

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/25/08

8:00 P.M.

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

Absent: Councilman Ralph Mandia

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

Hon. Judge William Warren administered the oath of office for Town Justice Rolf M. Thorsen, with wife Lisa, his mother Charlotte, and children Natalie and Owen holding the Bible.

Public Hearing #1 re: Proposed Local Law entitled: "A Local Law Amending Chapter 290 of the Zoning Local Law of the Town of Clarkstown." On motion of Co. Borelli, seconded by Co. Maloney, hearing opened 8:10 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was continued to December 16, 2008. RESOLUTION NO. (735-2008)

Public Hearing #2 re: Proposed Local Law entitled: "A Local Law Amending Chapter 262 (Taxation) of the Local Law of the Town of Clarkstown." On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:12 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:13 P.M. RESOLUTION NO. (736-2008)

Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers

Regarding agenda item #5 (res. nos. 746-2008), asked when Town Board Meetings would be on cable?

Supervisor Gromack

Regarding agenda item #5 (res. nos. 746-2008), stated the project is expected to be completed by the end of 2009.

Steven Levine- Congers

Regarding agenda item #20 (res. nos. 766-2008), asked why the work was not going out to bid?

Amy Mele- Town Attorney

Regarding agenda item #20 (res. nos. 766-2008), stated that five competitive proposals were received and the lowest one was accepted; however, since the project amount was under twenty thousand dollars, under general municipal law, the project was awarded as a proposal and not a bid.

RESOLUTION NO. (735-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE CONTINUANCE OF A PUBLIC HEARING CONCERNING A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN

WHEREAS, a proposed local law to amend Chapter 290 of the Zoning Local Law of the Town of Clarkstown, was introduced by Councilman Frank Borelli, at a Town Board meeting held on September 23, 2008, which law would amend Chapter 290-3 and 290-11A to include Contractor Storage Yards as an allowable use in the M Zone, subject to certain conditions, and

WHEREAS, a public hearing was held on November 25, 2008, relative to such proposed local law, and

WHEREAS, the Town Board received recommendations from the Clarkstown Planning Board and the Rockland County Planning Department, which the Town Board wishes to review and consider;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the continuation of this public hearing to December 16, 2008, in order to have sufficient time to review the recommendations received by the Planning Boards.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Ralph F. Mandia. Absent

Co. Borelli... Yes

Supervisor Gromack Yes

RESOLUTION NO. (736-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 15 – 2008

WHEREAS, a proposed local law entitled,

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

RESOLUTION NO. (736-2008) continued

was introduced by Councilman Frank Borelli, at a Town Board meeting held on November 6, 2008, and WHEREAS, the purpose of this local law is to increase the income limits for eligibility for low income senior citizens and low income disabled persons in accordance with the maximum income limits permitted by New York State Law, and WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 6, 2008, directed that a public hearing be held on November 25, 2008, 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 10, 2008, 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 3, 2008, and WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 25, 2008; NOW, THEREFORE, be it

RESOLVED, that Local Law No. 15 – 2008 entitled:

“AMENDMENT TO CHAPTER 262 (TAXATION) 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
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor Gromack Yes

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

RESOLUTION NO. (737-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of November 6, 2008 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (738-2008)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, there exists a vacancy in the position of Town Justice – Town of Clarkstown – created by the death of the Honorable Joel J. Flick, and

WHEREAS, the Town Board of the Town of Clarkstown is empowered by Town Law, Section 64 (5) to fill such vacancy,

NOW, therefore, be it

RESOLVED, that the Honorable Rolf Thorsen is hereby appointed to fill the position of Town Justice – Town of Clarkstown – said appointment effective on November 26, 2008 and to expire on December 31, 2008 - at the 2008 annual salary of \$80,000.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (739-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on November 6, 2008 that the position of Secretarial Assistant I – Town Justice Department – can be created,

NOW, therefore, be it

RESOLVED, that the position of Secretarial Assistant I -Town Justice Department – is hereby created – effective and retroactive to November 10, 2008, and be it,

FURTHER RESOLVED, that position #500912 Secretarial Assistant I - Office of the Town Supervisor – is hereby abolished – effective and retroactive to November 13, 2008.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (740-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Lori Zaccaro is hereby reassigned from the Office of the Town Supervisor – to the Town Justice Department - as a Secretarial Assistant I – at the 2008 annual salary of \$60,875., - effective and retroactive to November 10, 2008.

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

RESOLUTION NO. (741-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Peter E. Streitman, Member – Historical Review Board – is hereby accepted – effective and retroactive to November 3, 2008.

