

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

11/14/2006

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, Lasker, & Nowicki  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

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

\*\*\*\*\*

Special Presentation: By Town Clerk David Carlucci to Miss Sabrina Tenteromano, a 5th grader at Strawtown Elementary School, for winning the Town Clerk’s Essay Contest, “Archives: Bridges from the Past to the Present,” in honor of New York State Archives Week.

\*\*\*\*\*

Clarkstown Police Department Induction Ceremony: Chief of Police Peter T. Noonan, New officers sworn in by Co. Maloney were Michael Ruszkowski, Frank A. Negri, Andrew J. Kelly, Richard Von Ronn, Raymond J. Laschet, and Brian T. Callanan.

\*\*\*\*\*

Public Hearing #1 re: Renewal application of Cablevision of Rockland/Ramapo, Inc. for a franchise agreement. On motion of Co. Nowicki, seconded by Co. Lasker, hearing opened 8:30 P.M. On motion of Co. Nowicki, seconded by Co. Lasker, RESOLUTION NO. (766-2006) unanimously adopted.

\*\*\*\*\*

Public Hearing #2 re: Continuing a public hearing from 10/17/06 on a proposed local law to amend Chapter 290 (Zoning) of the Town Code dealing with Child Daycare Centers in most districts by special permit, with exceptions. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:39 P.M. On motion of Co. Maloney, seconded by Co. Nowicki, RESOLUTION NO. (767-2006) unanimously adopted.

\*\*\*\*\*

Public Hearing #3 re: Proposed local law to amend Chapter 246 (Site Plan Review) of the Town Code to increase DEC Inspection Fees. On motion of Co. Nowicki, seconded by Co. Mandia, hearing opened 8:48 P.M. On motion of Co. Nowicki, seconded by Co. Maloney, RESOLUTION NO. (768-2006) unanimously adopted.

\*\*\*\*\*

Public Hearing #4 re: Proposed local law regarding tree preservation. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:51 P.M. On motion of Co. Nowicki, seconded by Co. Maloney, RESOLUTION NO. (769-2006) continued on a date to be determined.

\*\*\*\*\*

Public Hearing #5 re: Continuing a public hearing from 10/17/06 on a proposed local law to create Chapter 243 (Signs) of the Town Code. On motion of Co. Nowicki, seconded by Co. Maloney, hearing opened 8:53 P.M. On motion of Co. Nowicki, seconded by Co. Lasker, RESOLUTION NO. (770-2006) unanimously adopted.

\*\*\*\*\*

Public Hearing #6 re: Proposed Historic Designation of Crow House. On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 9:03 P.M. On motion of Co. Maloney, seconded by Co. Mandia, RESOLUTION NO. (771-2006) continued on a date to be determined.

\*\*\*\*\*

Supervisor opened the meeting to public comments regarding agenda items.

Roberta Bangs- Nanuet

Regarding agenda item #17(RESOLUTION NO. (792-2006), she thanked the Town Board for their continued support of Hi-Tor and said Clarkstown has the best Animal Control Officer, Pat Coleman.

Steven Levine- Congers

Regarding agenda item #2(RESOLUTION NO. (767-2006), he stated that the town is taking a very smart approach.

\*\*\*\*\*

RESOLUTION NO. (766-2006)

Co. Nowicki offered Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO RENEW A FRANCHISE AGREEMENT WITH CABLEVISION OF ROCKLAND/RAMAPO, LLC TO PROVIDE CABLE SERVICE TO THE TOWN OF CLARKSTOWN

WHEREAS, the Town of Clarkstown (the “Town”) is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the “Communications Acts”), and is authorized to grant one or more cable television franchises pursuant to Article 11 of the New York State Public Service Law, (the “Cable Laws”), and WHEREAS, the Town entered into a non-exclusive franchise agreement with TKR Cable Company doing business as TKR of Rockland for the provision of cable television and other communication services, and said authorization has expired, and

WHEREAS, Cablevision of Rockland/Ramapo, LLC (the “Franchisee”) acquired certain assets from TKR including the cable television system in the Town of Clarkstown on March 4, 1998, and

WHEREAS, the Franchisee has applied for a renewal of said franchise agreement with the Town, and

WHEREAS, the Town and the Franchisee have mutually agreed to the terms of a renewal franchise agreement, and

WHEREAS, a public hearing was held before the Town on November 14, 2006;

RESOLUTION NO. (766-2006) continued

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby establishes itself as the lead agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following finding:

(a) That the Town Board’s execution of the proposed Franchise Agreement is a TYPE II Action under the State Environmental Quality Review Act (SEQRA). Specifically, this action is covered under 6 NYCRR §617.5(20): “routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.” Accordingly, it has been pre-determined that adoption of the proposed Franchise Agreement will not result in a significant impact on the environment, and no further action is required relative to this matter under SEQRA;

(b) That notwithstanding that the Town Board’s finding that the grant of a Cable Television Franchise is not an “Action” subject to the requirements of SEQRA, the Town Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed Cablevision of Rockland/Ramapo Franchise Renewal Agreement, and be it

FURTHER RESOLVED, that the Town approves the character of Cablevision of Rockland/Ramapo, and be it

