

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/20/09

8:15 P.M.

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

Absent: Council Member Ralph Mandia

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

Public Hearing #1 re: Petition of Squadron Land LLC for Change of Zone to the AAR District. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:15 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:25 P.M. RESOLUTION NO. (40-2009)

Public Hearing #2 re: Petition of Senior Housing Associates of Westchester, Inc. for a Change of Zone to the AAR District. On motion of Co. Maloney, seconded by Co. Borelli, hearing opened 8:25 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:32 P.M. RESOLUTION NO. (41-2009)

Public Hearing #3 re: Proposed Local Law entitled: "A Local Law amending Chapter 250 (Streets and Sidewalks) of the Local Law of the Town of Clarkstown." On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:32 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was continued to February 10, 2009. RESOLUTION NO. (42-2009)

Public Hearing #4 re: Abandonment of Portion of Terrace Avenue. On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:35 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:55 P.M. RESOLUTION NO. (43-2009)

Public Hearing #5 re: Rockland County Consortium for 2009 Community Block Grants Program. On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:55 P.M. On motion of Co. Maloney, seconded by Co. Lasker, the public hearing was closed unanimously 8:55 P.M.

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

RESOLUTION NO. (40-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION APPROVING ZONE CHANGE REQUEST FOR SQUADRON LAND LLC, REDISTRICTING PROPERTY DESIGNATED AS MAP 43.07-1-24 AND 25, AND MAP 43.11-2-2 AND 3, FROM THE PO DISTRICT TO THE AAR DISTRICT, NEW CITY, NEW YORK

WHEREAS, by Local Law No. 3-2007, the Town Board created the Active Adult Residence Zone (the "AAR Zone"), an unmapped floating zone designed to address the Town's need for a range of fifty-five (55) and over housing, and
WHEREAS, the Generic Environmental Impact Statement prepared in connection with the adoption of the AAR Zone stated that the zoning was being implemented based upon the needs identified by the Town's 1999 Comprehensive Plan and the 2002 Housing Study prepared for the Town, and
WHEREAS, the local law provides that an application for the establishment of an AAR Zone by amendment to the Town's Zoning Local Law shall be made via a petition to the Town Board, and
WHEREAS, SQUADRON LAND LLC (the "Petitioner") has submitted a second amended petition (the "Petition") 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, which are situated on the North side of Squadron Boulevard, and Tax Map 43.11-2-2 and 3, which are situated on the South side of Squadron Boulevard, New City, New York, to permit the construction of seventy-nine (79) units for active adults (the "Project"), and
WHEREAS, notice of public hearing was duly published as required by law for January 20, 2009, at 8:00 p.m., said hearing was duly commenced at the time and place specified in the notice, and
WHEREAS, by resolution dated November 8, 2007, the Town Board authorized the Supervisor to review all AAR Petitions and convene personnel as he deemed necessary to conduct a thorough review of such applications, and
WHEREAS, the Supervisor created an in-house committee (the "Committee") consisting of legal, planning, engineering and building personnel to review the AAR Petitions in light of the criteria for rezoning as set forth in Section 290-7.1E(1)-(13) of the law, and
WHEREAS, Petitioner met with the Committee numerous times in 2007 and 2008, and
WHEREAS, by Resolution dated March 11, 2008, the Town Board retained Behan Planning Associates to review the AAR Petitions and make recommendations regarding potential improvements to the proposed Project, and
WHEREAS, the applicant met with Behan Planning in addition to the Committee, and
WHEREAS, as a result of such meetings the Applicant gratuitously offered to provide certain additional amenities in order to bring the Project into compliance with the criteria for rezoning, and
WHEREAS, by resolution dated August 26, 2008, the Town Board declared itself lead agency pursuant to SEQRA and retained Tim Miller Associates as its agent to conduct the SEQRA review of the Project, and

RESOLUTION NO. (40-2009) continued

WHEREAS, Tim Miller Associates prepared and submitted the following reports which have been reviewed and considered by the Town Board:

1. Squadron Lands, LLC – Traffic Analysis dated July 10, 2008;
2. Squadron lands LLC – Fiscal Analysis dated August 14, 2008;
3. Squadron lands LLC – Trip Generation Comparison dated August 27, 2008,

and

WHEREAS, the traffic studies concluded that the traffic generated by the Project would be significantly less during peak hours than the existing as of right use, and

WHEREAS, the fiscal study concluded that the Project would have a positive fiscal impact compared with the existing as of right use, and

WHEREAS, the Committee presented their findings and recommendations with respect to the Petition to the Town Board at its workshop session on November 18, 2008, and

WHEREAS, by memo dated November 18, 2008, Tim Miller Associates analyzed the Project for compliance with the AAR Zoning criteria and recommended that a public hearing be scheduled so that the Town Board could consider the Petition, and

WHEREAS, the Town Board by Resolution duly adopted on November 25, 2008, scheduled a public hearing for January 20, 2009, at 8:00 p.m., to consider the application of Petitioner for Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property owned by the Petitioner, designated on the Clarkstown Tax Map as 43.07-1-24 and 25, which are situated on the North side of Squadron Boulevard, and Tax Map 43.11-2-2 and 3, which are situated on the South side of Squadron Boulevard, New City, New York, more particularly described on Schedule "A" herein, from the PO District to the AAR District, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the Committee, its consultants, and the public, and

WHEREAS, the Town Board has received a proposed negative declaration pursuant to SEQRA from its Planning Consultant, Tim Miller Associates, which lists the proposed Zone Change as an unlisted action for environmental review purposes, and concludes that implementing the AAR Zoning designation as proposed in the Petition will not create any significant adverse impacts, which the Board has discussed and considered in making its decision herein, and

WHEREAS, by letter dated December 2, 2008, the Rockland County Department of Planning recommended approval of the Petition with the following modifications:

1. Review by the Rockland County Drainage Agency;
2. The Town of Clarkstown Floodplain administrator shall certify that the proposed construction is in compliance with Town and Federal floodplain regulations;
3. A review shall be completed by the New York State Department of Transportation and all required permits shall be obtained;
4. The Rockland County Department of Public Transportation shall review to determine the best location for the pick up of TRIPS users;
5. A letter from the public water supplier, stamped and signed by a NYS licensed engineer, shall be issued to the Town certifying that there will be a sufficient water supply during peak demand periods and in a drought situation;
6. If any public water supply improvements are required in connection with the project, engineering plans and specifications shall be reviewed by the Rockland County Department of Health in accordance with their requirements;
7. Under the "Approvals Required" Section of the Long Environmental Assessment form the "Other Regional Agencies" box shall be checked and the Rockland County Department of Planning identified;
8. Traffic reports shall be reviewed by the New York State Department of Transportation and the Rockland County Department of Highways and any comments shall be addressed;
9. Sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

NOW, THEREFORE, be it

RESOLVED, that based upon the reports of Tim Miller Associates, as follows:

