would be tested by an independent firm.

Co. Hoehmann

Asked for ongoing reports on testing of the fill.

Steven Levine- Congers

Stated that you cannot always look at fill and determine if it is hazardous, but needs to be tested.

Co. Hoehmann

Stated the town should have periodic testing done by an outside agency.

Carl Wortendyke- Cal Mart

Stated that the testing would increase the cost of the project.

There being no one wishing to be further heard, on motion of Co. Hoehmann, seconded by Co. Borelli, and unanimously adopted, the public hearing was closed with a reserved decision 9:57 P.M. RESOLUTION NO. (454-2009)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (454-2009)

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

9/22/09

9:57 P.M.

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

Re: Proposed local law to amend Chapter 251 (Wireless Communications Facilities) of the Town Code of the Town of Clarkstown.

Amy Mele- Town Attorney

Stated that, due to a law suit, the town is required to revise the law to come in compliance. The SEQRA Review has been done. The Town Board is in a position to adopt, should they choose to do so.

Leslie Snyder- Attorney for Snyder and Snyder

Asked the Town Board to consider the letter from Joshua Turner (on file with Town Clerk), counsel for Verizon. She stated the amendment falls short and the town should go back to the law that existed prior to the current one being adopted.

Steven Levine- Congers

Stated that this is corporate bullies at it again and that the town needs to take a stance against these corporations.

There being no one wishing to be further heard, on motion of Co. Lasker, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was closed 10:10 P.M. RESOLUTION NO. (455-2009)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (455-2009)