

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/22/2008

8:00 P.M.

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

Absent: Councilwoman Shirley Lasker

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

Special Presentation: Pride of Clarkstown Awards

Scott Milich, Chairman of the Pride of Clarkstown Committee, stated the Pride of Clarkstown program is based on Co. Mandia’s vision, along with the Town Board, to recognize the hard work and efforts of commercial property owners who maintain and enhance their property. Mr. Milich thanked all those involved, including the students and staff at Clarkstown North and South High Schools who put together a video presentation. He further asked, “Overall, what does it take to keep a town clean and beautiful? A determined, hard working, and caring community, along with perseverance from the Town Board, to make this a special community. Let’s continue to be America’s leading town in safety, prosperity, and family life. For that we are thankful.”

In the video, Co. Ralph Mandia spoke about the award serving as a way to recognize the many people who take pride in their properties in Clarkstown, and congratulated the winners. Additionally, the video featured each award winning property.

Scott Milich and Supervisor Gromack presented the awards to the following recipients in their respective categories:

PROFESSIONAL OFFICE: The Coyle Group of New York, Inc., New City

FOOD SERVICE/HOSPITALITY: Comfort Inn & Suites, Nanuet

SHOPPING CENTER/RETAIL: CVS Center, New City

INDUSTRY: Yaboo Fence Company, West Nyack

SERVICE BUSINESS: Sunrise Senior Living of New City

NON-PROFIT ORGANIZATIONS: St. Paul’s Roman Catholic Church Community Center, Rectory Office & Priests’ Residence, Congers

COMMUNITY PROJECTS: Blue Sky Landscape (Adopt a Spot located on Little Tor Road, New City)

SMALL BUSINESS: Rick’s Auto Body, Congers

Supervisor Gromack spoke, on behalf of the Town Board, to thank and congratulate Co. Mandia for bringing this to fruition, the committees, and all the honorees for helping to make Clarkstown a whole lot nicer.

Public Hearing #1 re: Rockland County Consortium for Community Block Grants Program. On motion of Co. Maloney, seconded by Co. Borelli, hearing opened 8:17 P.M. On motion of Co. Maloney, seconded by Co. Borelli, hearing closed 8:17 P.M. On motion of Co. Maloney, seconded by Co. Mandia, RESOLUTION NO. (76-2008) unanimously adopted.

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

RESOLUTION NO. (52-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of December 28, 2007 and January 3, 2008 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (53-2008)
Co. Maloney offered and Co. Mandia 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. The summary report issued on April 18, 2005, included a series

RESOLUTION NO. (53-2008) continued

of recommendations for the long term operation of the facility, which H2M has assisted the Town in implementing, and

WHEREAS, the Town Board adopted a resolution on July 24, 2007, authorizing an amended agreement to increase fees in the amount of \$20,000 in order to provide additional engineering services as the result of the continued evaluation for the Rockland County Solid Waste Management Authority (RCSWMA) purchase/lease option, and

WHEREAS, the H2M Group submitted a proposal letter dated January 4, 2008, advising the Town that further engineering services will be required regarding the continued evaluation of RCSWMA purchase/lease option;

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 concerning the Solid Waste Transfer Facility pursuant to its proposal of January 4, 2008, and be it

FURTHER RESOLVED, that the additional fee for said work shall not exceed \$30,000.00 and shall be charged to Account No. SR 8160-409-0.

On roll call the vote was as follows

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

RESOLUTION NO. (54-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENDED AGREEMENT WITH DEANGELO BROTHERS INC. IN CONNECTION WITH BID NO. 53-2006

WHEREAS, by resolution No. 108-2007, Bid No. 53-2006 was awarded to DeAngelo Brothers, Inc. for the Aquatic Vegetation Management Program, and

WHEREAS, the contract with DeAngelo Brothers, Inc. provides that the Town may extend the contract until March 1, 2011, and

WHEREAS, the Town of Clarkstown wishes to exercise the option to extend the agreement at the agreed upon extension price of \$44,995.00 per 12 month period starting March 1, 2008;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with DeAngelo Brothers, Inc., in a form approved by the Town Attorney, to extend the current agreement from March 1, 2008 to March 1, 2011, and all other provisions of the current agreement shall be in full force and effect, at the agreed upon extension price of \$44,995.00.