1. Traffic Analysis dated July 10, 2008;
2. Fiscal Analysis dated August 14, 2008;
3. Trip Generation Comparison dated August 27, 2008;
4. Memo dated November 28, 2008;

and acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change shall not have any significant adverse impact on the environment, and hereby directs that the attached negative declaration be filed and distributed in accordance with the provisions of SEQRA, and be it

FURTHER RESOLVED, that based on the reports of the Committee, and its consultants, and based upon all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

1. The property is eligible for AAR Zone designation;
2. The proposed zone change is consistent with the intent of the AAR Zone;
3. The Petition complies with the criteria set forth in Section 290-7.1E(1)-(3);
4. Pursuant to Section 290-7.1D(1), the applicant has proposed adequate mitigation measures so that the proposed development will not have any greater impact than the as-of-right development;

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 43.07-1-24 and 25, which are situated on the North side of Squadron Boulevard, and Tax Map 43.11-2-2 and 3, which are situated on the South side of Squadron Boulevard, New City, New York, more particularly described on Schedule "A" herein, from the PO District to the AAR District, provided, however, that such zone change shall be subject to the following conditions:

1. The maximum number of units to be developed under the zone shall be seventy-nine (79), subject to site plan constraints;

RESOLUTION NO. (40-2009) continued

2. Amenities shall include a fitness center in each of the two buildings to be developed, and a multi-purpose social-media center in each of the buildings to be developed. Additionally, applicant shall provide walking trails, a gazebo, park benches, and an outdoor reading area located in a landscaped park-like setting on approximately one-third of an acre on the northern parcel of the property, which area shall be open to the public;
3. The Applicant shall submit an overall site plan for approval by the Planning Board;
4. Eight (8) units shall be offered on a priority basis, at market rates, to U.S. military veterans who reside in the Town and have been honorably discharged. The Town reserves the right to identify the manner in which said units will be offered (e.g., lottery, first come);
5. The Applicant shall pay a fee in the amount of \$63.00 per unit, for a total sum of \$4,977.00 for 79 units, pursuant to Section 290-7.1F(3);
6. The Applicant shall, as a condition to final site plan approval, deposit the sum of \$100,000, which shall be used toward the installation (by the Town) of a traffic signal on North Main Street at the entrance to the New City Condominium Complex (subject to verifying warrants and Rockland County Highway Department approval) and/or other public improvements at the discretion of the Town;
7. The Applicant shall contribute \$400,000.00 which sum may be deposited in the Town of Clarkstown's Affordable Housing Fund or used for general municipal purposes, in the Town's discretion. The \$400,000 shall be paid as follows:
 - a. \$100,000 upon final site plan approval;
 - b. \$150,000 upon issuance of a building permit for the first building constructed;
 - c. \$150,000 upon issuance of a building permit for the second building constructed.
8. All units shall be constructed in conformity with the New York State Energy Star Program;
9. Provided applicant can obtain permission from the adjoining property owner, and if requested by the Planning Board, the Applicant shall construct a pedestrian walkway connecting the AAR parcel to the parcel to the South, identified on the Clarkstown Tax Map as 43.11-1-38, 39, 40, and 41;
10. The applicant shall, as a condition to final site plan approval, execute a developer's performance agreement, in a form acceptable to the Town Attorney, and shall submit a Letter of Credit in a sum to be determined by the Town Department of Environmental Control, to ensure compliance with item 11;
11. The Planning Board in connection with their site plan review shall consider what, if any, pedestrian signalization is required on Squadron Boulevard;
12. The Planning Board shall ensure, in connection with final site plan approval, compliance with the limitations on occupancy set forth in Section 290-7.1G(1)-(3);
13. The applicant shall, as a condition to final site plan approval, pay to the Town money-in-lieu-of-land based on the actual number of units/bedrooms that may be approved by the Town Planning Board consistent with the Clarkstown Code;
14. The applicant shall comply with modifications 1-9 set forth in the Rockland County Department of Planning's December 2, 2008 letter.

and be it

FURTHER RESOLVED, that the Zone Change described herein is conditioned upon compliance with all of the above items and that failure to fully comply will result in the parcel reverting to its pre-existing zoning designation, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

FURTHER RESOLVED, that no amendment to the Town's Comprehensive Plan is required, as the creation of the zone and zone change effectuated herein are consistent with the goals of the Town's Comprehensive Plan.

On roll call the vote was as follows

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

RESOLUTION NO. (41-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION APPROVING ZONE CHANGE REQUEST OF SENIOR HOUSING OF WESTCHESTER, INC., REDISTRICTING PROPERTY DESIGNATED AS MAP 43.19-3-84, FROM THE MF-3 AND CS DISTRICTS TO THE AAR DISTRICT, (VANDERBILT GRANDE) NEW CITY, NEW YORK

WHEREAS, by Local Law No. 3-2007, the Town Board created the Active Adult Residence Zone (the "AAR Zone"), an unmapped floating zone designed to address the Town's need for a range of fifty-five (55) and over housing, and

WHEREAS, the Generic Environmental Impact Statement prepared in connection with the adoption of the AAR Zone stated that the zoning was being implemented based upon the needs identified by the Town's 1999 Comprehensive Plan and the 2002 Housing Study prepared for the Town, and

WHEREAS, the local law provides that an application for the establishment of an AAR Zone by amendment to the Town's Zoning Local Law shall be made via a petition to the Town Board, and

WHEREAS, SENIOR HOUSING OF WESTCHESTER, INC. (the "Petitioner") has submitted a second amended petition (the "Petition") to the Town Board of the Town of Clarkstown, requesting a change of zone 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 100 units for active

RESOLUTION NO. (41-2009) continued

adults (the "Project"), and

WHEREAS, notice of public hearing was duly published as required by law for January 20, 2009, at 8:00 p.m., said hearing was duly commenced at the time and place specified in the notice, and

WHEREAS, by resolution dated November 8, 2007, the Town Board authorized the Supervisor to review all AAR Petitions and convene personnel as he deemed necessary to conduct a thorough review of such applications, and

WHEREAS, the Supervisor created an in-house committee (the "Committee") consisting of legal, planning, engineering and building personnel to review the AAR Petitions in light of the criteria for rezoning as set forth in Section 290-7.1E(1)-(13) of the law, and

WHEREAS, Petitioner met with the Committee numerous times in 2007 and 2008, and

WHEREAS, by Resolution dated March 11, 2008, the Town Board retained Behan Planning Associates to review the AAR Petitions and make recommendations regarding potential improvements to the proposed Project, and

WHEREAS, the applicant met with Behan Planning in addition to the Committee, and

WHEREAS, as a result of such meetings the Applicant gratuitously offered to provide certain additional amenities in order to bring the Project into compliance with the criteria for rezoning, and

WHEREAS, by resolution dated August 26, 2008, the Town Board declared itself lead agency pursuant to SEQRA and retained Tim Miller Associates as its agent to conduct the SEQRA review of the Project, and

