

TOWN OF CLARKSTOWN  
SPECIAL TOWN BOARD MEETING

Town Hall

12/12/2006

7:30 P.M.

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

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

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Supervisor opened the meeting to public comments regarding the agenda items. No one was heard.

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RESOLUTION NO. (842-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, there exists a vacancy in the position of Town Justice – Town of Clarkstown - created by the election of the Honorable Victor J. Alfieri, Jr. - to the position of County Court Judge, and  
WHEREAS, a resignation has been submitted by the Honorable Victor J. Alfieri, Jr., resigning from the position of Clarkstown Town Justice, 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 Howard Gerber is hereby appointed to fill the position of Town Justice – Town of Clarkstown – said appointment effective on January 1, 2007 thru December 31, 2007 – at the annual salary of \$78,000.

On roll call the vote was as follows

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

Co. Lasker-

Howard Gerber has done a fine job as Deputy Town Attorney. I think he will do an excellent job as Town Justice.

Co. Nowicki-

I've known Howard since he was a kid. I think he will do an excellent job

Co. Maloney-

I'm so happy for Howard and think he will make a great judge.

Co. Mandia-

Howard Gerber is a capable man, who can handle a heavy work load and will hit the ground running. Most importantly, he gives his time to the community and volunteering.

Supervisor Gromack-

Howard Gerber has done a great job as Deputy Town Attorney. I look forward to his long tenure as Town Judge.

Howard Gerber- Deputy Town Attorney and appointee to position of Town Justice

I appreciate the support the board has given me. I look forward to serving the people of Clarkstown.

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RESOLUTION NO. (843-2006)

Co. Maloney offered and Co. Lasker seconded

Resolved, based upon the recommendation of the Authorized Purchasing Agent and in concurrence with Recreation and Parks, that the bid furnishing athletic and recreation supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #1-2007 Athletic and Recreation Supplies

ARC Sports, 487 Federal Road, Brookfield, CT, 06804 for items #1, 2, 4, 5, 15, 18, 26, 27, 36, 37, 109, 110, 112, 113, 114, 115, 116, 117, 118, 119 and 121, as per specifications at a net bid price of \$3,046.80.

Flaghouse, 601 Flaghouse Drive, Hasbrouck Heights, NJ, 07604 for items #23, 28, 30, 31, 32, 43, 57, 58, 74, 75, 77, 78, 92, 96 and 126 as per specifications at a net bid price \$807.00.

Kenmar Shirts, 1578 White Plains Road, Bronx, NY 10462 for items #133B and 152 as per specifications at a net bid price of \$1,177.65.

RESOLUTION NO. (843-2006) continued

Mainly Monograms, 260 West Nyack Road, West Nyack, NY 10994 for items #129, 130, 131, 132, 133A, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 147, 148, 149, 150, 151, 153, 155 and 156 as per specifications at a net bid price of \$22,855.41.

Passon's Sports (Sports Supply Group), P.O. Box 49, Jenkintown, PA 19046 for items #3, 6, 9, 10, 14, 16, 17, 19, 20, 21, 22, 24, 25, 34, 40, 42, 44, 45, 59, 60, 61, 62, 63, 65, 66, 71, 72, 73, 76, 80, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 93, 101, 104 and 128 as per specifications at a net bid price of \$2,748.59.

Recreonics, Inc., 4200 Schmitt Ave., Louisville, KY 40213 for items #67, 125, 127, 144, 145 and 146 as per specifications at a net bid price of \$8,024.69.

S&S Worldwide, 75 Mill Street, Colchester, CT 06415 for items # 7, 8, 11, 12, 13, 29, 33, 35, 38, 39, 41, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 68, 69, 70, 83, 94, 95, 97, 98, 99, 100, 102, 105, 106, 107, 111, 120, 122, 123 and 124 as per specifications at a net bid price of \$936.11.

Gross Total for all items: \$41,851.48

Further resolved, that this amount \$41,851.48 be charged against accounts:

7140-222	\$ 422.33
7140-307	1,456.44
7141-222	138.05
7141-307	1,458.60
7141-329	3,521.68
7180-307	10,000.76
7180-329	2,263.50
7210-307	234.00
7310-307	16,979.15
7310-329	5,277.97
7610-329	99.00
<b>TOTAL:</b>	<b>\$41,851.48</b>

On roll call the vote was as follows

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

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RESOLUTION NO. (844-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION DEFAULTING ESCROW FUNDS SISTERS OF CHARITY SUBDIVISION  
TAX MAP LOT 63.15-01-42 (FKA 4-A-8)

WHEREAS, certain work in the construction of public improvements and infrastructure to be accepted for dedication by the Town of Clarkstown in the subdivision known as "Sisters of Charity" was not completed in a satisfactory manner, and

WHEREAS, by letter dated October 16, 2006 the Department of Environmental Control notified Donald Tirschwell attorney for the Developer Greenbriar Woods Ltd. that work was required and provided a punch list of same, with copy directly to Greenbriar Woods Ltd., and

WHEREAS, said notification indicated that substantial progress must be made toward the completion of said work by October 31, 2006, and

WHEREAS, to date the work has not been completed,

NOW THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby declares the subdivision to be in default and, and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Director of Environmental Control to prepare construction documents and specifications for the completion of outstanding work.