FURTHER RESOLVED, that the Town concludes that Cablevision of Rockland/Ramapo will meet all statutory and regulatory non-discrimination requirements, and be it

FURTHER RESOLVED, that the Town concludes, based on the presentation by Cablevision of Rockland/Ramapo, that the cable service offered by Cablevision of Rockland/Ramapo will include competitive offerings, and be it

FURTHER RESOLVED, that the Town concludes that although the terms of the proposed Cablevision of Rockland/Ramapo Renewal Franchise Agreement are not identical to those of the Verizon franchise agreement, that the terms of both agreements are reasonably comparable in their totality and contain no economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon another cable television franchise operating in the same franchise area, therefore, neither agreement provides either franchisee with any unfair competitive advantage, or subject either franchisee to any unfair competitive disadvantage, and be it

FURTHER RESOLVED, that the Town Board determines that it is in the best interest of the public to award Cablevision of Rockland/Ramapo a renewal franchise agreement, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal franchise agreement with Cablevision of Rockland/Ramapo, LLC, in a form approved by the Town Attorney, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Clarkstown.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Nowicki . . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (767-2006)

Co Maloney offered and Co. Nowicki seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 14 – 2006

WHEREAS, a proposed local law entitled,“A LOCAL LAW TO AMEND CHAPTER 290 (ZONING)OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”(Child Daycare Centers)was introduced by Councilman Maloney, at a Town Board meeting held on September 19, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 19, 2006, directed that a public hearing be held on October 17, 2006, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, which public hearing was continued by the Town Board on November 14, 2006, and

WHEREAS, notices of said hearing was duly prepared and published in the Journal News on October 4, 2006 and November 1, 2006, and

WHEREAS, the public hearing was held by the Town Board of the Town of Clarkstown on October 17, 2006 and continued on November 14, 2006, and

WHEREAS, the Town Board referred the proposed local law to the Town of Clarkstown Planning Board pursuant to Chapter 290-33 and to the Rockland County Planning Department pursuant to GML Section 239 l and m, and

WHEREAS, the Rockland County Planning Department recommended approval with certain modifications by letters dated July 26, 2006 and October 25, 2006, in which the Rockland County Planning Department recommended the creation of new bulk requirements with respect to Child Daycare Centers, and

WHEREAS, the Town of Clarkstown Planning Board, by resolution dated October 12, 2006, recommended certain changes to the proposed local law, and

WHEREAS, the Building Inspector revised the proposed local law incorporating the Rockland County Planning department’s recommendations, which revisions were reviewed by the Town Attorney, 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 October 18, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to

SEQRA, by its consultant Robert Geneslaw, and which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLUTION NO. (767-2006) continued

RESOLVED, that based upon the October 13, 2006 report of Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed action shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required at this time, given that a more specific environmental review would be made as part of any special permit application, when a site has been identified and the potential number of children to be enrolled has been established, and be it

FURTHER RESOLVED, that the Town Board has considered the County Planning Department’s recommended modifications, and concurs with the Town of Clarkstown Planning Board’s finding that the existing bulk requirements in the CS, RS, MRS and LO Districts are sufficient and would apply to a Child Daycare Center or any other allowable use, and be it

FURTHER RESOLVED, that Local Law No. 14–2006 entitled:“A LOCAL LAW TO AMEND CHAPTER 290 (ZONING) 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 . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

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

\*\*\*\*\*

RESOLUTION NO. (768-2006)

Co. Nowicki offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled, “A LOCAL LAW TO AMEND CHAPTER 246 (SITE PLAN REVIEW) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN” was introduced by Councilwoman Nowicki, at a Town Board meeting held on September 26, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 26, 2006, directed that a public hearing be held on November 14, 2006, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 1, 2006, 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 October 18, 2006, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 14, 2006;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 15 – 2006 entitled: “A LOCAL LAW TO AMEND CHAPTER 246 (SITE PLAN REVIEW) 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 . . . . . Yes
  - Co. Mandia. . . . . Yes
  - Co. Nowicki. . . . . Yes
  - Supervisor Gromack . . . . . Yes

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

---

RESOLUTION NO. (769-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION TO CONTINUE PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, “A LOCAL LAW REGARDING TREE PRESERVATION IN THE TOWN OF CLARKSTOWN”

WHEREAS, Councilperson Lasker, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled, “A LOCAL LAW REGARDING TREE PRESERVATION IN THE TOWN OF CLARKSTOWN,” and

WHEREAS, the Town Board held a public hearing on November 14, 2006 as required by law, and

WHEREAS, the Town has recently received recommendations from the County Planning Commissioner which they need to review before a final determination is made, and the Town is waiting for other agency reports on this matter;

NOW, THEREFORE, be it

RESOLVED, that the Town Board further directs that the public hearing, pursuant to §20 of the Municipal Home Rule Law, be continued on a date to be determined.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

Resolution No. (770-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD DOPTING LOCAL LAW NO. 16– 2006