WHEREAS, Tim Miller Associates prepared and submitted a fiscal analysis dated September 2, 2008, and

WHEREAS, the fiscal study concluded that the Project would have a positive fiscal impact compared with the existing as of right use, and

WHEREAS, the Committee presented their findings and recommendations with respect to the Petition to the Town Board at its workshop session on November 18, 2008, and

WHEREAS, by memo dated September 3, 2008, Tim Miller Associates analyzed the Project for compliance with the AAR Zoning criteria and recommended that a public hearing be scheduled so that the Town Board could consider the Petition, and

WHEREAS, the Town Board by Resolution duly adopted on November 25, 2008, scheduled a public hearing for January 20, 2009, at 8:00 p.m., to consider the application of Petitioner for Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property owned by the Petitioner, designated on the Clarkstown Tax Map as 43.19-3-84, located at Route 304 and Demarest Road, New City, New York, more particularly described on Schedule "A" herein, from the MF-3 and CS Districts to the AAR District, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the Committee, its consultants, and the public, and

WHEREAS, the Town Board has received a proposed negative declaration pursuant to SEQRA from its Planning Consultant, Tim Miller Associates, which lists the proposed Zone Change as an unlisted action for environmental review purposes, and concludes that implementing the AAR Zoning designation as proposed in the Petition will not create and significant adverse impacts, which the Board has discussed and considered in making its decision herein, and

WHEREAS, by letter dated January 12, 2009, the Rockland County Department of Planning recommended approval of the Petition with the following modifications:

1. Traffic reports shall be reviewed by the New York State Department of Transportation and the Rockland County Department of Highways and any comments shall be addressed;
2. The Rockland County Department of Highways and the Rockland County Drainage Agency shall review the Stormwater Management, Water Quality Design, and Drainage reports and any comments addressed;
3. If any public water supply improvements are required in connection with the project, engineering plans and specifications shall be reviewed by the Rockland County Department of Health in accordance with their requirements;
4. Sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction;
5. A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

WHEREAS, in County GML Comment #6, the County Planning Department states that the Historical Society of Rockland County has designated the Vanderbilt Lumber Barn and the Old New City Railroad Station as notably historic structures and urges the Town to evaluate the possibility of preserving the structures; and

WHEREAS, the Town has already accomplished the preservation of the Old New City Railroad Station, which is to be relocated to another site; and

WHEREAS, the Town will direct the applicant to contact the Historical Society to explore the possibility of relocating/salvaging the Vanderbilt Lumber Barn;

NOW, THEREFORE, be it

RESOLVED, that based upon the reports of Tim Miller Associates, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change shall not have any significant adverse impact on the environment, and hereby directs that the attached negative declaration be filed and distributed in accordance with the provisions of SEQRA, and be it

FURTHER RESOLVED, that based on the reports of the Committee, and its consultants, and based upon all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

1. The property is eligible for AAR Zone designation;
2. The proposed zone change is consistent with the intent of the AAR Zone;
3. The Petition complies with the criteria set forth in Section 290-7.1E(1)-(3);
4. Pursuant to Section 290-7.1D(1), the applicant has proposed adequate mitigation measures so that the proposed development will not have any greater impact than the as-of-right development;

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 43.19-3-84, located at Route 304 and Demarest Road, New City, New York, more particularly described on Schedule "A" herein, from the MF-3 and CS Districts to the AAR District, provided, however, that such zone

RESOLUTION NO. (41-2009) continued

change shall be subject to the following conditions:

1. The maximum number of units to be developed under the zone shall be one hundred (100), subject to site plan constraints;
2. The Applicant shall construct a new five (5) foot, ADA compliant sidewalk and curb along one side of American Legion Way to connect the site with the existing sidewalk along New City-Congers Road.
3. The Applicant shall improve that portion of the existing sidewalk along New City-Congers Road, from American Legion Way to NYS Route 304. To the extent that said sidewalk is less than five (5) feet and/or is not ADA compliant, the improvement shall widen the sidewalk to five (5) feet and shall meet current ADA requirements.
4. The Applicant shall improve the existing crosswalk across Route 304 by treating the surface of the roadway with a scored and colored surface to mimic brick, subject to NYSDOT approval.
5. The applicant shall install decorative street lamps (specifications to be provided by the Town) in the vicinity of the crosswalk extending along New City-Congers Road to American Legion Way and along American Legion Way to the intersection with NYS Route 304.
6. The Applicant shall, as a condition to final site plan approval, contribute the sum of \$75,000 to the Town which shall be used in connection with the improvement of Kevin Landau Park at the intersection of South Main Street and Congers Road.
7. The Applicant shall, as a condition to final site plan approval, dedicate a portion of a parcel of land (59.8-1-22) in Valley Cottage for the purpose of allowing Long Path access from West Hook Mountain to Rockland Lake State Park.
8. The Applicant shall, as a condition to final site plan approval, pay the "Optional Monetary Contribution" as provided in Section 290-7.1
9. The Applicant shall submit an overall site plan for approval by the Planning Board;
10. The Applicant shall pay a fee in the amount of \$63.00 per unit, for a total sum of \$6,300.00 for 100 units, pursuant to Section 290-7.1F(3);
11. The Applicant shall execute a developer's performance agreement, in a form acceptable to the Town Attorney, and shall submit a Letter of Credit in a sum to be determined by the Town Department of Environmental Control, to ensure compliance with these conditions;
12. The Planning Board shall ensure, in connection with final site plan approval, compliance with the limitations on occupancy set forth in Section 290-7.1G(1)-(3);
13. The applicant shall pay to the Town money-in-lieu-of-land based on the actual number of units/bedrooms that may be approved by the Town Planning Board consistent with the Clarkstown Code;
14. The applicant shall comply with modifications 1-5 set forth in the Rockland County Department of Planning's January 9, 2009 letter. The Applicant shall also contact the Rockland County Historical Society to explore the possibility of relocating/salvaging the Vanderbilt Lumber Barn.

and be it

FURTHER RESOLVED, that the Zone Change described herein is conditioned upon compliance with all of the above items and that failure to fully comply will result in the parcel reverting to its pre-existing zoning designation, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

FURTHER RESOLVED, that no amendment to the Town's Comprehensive Plan is required, as the creation of the zone and zone change effectuated herein are consistent with the goals of the Town's Comprehensive Plan.

On roll call the vote was as follows

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

RESOLUTION NO. (42-2009)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SCHEDULING THE CONTINUATION OF A PUBLIC HEARING ON A ROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 250 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, Councilperson John Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 250 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF CLARKSTOWN," and

WHEREAS, the purpose of this local law is to (1) update the signs section of Chapter 250 to make it consistent with the remainder of the Town Code and (2) to amend the "permit fee", "penalties", "insurance requirements", "enforcement officer", and "sidewalk obstructions" sections of Chapter 250;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, shall be continued on February 10, 2009, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York 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.