On roll call the vote was as follows

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

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RESOLUTION NO. (845-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION DEFAULTING ESCROW FUNDS HIGHLAND PARK SUBDIVISION  
TAX MAP LOT 58.20-01-84.10 (FKA 52-A-7, 8.01 & 8.02)

WHEREAS, the Developer of the subdivision known as "Highland Park" had requested a punch list to complete work for dedication of the public improvements and infrastructure by telephone request of 5-23-05, and WHEREAS, said punch list was provided to the Developer on or about 6/3/05, and WHEREAS, to date no additional work has been completed by the Developer and the public improvements are not yet acceptable for dedication, and WHEREAS, re-inspection indicates that additional work may be required to insure that the work is properly constructed and may be accepted by the Town, and NOW THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby declares the subdivision to be in default and, and BE IT FURTHER RESOLVED, that the Town Board hereby directs the Director of Environmental Control to prepare construction documents and specifications for the completion of outstanding work.

On roll call the vote was as follows

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

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RESOLUTION NO. (846-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that Janeen Valentin-Eisler, 26 Oakland Place, Nanuet, New York - Senior Recreation Leader -Parks Board and Recreation Commission – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective and retroactive to December 6, 2006 to February 28, 2007.

On roll call the vote was as follows

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

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RESOLUTION NO. (847-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the resignation of Howard Gerber Deputy Town Attorney - is hereby accepted – effective – December 31, 2006 – at the close of the business day, and be it,

FURTHER RESOLVED, that the position of Deputy Town Attorney #500121 – Office of the Town Attorney – is hereby abolished – effective January 1, 2007.

On roll call the vote was as follows

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

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RESOLUTION NO. (848-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION #510-2005 AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF GENERAL SEWER AND VIDEO SERVICES, INC. TO PERFORM VIDEO INSPECTIONS OF CERTAIN STORM DRAIN LINES AT VARIOUS LOCATIONS IN THE TOWN OF CLARKSTOWN

**WHEREAS**, Town Board resolution #510-2005 authorized the Director of the Department of Environmental Control to retain the services of General Sewer and Video Services, Inc. to perform video inspections of certain storm drain lines at various locations in the Town of Clarkstown; and

**WHEREAS**, the Department of Environmental Control has used the allotted amount of money authorized by the Town Board for storm drain video inspections; and

**WHEREAS**, additional storm drains throughout the Town are in need of video inspection; and

RESOLUTION NO. (848-2006) continued

**WHEREAS**, one (1) change order has been reviewed and found acceptable by the Department of Environmental Control as follows:

- 1) 2 additional days of video inspection @ 1050.00 per day **\$2,100.00**

**NOW, THEREFORE, BE IT RESOLVED** that the allowance for this project be increased from the original amount of **\$10,500.00** to **\$12,600.00** 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 8755 409 0 79 20

On roll call the vote was as follows

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

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RESOLUTION NO. (849-2006)

Co. Maloney offered and Co. Lasker seconded

Co. Lasker inquired about what the additional funds were for. Town Attorney Amy Mele said the funds covered additional meetings and investigations and to help fill in small gaps of service.

RESOLUTION AMENDING RESOLUTION NO. 496-2006 AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH HDR/LMS ENGINEERING TO PROVIDE SERVICES WITH RESPECT TO THE TOWN'S MORATORIUM ON WIRELESS COMMUNICATION FACILITES

RESOLVED, that Resolution No. 496-2006, adopted by the Town Board on July 25, 2006, is hereby amended as follows:

“WHEREAS, HDR/LMS has advised the Town of the necessity to perform additional tasks with respect to the wireless siting plan, and

WHEREAS, the fee for such additional work shall be \$11,000.00, and the Town Attorney recommends acceptance of such proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with HDR/LMS to provide additional engineering services with respect to the Town's Moratorium on Wireless Communication Facilities, and be it

FURTHER RESOLVED, that the total amount to perform said services shall be \$37,100.00, and be it

FURTHER RESOLVED, that all other provisions of the Agreement shall remain in full force and effect.”

On roll call the vote was as follows

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

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Supervisor opened the meeting to public comments with no one wishing to be heard, on motion of Co. Mandia, seconded by Co. Lasker, the Special Town Board meeting was closed 7:42 pm.

Respectfully submitted,

David Carlucci  
Town Clerk