WHEREAS, a proposed local law entitled,  
 “A LOCAL LAW TO CREATE CHAPTER 243 (SIGNS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”  
 was introduced by Councilman Maloney, at a Town Board meeting held on May 9, 2006, and  
 WHEREAS, the proposed local law was drafted over a period of several months under the direction of the Sign  
 Committee, which is comprised of individuals from the Building Department, Planning Department, Planning  
 Board, Town Attorney’s Office, Highway Department, and the Architecture and Landscape Commission, as  
 well as local business and civic associations, and  
 WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 9, 2006, directed that a  
 public hearing be held on June 27, 2006, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed  
 local law, which hearing was held and adjourned without date, and  
 WHEREAS, by resolution adopted on September 19, 2006, the Town Board directed that said hearing be  
 continued on October 17, 2006, which public hearing was further continued on November 14, 2006, and  
 WHEREAS, notices of said hearing were duly prepared and published in the Journal News on June 15, October  
 4, and November 1, 2006, 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  
 November 2, 2006, and  
 WHEREAS, the public hearing was held by the Town Board of the Town of Clarkstown on June 27, 2006 and  
 continued on October 17, 2006 and further continued on November 14, 2006, and  
 WHEREAS, the draft local law was twice referred to the Rockland County Planning Department pursuant TO  
 GML 239, 1 and m, which provided comments by letters dated August 1 and October 20, 2006, and  
 WHEREAS, the Sign Committee revised the local law based on the Rockland County Planning Department’s  
 comments, which are addressed in turn below, and  
 WHEREAS, the Town Board of the Town of Clarkstown has received and reviewed the report prepared  
 pursuant to SEQRA by its consultant Robert Geneslaw, and which the Board has discussed and considered in  
 making its decision herein;  
 NOW, THEREFORE, be it  
 RESOLVED, that based upon the October 13, 2006 report of Robert Geneslaw, acting as staff to the Town  
 Board as lead agency, it is hereby determined that the proposed action is a Type II action under SEQRA and  
 shall not have any significant impact on the environment and no further processing pursuant to the State  
 Environmental Quality Review Act (SEQRA) is required, and be it  
 FURTHER RESOLVED, that, with respect to the Rockland County Planning Department’s comments, a copy  
 of which is attached to this resolution, the Town Board makes the following findings:

1. With regard to comment #1, the Town Attorney has advised that there is no legal requirement under  
 the General Municipal Law (GML) to refer the proposed local law to adjoining municipalities;
2. With regard to comments #2 and 3, the local law has been revised as recommended;
3. With regard to comment #4, the Town Board has considered the County’s recommendation and  
 concludes, on the advice of counsel, that a ten year amortization period is reasonable and appropriate;
4. With regard to comment #5, the Town Board has considered the County’s recommendation and  
 concludes that the guidelines incorporated in the local law provide sufficient guidance with respect to  
 construction materials and that, in any event, such specifics will be addressed by the Planning Board and/or the  
 Architecture and Landscape Commission on a case by case basis; and
5. With regard to comment #6, the Town has considered the County’s comment and finds that the issue  
 of light intensity requires further research which may lead to an amendment to the proposed local law, and be it

FURTHER RESOLVED, that Local Law No. 16 – 2006 entitled:  
 “A LOCAL LAW TO AMEND CHAPTER 243 (SIGNS) 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 . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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

---

Resolution No.(771-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION RE-AFFIRMING THE CROW HOUSE (HENRY VARNUM POOR HOUSE AND STUDIO)  
AS AN HISTORICAL SITE - MAP 33.9-2-23

WHEREAS, it has been proposed by the Historical Review Board that the house known as the CROW HOUSE  
 (Henry Varnum Poor residence and studio), 92 South Mountain Road, New City, New York, which is  
 designated on the Clarkstown Tax Map as Map 33.9-2-13, currently owned by Peter and Anne Poor, be re-  
 affirmed as an historical site pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown, 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, subsequent to the publication of said notice, counsel to the owner of the Crow House, by letter  
 dated November 3, 2006, requested that the Town adjourn the matter until such time as the owner consummates  
 a pending contract of sale with his contract vendee;

RESOLUTION NO. (771-2006) continued

NOW, THEREFORE, be it  
RESOLVED, that the public hearing be adjourned to a date to be determined.  
On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (772-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of November 8, 2006 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

Resolution No. (773-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATION FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, Councilperson Maloney, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,  
"A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATION FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the purpose of this local law is amend Chapter 251 (Wireless Communication Facilities) of the Town Code of the Town of Clarkstown, for the approval and construction of wireless communication services facilities in the Town;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on January 23, 2007, 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 and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

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

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

Resolution No. (774-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 462-2006 (TAX CERTIORARI TRIAL APPRAISAL ON RETAIL PROPERTY TRUST)

WHEREAS, Resolution No. 462-2006, adopted on July 25, 2006, authorized Strategic Business Services, Inc. to prepare a trial appraisal on Retail Property Trust (Nanuet Mall) property;  
NOW, THEREFORE, be it

RESOLUTION NO. (774-2006) continued

RESOLVED, that Resolution No. 462-2006 is hereby amended to change the name of the appraiser to American Property Counselors.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

Resolution No. (775-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING CHANGE ORDER # 1 TO BID NO. 49-2005 GUIDE RAIL REPAIR & MAINTENANCE

WHEREAS, as a result of further inspection of work pursuant to Bid No. 49-2005 Guide Rail Repair & Maintenance, additional work due to vehicular accidents was required and completed at the following four (4) locations:

- 1. Location # 1: 268 Old Mill Road
- 2. Location # 4: Old Mill Road at Snake Hill
- 3. Location # 5: Old Mill Road past West Hackensack
- 4. Location # 6: Christian Herald Road, west of Route 9W;

WHEREAS, it is the recommendation of Wayne T. Ballard, P.E., Superintendent of Highways, to extend the existing guide rail and posts for an additional cost to the contract of \$1,593.75;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Change Order # 1 to Bid No. 49-2005 to provide for the installation of guide rail as described herein for an increase of \$1,593.75 for a total cost for Bid No. 49-2005 of \$14,743.81.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

Resolution No. (776-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING CHANGE ORDER #2 TO BID NO. 49-2005 GUIDE RAIL REPAIR & MAINTENANCE

WHEREAS, Howard L. Lampert, P.E., Traffic Engineering Consultant, in a memo dated October 24, 2005 recommended that three locations in Guide Rail and Culvert Rail Installation Bid No. 48-2005 (South Mountain Road, New City; Mountainview Avenue, Valley Cottage; and Christian Herald Road, Valley Cottage) be transferred to Bid No. 49-2005, and

WHEREAS, said changes will cost less money in Bid No. 49-2005 than in Bid No. 48-2005, for a savings of \$7,832.41, and be performed quicker under bid No. 49-2005 than under Bid No. 48-2005;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes Change Order No. 2 as recommended by Howard L. Lampert, P.E., Traffic Engineering Consultant, to provide for the installation of guide rail as described herein for an increase of \$14,041.34 and for a total cost for Bid No. 49-2005 of \$28,785.15, and be it

FURTHER RESOLVED, that the Town Bard hereby further authorizes a corresponding Change Order reduction in Bid No. 48-2005.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (777-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and Clarkstown Police Department that

BID#33-2006 – CLARKSTOWN POLICE DEPARTMENT CCTV SYSTEM UPGRADE DVR

RESOLUTION NO. (777-2006) continued

is hereby awarded to: FIRE RESPONSE, INC.  
135-36 130<sup>th</sup> STREET  
SOUTH OZONE PARK, NY 11420  
PRINCIPALS: SWADESH GOPAUL

as per their low bid quote of \$22,414.00

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (778-2006)

Co. Lasker offered and Co. Maloney seconded

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

BID #40-2006 – ONE CHEVROLET 2500 4 X 4 CAB AND CHASSIS ¾ TON TRUCK FOR THE DOG WARDEN

is hereby awarded to: GALLAGHER TRUCK CENTER, INC.  
ROUTE 32 SOUTH  
NEWBURGH, NY 12550  
PRINCIPALS: A PUBLIC CORPORATION

as per their low bid proposal of \$22,697.00 for a 2007 Fleet/Non-Retail TK20903 4WDR Reg Cab 133” Work Truck

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (779-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clerk of the Works that

BID #42-2006 – REPLACEMENT OF PARAPET WALLS POLICE AND COURTS FACILITY – 20 MAPLE AVENUE, NEW CITY

**PROPOSAL OPTION - ALTERNATE A**

is hereby awarded to: PRECISION ROOFING, INC.  
22 KERR LANE  
SOUTHFIELDS, NY 10975  
PRINCIPALS: NICK DEMATTEO

as per their proposed project cost of \$73,000.00 and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Clerk of the Works and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to Account Number H 8757 400 409 81 35

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

RESOLUTION NO. (780-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clerk of the Works that

BID #43-2006 – REPLACEMENT OF TWO (2) TANK MONITORS POLICE AND COURTS FACILITY – 20 MAPLE AVENUE, NEW CITY

is hereby awarded to: SMITH MECHANICAL SERVICES, INC.
P.O. BOX 971
GOSHEN, NY 10924
PRINCIPALS: SMITH LIPPERT

as per their proposed project cost of \$17,999.00
Inventory reconciliation report option for the two (2) gasoline hoses: Proposal Price: \$1,175.00

Additional Items Not Included in Above Prices:
Vacuum truck service: Proposal Price : \$195.00 FIRST 1/2 HOUR; \$110.00/HOUR\*\*8% Recovery fee is added to all invoices.
Liquid waste/disposal: Proposal Price : \$0.95/gallon
Tank sludge/oil soaked debris disposal: Proposal Price : \$1.10/gallon
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 Clerk of the Works and be it
FURTHER RESOLVED, that said award shall constitute a proper charge to Account Number H 8757 400 409 0 81 36

On roll call the vote was as follows

Co. Lasker . . . . . Yes
Co. Maloney . . . . . Yes
Co. Mandia. . . . . Yes
Co. Nowicki. . . . . Yes
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (781-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO PATERNO Z. CACHO - MAP NO. 52.20-2 5

WHEREAS, Paterno Z. Cacho has requested a refund of Building Permit fee (No. 06-513) paid in the amount of \$646.00 for premises located at 5 Watch Hill Court, Valley Cottage, New York 10989, and
WHEREAS, the property owner has decided to cancel plans for an addition, and
WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$140.00;

NOW, THEREFORE, be it
RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$506.00, of the total Building Permit fee paid in the amount of \$646.00, to Paterno Z. Cacho, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