RESOLUTION NO. (42-2009) continued

On roll call the vote was as follows

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

RESOLUTION NO. (43-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION ABANDONING A PORTION OF TERRACE AVENUE, CONGERS, NEW YORK, AND
 AMENDING THE OFFICAL MAP OF THE TOWN OF CLARKSTOWN

WHEREAS, on the petition of S&Y Motel Realty Corp. (by Moses Messinger), the Town Board of the Town of Clarkstown, by resolution adopted on December 16, 2008, provided for a public hearing on January 20, 2009, at 8:00 P.M., to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of a road known as Terrace Avenue, Congers, New York, as described in Schedule "A" attached, and

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

WHEREAS, the Clarkstown Planning Board considered the matter at its regularly scheduled meeting on October 29, 2008, and recommended that the entire portion of Terrace Avenue, Congers, New York, as described herein, be abandoned and removed from the Official Map, based on the following: 1) the road has not been traveled or used by the public within the past six years; and 2) other properties in the area have alternative means of access, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report dated November 12, 2008, pursuant to SEQRA, from its consultant Robert Geneslaw, which states that this matter is a Type II action and is not subject to SEQRA, which the Board has discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated November 12, 2008, acting as staff to the Town Board as lead agency, and the Town Board hereby determines that the abandonment is a Type II action under SEQRA and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that a portion of the road as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that pursuant to Town Law Section 273, the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of the road known as Terrace Avenue, Congers, New York, as described in the Schedule "A" attached, and be it

FURTHER RESOLVED, that Director of the Department of Environmental Control is hereby authorized and directed to amend the Official Map as described in the petition, and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown that the highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office.

"Schedule A "

All that certain plot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in the Hamlet of Congers, Town of Clarkstown, County of Rockland, State of New York, and being more particularly bounded and described as follows:

Beginning at a point in the south side of Lake Road (as widened) at the intersection of the east side of Terrace Avenue, said point being distant westerly, 65.58 feet as measured along the south side of Lake Road (as widened) from the westerly end of a curve connecting N.Y.S. Rte. 9W, thence;

(1) Southerly, along the east side of Terrace Avenue and the westerly line of lands of S. & Y. Motel Realty Corp., S15-45-00W a distance of 246.73 feet to a point at the southwest corner of lands of S. & Y. Motel Realty Corp. and the northerly line of lands N. or F. of Sosken, thence;

(2) Westerly along the northerly line of lands N. or F. of Sosken and the south side of Terrace Avenue, N74-15-00W a distance of 20.00 feet to the centerline of Terrace Avenue (40 ft. wide) and the easterly line of lands N. or F. of Sosken, thence;

(3) Northerly, along the centerline of Terrace Avenue and the easterly line of lands N. or F. of Sosken, N15-45-00E a distance of 7.92feet to the north east corner of lands N. or F. of Sosken, thence;

(4) Westerly, along the south side of Terrace Avenue and the northerly line of lands N. or F. of Sosken, N74-15-00W a distance of 20.00 feet to the south east corner of lands N. or F. of Goeller, thence;

(5) Northerly, along the east side of lands N. or F. of Goeller, N. or F. of Hunt, N. or F. of N.Y. Telephone Co., and N. or F. of Coleman, N15-45-00E a distance of 243.78 feet to the south side of Lake Road (as widened), thence;

(6) Easterly, along the south side of Lake Road and the north side of Terrace Avenue, S67-10-00E a distance of 40.31 feet to the Point or Place of Beginning.

RESOLUTION NO. (43-2009) continued

On roll call the vote was as follows

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

RESOLUTION NO. (44-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of December 31, 2008 and January 6, 2009 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (45-2009)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer which contains the name of Ryan Davan,

NOW, therefore, be it

RESOLVED, that Ryan Davan is hereby appointed to the position of (permanent) Police Officer Clarkstown Police Department – at the current 2009 annual salary of \$51,589., effective February 2, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (46-2009)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer which contains the name of William Robinson,

NOW, therefore, be it

RESOLVED, that William Robinson is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2009 annual salary of \$51,589., effective February 2, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (47-2009)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Candyce Draper has requested a leave of absence, without pay, and WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement, provides for a leave of absence without pay,

NOW, therefore, be it

RESOLVED, that Candyce Draper– Assistant Court Clerk – Town Justice Department - is hereby granted a one (1) year leave of absence, without pay, effective and retroactive to January 19, 2009 to January 19, 2010, and be it FURTHER RESOLVED, that upon the completion of the one (1) year leave of absence for Candyce Draper, the position of Assistant Court Clerk (#500792) – Town Justice Department – is hereby abolished effective January 19, 2010.

On roll call the vote was as follows

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

RESOLUTION NO. (48-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Candyce Draper is hereby appointed to the position of Justice Court Clerk – Town Justice Department – at the 2009 annual salary of \$105,000., - effective and retroactive to January 19, 2009.
On roll call the vote was as follows

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

RESOLUTION NO. (49-2009)
Co. Lasker offered and Co. Borelli seconded

WHEREAS, Councilperson Lasker, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled “A LOCAL LAW AMENDING CHAPTER 146 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN,” and

WHEREAS, the purpose of this local law is to include in Chapter 146-6A the latest FEMA map revisions as a basis for establishing areas of special flood hazard;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on February 10, 2009, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (50-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AN AMENDED AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING THE SOLID WASTE TRANSFER FACILITY

WHEREAS, the H2M Group conducted an Assessment/Evaluation for the Town of Clarkstown on the operation of the Solid Waste Transfer Facility in West Nyack, New York, and

WEHREAS, H2M’s summary report issued on April 18, 2005, included a series of recommendations for the long term operation of the facility, which H2M has assisted the Town in implementing, and

WHEREAS, H2M has apprised the Town that additional engineering services will be required as the result of the continued evaluation for the Rockland County Solid Waste Management Authority’s (RCSWMA) purchase of the facility;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with H2M, in a form approved by the Town Attorney, to perform additional engineering services pursuant to its proposal dated January 7, 2009, and be it

FURTHER RESOLVED, that the additional fee shall not exceed \$10,000.00 for said work and shall be charged to Account No. SR 8160-409-0, and be it

FURTHER RESOLVED, that the RCSWMA shall reimburse the Town for said amount as per agreement.