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

RESOLUTION NO. (742-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Nancy Davidson, (part-time) Clerk Typist – Personnel Department - is hereby accepted - effective November 25, 2008.

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

RESOLUTION NO. (743-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Michele H. Koblick is hereby appointed to the position of (part-time) Clerk Typist – Personnel Department – at the 2008 hourly rate of 13.00., - effective date pending Rockland County Personnel Office approval.

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

RESOLUTION NO. (744-2008)

Co. Lasker offered and Co. Maloney seconded

Resolution Scheduling Town Board Workshops and Town Board Meetings for the Year 2009

“RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2009, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

WORKSHOP MEETING

7:30 P.M. - Room 301

Table with 2 columns: Month, Days. Rows: January - 13, February - 3, March - 3, April - 7, May - 5, June - 2, July - 7, August - 4, Sept. - 15, October - 6, November - 17, December - 8

TOWN BOARD MEETINGS

8:00 P.M. – Auditorium (Except where noted)

Table with 2 columns: Month, Days. Rows: January - 6 (Reorganization), January - 20, February - 10, March - 24, April - 21, May - 19, June - 16, July - 21, August - 25, Sept. - 22, October - 20, November - 5 (Thurs. at 7:00 p.m.)*, November - 24, December - 15, December - 31 (Thurs. at 12 Noon)*

RESOLUTION NO. (744-2008) continued

Please Note: Police Department matters will be discussed at the Workshop Meetings.”

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (745-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE TOWN OF CLARKSTOWN TO APPLY TOWN LAW SECTION 278 TO THE LANDMARK CORPORATE PARK SUBDIVISION/SITE,MAP 35.14-1-42

WHEREAS, the Long Clove Business Park Corp. has made application for use of Town Law Section 278 in connection with the Landmark Corporate Park Subdivision/Site, which is located on the north side of Route 304 and south side of Long Clove Road, Congers, New York, and is designated on the Clarkstown Tax Map as 35.14-1-42, and

WHEREAS, the Planning Board seeks authorization to utilize Town Law Section 278 (Average Density) in the processing of said subdivision, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278, in connection with this subdivision for the following reasons:

It allows flexibility of design and land development;

1. It permits additional landscaping and planting of trees;
2. It preserves open space that is to be protected through a conservation easement;
3. It results in the maximum development practicable in producing needed ratables without exceeding the number of building lots and building area which could be permitted if the land were subdivided into lots conforming to the requirement of the Zoning Code;
4. It allows for one comprehensive site design concept for several structures pursuing several businesses;
5. It provides for improvements to the drainage systems and associated maintenance which control stormwater runoff to an existing stream that leads directly into Lake DeForest, one of the primary drinking water sources of the County;
6. It accomplishes transitional development that buffers adjacent residential development from nearby manufacturing uses, and
7. It eliminates manufacturing/commercial traffic access to the adjacent residential neighborhood via Long Clove Road,

and

WHEREAS, the Planning Board indicated an intent to reserve its right to impose additional restrictions and conditions to meet the purposes of cluster development and the requirements of the Town Code, and

WHEREAS, the Town Board finds that the Department of Environmental Control (DEC) is the lead agency on the Long Clove Business Park Corp. application under SEQRA and has reviewed and considered the DEC’s, memo dated November 18, 2008, has reviewed the proposed request for use of Town Law 278 (Average Density) concerning the Landmark Corporate Park Subdivision/Site, and finds that this is a Type 2 action under the provisions of 6NYCRR (SEQRA), specifically Section 5(c)(20), and

WHEREAS, the Town Board approves and incorporates by reference the Department of Environmental Control’s SEQRA findings herein, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property as illustrated on the proposed cluster development map entitled, “Landmark Corporate Park Preliminary Site Plan-Clustered” last revised October 9, 2008, prepared by Greater Hudson Valley Engineering, (drawing no. 3 of the site plan maps) for the reasons heretofore set forth herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed Landmark Corporate Park Subdivision/Site, which is designated on the Clarkstown Tax Map as 35.14-1-42, subject to the applicant complying with all rules, regulations and requirements of law, and any additional requirements imposed by the Clarkstown Planning Board, and be it

FURTHER RESOLVED, that this resolution, with conditions, shall be recorded as a Covenant in the Rockland County Clerk’s office, to run with the land.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (746-2008)