Co. Lasker . . . . . Yes
Co. Maloney . . . . . Yes
Co. Mandia. . . . . Yes
Co. Nowicki. . . . . Yes
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (782-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF A SANITARY SEWER SPUR FOR #44 OLD HAVERSTRAW ROAD CONGERS, NEW YORK

WHEREAS, the residential property located at #44 Old Haverstraw Road, Congers, New York was never provided a sanitary sewer spur for connection to the Town's sewer system, and
WHEREAS, the existing septic system for the dwelling at #44 Old Haverstraw Road has failed, and
WHEREAS, the installation of a sanitary sewer spur is required immediately for the health and protection of the public, and
WHEREAS, all work associated with the installation of the sanitary sewer spur will be within existing Town sanitary sewer easements.
WHEREAS, the Deputy Director of Operations of the Department of Environmental Control has requested proposals from three (3) qualified sewer contractors registered to work on the Town's sewer system, and
WHEREAS, one (1) qualified proposal was received for the required work, and
WHEREAS, the Deputy Director of Operations of the Department of Environmental Control has reviewed said proposal and found it reasonable in terms of scope and price;

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Enterprises, Inc. 357A Route 59, West Nyack, New York 10994 for the installation of the sanitary sewer spur at #44 Old Haverstraw Road, Congers, New York in accordance with its proposal dated October 26, 2006, and

BE IT FURTHER RESOLVED, that the cost for the installation of the sanitary sewer spur shall not exceed \$11,400.00 and shall be a proper charge to account no. B 8110-409-0, and

BE IT FURTHER RESOLVED, that this resolution shall be retroactive to November 7, 2006.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
Co. Maloney . . . . . Yes
Co. Mandia. . . . . Yes
Co. Nowicki. . . . . Yes
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (783-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD AMENDING RESOLUTION NO. 557-2005 REGARDING PETITION BY ROCKLAND JEWISH COMMUNITY CENTER CORPORATION FOR CHANGE OF ZONE FOR PROPERTY KNOWN AS 58.19-1-11

WHEREAS, on petition of ROCKLAND JEWISH COMMUNITY CENTER CORPORATION for a change of zone, the Town Board of the Town of Clarkstown adopted Resolution No. 557, on July 19, 2005, Amending the Zoning Local Law of the Town of Clarkstown, subject to conditions, for property known as 58.19-1-11, located at 450 West Nyack Road, West Nyack, New York, from the LO District to the LIO District, and
WHEREAS, by letter dated October 27, 2006, the attorney for the petitioner has advised that due to the proposed swap of land with the Clarkstown Central School District for drainage purposes site plan approval has been delayed, and the petitioner is requesting that the Town Board amend condition One of said resolution to allow for an additional six (6) months to obtain site plan approval from the Clarkstown Planning Board;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law 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 December 5, 2006, 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 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 . . . . . Yes
Co. Mandia. . . . . Yes
Co. Nowicki. . . . . Yes
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (784-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION RESCINDING THE AWARD OF PART TWO OF BID #43-2005

WHEREAS, on June 28, 2005 the Town Board awarded Part Two of Bid #43-2005 entitled Audio/Visual Systems for Town Hall Renovations to Hugh's TV & Communication.

WHEREAS, the Town Board has subsequently determined that the scope of Room 311 renovations have changed and the Town Board no longer wishes to award part two of Bid #43-2005;

NOW, THEREFORE, be it

RESOLVED, the award of Part two of Bid #43-2005 is hereby rescinded.

RESOLUTION NO. (784-2006) continued

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (785-2006)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06093 Code Enforcement Officer II – which contains the name of Jeffrey C. Meara, NOW, therefore, be it

RESOLVED, that Jeffrey C. Meara is hereby appointed to the position of (Permanent) Code Enforcement Officer II – Building Department – at the current 2006 annual salary of \$47,910.,effective November 20, 2006.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (786-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town has received \$5,288.96 from D.A.R.E. donations,

**NOW THEREFORE BE IT,**

**RESOLVED,** to increase revenue account A-01-9-2705-0 (General-Gifts & Donations) and expense account A-3230-319-0 (Police-Misc Supplies) by \$5,288.96 and

WHEREAS, various accounts require additional funding,

**NOW THEREFORE BE IT,**

**RESOLVED,** to decrease A-1220-204-0 (Supervisor-Office Machines) by \$1,050 and increase accounts A-1220-301-0 (Supervisor-Food) by \$900 and A-1220-404-0 (Supervisor/Travel & Meals) by \$7 and A-1220-460-4 (Supervisor-Cellular Phones) by \$143 and be it

**FURTHER RESOLVED,** to decrease A-1315-219-0 (Comptroller-Misc Equipment) and increase A-1315-313-0 (Comptroller-Office Supplies & Printing) by \$150 and be it

**FURTHER RESOLVED,** to decrease A-1330-114-0 (Receiver of Taxes-Part/Time) and increase A-1330-313-0 (Receiver of Taxes-Office Supplies & Printing) by \$10,000 and be it

**FURTHER RESOLVED,** to decrease A-1410-110-0 (Town Clerk-Salaries) by \$145 and increase A-1410-424-0 (Town Clerk-Contractual Exp.) by \$120 and A-1410-414-0 (Town Clerk-Conferences & Schools) by \$25 and be it