On roll call the vote was as follows

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

RESOLUTION NO. (51-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP TO PROVIDE ENGINEERING SERVICES CONCERNING THE CLARKSTOWN LANDFILL/YARDWASTE COMPOST FACILITY

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is requiring the Town of Clarkstown to perform certain work as part of the permit to operate the Yardwaste Compost Facility at the Clarkstown Landfill property, and such work should be completed to establish the pre-existing field condition of the

RESOLUTION NO. (51-2009) continued

perimeter access road prior to the transfer of sale of the Transfer Station operations to the Rockland County Solid Waste Management Authority (RCSWMA), and

WHEREAS, Holzmacher, McLendon & Murrell, P.C. (H2M) has submitted a proposal dated January 8, 2009, to provide professional survey services to locate and determine the elevation of the settlement plates at the Clarkstown Landfill, West Nyack, New York, and

WHEREAS, the Director of Environmental Control has reviewed the proposal and finds it reasonable in both scope and price, and

WHEREAS, the RCSWMA has agreed to reimburse the Town of Clarkstown for said work;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Director of the Department of Environmental Control, the Town Board hereby authorizes the Supervisor to enter into an agreement with Holzmacher, McLendon & Murrell, P.C. (H2M), in a form approved by the Town Attorney, to perform professional engineering investigative services regarding the Clarkstown Landfill/Yardwaste Compost Facility, as per its proposal dated January 8, 2009, and be it FURTHER RESOLVED, that the cost of said services shall not exceed \$4,850.00 without further authorization from the Town Board and shall constitute a proper charge to Account No. SR 8160-409-0, and be it

FURTHER RESOLVED, that the Rockland County Solid Waste Management Authority shall reimburse the Town of Clarkstown for said work.

On roll call the vote was as follows

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

RESOLUTION NO. (52-2009)

Co. Borelli offered and Co. Maloney seconded

RESOLVED, that resolution #783-2008 is amended to read as follows:

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CLARKSTOWN POLICE DEPARTMENT AND VISUAL COMPUTER SOLUTIONS, INC.

WHEREAS, Lt. Steven Morgan of the Clarkstown Police Department ("CPD") has recommended that the CPD enter into an Agreement with Visual Computer Solutions, Inc. ("CSI") in order purchase Police Office Scheduling Software to replace and automate the current paper trail and ledger books involved in daily scheduling and payroll processes and increase efficiency and productivity, and

WHEREAS, the CPD wishes to enter into an agreement in 2008 at a 15% discount and to purchase the said software in 2009, and

WHEREAS, the software cost is \$30,600.00, which cost is budgeted for in the 2009 1680-226 1 Budget Line (Data Processing PD Software), and

WHEREAS, there is a \$9,000.00 Setup, Installation and Training cost, which will be absorbed through the 2009 CPD Operating Budget, and

WHEREAS, the 1st year maintenance and support fees are at no cost and a subsequent annual maintenance and support agreement in the amount of \$7,200.00 will be budgeted for in the CPD 2010 budget;

NOW THEREFORE be it

RESOLVED that based upon the recommendation of Lt. Steven Morgan of the CPD, the Supervisor is hereby authorized to enter into an Agreement with Visual Computer Solutions, Inc., in the amount of \$39,600.00, for Police Office Scheduling Software, such Agreement to be for a term of one (1) year, with annual extensions for five (5) years thereafter in the amount of \$7,200.00, at the option of the CPD.

On roll call the vote was as follows

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

RESOLUTION NO. (53-2009)

Co. Borelli offered and Co. Maloney seconded

RESOLVED, that Resolution No. 6, adopted by the Town Board on January 6, 2009, is hereby amended to include the Sanitation District (Landfill) to receive petty cash for the year 2009 in the amount of \$150.00.

On roll call the vote was as follows

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

RESOLUTION NO. (54-2009)
 Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A PRIVATE CONTRACTOR TO PERFORM TEST HOLES IN CONJUNCTION WITH THE BUENA VISTA ROAD ROADWAY & DRAINAGE IMPROVEMENTS PROJECT

Whereas, the Town of Clarkstown Department of Environmental Control is in the process of finalizing plans and specifications for the Buena Vista Road Roadway and Drainage Improvements project; and
 Whereas, following a meeting with the Maser Consulting P.A., the Town's design consultant, and Orange and Rockland Utilities, Inc., the Department of Environmental Control determined that it is necessary to have test holes dug for the purpose of locating and determining the depth of the existing gas service main on the east side of Buena Vista Road; and
 Whereas, Maser Consulting P.A. has recommended the use of specialized equipment for the purpose of performing the excavation of the test holes; and
 Whereas, the Department of Environmental Control has solicited a proposal from a qualified contractor to perform said work in accordance with these recommendations; and
 Whereas, the Department of Environmental Control has received and reviewed this proposal and finds it to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of Miller Pipeline Corporation, 378 Whitehead Avenue, South River, New Jersey 08882 to provide services in accordance with the rates provided in their proposal for an amount not to exceed \$6000.00 without further Town Board resolution; and

Be It Further Resolved that this work shall be a proper charge to account #H 8754-409-0-78-26.

On roll call the vote was as follows

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

RESOLUTION NO. (55-2009)
 Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that BID#50-2008 – UNIFORMS FOR THE CLARKSTOWN POLICE DEPARTMENT is hereby awarded to:

ROSEN'S UNIFORM 230 CENTRAL AVENUE ALBANY, NY 12206 PRINCIPALS: ADRIENNE SCHERZER KAREN S. KRAKAT	SOME'S UNIFORMS, INC. 314 MAIN STREET HACKENSACK, NJ 07601 PRINCIPALS: JEROME SOME HESCHEL SOME
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KVI UNIFORMS & EQUIPMENT, INC. 50 CARPENTER AVENUE MIDDLETOWN, NY 10940 PRINCIPAL: KIMBERLY V. INEHOLZ	NEW ENGLAND UNIFORM LLC 356 MAIN STREET DANBURY, CT 06810 PRINCIPAL: EDWARD P. MCGEE
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as per the following item/price list:

ITEM NO.	DESCRIPTION	UNIT PRICE
1.	POLICE TROUSERS NO SUBSTITUTIONS	SOMES UNIFORM \$53.00
2.	POLICE LONG SLEEVE SHIRTS NO SUBSTITUTIONS	KVI UNIFORMS \$34.50
3.	POLICE SHORT SLEEVE SHIRTS NO SUBSTITUTIONS	KVI UNIFORMS \$30.50
4.	POLICE DRESS UNIFORMS A) POLICE DRESS BLOUSE OFFERING AND B) DRESS UNIFORM TROUSERS OFFERING	SOMES UNIFORM \$218.00
5.	UNIFORM CAP - SUMMER & WINTER OFFERING	KVI UNIFORMS \$27.00
6.	TACTICAL SAFETY VEST OFFERING	KVI UNIFORM \$52.50