Co. Maloney offered and Co. Borelli seconded

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

RESOLUTION NO. (746-2008) continued

BID #45-2008 – PRODUCTION STUDIO, STORAGE & HALL RENOVATION

is hereby awarded to: LORENCIN CONTRACTING CORP, 17 SCHREIVER LANE, NEW CITY, NY 10956
PRINCIPALS: LORAIN DI NARDI, PRESIDENT

as per their proposed total cost not to exceed \$546,000.00, 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 said award shall constitute a proper charge to account # H-8758-400-409-82-8 not to exceed \$546,000.00 and be it

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

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Ralph F. Mandia. Absent
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (747-2008)

Co. Lasker offered and Co. Maloney seconded

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

BID # 51-2008 – PRINTING OF 2009 TOWN RESOURCE GUIDE

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

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

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Ralph F. Mandia. Absent
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (748-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, GASB Statement 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions, requires disclosures that will entail additional work by BPA-Harbridge, an actuarial consulting firm providing actuarial services for compliance with GASB 45, therefore

BE IT RESOLVED, to amend Resolution 106-2008 to reflect an increase of \$4,000 in the cost to a total of \$12,200 for the year 2008 and an increase of \$4,000 in the cost to a total of \$12,500 for the year 2010.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Ralph F. Mandia. Absent
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (749-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB 10 (Government Accounting Standards Board) for fiscal year ending December 31, 2008, and

WHEREAS, Financial Risk Analysts, 27 Hartford Turnpike, Vernon, CT, is a actuarial consulting firm providing services to public entities related to self-insurance and GASB 10 and,

WHEREAS Edward J. Duer, Comptroller, has reviewed the proposal referred to herein and recommended acceptance of same;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement for one year

RESOLUTION NO. (749-2008) continued

with Financial Risk Analysts, in a form acceptable to the Town Attorney, at a cost not to exceed \$6,900.00, plus reasonable out-of-pocket expenses, which cost shall be a proper charge to Account No. CS 1722-400-409-0.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (750-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT THAT WILL EXTEND THE CURRENT LEASE WITH KEEP ROCKLAND BEAUTIFUL, INC. FOR USE OF A PORTION OF THE FORMER CLARKSTOWN POLICE STATION FOR AN ADDITIONAL ONE (1) YEAR PERIOD

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement that will extend the current Lease Agreement with Keep Rockland Beautiful, Inc., dated December 21, 2006, in a form approved by the Town Attorney, for rental of two (2) rooms on the first floor of the former Clarkstown Police Station located at 10 Maple Avenue, New City, New York 10956, consisting of 500 sq. ft. of space, for a one (1) year period, with a ninety (90) day termination clause, commencing December 1, 2008 to November 30, 2009, at an annual rental of \$9,000.00, payable in equal monthly installments of \$750.00, in advance of the first day of each month.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (751-2008)

Co. Maloney offered and Co. Borelli seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2008 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds, THEREFORE, BE IT

RESOLVED, that the 2008 budget is hereby so amended.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (752-2008)

Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF "DOG WASTE PROHIBITED" SIGNS

WHEREAS, Long Meadow Drive, New City along the Town sidewalk abutting the private pond of the residents of East Cavalry Drive is intensely utilized by numerous dog walkers from other neighborhoods and violations of Town Code Chapter 125-4F (Nuisance by failure to clean up) are frequently observed, and

WHEREAS, the Town has currently been working with the developer of the yet-to-be completed Long Meadow West Subdivision to install a number of upgrades to the area including fencing and signage, and

WHEREAS, the residents have requested controlling signage to better notify errant dog walkers and better protect the green space in the neighborhood,

NOW, THEREFORE, be it RESOLVED, that the Superintendent of Highways is hereby directed to install four 'Dog Waste Prohibited' signs along the west side of Long Meadow Drive, New City beginning where the sidewalk commences north of Tamarac Avenue to the end of Long Meadow Drive at King Arthur Court, which portion is a dedicated Town road.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (753-2008)
Co. Borelli 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:

A "No U Turn" sign on eastside of Crosfield Avenue, at Rte 59, West Nyack, (Per Sec. 213.2 an R3-3 sign of the NYS Manual of Uniform Traffic Control Devices) and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy 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
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (754-2008)
Co. Borelli 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:

A "No U Turn" sign on Brittany Court at Route 9W, Valley Cottage, (Per Sec. 213.2 an R3-3 sign of the NYS Manual of Uniform Traffic Control Devices) and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy 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
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (755-2008)
Co. Borelli 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:

A "Stop" sign and a "Stop Line" (per sec. 211.3, a R1-1A sign of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected on Donna Street at Plains Drive, New City; and be it

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

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (756-2008)
Co. Borelli 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:

A "Stop" sign and a "Stop Line" (per sec. 211.3, a R1-1A sign of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected on Allegany Avenue at North Greenbush Road, West Nyack; and be it

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

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (757-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AMENDING RESOLUTION NO. 439-2008, AUTHORIZING AN
AMENDED AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES AT
THE WAREHOUSE FACILITY, BURNSIDE AVENUE, CONGERS, NEW YORK

WHEREAS, by Resolution No. 984-2004, as amended by Resolutions 196-2007, 352-2007, 55-2008 and 439-2008, the Town Board authorized the Supervisor to enter into an amended agreement with the H2M Group to perform additional services for the construction phase of the Burnside Avenue project, and
WHEREAS, the H2M Group, pursuant to its letter dated November 17, 2008, has informed the Town that additional services are required beyond the original scope in order to meet local regulatory and utility codes as requested by the Town Department to Environmental Control staff, and
WHEREAS, the Superintendent of Recreation and Parks has reviewed the letter and finds the request reasonable in terms of scope and price, and
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a fifth amended agreement with H2M, in a form approved by the Town Attorney, to perform additional engineering services concerning the upgrade to the Warehouse Facility, Burnside Avenue, Congers, New York, pursuant to its letter dated November 17, 2008, and be it
FURTHER RESOLVED, that the additional fee not to exceed \$9,100 for said work shall be charged to Account No. H 8758-400-409-82-19, and said Capital Account is hereby increased to \$153,450.00.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (758-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT BETWEEN CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC. AND THE TOWN

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves a Side Letter of Agreement between the Civil Service Employees Association, Inc., Town of Clarkstown Unit and the Town dated November 25, 2008.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (759-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING ACCEPTANCE OF A LOCAL GOVERNMENT RECORDS MANAGEMENT
IMPROVEMENT FUND GRANT FROM THE N.Y.S. EDUCATION DEPARTMENT

WHEREAS, the Town of Clarkstown on January 31, 2008 applied for a grant from the N.Y.S. Education Department for a Microfilm Project for the Justice Courts to microfilm the Criminal Dockets from approximately 1988 to 1997, and
WHEREAS, the Criminal Dockets are frequently accessed for background checks and for requests for information from law enforcement, and
WHEREAS, a Microfilm Project will allow for the permanent storage of the said Criminal Dockets required under Retention Schedule # 80420 of the Unified Court System (revised March 2006), and
WHEREAS, the Town has been awarded a Local Government Records Management Improvement Fund Grant ("LGRMIF GRANT") in the amount of \$4,614.00 for the proposed project;
NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Town Clerk, the Town Board of the Town of Clarkstown does hereby accept a Local Government Records Management Improvement Fund Grant ("LGRMIF GRANT") in the amount of \$4,614.00, which monies shall be used for a Microfilm Project for the Justice Courts to microfilm the Criminal Dockets from approximately 1988 to 1997.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (760-2008)
Co. Lasker offered and Co. Borelli seconded

AMENDMENT TO TOWN BOARD RESOLUTION #693-2008 REGARDING GUIDE RAIL INSTALLATION

WHEREAS, Town Board Resolution #693-2008 of October 21, 2008 authorized the Superintendent of Highways to install Guide Rails at a number of locations in the Town of Clarkstown in addition to those authorized by Resolution #224-2008 of April 15, 2008, and

WHEREAS, Resolution #693-2008 included Richard Street, Central Nyack mistakenly under the heading "Repair of Existing Guiderail";

NOW, THEREFORE, be it RESOLVED, that Resolution #693-2008 is amended to remove Richard Street, Central Nyack from the 'Repair of Existing Guiderail' list, and be it

FURTHER RESOLVED, that a guiderail barrier be added to the list of 'New Installations' at Addison Boyce Drive, New City to delineate the Dead End of this Town road and replace a damaged and ineffective cable and post barrier.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (761-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND
(THE FARM AT NYACK SUBDIVISION – 121-A-15+)

WHEREAS, LaBozz-2 Builders Corp. furnished to the Town of Clarkstown a Maintenance Bond secured by Letter of Credit No. 2035 in the amount of \$12,171.00 to guaranty the road(s) and improvements in the Farm at Nyack Subdivision, as shown on the final plat of The Farm at Nyack (121-A-15+), which was filed in the Rockland County Clerk's Office on January 9, 1998, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Maintenance Bond in the amount of \$12,171.00, in connection with the dedication of the road(s) and improvements in a subdivision known as The Farm at Nyack, is hereby terminated; and Letter of Credit No. 2035 in the amount of \$12,171.00 may be released.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (762-2008)
Co. Lasker offered and Co. Borelli seconded