**FURTHER RESOLVED,** to decrease A-01-14-2999-0 (General Fund-Unexpended Balances) and increase A-1420-409-0 (Town Attorney-Fees for Services) by \$38,500 and be it

**FURTHER RESOLVED,** to decrease A-1420-328-0 (Town Attorney-Books & Publications) and increase A-1420-313-0 (Town Attorney-Office Supplies & Printing) by \$700 and be it

**FURTHER RESOLVED,** to decrease A-1430-204-0 (Personnel-Office Machines) by \$800 and increase A-1430-319-0 (Personnel-Misc Supplies) by \$300 and A-1430-313-0 (Personnel-Office Supplies & Printing) by 500 and be it

**FURTHER RESOLVED,** to decrease A-3120-114-0 (Police-Part Time) by \$45,000 and increase A-3120-460-0 (Police-Telephone) by \$15,000 and A-3120-460-4 (Police-Cellular Phones) by \$15,000 and A-3120-406-0 (Police-Repair to Vehicles) by \$15,000 and be it

**FURTHER RESOLVED,** to decrease A-3230-230-0 (D.A.R.E.-Communications Equipment) and increase A-3260-230-0 (Special Inv.-Communication Equipment) by \$1,200.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (787-2006)

Co. Mandia offered and Co. Nowicki seconded

**RESOLUTION AMENDING RESOLUTION NO. 397-2006, AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AMENDED AGREEMENT WITH THE H2M GROUP TO PROVIDE ADDITIONAL ENGINEERING SERVICES WITH RESPECT TO THE SOLID WASTE TRANSFER FACILITY**

RESOLUTION NO. (787-2006) continued

WHEREAS, Resolution No. 397-2006, adopted by the Town Board on June 13, 2006, is hereby amended as follows:

“WHEREAS, the Town Board authorized retention of the H2M Group to provide professional engineering and consulting services related to the operation of the Clarkstown Solid Waste Transfer Station Facility, including the renewal of the Town’s operating permit with the New York State Department of Environmental Conservation (NYSDEC), and

WHEREAS, the H2M Group has submitted a proposal dated October 11, 2006, to provide additional engineering services for following-up on the Request For Proposals (RFP) for the option of the continued private operation of the Transfer Station and the option for the Town operation of the Transfer Station, and

WHEREAS, the Department of Environmental Control has found the proposal to be reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control and the Town Attorney, that the Supervisor is hereby authorized to enter into an amended agreement, in a form acceptable to the Town Attorney, to its July 21, 2006 agreement with H2M Group, to provide additional engineering services as set forth in its proposal dated October 11, 2006, and be it

FURTHER RESOLVED, that the total cost of said additional services shall not exceed \$20,000 without further authorization from the Town Board,” which fee shall be charged to Account No. SR 8160-409-0.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (788-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (BRUCE MCGRAW GRAPHICS, INC. – 64.7-1-9.3)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Bruce McGraw Graphics, Inc. v. The Town of Clarkstown, A Municipal Corporation, Its Assessor and Board of Assessment Review, Index No. 5346/05, affecting parcel designated as Map 64.7, Block 1, Lot 9.3, and more commonly known as 389 West Nyack Road, West Nyack, New York for the year 2005/06, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceeding 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 Map 64.7, Block 1, Lot 9.3 be reduced for the year 2005/06 from \$1,888,900.00 to \$1,364,000.00 at a cost to the Town of \$9,515.18;
2. Reimbursement for the year 2005/06 on the parcel described as Map 64.7, Block 1, Lot 9.3, 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;
3. 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 . . . . . Yes  
Co. Mandia. . . . . Yes  
Co. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (789-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AWARING BID #52-2006, REPLACEMENT OF CHAIN LINK FENCING AT THE TOWN OF CLARKSTOWN SOLID WASTE FACILITY, WEST NYACK, NEW YORK

WHEREAS, the existing chain link fencing in the vicinity of the Rt. 59 Leaf Composting Facility is in disrepair and requires replacement, and

RESOLUTION NO. (789-2006) continued

WHEREAS, the replacement of the fencing is required in order to prevent wind blown leaves from leaving the site and to provide an aesthetic barrier to properties adjacent to the facility.

NOW, THEREFORE, BE IT

RESOLVED, that Bid #52-2006 is hereby awarded to Homestead Fence, Inc., 5 Carol Avenue, West Haverstraw, New York 10993 in accordance with their low bid of \$69,000.00, and

BE IT FURTHER RESOLVED that the cost associated with Bid # 52-2006 shall be a proper charge to account H8757-409-0-81-37, and

BE IT FURTHER RESOLVED that the Rockland County Solid Waste Management Authority will reimburse the Town \$60,000.00 towards the cost of the improvements.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (790-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory board, the Superintendent of Highways is hereby authorized to install:

“No Parking 8:00 AM to 4:00PM Monday – Friday” signs per sec.221.5, P1.4 signs of the NYS Manual of Uniform Traffic Control Devices. These signs to be erected on both sides of Brookhaven Court, Nanuet, NY and on the entire street, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (791-2006)