RESOLUTION NO. (55-2009) continued

7.	DISPATCHER UNIFORMS			
	A) TROUSERS	ROSEN'S UNIFORM		<u>\$29.50</u>
	OFFERING _____			
	B) SHORT SLEEVE SHIRT	KVI UNIFORMS		<u>\$16.00</u>
	OFFERING _____			
	C) LONG SLEEVE SHIRT	KVI UNIFORMS		<u>\$21.00</u>
	OFFERING _____			
<hr/>				
8.	GORTEX ALL-WEATHER JACKET	KVI UNIFORMS		<u>\$167.00</u>
	NO SUBSTITUTIONS			
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9.	POLICE WORK UNIFORM			
	A) SHIRT	KVI UNIFORMS		<u>\$30.25</u>
	B) TROUSERS	NEW ENGLAND UNIFORM		<u>\$31.90</u>
	NO SUBSTITUTIONS			
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10.	EXPLORER UNIFORM			
	A) TROUSERS	ROSEN'S UNIFORM		<u>\$25.50</u>
	OFFERING _____			
	B) LONG & SHORT SLEEVE SHIRT	KVI UNIFORMS		<u>\$13.75</u>
	OFFERING _____			
	C) STAFF TIE	KVI UNIFORMS		<u>\$2.45</u>
	OFFERING _____			
	D) GARRISON BELT	KVI UNIFORMS		<u>\$6.25</u>
	OFFERING _____			
11.	AUXILIARY UNIFORMS			
	A) LONG & SHORT SLEEVE SHIRTS	L/S <u>\$34.50</u>	S/S <u>\$30.75</u>	
	OFFERING _____	KVI UNIFORMS		
	B) POLICE TROUSERS	SOMES UNIFORM		<u>\$53.00</u>
	OFFERING _____			
	C) POLICE HAT	KVI UNIFORMS		<u>\$27.00</u>
	OFFERING _____			
<hr/>				
12.	POLICE TURTLENECK SHIRT			<u>\$21.00</u>
	OFFERING _____	SOMES UNIFORM		

On roll call the vote was as follows

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

RESOLUTION NO. (56-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of the Department of Environmental Control that

BID #11-2009 – STREETSCAPE LIGHTING FIXTURES/SUPPLIES

is hereby awarded to: ATHENA LIGHT AND POWER LLC
 215 QUASSAICK AVENUE, SUITE 211
 NEW WINDSOR, NY 12553
 PRINCIPALS: DONNA M. RAINEY
 NANCY PIZZICHILLO
 LUCIA R. GRANIERI

As per their low bid price of \$90,437.00 for all 18 units and be it FURTHER RESOLVED, the price for each unit as needed for the duration of the agreement is as follows:

Congers – entire fixture as depicted in Drawing #34392-1: \$5,868.00/each
 Valley Cottage – entire fixture as depicted in Drawing #34817-1: \$6,072.00/each
 Nanuet – entire fixture as depicted in Drawings #206A2881-7 and B88786: \$4,898.00/each

and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to the following accounts: H-8752-400-409-0-76-28, H-5111-400-409-0-4-17, H8753-400-409-0-77-4, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (57-2009)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #16-2009 – Fuel Station Upgrades Clarkstown Police Department and Clarkstown Highway Department
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by
11:00 A.M. on MARCH 17, 2009 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 Purchasing Department at the above address upon payment of the prescribed fee.

On roll call the vote was as follows

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

RESOLUTION NO. (58-2009)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #17-2009 – GREEN AVENUE STREAM CHANNEL STABILIZATION
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by
11:00 A.M. on FEBRUARY 5, 2009 at which time bids will be opened and read, and be it
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
Clarkstown Department of Environmental Control at the above address upon payment of the prescribed fee.

On roll call the vote was as follows

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

RESOLUTION NO. (59-2009)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #18-2009 – DEBRIS REMOVAL FROM STREAM @ OLD MILL ROAD, VALLEY COTTAGE
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 Department of Environmental Control at the above address.

On roll call the vote was as follows

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

RESOLUTION NO. (60-2009)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #19-2009 – PUMP REPAIRS – LAKE NANUET
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 Department of Purchasing at the above address.

On roll call the vote was as follows

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

RESOLUTION NO. (61-2009)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #20-2009 – VIRGINIA STREET/CAROLINA DRIVE DRAINAGE IMPROVEMENTS
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control at the above address.

On roll call the vote was as follows

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

RESOLUTION NO. (62-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION GRANTING CERTIFICATES OF REGISTRATION
PURSUANT TO SECTION 236-48 OF THE TOWN CODE

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown :

KEVIN STOKES EXCAVATING, INC.
P.O. Box 812
Pearl River, NY 10965
Kevin Stokes, President

RONALD FILERA LANDSCAPE
CONTRACTORS LLC
520 So. Pascack Road
Chestnut Ridge, NY 10977
Ronald Filera, President

PHOENIX EXCAVATING
62 Rose Road
West Nyack, NY 10994
Michael Mouacdie, President

MRJ EXCAVATING, INC.
7 Beaver Court
New City, NY 10956
Mike Rickli, Jr., President

FIRST RATE LANDSCAPING &
CONSTRUCTION
P.O. Box 1212
New City, NY 10956
Stacey Heminover, President

EDWARD DELEONARDIS EXCAVATING, INC.
328 Fulle Drive
Valley Cottage, NY 10989
Edward DeLeonardis, President

RR PLUMBING SERVICES CORP.
d/b/a ROTO-ROOTER SERVICES COMPANY
525 Waverly Avenue
Mamaroneck, NY 10543
Terrence O'Shea, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 09-01 Kevin Stokes Excavating, Inc.
09-02 Phoenix Excavating
09-03 First Rate Landscaping & Construction
09-04 Rr Plumbing Services Corp.
d/b/a Roto-Rooter Services Company

No. 09-05 Ronald Filera Landscape Contractors, LLC
09-06 MRJ Excavating, Inc.
09-07 Edward Deleonardis Excavating, Inc.

On roll call the vote was as follows

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

RESOLUTION NO. (63-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE CLARKSTOWN JUSTICES TO
APPLY TO THE STATE OF NEW YORK FOR A GRANT UNDER
THE JUSTICE COURT ASSISTANCE PROGRAM

WHEREAS, the State of New York Unified Court System has advised the Clarkstown Justice Court that the State Legislature has authorized funding in the amount of \$30,000 to Justice Courts through the Justice Court Assistance Program (JCAP), and

RESOLUTION NO. (63-2009) continued

WHEREAS, the Unified Court System (UCS) will directly provide automation support to Justice Courts, thereby allowing JCAP funding to be used to meet the security and other facility related needs of the Justice Courts. This year the Judiciary Budget included funding for office and security equipment, and furniture and courtroom renovations for the Justice Courts, and

WHEREAS the Clarkstown Justices wish to apply for the 2008 Justice Court Assistance Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Justices to submit an application to the Justice Court Assistance Program, New York State Office of Court Administration, in a form approved by the Town Attorney, to apply for a grant under the 2008 Justice Court Assistance Program.