WHEREAS, Resolution No. 2-2008 authorized certain banks as an authorized depository for Town funds, and WHEREAS, the Town Comptroller wishes to add TD Bank to the list of said depositories for Town funds;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby amends Resolution No. 2-2008 to include TD Bank as a additional bank depository, and be it

FURTHER RESOVLED, that TD Bank be required to supply pledge collateral protection for Town funds which are not otherwise insured against loss.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (763-2008)
Co. Maloney offered and Co. Lasker seconded

Resolution Authorizing Release of Security Davies Farm, LLC, Phase II – 35.18-1-4, 5, 6, 7, 11 & 12

WHEREAS, GLW Developers LLC furnished to the Town of Clarkstown a Letter of Credit No. 2270 in

RESOLUTION NO. (763-2008) continued

the amount of \$67,100.00 as security for site restoration in the Davies Farm LLC, Phase II Subdivision (35.18-1-4, 5, 6, 7, 11 & 12), which final map was filed in the Rockland County Clerk's Office on October 11, 2007, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown has advised that the letter of credit is no longer required and may be released, as said letter of credit has been superseded by the Letter of Credit No. 2318 being held as security for a Developers Performance Agreement;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 2270 in the amount of \$67,100.00 may be released to the guarantor.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (764-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING AMENDMENT TO THE CONTRACT AMOUNT FOR BID #57-2007 LAUREL ROAD LOW FLOW CHANNEL

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #57-2007 Laurel Road Low Flow Channel to Danny Clapp Landscaping, Inc. of New City, New York; and

Whereas, unanticipated field conditions resulted in the need to install additional stone bedding not included in the original scope of work; and

Whereas, compensation for this additional work is to be made on a time and material basis in accordance with the contract specifications; and

Whereas, the Contractor has submitted an accounting of the charges associated with said work; and

Whereas, the Department of Environmental; Control has reviewed said accounting and finds it to be accurate and acceptable;

Now, Therefore, Be It Resolved that the Town Board authorizes Amendment No. 2 to the contract price for Bid No. 57-2007 Laurel Road Low Flow Channel in the amount of \$950.72 in accordance with said accounting; and

Be It Further Resolved that the total cost of the project shall not exceed \$51,750.72 without further Town Board resolution and shall be a proper charge to account # H 8759 - 409 - 0 - 83 - 22.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (765-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION ACCEPTING EASEMENT FOR PREMISES OWNED BY RONSTEIN CONSTRUCTION CORP. LOCATED AT 19 LOMBARDI DRIVE, NEW CITY (TAX MAP 43.13-2-12)

WHEREAS, the Deputy Director of the Department of Environmental Control required that a drainage easement be granted to the Town of Clarkstown in order to protect an existing drainage line on premises located at 19 Lombardi Drive, New City, New York (Tax Map 43.13-2-12), and

WHEREAS, Ronstein Construction Corp. has provided a drainage easement dated August 7, 2008 in a form approved by the Town Attorney, and the Town of Clarkstown wishes to accept and record said drainage easement;

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown is hereby authorized to accept and record said drainage easement from Ronstein Construction Corp. for premises located at 19 Lombardi Drive, New City, New York (Tax Map 43.13-2-12) at the expense of the grantor.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (766-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO REPLACE A SECTION OF DAMAGED DRAIN LINE WITHIN A TOWN EASEMENT IN THE VICINITY OF #9 S. PARK LANE, NANUET

RESOLUTION NO. (766-2008) continued

WHEREAS, a Town drain line in the vicinity of 9 S. Park Lane has become occluded as a result of root growth from two willow trees above the pipe; and

WHEREAS, a section of the existing drain line has been damaged as a result of the root growth and is in need of replacement; and

WHEREAS, the Department of Environmental Control has prepared a plan for the removal of the two willow trees and the replacement of the damaged portion of pipe; and

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform the work in accordance with their plan; and

WHEREAS, the Department of Environmental Control has received five (5) proposals in response to its solicitation; and

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

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to MRJ Excavating, Inc. for their low proposal of \$15,825.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of: MRJ Excavating, Inc., 9 Beaver Court, New City, NY 10956

to perform this work in accordance with their proposal for an amount not to exceed \$15,825.00; and

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

FURTHER RESOLVED that this amount shall be a proper charge to account #H8759-409-83-29.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Ralph F. Mandia.	Absent
Co. Borelli.	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (767-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD SETTING A PUBLIC HEARING REGARDING PETITION OF SQUADRON LAND LLC, FOR A CHANGE OF ZONE TO THE AAR DISTRICT

WHEREAS, SQUADRON LAND, LLC has submitted an amended petition dated October 6, 2008, with an addendum to petition dated October 20, 2008, to the Town Board of the Town of Clarkstown, requesting a change of zone from the PO District to the AAR District for premises designated on the Clarkstown Tax Map as 43.07-1-24 and 25, situated on the north side of Squadron Boulevard, and Tax Map 43.11-2-2 and 3, situated on the south side of Squadron Boulevard, New City, New York, to permit the construction of a multi-unit complex for active adults; NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on January 20, 2009, at 8:00 p.m., and be it

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

FURTHER RESOLVED, that the Petitioner shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk prior to said hearing.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Ralph F. Mandia.	Absent
Co. Borelli.	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (768-2008)

Co. Maloney offered and Co. Lasker seconded

Resolution of the Town Board Setting a Public Hearing Regarding Petition of Senior Housing Associates of Westchester, Inc. For A Change of Zone to the AAR District

WHEREAS, the SENIOR HOUSING ASSOCIATES OF WESTCHESTER, INC. has submitted an amended petition dated September 12, 2008, to the Town Board of the Town of Clarkstown, requesting a change of zones from the MF-3 and CS Districts to the AAR District for premises designated on the Clarkstown Tax Map as 43.19-3-84, located at Route 304 and Demarest Road, New City, New York, to permit the construction of a multi-unit complex for active adults;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on January 20, 2009, at 8:00 p.m., and be it

RESOLUTION NO. (768-2008) continued

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

FURTHER RESOLVED, that the Petitioner shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk prior to said hearing.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Ralph F. Mandia.	Absent
Co. Borelli.	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (769-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 590-2008 FOR BID #32-2008; DUSTMAN LANE ROAD IMPROVEMENTS

WHEREAS, Town Board Resolution 590-2008 awarded bid #32-2008; Dustman Lane Road Improvements to WJL Equities, Inc. and

WHEREAS, ±700 lf of Dustman Lane was milled in accordance with the Town’s contract with WJL Equities Inc.; and

WHEREAS, an inspection of the road after milling has revealed insufficient pavement thickness in some areas; and WHEREAS, The Department of Environmental Control has determined that additional excavation and installation of asphalt is required in some areas of the road; and

WHEREAS, one (1) change order on contract has been reviewed by the Director of Environmental Control and found acceptable in terms of scope and price as follows:

- 1. Excavate 4” of existing material where necessary and replace with 4” asphalt binder course. Place additional truing & leveling course asphalt where necessary. \$35,000.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$351,000.00 to an amount not to exceed \$386,000.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H-8754-400-409-0-78-27

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Ralph F. Mandia.	Absent
Co. Borelli.	Yes
Supervisor Gromack	Yes

The Supervisor opened the meeting for general public comments.

Mike Fidel- Congers

Wished the Town Board a Happy Thanksgiving.

Steven Levine- Congers

Asked about work being done at Jolliffe Lane in Congers. Asked about a Massachusetts Avenue property that was taken over by a bank and wanted to know if the bank submitted a remediation plan to the town. Read from and submitted a copy of an article in the Journal News, dated November 1, 2008, regarding a Central Nyack property, (on file with Town Clerk).

With no one wishing to speak further, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was adjourned at 8:32 P.M. to move into an executive session to discuss a personnel matter.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

11/25/08

8:10 P.M.

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

Absent: Councilman Ralph Mandia

Re: Proposed Local Law entitled: "A Local Law Amending Chapter 290 of the Zoning
Local Law of the Town of Clarkstown."

On motion of Co. Borelli, seconded by Co. Maloney, hearing opened 8:10 P.M.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously
adopted, the public hearing was continued to December 16, 2008. RESOLUTION NO. (735-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (735-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

11/25/08

8:12 P.M.

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

Absent: Councilman Ralph Mandia

Re: Proposed Local Law entitled: "A Local Law Amending Chapter 262 (Taxation) of the Local Law of the Town of Clarkstown."

On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:12 P.M.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:13 P.M. RESOLUTION NO. (736-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (736-2008)