On roll call the vote was as follows

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

RESOLUTION NO. (55-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING RESOLUTION NO. 352-2007, AUTHORIZING AN AMENDED AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING THE WAREHOUSE FACILITY AT BURNSIDE AVENUE, CONGERS, NEW YORK

WHEREAS, by Resolution No. 352-2007, adopted by the Town Board on May 15, 2007, 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 Town has determined that the Sewer Department will require additional vehicle storage space within the Warehouse Facility, and has requested that H2M Group provide construction documents to the Town for such purpose, and

WHEREAS, the H2M Group has submitted a proposal dated January 7, 2008, which was reviewed by the Director of Environmental Control, who finds the proposal reasonable in terms of scope and price, and

WHEREAS, Resolution No. 984-2004 was amended by Resolution No. 196-2007, which was amended by Resolution No. 352-2007, authorizing the Town to retain H2M Group, to perform professional engineering services in connection with the Warehouse Facility upgrade at Burnside Avenue in Congers, as per its proposals dated December 21, 2004, February 15, 2007 and April 4, 2007;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a third 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 proposal dated January 7, 2008, and be it

FURTHER RESOLVED, that the additional fee not to exceed \$136,950.00 for said work shall be charged to Account No. H 8751-409-75-16.

On roll call the vote was as follows

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

RESOLUTION NO. (56-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING REDUCTION IN PERFORMANCE SECURITY (CLARKSTOWN EXECUTIVE PARK)

WHEREAS, Suga Development LLC furnished to the Town of Clarkstown Performance security in the form of a Letter of Credit No. 2049 in the amount of \$53,175 pursuant to a settlement stipulation dated February 1, 2005, to cover the installation of sidewalks in the Clarkstown Executive Park Subdivision, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown has recommended that said Performance security be reduced to \$44,081, as some of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 2049 in the amount of \$53,175 be reduced to \$44,081.

On roll call the vote was as follows

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

RESOLUTION NO. (57-2008)
Co. Maloney offered and Co. Borelli seconded

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

BID # 51-2007 – GILCHREST ROAD CULVERT REPLACEMENT

is hereby awarded to: BEN CICCONE, INC., 151 DALEY ROAD, POUGHKEEPSIE, NY 12603

PRINCIPAL: BRANDON CICCONE, PRESIDENT

as per their proposed project cost not to exceed \$99,000.00 and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8758-400-409-0-82-23 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 Absent
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (58-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Superintendent of Recreation and Parks that

RFP #58-2007 – OPERATION OF FOOD AND REFRESHMENT CONCESSION AT TOWN POOLS

is hereby awarded to: FIRST CLASS CATERING, INC., 233 SPOOK ROCK ROAD, MONTEBELLO, NY 10901

PRINCIPAL: A PUBLIC CORPORATION

as per their proposed annual fee, payable to the Town of Clarkstown, of \$15,000.00 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) Certificate of Commercial Liability
- c) Certificate of Commercial Automobile Liability Coverage
- d) Certificate of Worker's Compensation insurance coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Superintendent of Recreation and Parks

On roll call the vote was as follows

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

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 #1-2008 Athletic and Recreation Supplies

Anaconda Sports, Inc., 85 Katrine Lane, Lake Katrine, NY 12449 for item #3 as per specifications at a net bid price of \$388.60.

ARC Sports, 487 Federal Road, Brookfield, CT, 06804 for items #1, 2, 4, 5, 7, 15, 17, 20, 28, 41, 92, 116, 117, 120, 121, 122, 123, 124, 125, 126, 127 and 129, as per specifications at a net bid price of \$4,560.40.

Flaghouse, 601 Flaghouse Drive, Hasbrouck Heights, NJ, 07604 for items # 30, 32, 33, 35, 36, 40, 42, 43, 58, 71, 78, 79, 85, 86, 88, 89, 96, 101, 105, 111, 112 and 114 as per specifications at a net bid price \$1,542.22.

Kenmar Shirts, 1578 White Plains Road, Bronx, NY 10462 for items #137 and 141B as per specifications at a net bid price of \$5,217.24.

Mainly Monograms, 260 West Nyack Road, West Nyack, NY 10994 for items #14, 16, 18, 52, 53, 54, 73, 100, 145, and 165 as per specifications at a net bid price of \$2,238.74.

Passon's Sports (Sports Supply Group), P.O. Box 49, Jenkintown, PA 19046 for items #8, 9, 10, 11, 12, 13, 19, 21, 22, 23, 24, 26, 27, 29, 37, 38, 39, 44, 45, 47, 51, 67, 68, 69, 72, 74, 75, 76, 82, 83, 84, 90, 93, 95, 97, and 136 as per specifications at a net bid price of \$2,939.32.

Recreonics, Inc., 4200 Schmitt Ave., Louisville, KY 40213 for items #131, 134, 154, 155 and 156 as per specifications at a net bid price of \$ 9,299.82.