On roll call the vote was as follows

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

RESOLUTION NO. (64-2009)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO FRIEHLING & HOROWITZ CPA FOR PROPERTY KNOWN AS MAP NO. 34.19-1-7/1030

WHEREAS, David Friebling, on behalf of Friebling & Horowitz, CPA, has requested a refund of Building Permit Fee (No. 09-240) paid in the amount of \$40.00 for property located at 4 High Tor Road, New City, New York, more particularly described as Tax Map No. 34.19-1-7/1030, and

WHEREAS, the Building Inspector has advised that the fire permit application was submitted **in error** because the lease expired on December 31, 2008, and they are not renewing;

WHEREAS, the Building Inspector has recommended a full refund of \$40.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$40.00, FRIEHLING & HOROWITZ CPA, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (65-2009)

Co. Maloney offered and Co. Borelli seconded

WHEREAS, by resolution No. 324-2008, Bid No. 8-2008 was awarded to PEC Group of New York Inc. for Security Guard Services – Town Parks, and

WHEREAS, the contract with PEC Group of New York, Inc. provides that the Town may extend the contract for one additional year at the exact same terms and conditions, and

WHEREAS, the Town of Clarkstown wishes to exercise the option to extend the agreement at the agreed upon price of \$16.54 per hour per guard for one additional year starting May 13, 2009;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with PEC Group, Inc. in a form approved by the Town Attorney, to extend the current agreement from May 13, 2009 to May 13, 2010, and all other provisions of the current agreement shall be in full force and effect, at the agreed upon extension price of \$16.54 per hour per guard.

On roll call the vote was as follows

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

RESOLUTION NO. (66-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION CHANGING THE TRUSTEE FOR THE DEFERRED COMPENSATION PLAN

WHEREAS, State Street Bank and Trust Company ("State Street") currently serves as passive, nondiscretionary Trustee for the Deferred Compensation Plan for Employees of the Town of Clarkstown (the "Plan"), and

RESOLUTION NO. (66-2009) continued

WHEREAS, State Street has provided notice to Hartford Life Insurance Company that it will no longer provide these services to our customers beyond January 9, 2009, and

WHEREAS, as a result, it is desirable to remove State Street as passive, nondiscretionary Trustee of the trust for the Plan and to appoint Reliance Trust Company ("RTC") as successor passive, nondiscretionary Trustee of the trust for the Plan;

NOW, THEREFORE, be it

RESOLVED, that State Street is hereby removed as passive, nondiscretionary Trustee of the trust for the Plan, and that Reliance Trust Company is hereby appointed as successor passive, nondiscretionary Trustee for the trust for the Plan, and be it

FURTHER RESOLVED, that Alexander J. Gromack, Supervisor of the Town of Clarkstown, on behalf of the Board, is hereby authorized, empowered and directed to execute any and all documents required to effectuate each removal and appointment, including but not limited to the enclosed Trustee Removal and Appointment, and to take such actions as are necessary, appropriate or advisable to effectuate the foregoing resolution, and be it

FURTHER RESOLVED, that this resolution is retroactive to January 9, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (67-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the terms of the Stipulation Of Settlement with regard to the grievance of employee File Number 759777 and further authorizes the Town Supervisor to take all actions consistent therewith.

On roll call the vote was as follows

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

RESOLUTION NO. (68-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms and conditions of employment for Candyce Draper for the year 2009 as more fully set forth in correspondence to Candyce Draper from the Town Supervisor dated January 19, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (69-2009)

Co. Lasker offered and Co. Maloney seconded

Resolution Expressing Support for Proposed Hyenga Lake Affordable Senior Housing

WHEREAS, Hellman Management, Inc. (the "Applicant") has proposed developing a certain parcel known as "Hyenga Lake" designated on the Town of Clarkstown Tax Map as 57.14-3-2 in the hamlet of Spring Valley; and WHEREAS, the Applicant had previously proposed a multi-family development at the parcel, which is currently zoned MF-2; and

WHEREAS, during the SEQRA review of the project, traffic generation was of primary concern; and

WHEREAS, the Applicant has submitted a revised proposal to construct up to 106 units of affordable senior housing, which is a use permitted by special permit of the Town Board under the Town of Clarkstown Town Code the ("Project"); and

WHEREAS, the Applicant presented its proposal to the Town Board at its January 13, 2009 workshop; and

WHEREAS, at the workshop, the Senior Citizens Director underscored the need for affordable senior housing in the Town of Clarkstown and the Chairwoman of the Planning Board expressed her support for the Project as the traffic generation from such use is significantly less than the as of right use;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby expresses its support for the Project; and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a letter/letters of support as may be required by the applicant to secure funding; and be it

RESOLUTION NO. (69-2009) continued

FURTHER RESOLVED, that nothing set forth in this resolution shall be construed so as to bind the Board with respect to future action concerning the Project.

On roll call the vote was as follows

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

RESOLUTION NO. (70-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION REQUESTING THE ROCKLAND COUNTY CONSORTIUM TO CONSIDER SEVERAL PROJECTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

WHEREAS, the Town Board of the Town of Clarkstown wishes to request that the Rockland County Consortium consider several projects and organizations for Community Development Block Grant Funding, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of these organizations in their requests for funding;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the Rockland County Consortium consider Community Development funding for the following purposes:

1st Priority: Town of Clarkstown – Reconstruction of Second Avenue, Clinton Street and White Street, Nanuet;

2nd Priority:Town of Clarkstown – Transportation vehicle to assist in the transport of Senior Citizens from and to various locations within the Town.

3rd Priority: Town of Clarkstown – VCS, Inc. Property Rehabilitation Project;

4th Priority: Town of Clarkstown – Creative Response to Conflict Gardening & Lunch Time Listeners Programs. and be it

FURTHER RESOLVED, that the Town Board hereby requests that from this list, the Consortium prioritize the applications in the same order they are listed in this resolution when considering each of these projects submitted by the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (71-2009)

Co. Borelli offered and Co. Lasker seconded

RESOLUTION ADOPTING A TRAFFIC CALMING PROGRAM AND AUTHORIZING AN AGREEMENT WITH ADLER CONSULTING FOR PROFESSIONAL SERVICES RELATED TO TRAFFIC AND SAFETY CONSULTATION SERVICES

WHEREAS, the Town Board is desirous of adopting a Traffic Calming Program in the Town of Clarkstown (“Town”) to provide a safer environment for pedestrians, bicyclists and motorists and to improve the quality of life within neighborhoods in the Town; and

WHEREAS, the Traffic Calming Program will consist of guidelines, criteria and procedures for evaluating and implementing various traffic calming measures, and

WHEREAS, Wayne T. Ballard, the Superintendent of Highways has previously solicited Requests for Proposals for Professional Services Related to “Traffic and Safety Consultation Services” on December 11, 2008 and

WHEREAS, Superintendent Ballard has recommended that the Town enter into an Agreement with Adler Consulting, 235 Main Street, White Plains, New York 10601-2401 for Professional Services Related to “Traffic and Safety Consultation Services,” and

WHEREAS, Adler Consulting proposes to provide the Town with traffic safety and consultation services including, but not limited to, attendance at the monthly meetings of the Traffic Fire Safety Advisory Board; attendance at meetings requested by the Town Supervisor, Highway Superintendent, or Town attorney; and attendance at civic meetings on behalf of the Town;