Co. Mandia offered and Co. Nowicki seconded

**RESOLUTION ENCOURAGING THE PROCUREMENT OF FUEL EFFICIENT, LOW-EMISSIONS VEHICLES**

WHEREAS, the Town Board of the Town of Clarkstown wishes to promote the use of fuel efficient, low-emission vehicles; and

WHEREAS, in furtherance of this goal, the Supervisor directed the Purchasing Department to research the feasibility of procuring such vehicles for use by Town personnel; and

WHEREAS, the New York State Office of General Services awarded a bid for hybrid vehicles on November 8, 2006, which award is currently being reviewed by the Purchasing Department;

NOW, THEREFORE, BE IT

RESOLVED, that all requests for replacement Town vehicles, with the exception of police vehicles, shall be reviewed by the Authorized Purchasing Agent who shall make a determination as to whether a hybrid powered or alternative fuel vehicle would satisfy the needs of the requesting department; and be it

FURTHER RESOLVED, that the Authorized Purchasing Agent’s analysis shall also consider the availability of such vehicles, the serviceability issues relating to such vehicles, the available safety features, and the costs associated with the vehicles, in terms of both purchase price and maintenance.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (792-2006)

Co. Maloney offered and Co. Mandia seconded

**RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH HI-TOR ANIMAL CARE CENTER, INC., FOR THE YEAR 2007**

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound

RESOLUTION NO. (792-2006) continued

for the Town of Clarkstown for the period commencing January 1, 2007 and termination on December 31, 2007, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that all other terms and conditions of the current contract, which expires December 31, 2006, to remain the same, except the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$30,000 for the 2007 fiscal year to be paid quarterly upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

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

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Nowicki . . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (793-2006)

Co. Lasker offered and Co. Maloney seconded

“At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Avenue, New City, New York, in said Town of Clarkstown, on December 29, 2006.

**P R E S E N T:**

- Alexander J. Gromack, Supervisor
- John R. Maloney, Councilman
- Ralph F. Mandia, Councilman
- Shirley Lasker, Councilwoman
- Catherine M. Nowicki, Councilwoman

In the Matter of a Road Improvement Project for all or a portion of ILONA LANE, Valley Cottage, New York.

**ORDER CALLING FOR A PUBLIC HEARING**

WHEREAS, the Town Board, on its own motion, pursuant to Section 200 of the Town Law, shall consider a road improvement for an unimproved road known as Ilona Lane, Valley Cottage, and shall schedule a public hearing to consider said road improvement project for of all or a portion of a street known as ILONA LANE, Valley Cottage, New York, located east of Kings Highway, which improvements shall consist of pavement, curbs, gutters, catch basins and drainage facilities, benefiting properties shown on the Clarkstown Tax Map as 52.11-1-21, 22, 23, 24, 25 and 26, being approximately 1,025.35’ lineal feet;

NOW, THEREFORE, be it

ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on December 29, 2006, at 12:00 noon., or as soon thereafter as possible, relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along Ilona Lane, in the time and manner required by law, and it is

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

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare an estimate for the necessary road improvement of ILONA LANE, Valley Cottage, including an estimate of costs to be presented at the time of the public hearing on December 29, 2006, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare preliminary and definite plans as and when necessary.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Nowicki . . . . . Yes  
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

The Supervisor opened the meeting for general public comments.

Roberta Bangs- Nanuet

Inquired about the condition of Smith Rd. in Nanuet. The way they are leaving it is hazardous. The board replied that they will check with the County Highway Department.

Steven Levine- Congers

Inquired about the website postings of public hearings, the cost for a television studio, and if we have a date to begin filming Town Board Meetings, in view of the new franchise agreements.

\*\*\*\*\*

On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, Town Board Meeting was closed 9:37PM

Respectfully submitted,

David Carlucci  
Town Clerk

PUBLIC HEARING #1  
11/14/2006

Town Hall

8:30 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, Lasker, & Nowicki  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Renewal application of Cablevision of Rockland/Ramapo, Inc. for a franchise agreement.  
\*\*\*\*\*

On motion of Co. Nowicki, seconded by Co. Lasker, hearing opened 8:30 P.M. On motion of Co. Nowicki, seconded by Co. Lasker, hearing closed 8:38 P.M. RESOLUTION NO. (766-2006) unanimously adopted.

Marsha Coopersmith- First Deputy Town Attorney  
Gave an overview of the franchise agreement.

Emilie Spalding -Cablevision Government Relations Representative  
Highlighted some of the items in the contract.

The Supervisor opened the floor for comments.

Louis Campione- West Nyack  
Spoke in support of Cablevision.

There being no one wishing to be further heard, on motion of Co. Nowicki, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:38 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (766-2006)

PUBLIC HEARING #2  
11/14/2006

Town Hall

8:39 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, Lasker, & Nowicki  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Continuing a public hearing from 10/17/06 on a proposed local law to amend Chapter 290 (Zoning) of the Town Code dealing with Child Daycare Centers in most districts by special permit, with exceptions.

\*\*\*\*\*

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:39 P.M. On motion of Co. Maloney, seconded by Co. Nowicki, RESOLUTION NO. (767-2006) unanimously adopted.

Town Attorney Amy Mele gave an overview of the proposal and said the Town Board could move to adopt, if they so choose.

The Supervisor opened the floor for comments.

Uri Sasson

Stated an LIO for a Daycare zone should be included. Supervisor Gromack replied that it is included.

Steven Levine- Congers

Spoke about the permissibility of nursery schools in PED districts and asked what other districts they were permissible in. My concern is that special permits will need to be given to everyone if all requirements are met. This requires further study, so that it does not infringe on other people's rights. If you give a special permit to one person, then it will be difficult to not give a special permit to someone else.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Nowicki, and unanimously adopted, the public hearing was closed 8:47 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (767-2006)

PUBLIC HEARING #3  
11/14/2006

Town Hall

8:48 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, Lasker, & Nowicki  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Public Hearing #3 re: Proposed local law to amend Chapter 246 (Site Plan Review) of the Town Code to increase DEC Inspection Fees.

\*\*\*\*\*

On motion of Co. Nowicki, seconded by Co. Mandia, hearing opened 8:48 P.M. On motion of Co. Nowicki, seconded by Co. Maloney, RESOLUTION NO. (768-2006) unanimously adopted.

Town Attorney Amy Mele gave an overview of the section in the code and said the Town Board could move to adopt, if they so choose.

The Supervisor opened the floor for comments. There being no one wishing to be heard, on motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:50 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (768-2006)

PUBLIC HEARING #4  
11/14/2006

Town Hall

8:51 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, Lasker, & Nowicki  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Public Hearing #4 re: Proposed local law regarding tree preservation.  
\*\*\*\*\*

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:51 P.M. On motion of Co. Nowicki, seconded by Co. Maloney, RESOLUTION NO. (769-2006) continued on a date to be determined.

Town Attorney Amy Mele stated that the public hearing was set a little too early. We had hoped to move it more quickly, but the Rockland County Planning Board has not reviewed it in order to provide a recommendation. She recommended continuing the public hearing.

The Supervisor asked for a motion to continue. On motion of Co. Nowicki, seconded by Co. Maloney, RESOLUTION NO. (769-2006) continued on a date to be determined.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (769-2006)

PUBLIC HEARING #5  
11/14/2006

Town Hall

8:53 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, Lasker, & Nowicki  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Public Hearing #5 re: Continuing a public hearing from 10/17/06 on a proposed local law to create Chapter 243 (Signs) of the Town Code.

\*\*\*\*\*

On motion of Co. Nowicki, seconded by Co. Maloney, hearing opened 8:53 P.M. On motion of Co. Nowicki, seconded by Co. Lasker, RESOLUTION NO. (770-2006) unanimously adopted.

Building Inspector Peter Beary gave an overview of the section in the code. He stated that since the last hearing in June, committee members were added and some modifications were made. A final draft was presented to the Town Board, (on file with Town Clerk).

Co. Mandia spoke about giving people ten years to come into compliance and, if possible, giving incentives to change some signs sooner. He also spoke about the possibility of amendments in the future.

Co. Lasker said it was a long process, but well worth it. The town is headed in the right direction. She thanked Peter Beary and the committee.

Co. Maloney thanked Peter Beary and the committee.

Co. Nowicki thanked Peter Beary and the committee.

Town Attorney Amy Mele referred to the recommendations made by the Rockland County Planning Department. Many of their recommendations were adopted.

The Supervisor opened the floor for comments. There being no one wishing to be heard, on motion of Co. Nowicki, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 9:02 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (770-2006)

PUBLIC HEARING #6  
11/14/2006

Town Hall

9:02 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, Lasker, & Nowicki  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Public Hearing #6 re: Proposed Historic Designation of Crow House. On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 9:03 P.M.

\*\*\*\*\*

On motion of Co. Maloney, seconded by Co. Mandia, RESOLUTION NO. (771-2006) continued on a date to be determined.

Town Attorney Amy Mele gave an overview of the proposal, stating that the current owner requested that this matter be continued, because the current owner wants to sell the property to a new owner. The Town Attorney recommended the Public Hearing be continued.

Town Historian and Historical Review Board Chairman Robert Knight stated that due to the sale, we are pushing to designate this property, so it will be preserved. The entire site is extremely historical.

County Legislator Ed Day expressed his support for designating this house as historic. To knock the house down would be a tragedy. Maybe we can, on the Town and County level, work to preserve this property. Mr. Day asked the County Legislature to consider this.

Supervisor Gromack stated that the Town Board would like to enter into a partnership with other entities, whether public or private, regarding the property.

Co. Lasker stated she loves the Crow House, but our budget is strapped.. It would cost 1.2 million dollars to purchase the house, but if we worked with other entities, that would be great. But we must do it in a cost effective way.

Co. Mandia stated the Town Attorney's advice is sound. Anything we do to inhibit the sale of that property is wrong. The property is not as important [as the house]. Maybe we can move the house, because the current property is only zoned for one house.

Co. Maloney stated the house should be preserved and that we should get other people involved.

The Supervisor opened the floor for comments.

Steven Levine- Congers

Anything the board can do to preserve this property would be great. Once it's gone, it's gone forever.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Mandia, RESOLUTION NO. (771-2006) continued on a date to be determined.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (771-2006)