S&S Worldwide, 75 Mill Street, Colchester, CT 06415 for items # 31, 46, 48, 49, 50, 55, 56, 57, 63, 77, 98, 99, 102, 103, 104, 106, 107, 108, 109, 110, 113, 118, 119, 128, 130, 132 and 135 as per specifications at a net bid price of \$2,407.27.

Special Tees Plus, 132 North Main Street, Spring Valley, NY 10977 for items #138, 139, 140, 142, 143, 144, 148, 149, 150, 151, 157, 158, 159, 160, 161, and 163 as per specifications at a net bid price of \$16, 443.02.

Gross Total for all items: \$45,036.63

Further resolved, that this amount \$45,036.63 be charged against accounts:

7140-222	\$ 627.60
7140-307	1,203.98
7141-222	249.98
7141-307	964.20
7141-329	3,132.06
7180-307	10,989.92
7180-329	1,484.90
7210-307	300.00
7310-222	1,767.52
7310-307	12,885.00
7310-329	11,163.37
<u>7610-329</u>	<u>268.10</u>
TOTAL:	\$45,036.63

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

RESOLUTION NO. (60-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #4-2008 – ELECTRICAL SERVICES: REMOVAL AND DISPOSAL OF EXISTING UPS
(UNINTERRUPTIBLE POWER SUPPLY) SYSTEM AND THE INSTALLATION OF NEW TOWN SUPPLIED
UPS SYSTEM FOR TOWN HALL – 10 MAPLE AVENUE

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____(A.M.)
(P.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
Purchasing Department

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

RESOLUTION NO. (61-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #5-2008 – ONE (1) SELF-CONTAINED HYDRAULIC DUMP TRAILER/LEAF LOADER FOR THE
CLARKSTOWN BUILDING MAINTENANCE DEPARTMENT
Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____(A.M.)
(P.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
Purchasing Department

On roll call the vote was as follows

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

RESOLUTION NO. (62-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #6-2008 – FANWOOD LANE DRAINAGE IMPROVEMENTS
Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____(A.M.)
(P.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 upon payment of the prescribed fee.

On roll call the vote was as follows

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

RESOLUTION NO. (63-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #7-2008 – POOL CHEMICALS
Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____(A.M.)
(P.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
Purchasing Department

On roll call the vote was as follows

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

RESOLUTION NO. (64-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #8-2008 – SECURITY GUARD SERVICES – TOWN PARKS
Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____(A.M.)
(P.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
Purchasing Department

On roll call the vote was as follows

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

RESOLUTION NO. (65-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #9-2008 – CENTRAL NYACK COMMUNITY CENTER GYM LIGHTS
Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____(A.M.)

RESOLUTION NO. (65-2008) continued

(P.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 Purchasing Department

On roll call the vote was as follows

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

RESOLUTION NO. (66-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that William P. Withington is hereby appointed to the position of (provisional) GIS Coordinator I – Data Processing Department – at the current 2008 annual salary of \$73,128., effective January 23, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (67-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Lynn A. Strenkert Motor Equipment Operator II – Solid Waste Facility - is hereby granted an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to January 20, 2008 to February 20, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (68-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Catherine Scully is hereby appointed to the position of Crossing Guard – Police Department - at the rate of \$16.08., - per crossing – effective and retroactive to December 10, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (69-2008)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Mark Mondelli, has requested an extension of his leave of absence, without pay, and WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the granting of the extension of the leave of absence - without pay - by the Superintendent of Highways - of Mark Mondelli, Automotive Mechanic I & Body Repairer – Highway Department - effective and retroactive to January 10, 2008 to July 10, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (70-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO PERFORM IMPROVEMENTS WITHIN A DRAINAGE EASEMENT LOCATED IN THE VICINITY OF 4 PATRIOT COURT, NEW CITY

RESOLUTION NO. (70-2008) continued

WHEREAS, pipe within a Town drainage easement in the vicinity of 4 Patriot Court is impeding the flow of water and causing a flooding condition; and
 WHEREAS, the Department of Environmental Control has determined that the drainage pipe should be removed and the stream embankments within the easement should be stabilized to prevent erosion; and
 WHEREAS, the Department of Environmental Control has prepared a plan for the removal of the drainage pipe and the stabilization of the stream channel; and
 WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform the work in accordance with the 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 \$15,350.00; and
 NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of: MRJ Excavating, Inc., 7 Beaver Court, New City, NY 10956
 to perform this work in accordance with their proposal for an amount not to exceed \$15,350.00; and
 BE IT FURTHER RESOLVED that this amount shall be a proper charge to account H 8759 409 0 83 3
 On roll call the vote was as follows

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

RESOLUTION NO. (71-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO
 RETAIN THE SERVICES OF A CONTRACTOR TO PERFORM IMPROVEMENTS WITHIN THE DRAINAGE
 EASEMENT LOCATED AT 17 FOREST VIEW COURT, VALLEY COTTAGE

WHEREAS, pipe running through a Town Drainage easement at 17 Forest View Court is collapsed and in need of repair; and
 WHEREAS, the Department of Environmental Control has prepared a plan for the replacement of the damaged pipe; and
 WHEREAS, the Department of Environmental Control has solicited proposals from six (6) qualified contractors to perform the work in accordance with the plan; and
 WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and
 WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Belleville Landscaping, 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 Belleville Landscaping Inc. for their low proposal of \$11,800.00; and
 NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of: Belleville Landscaping, Inc, 365 N. Route 9W, Congers, NY 10920
 to perform this work in accordance with their proposal for an amount not to exceed \$11,800.00; and
 BE IT FURTHER RESOLVED that this amount shall be a proper charge to account H8759-409-0-83-5.
 On roll call the vote was as follows

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

RESOLUTION NO. (72-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Nanuet Senior High School at approximately 9:30 PM on Thursday, July 3, 2008 with a rain date of Wednesday, July 9, 2008 pursuant to Section 405 of the Penal Law.
 On roll call the vote was as follows

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

RESOLUTION NO. (73-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING CMS REALTY ADVISORS CORPORATION TO PREPARE A PRELIMINARY
 APPRAISAL ON TOWNHOUSE OFFICE PARK OF NANUET CONDOMINIUM (57.19-1-24./10-640)

WHEREAS, Townhouse Office Park of Nanuet Condominium has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 57.19-1-24./10-640, and more commonly known as 55 Old Nyack Turnpike, Nanuet, New York 10954 for the years 2002/03, 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08, and
 WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the

RESOLUTION NO. (73-2008) continued

aforesaid matter;
NOW, THEREFORE, be it

RESOLVED, that CMS Realty Advisors Corporation be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (74-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING CMS REALTY ADVISORS CORPORATION TO PREPARE A PRELIMINARY APPRAISAL ON AVALON PROPERTIES, INC. AND/OR AVALONBAY COMMUNITIES, INC. (57.12-1-43 AND 43./3)

WHEREAS, Avalon Properties, Inc. and/or AvalonBay Communities, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Tax Map 57.12-1-43 and 43./3, and more commonly known as 11-648 Smith Road and 80 Overlook Boulevard, Nanuet, New York for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that CMS Realty Advisors Corporation be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (75-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING TOWN ATTORNEY TO INSTITUTE CHAPTER 111 PROCEEDING (Unsafe Buildings)

WHEREAS, by report dated January 11, 2008, the Building Inspector and Fire Safety Inspector have advised the Town Board that premises located at 8 Red Rock Road, New City, New York, Tax Map designation 33.16-2-18 (formerly 23-A-20.10), has become, by reason of its condition for want of repairs and dilapidated condition, a fire and safety hazard, a nuisance and a threat to the health and welfare of the community in that the premises is an unoccupied single family dwelling, opened and unsecured at numerous doors and windows and the interior is unsafe due to collapsed portions of the building, and the building is structurally unsafe with most of the floors collapsed into the basement of the structure which contains a very large amount of debris, stored items and combustibles creating a very serious fire danger hazard; and

WHEREAS, the Building Inspector has further advised that the conditions of the premises presents a "clear and imminent danger to the life, safety and health of persons or property" unless the premises are immediately secured; and

WHEREAS, the Building Inspector had duly issued his Order #08-1 on January 10, 2008 to the record property owner to secure the structure completely from entry and said owner has failed and refused to comply with said Order.

NOW, THEREFORE, be it

RESOLVED, pursuant to Chapter 111-9 of the Code of the Town of Clarkstown, the Town Board hereby authorizes the Building Inspector to secure said premises to the extent required to eliminate any imminent danger; and be it

FURTHER RESOLVED, that the expenses of securing said premises shall be a charge against the land and be assessed, levied and collected as provided in §111-8; and be it

FURTHER RESOLVED, pursuant to Chapter 111 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises by reason of its condition for want of repairs, by reason of fire, age or dilapidated condition is unsafe and creates a hazardous condition and is to be removed, in accordance with the Order of the Building Inspector subject to further determination after the public hearing as herein provided; and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 111 of the Code of the Town of Clarkstown to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned by Cynthia Streeter, 311 Post Hill Road, Mountaintdale, NY 12763; and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on March 11, 2008 at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice as required by §111-6 of the Town Code is made, at which time the property owner and all persons in interest shall be heard; and be it

FURTHER RESOLVED, that this resolution is retroactive to January 14, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (76-2008)
Co. Maloney offered and Co. Mandia 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 groups:
1st Priority: Town of Clarkstown – Lawrence Street, Nanuet Sidewalk construction and drainage improvements project in the vicinity of New Jersey Transit Railroad tracks.
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 – Reconstruction of sidewalks along Main Street in New City, to make them handicapped accessible.
4th Priority: Town of Clarkstown – Home Aides of Rockland Employment Training Program to provide training and subsequently employ new Personal Care Aides.
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 Absent
Co. Maloney Yes
Co. Mandia Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (77-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING REPLACEMENT OF THE TELECOMMUNICATIONS SYSTEM AT THE CLARKSTOWN POLICE DEPARTMENT

WHEREAS, the Town Board adopted Resolution No. 763-2006 at its meeting of November 8, 2006, which amended Resolution No. 686-2005 authorizing the Deputy Town Attorney, Purchasing, to award RFP 03-2006 for the replacement of the telecommunications system at Town Hall, and WHEREAS, said proposal contemplated a phased upgrade of the phone systems at various Town Departments, and WHEREAS, Robert Stritmater, Director of Automated Systems, has advised that it is necessary to replace the existing telephone system at the Clarkstown Police Department; NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Director of Automated Systems to upgrade and replace the existing telephone system at the Clarkstown Police Department, purant to RFP 03-2006, in the following phases:
(1) Phase I – Network Core Component Switch and Router Replacement – \$86,000;
(2) Phase II – Physical Cable Plant Upgrade to Voice Standards – \$65,000;
(3) Phase III – IP Telephony Integrated Phone System –\$175,000.

and be it
FURTHER RESOLVED, that all necessary telephones and hardware for the Clarkstown Police Department shall be procured through New York State Contract No. PT5900009, and shall constitute a proper charge to Account No. H 8755-409-0-83-4, and be it

FURTHER RESOLVED, that it is the intent to fund said project thought the issuance of serial bonds.

On roll call the vote was as follows

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

RESOLUTION NO. (78-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control; and the Deputy Town Attorney – Purchasing that
BID #35-2007: RESIDENTIAL REFUSE AND BULK COLLECTION SERVICES FOR ONE, TWO AND THREE FAMILY HOMES IN THE UNINCORPORATED PORTION OF THE TOWN OF CLARKSTOWN
is herby awarded to: CLARKSTOWN CARTING ASSOCIATION, INC., 142 RT. 9W, CONGERS, NEW YORK 10920
PRINCIPAL: MR. PAT NAZZARO, PRESIDENT

as per the following:
Unit cost for the period February 1, 2008 through December 31, 2008

Garbage Collection (unit price per eligible dwelling unit per month):	\$21.70
Bulk Waste Collection (unit price per eligible dwelling unit per month):	\$3.65

RESOLUTION NO. (78-2008) continued

Senior Citizen Exemption (unit price per eligible dwelling unit per month, garbage collection only) \$10.00

Unit cost for the period January 1, 2009 through December 31, 2009

Garbage Collection (unit price per eligible dwelling unit per month): \$22.40
Bulk Waste Collection (unit price per eligible dwelling unit per month): \$ 3.95
Senior Citizen Exemption (unit price per eligible dwelling unit per month, garbage collection only) \$10.00

Unit cost for the period January 1, 2010 through December 31, 2010, January 1, 2011 through December 31, 2011 and January 1,2012 through December 31, 2012 will be adjusted by the Consumer Price Index and be it

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

- a) Signed Contract Documents – two (2) sets
b) Performance Security
c) Certificate of Contractor’s Liability, Property Damage Coverage including Hold Harmless Agreement
d) Certificate of Automobile Liability Coverage
e) Certificate of Worker’s Compensation Insurance Coverage
f) Certificate of Worker’s Disability Insurance Coverage
g) Letter of Credit as per specifications

The Town of Clarkstown must also be named as co-insured party on all liability policies, as they pertain to the project awarded.

On roll call the vote was as follows

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

RESOLUTION NO. (79-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AMENDMENT TO THE CONTRACT AMOUNT FOR BID # 22-2006 SEDGE ROAD AND MACE DRIVE RECONSTRUCTION

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #22-2006 Sedge Road and Mace Drive Reconstruction in Valley Cottage, New York; and

Whereas, unanticipated field conditions and work done by other agencies has resulted in changes in the work being performed as part of this project; and

Whereas, this amendment consists of the following required changes:

- 1. Remove 25 linear feet of existing concrete curb and install 25 linear feet of new concrete curb at the intersection of Sedge Road and Massachusetts Avenue not included in the original project limits. The additional cost for this work is \$661.25.
2. Remove two (2) existing excessively high sanitary manhole castings and install two (2) new sanitary manhole castings at the correct grade in front of house #33 Sedge Road and house # 37 Sedge Road. This work was done on a time and material basis resulting in an additional cost of \$2,624.30.
3. Mill and dispose of pavement adjacent to new Orange and Rockland Utilities’ gas main trench on Sedge Road. This work was done on a time and material basis resulting in an additional cost of \$3,358.51.
4. Mill and dispose of existing pavement in poor condition at the intersection of Sedge Road and Massachusetts Avenue not included in the original limits of this project. This work was done on a time and material basis resulting in an additional cost of \$3,271.75.
5. Sedge Road – Station 9+00 and Sedge Road Station 16+00: Remove and dispose of concrete around two (2) sanitary manhole covers damaged by others during utility installation. Re-set covers and install new concrete. This work was done on a time and material basis resulting in an additional cost of \$1,127.00.
6. Mace Drive: Remove and dispose of asphalt adjacent to new catch basin damaged by others during utility installation. This work was done on a time and material basis resulting in an additional cost of \$373.75.
7. Install 14 tons of truing and leveling asphalt course on Mace Drive adjacent to new Orange and Rockland Utilities’ gas main trench. This work was done on a time and material basis resulting in an additional cost of \$1,817.00.
8. Install 54 tons of truing and leveling asphalt course on Sedge Road adjacent to new Orange and Rockland Utilities’ gas main trench. This work was done on a time and material basis resulting in an additional cost of \$9,586.
9. Install 45 tons new asphalt wearing surface at the intersection of Sedge Road and Massachusetts Avenue in area not included in the original limits of this project. This work was done on a time and material basis resulting in an additional cost of \$6,146.75.
10. Pave lateral utility trench done by others during utility installation at the intersection of Sedge Road and Mace Drive. This work was done on a time and material basis resulting in an additional cost of \$2,098.75.
11. Install stone lined overflow channel at the outlet of the eastern water quality basin located on Town parkland adjacent to Sedge Road not included in the original scope of work for this project. This work was done on a time and material basis resulting in an additional cost of \$14,923.90.
12. Install stoned lined overflow channel at the outlet of the western water quality basin located on Town parkland adjacent to Sedge Road not included in the original scope of work for this project. This work was done on a time and material basis resulting in an additional cost of \$14,981.40.

and

Whereas, all costs relative to this amendment have been reviewed by the Department of Environmental Control and found to be reasonable and in accordance with the contract specifications;

Now, Therefore,

Be It Resolved that the Town Board authorizes this amendment to the contract price for Bid No. 22-2006 Sedge Road and

RESOLUTION NO. (79-2008) continued

Mace Drive Reconstruction in the amount of \$60,971.05; and

Be It Further Resolved that the total cost of the project shall not exceed \$1,078,946.58 without further Town Board resolution and shall be a proper charge to account # H 8755 409 0 79-26, and.

Be it Further Resolved, that the Town Attorney is hereby directed to research whether the Town may recoup the cost of some or all of the above referenced items from other responsible parties.

On roll call the vote was as follows

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

RESOLUTION NO. (80-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AMENDMENT TO THE AGREEMENTS WITH LENTY, INC. AND ORGANIC RECYCLING, INC.

WHEREAS, on March 12, 1996, by Resolution Nos. 282-1996 and 283-1996 (as modified by Resolution No. 384-1998), the Town Board awarded the Leaf Composting Agreement to Organic Recycling In. and the Yard Waste Composting Agreement to Lenty, Inc. (the "Agreements"), and

WHEREAS, Lenty, Inc. subsequently assigned its interest in the Yard Waste Composting Agreement to Organic Recycling Inc., and

WHEREAS, the Agreements currently expire in March 2008, and

WHEREAS, the Agreements provided that the parties may mutually agree to extend the Agreements for an additional five (5) years, and

WHEREAS, the Director of Environmental Control has recommended that the Town exercise its option to extend the Agreements for an additional five (5) year term;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the Agreements extending the terms for an additional five (5) years, and be it

FURTHER RESOLVED, that all other terms of the Agreements shall remain in full force and effect.

On roll call the vote was as follows

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

RESOLUTION NO. (81-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION RESCINDING RESOLUTION NO. 719-2007, AND REFERRING A PETITION FOR A SPECIAL PERMIT TO THE ROCKLAND COUNTY COMMISSIONER OF PLANNING AND THE CLARKSTOWN PLANNING BOARD

RESOLVED, that Resolution No. 719-2007, adopted by the Town Board on December 11, 2007, is hereby rescinded, and the following resolution will take its place.

WHEREAS, CAMBRIDGE UNIVERSITY PRESS has petitioned the Town Board of the Town of Clarkstown for a Special Permit to allow for general warehouse and distribution uses subject to certain conditions, pursuant to the provisions of the Zoning Local Law of the Town of Clarkstown, Section 290-11A, LO District, Table 8, Column 3, Item B-8, for property located at 100 Brook Hill Drive, West Nyack, New York, which property is designated on the Clarkstown Tax Map as Map 64.7-1-10;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for its review and recommendations, to the Rockland County Commissioner of Planning, and to other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law, and other applicable provisions of law, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw,

Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that a public hearing, pursuant to Section 290 of the Zoning Local Law of the Town of Clarkstown, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on March 11, 2008, or as soon thereafter as possible, to consider the petition of the CAMBRIDGE UNIVERSITY PRESS, relative to said Special Permit, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (82-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AMENDING RESOLUTION NO. 499-2004 AND AUTHORIZING THE SUPERVISOR TO EXECUTE AN AMENDED RESTRICTIVE COVENANT AND NON-EXCLUSIVE LICENSING AGREEMENT WITH THE CONGERS-VALLEY COTTAGE AMBULANCE CORP.

WHEREAS, by Resolution No. 650-2003, adopted on August 12, 2003 and Resolution No. 225, adopted on March 9, 2004, the Town Board supported certain Home Rule legislation authorizing the transfer by sale of a portion of parkland adjacent to the Congers-Valley Cottage Volunteer Ambulance Corps to the Corps (the "Parcel") to facilitate their expansion effort; and

WHEREAS, by Resolution No. 499-2004, adopted on May 25, 2004, the Town Board authorized the conveyance of the Parcel, subject to the approval of the State Legislature, and further subject to certain conditions, including the condition that "[t]he parking area shall be confined to the area directly to the rear of the building;" and

WHEREAS, by Resolution No. 868-2005, adopted November 22, 2005, the Town Board authorized the conveyance of the Parcel subject to the filing of a restrictive covenant, which restrictions included, among others, the restriction that "[t]he parking area shall be confined to the area directly to the rear of the building;" and

WHEREAS, on May 9, 2007, the Planning Board recommended that the Corps request an amendment to Resolution No. 499-2004 and the Restrictive Covenant to remove restriction #2 limiting parking to the rear of the building, based on the fact that the Corps had acquired additional property to the North of the building, and, therefore, the limitation was no longer appropriate; and

WHEREAS, on May 9, 2004, the Planning Board further recommended that the Corps seek a non-exclusive license agreement with the Town for that portion of the rear parking area which encroaches upon Town property; and

WHEREAS, the Town Attorney has reviewed the matter and has advised that due to the fact that the Corps' site plan remains unchanged and that the modifications requested by the Corps do not involve any physical activity or the construction of any additional impervious surface, no further processing under the State Environmental Quality Review Act is required;

NOW, THEREFORE, BE IT

RESOLVED, that Town Board Resolution No. 499-2004 is hereby amended to delete numbered item 2 "[t]he parking area shall be confined to the area directly to the rear of the building;" and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the Restrictive Covenant dated December 27, 2005 between the Town and the Congers-Valley Cottage Volunteer Ambulance Corps Inc. deleting restriction number 2 "[t]he parking area shall be confined to the area directly to the rear of the building;" and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a non-exclusive license agreement, in a form approved by the Town Attorney, to allow for the Corps parking area encroachment on to the parcel described in Schedule A hereto (on file with Town Clerk), which license agreement shall expressly reserve to the Town the right of residents to park in the parking area to access the adjacent parkland.

On roll call the vote was as follows

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

RESOLUTION NO. (83-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH HEWLETT-PACKARD TO PURCHASE MICROSOFT SOFTWARE PRODUCTS THROUGH STATE PROCUREMENT

WHEREAS, in order to purchase Microsoft Software products through state procurement, the Town is required to execute an enrollment agreement with Hewlett-Packard, and

WHEREAS, the Director of Automated Systems has recommended that the Town execute the required enrollment agreement; NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the enrollment agreement with Hewlett-Packard for the purchase of Microsoft Software products at a cost not to exceed the \$8,895.62 price quotation dated January 14, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (84-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12687, SCOTTY LANE & MAPLE AVENUE.

X10984 -n/w corner of Scotty Lane & Maple Avenue.

and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Mark Papenmeyer, Chief Fire Safety Inspector.

RESOLUTION NO. (84-2008) continued

On roll call the vote was as follows

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

RESOLUTION NO. (85-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (REM ASSOCIATES – 43.11-2-35)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, REM Associates v. The Assessor, the Board of Assessors and the Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Index Nos. 4121/01, 4854/02, 4690/03, 4104/04, 4832/05, 5952/06 and 5679/07, affecting parcel designated as Map 43.11, Block 2, Lot 35, and more commonly known as 160 North Main Street, New City, New York for the years 2001/02, 2002/03, 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08, and

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

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

NOW, THEREFORE, be it RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.11, Block 2, Lot 35 be reduced for the year 2003/04 from \$4,000,000.00 to \$3,750,000.00 at a cost to the Town of \$3,774.81;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.11, Block 2, Lot 35 be reduced for the year 2004/05 from \$4,000,000.00 to \$3,562,000.00 at a cost to the Town of \$7,701.97;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.11, Block 2, Lot 35 be reduced for the year 2005/06 from \$4,000,000.00 to \$3,286,000.00 at a cost to the Town of \$12,943.11;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.11, Block 2, Lot 35 be reduced for the year 2006/07 from \$4,000,000.00 to \$3,087,200.00 at a cost to the Town of \$16,999.36;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.11, Block 2, Lot 35 be reduced for the year 2007/08 from \$4,000,000.00 to \$2,935,500.00 at a cost to the Town of \$22,375.65;
6. Reimbursement for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08 on the parcel described as Map 43.11, Block 2, Lot 35, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
7. The proceedings commenced by the petitioner respecting Map 43.11, Block 2, Lot 35 be discontinued for the years 2001/02 and 2002/03;
8. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Bob Dillon- West Nyack

Asked if there is a deal in the works with the county to have them take over operations or title of the Clarkstown Recycling Facility on Route 59 in West Nyack.

Supervisor Gromack

The Town of Clarkstown is currently in negotiations with the Rockland County Solid Waste Authority for the sale and transfer of that operation to the county operation. We will be having a workshop in the near future and there have been at least two or three public meetings by the Rockland County Solid Waste Authority on the subject.

Bob Dillon- West Nyack

Spoke about concerns regarding flooding issues on Route 59 in West Nyack and wanted to make sure that the County of Rockland is aware of the extent of this problem and all parties concerned would be involved in the necessary mediation of this problem.

Phil Bosco- West Nyack

Spoke about concerns regarding the possibility of work being done on the Hackensack River in West Nyack in relation to flooding, stating it would be premature to go out to bid for any work. We need to work with the States of New York and New Jersey and have something in place before spending money on projects.

Supervisor Gromack

The primary benefit of the Hackensack River Project, which has been designed by McLaren Engineering, is to prevent flooding along Route 59.

Luke Kalarickal, Director of the Clarkstown DEC

Stated Clarkstown is putting a berm between the landfill and the Shop Rite property, which will prevent water from the Hackensack River coming onto Route 59.

Bob Dillon- West Nyack

There are many times when Route 59 is flooded and closed without the Hackensack River overflowing its banks. Stated his house has flooded twelve times in three years from flooding not related to the Hackensack River. This project alone will certainly not ensure that Route 59 doesn't flood and close, and would appreciate discussing these concerns with the engineers at a workshop.

Supervisor Gromack

Advised that Luke Kalarickal, Director of the Clarkstown DEC, and Dennis Letson, First Deputy Director of the Clarkstown DEC, would call Mr. Dillon and Mr. Bosco tomorrow to set up a time to meet with McLaren Engineering, where they can go over their rationale for what they designed and why they feel it will be some measure of benefit. It should also be noted that the State Department of Transportation will be doing a project in the next few years along Route 59 to raise the bridges and make some improvements at a cost of \$20-25 million. We have asked the State Department of Transportation to spend some additional money on flood relief. All the projects that we have done have had some measure of success and we are still reaching out to NYSDEC Commissioner Pete Grannis and Congressman Engel for assistance, because we realize that the Hackensack is a bigger problem to be solved by both state and federal authorities. Some of the individual projects that we design and complete do offer some measure of relief and we will have McLaren go over that project with you.

With no one wishing to speak further, on motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, Town Board Meeting was closed 8:35 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

1/22/2008

8:17 P.M.

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

Absent: Council Member Shirley Lasker

Re: Rockland County Consortium for Community Block Grants Program

On motion of Co. Maloney, seconded by Co. Borelli, hearing opened 8:17 P.M.

With no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Borelli, hearing closed 8:17 P.M.

On motion of Co. Maloney, seconded by Co. Mandia, RESOLUTION NO. (76-2008) unanimously adopted.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

RESOLUTION NO. (76-2008)