WHEREAS, Adler Consulting further proposes to conduct field visits at areas of concern; research applicable Code and Specifications, including Federal and State Manuals of Uniform Traffic Control Devices; and collect and to analyze field data under the direction of the Highway Superintendent in order to quantitatively evaluate issues of concern; and

WHEREAS, the fees and charges for the aforesaid services will be an hourly rate of \$215.00 for Bernard Adler, P.E.; \$175.00 per hour for John Canning, P.E. and for Michael P. O’Rourke, P.E. individually; \$130.00 per hour for Senior Engineers; \$105.00 per hour for Engineers; \$75.00 per hour for Drafters; and \$55.00 per hour for Technicians;

NOW THEREFORE BE IT RESOLVED that the Town Board hereby adopts the attached Traffic Calming Program and be it

RESOLUTION NO. (71-2009) continued

FURTHER RESOLVED that based upon the recommendation of Wayne T. Ballard, the Superintendent of Highways for the Town, the Supervisor is hereby authorized to enter into an Agreement with Adler Consulting to provide Professional Services Related to "Traffic and Safety Consultation Services" at the aforementioned rates.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Roberta Bangs- Nanuet, President of Hi-Tor Animal Care Center

Submitted a packet to the Town Board, (on file with Town Clerk), and provided a report on the rescue of twenty-three dogs in Wesley Hills by the Hi-Tor Animal Care Center. Spoke about the importance of Hi-Tor in situations like this. Thanked the town for funding as the official shelter in the county. Stated they would not be able to do what they do without the support of the town and they are looking to build a new facility in the next few years.

Steven Levine- Congers

Commented on the historic day this was, in reference to the Presidential Inauguration. Spoke about issues regarding property on Massachusetts Avenue and asked if a remediation permit had been applied for in the town.

K. Luke Kalarickal, Director, Department of Environmental Control

Replied that no remediation permit had been applied for in the town.

Steven Levine- Congers

Read from and submitted a copy of a letter, regarding testing of soil at 139 Massachusetts Avenue, (on file with Town Clerk).

On motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, Town Board Meeting was closed 9:15 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

1/20/09

8:15 P.M.

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

Absent: Council Member Ralph Mandia

Re: Petition of Squadron Land LLC for Change of Zone to the AAR District.

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:15 P.M.

Amy Mele - Town Attorney
Gave an overview of the petition.

Monty Goldstein- New City
Asked if the traffic study took into account the Camelot subdivision?

Ann Cutignola- Representative of Tim Miller Associates
Stated that the Camelot subdivision was taken into account in the traffic study. Traffic conditions would not be exacerbated on Lady Godiva Way by the development.

Supervisor Gromack
Stated that resolution no. 71-2009 will address this and other areas in town, as part of a Traffic Calming Program. The traffic study that was done as part of this petition showed that the as of right use would produce more traffic than the senior development, with a less dramatic impact on Camelot and the surrounding area. Senior housing was shown to have a more positive effect on traffic as opposed to commercial development, but the town will be going a step further by implementing the new traffic study. The study will first be undertaking Camelot, in the hopes of creating more positive effects and reducing traffic.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:25 P.M. RESOLUTION NO. (40-2009)

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

RESOLUTION NO. (40-2009)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

1/20/09

8:25 P.M.

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

Absent: Council Member Ralph Mandia

Re: Petition of Senior Housing Associates of Westchester, Inc. for a Change of Zone to the AAR District.

On motion of Co. Maloney, seconded by Co. Borelli, hearing opened 8:25 P.M.

Amy Mele - Town Attorney
Gave an overview of the petition.

Tom LoMedico- New City
Asked how many units and stories are planned and spoke about traffic concerns.

Amy Mele - Town Attorney
Stated there will be 100 units, three stories, and underground parking. The petition still has to go through site plan review. This AAR use tends to have less traffic than commercial or multi-family uses.

Ann Cutignola- Representative of Tim Miller Associates
Stated there will be a traffic study as part of the site plan review.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:32 P.M. RESOLUTION NO. (41-2009)

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

RESOLUTION NO. (41-2009)

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

1/20/09

8:32 P.M.

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

Absent: Council Member Ralph Mandia

Re: Proposed Local Law entitled: "A Local Law amending Chapter 250 (Streets and Sidewalks) of the Local Law of the Town of Clarkstown."

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:32 P.M.

Amy Mele - Town Attorney

Gave an overview of the proposal. Recommended the Town Board continues the public hearing to February 10, 2009.

There being no one wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was continued to February 10, 2009. RESOLUTION NO. (42-2009)

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

RESOLUTION NO. (42-2009)

TOWN OF CLARKSTOWN
PUBLIC HEARING #4

Town Hall

1/20/09

8:35 P.M.

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

Absent: Council Member Ralph Mandia

Re: Abandonment of Portion of Terrace Avenue.

On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:35 P.M.

Amy Mele - Town Attorney

Gave an overview of the petition, stating the Planning Board recommended abandonment.

John Antra- Congers

Stated people living on the westside of Terrace Avenue want to know they aren't releasing any claim to land. Asked if the owners of the Raintree Hotel property would be able to build further, as the woodland currently acts as a buffer between the homes and the hotel. Complained about the debris left by the hotel residents.

Amy Mele - Town Attorney

Stated that the Town of Clarkstown never had rights to the road and what happens after the ruling depends on the neighbors and owners of the property. The town does not own the property and has no involvement after road abandonment.

Theresa Hunt- Congers

Stated she is opposed to the road abandonment and spoke about the debris at the hotel, which is also found on her property. Concerned there is no guarantee the hotel will be sold and not expanded.

Walter Kennelly- Owner, Kennelly's Grill House, Congers

Spoke about concerns that his property would become landlocked, not having ingress or egress.

Ira Emanuel- Attorney for the petitioner

Stated his client understands the problems with the hotel and that his client has a prospective purchaser to redevelop for retail or commercial uses. Terrace Avenue has already been abandoned and his client is just seeking certification of that tonight. The owners of the property would have rights to the centerline. Kennelly's extends beyond Terrace Avenue and abandonment would not diminish access through the rear of the property on Lake Road. Terrace Avenue has never been used and the issue of the buffer would be settled by the Planning Board in any future site plan review, as would any possible improvements to the property by a new owner. Stated he would be willing to meet with residents to answer further inquiries.

Co. Lasker-

Stated it is her understanding that the new owners would improve the property a great deal and take into account the neighbors and their privacy issues when presenting any future plans to the Planning Board for review.

Ira Emanuel- Attorney for the petitioner

Stated he knows the town's Planning Board and no one is going to get away without taking care of the neighbors.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:55 P.M. RESOLUTION NO. (43-2009)

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #5

Town Hall

1/20/09

8:55 P.M.

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

Absent: Council Member Ralph Mandia

Re: Rockland County Consortium for 2009 Community Block Grants Program.

On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:55 P.M.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker, the public hearing was unanimously closed 8:55 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk