

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

2/12/2008

8:00 P.M.

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

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

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Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers

Regarding agenda item #2 (res. no. 87-2008), asked for total and refund amounts and if the property was examined or improved on.

Amy Mele- Town Attorney

Regarding agenda item #2 (res. no. 87-2008), advised the total was \$366, the refund was \$256.

Peter Beary- Building Inspector

Regarding agenda item #2 (res. no. 87-2008), advised the permit was denied following an examination.

Steven Levine- Congers

Regarding agenda item #9 (res. no. 97-2008), asked if this was put out to bid?

Amy Mele- Town Attorney

Regarding agenda item #9 (res. no. 97-2008), advised it was submitted as an RFP (Request for Proposals).

Steven Levine- Congers

Regarding agenda item #28 (res. no. 132-2008), inquired if the town was selling the property to the county, if the town would be losing money, and asked for clarification if the facility would still be in Clarkstown, but owned by the county?

Amy Mele- Town Attorney

Regarding agenda item #28 (res. no. 132-2008), advised the sale is in negotiations and that the US Supreme Court made a decision on Flow Control, stating municipalities can enact Flow Control and direct solid waste. The sale would include a host fee paid to the Town of Clarkstown, which would be more lucrative than the revenue generated by the Transfer Station under the current operation. The contract is still in the works, but there will be a per ton fee and we can go back to the Solid Waste Authority in the future and renegotiate the fee.

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RESOLUTION NO. (86-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of January 22, 2008 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

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RESOLUTION NO. (87-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO GERARD RYAN - MAP NO. 52.10-2-51

WHEREAS, Gerard Ryan has requested a refund of Building Permit Fee (No. 05-896) paid in the amount of \$366.00 for property located at 671 Andover Road, Valley Cottage, New York, more particularly described as Tax Map No. 52.10-2-51, and

WHEREAS, Mr. Ryan has advised that the proposed pool project was rejected by the Town, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of 110.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$256.00, of the total Building Permit fee paid in the amount of \$366.00, to Gerard Ryan, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (88-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the residents of Boecher Court, New City, in the Town of Clarkstown have requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Boecher Court, New City (Install a 70-watt, sodium vapor street light on Pole #59099/42011)

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$6.96 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

On roll call the vote was as follows

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

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RESOLUTION NO. (89-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING BEHAN PLANNING ASSOCIATES, LLC, TO PERFORM SEQRA REVIEW WITH RESPECT TO THE NEW CITY DOWNTOWN REVITALIZATION PROJECT - STREETScape IMPROVEMENTS

WHEREAS, the Town Board is administering the development of the New City Downtown Revitalization Project, Streetscape Improvements, hereinafter referred to as the "Project,"

WHEREAS, the Project will involve streetscape improvements that will include, but are not limited to the following: landscape treatments, parking improvements, relocation of overhead utilities, sidewalk and pedestrian improvements, roadway and drainage improvements, and traffic calming measures, and

WHEREAS, the Project has been determined to be an unlisted action under SEQRA, and

WHEREAS, there are multiple governmental entities potentially involved in this Project, including: Rockland County (including coordination with the Department of Planning and the Rockland County Highway Department), the Town of Clarkstown Department of Environmental Control and the Technical Advisory Committee, thus requiring a coordinated review, and

WHEREAS, the Town has the primary responsibility to fund and oversee this Project as it is located on a Town street and is willing to undertake lead agency status in the coordinated SEQRA review;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares its intent to be lead agency in the coordinated review of the New City Downtown Revitalization Project, Streetscape Improvements, and will follow the requirements of SEQRA, and be it

FURTHER RESOLVED, that Behan Planning Associates, LLC, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA.

On roll call the vote was as follows

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

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RESOLUTION NO. (90-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE H2M GROUP TO PERFORM SEQRA REVIEW WITH RESPECT TO THE NEW CITY COMMUTER PARKING LOT PROJECT

WHEREAS, the Town Board is administering the development of the New City Commuter Parking Lot Project hereinafter referred to as the "Project,"

WHEREAS, the Town has the primary responsibility to fund and oversee this Project as it is located on property leased by the Town and is willing to undertake lead agency status in the coordinated SEQRA review;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares its intent to be lead agency in connection with the New City Commuter Parking Lot Project, and will follow the requirements of SEQRA, and be it

FURTHER RESOLVED, that the H2M Group is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA.

On roll call the vote was as follows

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

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RESOLUTION NO. (91-2008)  
Co. Borelli offered and Co. Lasker seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN"

WHEREAS, Councilperson Borelli, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN," and

WHEREAS, the purpose of this local law is to amend Chapter 290, Zoning, to include the following:

"Section 290-3(B). Defined words. - Temporary Event Permit.

The following events are permitted on private property with access from a major road located within any non-residential zoning district: arts and crafts show, outdoor retail sale, holiday or cultural festival, trade fair, grand opening/anniversary celebration or similar use as approved by the Zoning Administrator. Applicants must submit an application for a temporary event permit on forms provided by the Building Inspector at least (10) business days prior to the event. Such permits shall be limited to two (2) events per calendar year for a duration of four (4) days each, including setup and removal."

"Section 290-17. Additional requirements for certain special permit uses. E. Carnivals and circuses; and other temporary events as described in Section 290-3 subject to the following conditions:

- (1) The permit shall be for not more than fourteen (14) days for carnivals and circuses. All other temporary events shall be limited to two (2) events per calendar year for a duration of four (4) days each, including setup and removal.
- (2) Parking is prohibited within ten (10) feet of the property line of abutting residential districts and within twenty (20) feet of any on-site building or tent.
- (3) Use should adhere to the yard and height requirements of the Bulk Table for the applicable district.
- (4) Access is from a major road.
- (5) Applicant shall provide security, in a form acceptable to the Town Attorney, to return the site in a clean and sanitary condition and to guarantee compliance with the conditions of the permit.
- (6) Applicants shall comply with all conditions, requests and requirements of the Zoning Administrator, Clarkstown Police Chief, Building Inspector, Fire Inspector and the Rockland County Health Department.
- (7) Applicants shall comply with all Town of Clarkstown signs requirements and shall not install or cause to be installed any signs, fliers, posters or similar material within the public right-of-way."

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of Environmental Control, 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 §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on March 11, 2008 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. . . . .	Yes
Co. Borelli. . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (92-2008)  
Co. Mandia offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDMENT OF THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN IN SO FAR AS SAME MAY BE IN CONFLICT WITH A PETITION FROM NORMANDY VILLAGE, CO. FOR A ZONE CHANGE

WHEREAS, the Town Board is considering a proposed zone change from the R-10 District to the MF-3 District, described in a petition by Normandy Village Co., affecting premises known and described on the Clarkstown Tax Map as 64.9-1-11, and such zone change, if approved, may be in conflict with the Town of Clarkstown Comprehensive Plan, adopted on June 30, 1999;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264, 265 and 272-a of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on April 15, 2008, at 8:00 p.m., or as soon thereafter as possible, to review and consider amendment of the Town's Comprehensive Plan for zoning with respect to the presently pending proposed petition of Normandy Village Co., and be it

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

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

FURTHER RESOLVED, 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.

RESOLUTION NO. (92-2008) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (93-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD SCHEDULING PETITION OF NORMANDY VILLAGE, CO. FOR A ZONE CHANGE ON PROPERTY KNOWN AS MAP 64.9-1-11

WHEREAS, the NORMANDY VILLAGE, CO. has submitted an amended petitioned to the Town Board of the Town of Clarkstown, requesting a change of zone from the R-10 District to the MF-3 District for premises designated on the Clarkstown Tax Map as 64.9-1-11, located at 97 College Avenue, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on April 15, 2008, at 8:00 p.m., and be it

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

On roll call the vote was as follows

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

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RESOLUTION NO. (94-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING WITH REGARD TO A PROPOSED LOCAL LAW TO AMEND CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN DEALING WITH HOSPICE RESIDENCES

WHEREAS, Councilwoman Shirley Lasker, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN” and

WHEREAS, the purpose of this Local Law is allow special permit use for Hospice residences under the Zoning Local Law of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on April 15, 2008, 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. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (95-2008)

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 Certificates of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

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

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

A. SASSO PLUMBING CORP.  
468 Haverstraw Road  
Montebello, NY 10901  
Michael Sasso, President

RR PLUMBING SERVICES CORP.  
d/b/a Roto-Rooter Services Company  
525 Waverly Avenue  
Mamaroneck, NY 10543  
Terence R. O'Shea, President

RONALD FILERA LANDSCAPE CONTRACTORS  
520 South Pascack Road  
Chestnut Ridge, NY 10977  
Ron Filera, President

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

W. HARRIS & SON, INC.  
37 West Washington Avenue  
Pearl River, NY 10965  
Tim Harris, President

JMC HEATING, INC.  
8 Fairmont Terrace  
West Nyack, NY 10994  
Gerard Campitello, President

VICTOR P. ZUGIBE, INC.  
66 Railroad Avenue  
Garnerville, NY 10923  
Victor Zugibe, President

NOW, THEREFORE, be it  
RESOLVED, that the following Certificates of Registration be issued:

- No. 08-01 PHOENIX EXCAVATING
- 08-02 EDWARD DeLEONARDIS EXCAVATING, INC.
- 08-03 A. SASSO PLUMBING CORP.
- 08-04 RR PLUMBING SERVICES CORP. d/b/a ROTO-ROOTER SERVICES COMPANY
- 08-05 RONALD FILERA LANDSCAPE CONTRACTORS
- 08-06 MRJ EXCAVATING
- 08-07 W. HARRIS & SON, INC.
- 08-08 JMC HEATING, INC.
- 08-09 VICTOR P. ZUGIBE, INC.

On roll call the vote was as follows

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

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RESOLUTION NO. (96-2008)  
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 Certificates of Registration pursuant to Section 236-48 of the Town

Code of the Town of Clarkstown :  
PHILIP M. SCALA & SON, INC.  
277 Old Mill Road  
Valley Cottage, NY 10989  
Philip M. Scala, President

DANNY CLAPP LANDSCAPING  
59 Schriever Lane  
New City, NY 10956  
Danny Clapp, President

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

BELLEVILLE LANDSCAPING, INC.  
13 Robin Lane  
West Nyack, NY 10994  
James Miele, President

ENVIRONMENTAL CONSTRUCTION  
21 Kay Fries Drive  
Stony Point, NY 10980  
Susan Oelkers, President

DeSIMONE & SONS, INC.  
35 Madison Avenue  
Garnerville, NY 10923  
Paul DeSimone, President

PAUL BITTS CO., INC.  
9 Germonds Road  
New City, NY 10956  
Paul Bitts, President

JMK BUILDING CORP.  
301 North Main Street  
New City, NY 10956  
John Knutsen, President

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

TRAVCON, INC.  
375 Kings Highway  
Valley Cottage, NY 10989  
Vincent Travaglini, President

RONALD J. TARIGO  
5 Crosscreek Lane  
Stony Point, NY 10980  
Ronald J. Tarigo, President

NOW, THEREFORE, be it  
RESOLVED, that the following Certificates of Registration be issued:

- No. 08-11 PHILIP M. SCALA & SON, INC.
- 08-12 KEVIN STOKES EXCAVATING, INC.
- 08-13 ENVIRONMENTAL CONSTRUCTION
- 08-14 DANNY CLAPP LANDSCAPING
- 08-15 BELLEVILLE LANDSCAPING, INC.

- 08-16 DeSIMONE & SONS, INC.
- 08-17 PAUL BITTS CO. INC.
- 08-18 JMK BUILDING CORP.
- 08-19 FIRST RATE LANDSCAPING & CONSTRUCTION
- 08-20 TRAVCON, INC.
- 08-21 RONALD J. TARIGO

On roll call the vote was as follows

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

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RESOLUTION NO. (97-2008)  
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO CONSTRUCT A DRAINAGE SWALE ADJACENT TO MOUNTAINVIEW AVENUE, VALLEY COTTAGE

WHEREAS, the Department of Environmental Control has determined the need for a drainage swale on a Town roadway in the vicinity of #495 Mountainview Avenue as a result of excessive runoff; and  
 WHEREAS, the Department of Environmental Control has prepared a plan to construct a drainage swale adjacent to Mountainview Avenue, and  
 WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to construct the drainage swale; 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 Pinebrook Landscaping & Paving, 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 Pinebrook Landscaping & Paving, Inc. for their low proposal of \$17, 650.00; and  
 NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of:

Pinebrook Landscaping & Paving, Inc., 49 Rolling Ridge Road, New City, New York 10956  
 to perform this work in accordance with their proposal for an amount not to exceed \$17,650.00; and  
 BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and  
 FURTHER RESOLVED that this amount shall be a proper charge to account #H 8759-409-0-83-6.

On roll call the vote was as follows

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

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RESOLUTION NO. (98-2008)  
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF  
YORK COURT, NEW CITY TO BE TREATED AS A CAPITAL PROJECT

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a resurfacing project on York Court, New City be determined to be a capital improvement, and  
 WHEREAS, York Court, New City is in such disrepair that it requires reconstruction, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	275 tons @ \$96.00	=	\$26,400.00
Iron Structures:	4 units @ \$275.00	=	\$ 1,100.00
			\$27,500.00

and

WHEREAS, the work will be completed utilizing a contractor awarded by means of the Town of Clarkstown competitive bid process.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$27,500.00 is hereby determined to be a proper charge to capital account H8758-409-0-82-18 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (99-2008)  
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF  
APPLETON ROAD, NEW CITY TO BE TREATED AS A CAPITAL PROJECT

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a resurfacing project on Appleton Road, New City be determined to be a capital improvement, and

WHEREAS, Appleton Road, New City is in such disrepair that it requires reconstruction, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	250 tons @ \$96.00	=	\$ 24,000.00
Iron Structures:	5 units @ \$275.00	=	\$ <u>6,875.00</u>
			\$ 30,875.00

and

WHEREAS, the work will be completed utilizing a contractor awarded by means of the Town of Clarkstown competitive bid process.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$30,875.00 is hereby determined to be a proper charge to capital account H8758-409-0-82-18 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (100-2008)  
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF  
DUNMORE ROAD, NEW CITY TO BE TREATED AS A CAPITAL PROJECT

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a resurfacing project on Dunmore Road, New City be determined to be a capital improvement, and

WHEREAS, Dunmore Road, New City is in such disrepair that it requires reconstruction, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	510 tons @ \$96.00	=	\$48,960.00
Iron Structures:	11 units @ \$275.00	=	\$ 3,025.00
Pavement Markings:	90 linear feet @ \$4.75	=	\$ <u>427.50</u>
			\$52,412.50

and

WHEREAS, the work will be completed utilizing a contractor awarded by means of the Town of Clarkstown competitive bid process.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$52,412.50 is hereby determined to be a proper charge to capital account H8758-409-0-82-18 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (101-2008)  
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF  
BEAUMONT DRIVE, NEW CITY TO BE TREATED AS A CAPITAL PROJECT

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a resurfacing project on Beaumont Drive, New City be determined to be a capital improvement, and

WHEREAS, Beaumont Drive, New City is in such disrepair that it requires reconstruction, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	770 tons @ \$96.00	=	\$73,920.00
Masonry Structures:	5 units @ \$325.00	=	\$ 1,625.00
Iron Structures:	15 units @ \$275.00	=	\$ 4,125.00
Pavement Markings:	90 linear feet @ \$4.75	=	\$ <u>427.50</u>
			\$80,097.50

RESOLUTION NO. (101-2008) continued  
and

WHEREAS, the work will be completed utilizing a contractor awarded by means of the Town of Clarkstown competitive bid process.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$80,097.50 is hereby determined to be a proper charge to capital account H8758-409-0-82-18 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (102-2008)  
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF  
WOODHAVEN DRIVE, NEW CITY TO BE TREATED AS A CAPITAL PROJECT

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a resurfacing project on Woodhaven Drive, New City be determined to be a capital improvement, and

WHEREAS, Woodhaven Drive, New City is in such disrepair that it requires reconstruction, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	1,780 tons @ \$96.00	=	\$170,880.00
Iron Structures:	24 units @ \$275.00	=	\$ 6,600.00
Pavement Markings:	45 linear feet @ \$4.75	=	<u>\$ 213.75</u>
			\$179,693.75

and

WHEREAS, the work will be completed utilizing a contractor awarded by means of the Town of Clarkstown competitive bid process.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$179,693.75 is hereby determined to be a proper charge to capital account H8758-409-0-82-18 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (103-2008)  
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF  
WINGATE DRIVE, NEW CITY TO BE TREATED AS A CAPITAL PROJECT

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a resurfacing project on Wingate Drive, New City be determined to be a capital improvement, and

WHEREAS, Wingate Drive, New City is in such disrepair that it requires reconstruction, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	1,040 tons @ \$96.00	=	\$99,840.00
Masonry Structures:	10 units @ \$325.00	=	\$ 3,250.00
Iron Structures:	22 units @ \$275.00	=	<u>\$ 6,050.00</u>
			\$109,140.00

and

WHEREAS, the work will be completed utilizing a contractor awarded by means of the Town of Clarkstown competitive bid process.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$109,140.00 is hereby determined to be a proper charge to capital account H8758-409-0-82-18 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

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

RESOLUTION NO. (104-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN AGREEMENT WITH THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, DEPARTMENT OF MOTOR VEHICLES, TO ACCEPT A GRANT WITH RESPECT TO THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

WHEREAS, Clarkstown Police Chief Peter Noonan has advised that the State of New York Governor's Traffic Safety Committee of the Department of Motor Vehicles, has approved a grant application from the Clarkstown Police Department (Grant No. PT-4450211), for the purpose of participating in the "Selective Traffic Enforcement Program (STEP)" for the period from October 1, 2007 through September 30, 2008, and

WHEREAS, the State shall provide \$10,500 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Peter Noonan, the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$10,500 on behalf of the Clarkstown Police Department, for the purpose of participating in the "Selective Traffic Enforcement Program (STEP)" for the period from October 1, 2007 through September 30, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (105-2008)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB 10 (Government Accounting Standards Board) for fiscal year ending December 31, 2007, and

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

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

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement for one year with Financial Risk Analysts, in a form acceptable to the Town Attorney, at a cost not to exceed \$6,900.00, plus reasonable out-of-pocket expenses, which cost shall be a proper charge to Account No. CS 1722-400-409-0.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (106-2008)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB Statement No. 45 (Accounting and Financial Reporting by Employers for Post employment Benefits other than Pension) for fiscal year ending December 31, 2008, and

WHEREAS, BPA-Harbridge , One Lincoln Center, Syracuse, NY is an actuarial consulting firm providing services to public entities related to benefit plans, GASB 45 and,

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

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement for two years with BPA-Harbridge in a form acceptable to the Town Attorney, at a cost not to exceed \$8,200.00, for 2008 and \$2,000 for 2009, with an optional two-year period for cost of \$8,500 for 2010 and \$2,000 for 2011, which cost shall be a proper charge to Account No. A 9000-400-409 0.

On roll call the vote was as follows

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

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RESOLUTION NO. (107-2008)

Co. Lasker offered and Co. Maloney 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)

RESOLUTION NO. (107-2008) continued

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  
On roll call the vote was as follows

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

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RESOLUTION NO. (108-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH PROVIDENT BANK CONCERNING PILOT PROGRAM

WHEREAS, the Town Board is cognizant of the fact that an increasing number of municipalities are accepting credit cards as payment for various fees and licenses, and

WHEREAS, the Town Board is desirous of initiating a Pilot program pursuant to which certain departments may accept credit cards on a trial basis, and

WHEREAS, the Authorized Purchasing Agent has received two proposals from local financial institutions to provide merchant card processing services, and has reviewed the State contract award which provides for the provision of such services, and

WHEREAS, upon review of both proposals and the State contract award, the Authorized Purchasing Agent recommends that the Town Board accept the low bid proposal from Provident Bank;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Provident Bank, in a form approved by the Town Attorney, to provide merchant card processing services on a trial basis, and be it

FURTHER RESOLVED, that the service fee for said transactions shall not exceed 1.72% per transaction and shall be borne by the Town.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (109-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN "ADOPT-A-ROAD" PROGRAM

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, beginning February 14, 2008 to February 14, 2010, as follows:

Sponsor: Head Start of Rockland, 85 Depew Avenue, Box 107, Nyack NY 10960

Roads: .5 mile segment of Second Avenue between Lawrence Street and One Head Start Circle in Nanuet, NY 10954

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Head Start of Rockland organization will perform a public service in removing trash from above roadway which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning February 14, 2008 to February 14, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the Head Start of Rockland organization, to remove trash from the roadway.

On roll call the vote was as follows

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

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RESOLUTION NO. (110-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING PRODUCTION COMPANY TO FILM IN THE TOWN OF CLARKSTOWN

WHEREAS, UPPER GROUND ENTERPRISES, INC., a production company, has requested permission to film in the Town of Clarkstown, on February 8 through February 14, 2008.

RESOLUTION NO. (110-2008) continued

NOW, THEREFORE, be it

RESOLVED, that UPPER GROUND ENTERPRISES, INC., of 15303 Ventura Blvd., Sherman Oaks, CA 91403, is hereby authorized to film " Kitchen Nightmares" at Fiesta Sunrise Restaurant, 78 Route 303, West Nyack, NY 10994 on February 8 through February 14, 2008 between the approximate hours of 5:00 am to 11:00 pm upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned site;
- (2) A permit fee of \$250.00 shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that this resolution shall be retroactive to 5:00 a.m. on February 8, 2008 and deemed the Filming Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (111-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, IFG Productions, Inc. has requested use of the Town of Clarkstown showmobile on Sunday, May 18, 2008 from 10:00 am – 7:00 pm for a Parade of Unity Year 2008 to celebrate Haitian Flag Day and Ethnic Diversity in Rockland at Spring Valley Memorial Park,  
NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to IFG Productions to use the Town of Clarkstown showmobile on May 18, 2008 for the above purpose and subject to the provision of the necessary insurance policies,  
FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

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RESOLUTION NO. (112-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Nanuet Senior High School has requested use of the Town of Clarkstown showmobile on Sunday, June 29, 2008 for Graduation Ceremony to be held at the Nanuet Senior High School, Nanuet, New York;  
NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to Nanuet Senior High School to use the Town of Clarkstown showmobile on June 29, 2008 for Graduation Ceremony subject to the provision of the necessary insurance policies,  
FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

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RESOLUTION NO. (113-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Feis has requested use of the Town of Clarkstown showmobile on Sunday, July 20, 2008 from 7:00 AM – 8:00 PM for conducting 2 Masses, Singing & Language Competitions, and Band Performance at the Anthony Wayne Pool area,.

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Rockland Feis to use the Town of Clarkstown showmobile on Sunday, July 20, 2008 for the above purpose and subject to the provision of the necessary insurance policies,

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

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RESOLUTION NO. (114-2008)  
Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Krucker’s Catering & Picnic Grove has requested use of the Town of Clarkstown showmobile on Saturday, July 26, 2008 from 8:00 am – 6:00 pm for the Ground Zero Independence Ride Fundraiser,  
NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Krucker’s Catering & Picnic Grove to use the Town of Clarkstown showmobile on Saturday, July 26, 2008 for the above purpose and subject to the provision of the necessary insurance policies,  
FURTHER RESOLVED, that the Clarkstown Parks Board and Recreation Commission and Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

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RESOLUTION NO. (115-2008)  
Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Chamber of Commerce Nyacks has requested use of the Town of Clarkstown showmobile on Saturday, October 25, 2008 to be held at the Municipal lot at Cedar and Main Streets in Nyack;  
NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Chamber of Commerce Nyacks to use the Town of Clarkstown showmobile on Saturday, October 25, 2008 for closing ceremonies after Halloween Parade, subject to the provision of the necessary insurance policies,  
FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

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RESOLUTION NO. (116-2008)  
Co. Maloney offered and Co. Lasker seconded

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

School Walking signs (see sec. 236.1 of the NYS Manual of Uniform Traffic Control Devices, W6-1 signs), on the southside of Bardonia Road, 200 ft East of Whispering Court, Nanuet.  
and be it

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

On roll call the vote was as follows

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

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RESOLUTION NO. (117-2008)  
Co. Lasker offered and Co. Maloney seconded

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

BID #11-2008 – NEW CITY COMUTER PARKING LOT

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 upon payment of the prescribed fee.

On roll call the vote was as follows

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

RESOLUTION NO. (118-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID #12-2008 – 2008 ROADWAY RESURFACING PROGRAM  
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 . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (119-2008)  
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:  
BID #13-2008 – 2008 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM  
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 . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (120-2008)  
Co. Maloney offered and Co. Lasker seconded

RESOLUTION ACCEPTING ROAD AND IMPROVEMENTS IN THE TOWN OF CLARKSTOWN  
(HIDDEN RIDGE II SUBDIVISION – 44.17-1-40)

RESOLVED, that upon the recommendations of the Deputy Director of Environmental Control and the  
Superintendent of Highways of the Town of Clarkstown, deeds from: Jerome K. Theise, Brian Nelson and Peter Nardone,  
dated January 7, 2003, Carmine and Judith Lisella, dated January 13, 2003, and Hua Chen Chang and Kuo-Chiang Chang, as  
Trustee, dated January 29 2003, conveying the following road:

Hidden Ridge Lane (f/k/a Kolka Lane) 525 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Hidden Ridge II are  
hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk’s Office at the expense of  
the grantors subject to receipt and acceptance by the Town of Clarkstown of a Maintenance Guaranty secured by letter of  
credit, cash or cash equivalent in the amount of \$6,172.50 in a form approved by the Town Attorney.

On roll call the vote was as follows

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

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RESOLUTION NO. (121-2008)  
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of John J. Kelly,– Laborer– Highway Department – is hereby accepted – effective and  
retroactive to January 16, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (122-2008)  
Co. Mandia offered and Co. Maloney seconded

WHEREAS, certain Town Departments have submitted requests for vehicles in 2008,  
NOW, THEREFORE, BE IT

RESOLUTION NO. (122-2008) continued

RESOLVED, that the Authorized Purchasing Agent is hereby directed to review all 2008 vehicle requests in accordance with the Town's Vehicle Procurement Policy, and be it

FURTHER RESOLVED, that total vehicle purchases shall not exceed \$150,000 without further authorization of the Board, and be it

FURTHER RESOLVED, that all such vehicles shall be purchased from New York State Contracts and shall constitute a proper charge to Account No. H-8759-409-0-83-2 and be it

FURTHER RESOLVED, that it is the Town Board's intent to fund such purchases through the issuance of serial bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (123-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 744-2007, AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH WARD ASSOCIATES, P.C., TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES WITH RESPECT TO THE VALLEY COTTAGE HAMLET GREEN REVITALIZATION PROJECT

RESOLVED, that Resolution No. 744-2007, adopted by the Town Board on December 18, 2008, is hereby amended in part as follows:

FROM: "FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum equal to 10% of the project cost for all necessary services (plus standard reimbursable expenses), which shall not exceed \$65,000.00, without further authorization from the Town Board."

TO: "FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$65,000.00, plus standard reimbursable expenses, without further authorization from the Town Board."

On roll call the vote was as follows

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

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RESOLUTION NO. (124-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION ACCEPTING CONSERVATION EASEMENT (CHARLES J. BOCCA SUBDIVISION – 64.08-1-39)

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final approval of Charles J. Bocca Subdivision (Tax Map 64.08-1-39), Charles J. Bocca has provided a conservation easement and the Deputy Director of the Department of Environmental Control recommends accepting and recording said easement in a form approved by the Town Attorney;

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown is authorized to accept and record said conservation easement concerning Charles J. Bocca Subdivision at the expense of the grantor.

On roll call the vote was as follows

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

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RESOLUTION NO. (125-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING VALUATION PLUS, INC. TO PREPARE A PRELIMINARY APPRAISAL ON KATHY MAYER (65.6-1-24)

WHEREAS, Kathy Mayer has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 65.6-1-24, and more commonly known as 110 North Route 303, West Nyack, 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 Valuation Plus, Inc. be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$6,500; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (126-2008)  
Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown solicited and received proposals for the  
INSTALLATION OF TWO (2) ENVIRONMENTAL CONTROL SYSTEMS FOR THE COMPUTER ROOMS  
RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Automated  
Systems that proposals be accepted from  
CLARKSTOWN HEATING A/C & PLUMBING, 95 S. ROUTE 304, PEARL RIVER, NY 10965  
for \$18,892.00 for the Town Hall Computer Room Unit and \$15,986.00 for the Police Department UPS Room Unit for a total  
cost not to exceed \$34,878.00  
and be it  
FURTHER RESOLVED, that these costs shall constitute a proper charge to account number H-8758-400-409-0-82-21 and be it  
FURTHER RESOLVED, that it is the intent of the Town Board to fund this purchase with the issuance of Serial Bonds  
On roll call the vote was as follows

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

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RESOLUTION NO. (127-2008)  
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE TOWN ATTORNEY’S OFFICE TO COVER FEES  
FROM SWEET FLAME, LLC, FOR POLICE PROTECTION WHILE FILMING IN THE TOWN

WHEREAS, by Resolution No. 274, adopted on May 15, 2007, the Town Board granted a filming permit to Sweet Flame,  
LLC., to film an independent feature film in the Town of Clarkstown, and  
WHEREAS, as a condition of the permit, the applicant posted security in the amount of \$6,000.00, and  
WHEREAS, the permit further provided that the applicant shall pay for all required police protection, and  
WHEREAS, the actual cost of providing police protection during the filming totaled \$7,910.00, which the applicant has  
acknowledged is due and owing, and  
WHEREAS, the applicant has agreed that the Town may apply the full amount of the security deposit towards the outstanding  
balance of \$7,910.00;  
NOW, THEREFORE, be it  
RESOLVED, that the Town Board hereby declares that Sweet Flame, LLC, has defaulted to the Town of Clarkstown their  
respective security funds in the amount of \$6,000.00, to pay for police protection during the filming in the Town of  
Clarkstown , and be it  
FURTHER RESOLVED, that said defaulted amount be applied toward the outstanding balance of \$7,910.00, and be it  
FURTHER RESOLVED, that the Town Attorney’s Office is hereby directed to take all appropriate steps to recover the  
remaining balance of \$1,910.00 from the applicant.

On roll call the vote was as follows

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

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RESOLUTION NO. (128-2008)  
Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local  
Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as  
Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at  
CONGERS-VALLEY COTTAGE AMBULANCE CORPS  
122 KINGS HIGHWAY  
CONGERS, NY 10920  
111-A-33.1 (44.19-1-56)

By the installation of Fire lane designations, and  
WHEREAS, JAMES NASH requested that the Town of Clarkstown designate said fire lanes.  
NOW, THEREFORE, BE IT

RESOLVED, that the pursuant to said Local Law 9-1971, as amended, the Town Board hereby directs that the  
aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane  
designations be installed by and at the expense of the owner of such property upon the review and approval and approval of  
the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

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

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RESOLUTION NO. (129-2008)  
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING RESOLUTIONS NO. 616-2005 and 654-2005 CONCERNING AGREEMENT WITH COST CONTROL ASSOCIATES TO CONDUCT AND AUDIT UTILITY ACCOUNTS AND TERMINATING SAID AGREEMENT

WHEREAS, the Town Board adopted Resolution No. 616 and amended said Resolution with Resolution No. 654-2005, authorizing an agreement with Cost Control Associates to conduct and audit utility accounts, and  
WHEREAS, the Town Board wishes to further amend said resolutions to terminate said agreement as of March 31, 2008;  
NOW, THEREFORE, be it  
RESOLVED, that Resolutions No. 616 and 654 of 2005 are hereby amended, and be it  
FURTHER RESOLVED, that the Town Attorney’s Office is hereby authorized to send Notice of Termination of agreement to Cost Control Associates, which agreement shall terminate on March 31, 2008.

On roll call the vote was as follows

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

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RESOLUTION NO. (130-2008)  
Co. Maloney offered and Co. Lasker seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, “A LOCAL LAW AMENDING CHAPTER 254 (SUBDIVISION OF LAND) OF THE CODE OF THE TOWN OF CLARKSTOWN”

WHEREAS, Councilperson Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled “A LOCAL LAW AMENDING CHAPTER 254 (SUBDIVISION OF LAND) OF THE CODE OF THE TOWN OF CLARKSTOWN,” and  
WHEREAS, the purpose of this local law is to allow the Town to charge a fee to cover the maintenance of retention basins;  
NOW, THEREFORE, be it  
RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, 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 Luke Kalarickal, Director of the Department of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it  
FURTHER 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 April 15, 2008 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. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (131-2008)  
Co. Maloney offered and Co. Lasker seconded

RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR SIGHT DISTANCE IMPROVEMENTS AT OLD MILL ROAD AND BRANCHVILLE ROAD – VALLEY COTTAGE

WHEREAS, the Department of Environmental Control has recommended that certain public improvements be performed at the intersection of Branchville Road with Old Mill Road in the hamlet of Valley Cottage, and  
WHEREAS, the immediately adjacent and affected property owner requested installation of retaining wall, including specific style and color, to insure that necessary work be contained within the Town ROW for Old Mill Road, and  
WHEREAS, the Department of Environmental Control has developed a plan to perform the work which includes regrading of the embankment, installation of a rustic style modular retaining wall and replacement of ground cover planting on the regraded slope area, and  
WHEREAS, because Old Mill Road has been declared an historic road under the provisions of Chapter 153 of the Code of the Town of Clarkstown, a Certificate of Appropriateness is required, and  
WHEREAS, the Director of the Department of Environmental Control has determined that the project is in accordance with the criteria as listed in Section 153-7D(2);  
NOW THEREFORE BE IT RESOLVED that the Town Board hereby grants a Certificate of Appropriateness for the Old Mill Road sight distance improvements as required under the provisions of Section 153-7D(1)(d).

On roll call the vote was as follows

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

RESOLUTION NO. (132-2008)  
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SEQRA REVIEW WITH RESPECT TO THE PROPOSED  
SALE OF THE TOWN OF CLARKSTOWN TRANSFER STATION TO THE  
ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY

WHEREAS, the Town is currently in negotiations with the Rockland County Solid Waste Management Authority regarding the possible sale of the Town of Clarkstown Solid Waste Transfer Station located on Route 303, West Nyack, which transaction would include the sale of the transfer station operations, the subdivision and transfer of a portion of tax lot 65.14-2-4, the assignment of certain leases and/or licenses held by the Town on tax lot numbers 65.6-1-51, 65.06-1-19, 65.06-1-55, 65.10-1-2 and 65.10-1-3 the sale of certain equipment used in the transfer station operations and the execution of a Host Community Agreement;

NOW, THEREFORE, BE IT

RESOLVED, that for the purposes of SEQRA, the Town Board determines that it shall act as lead agency and Luke Kalarickal, Director of the Department of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to the proposed transfer of the Town of Clarkstown Transfer Station to the Rockland County Solid Waste Management Authority.

On roll call the vote was as follows

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

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The Supervisor opened the meeting for general public comments.

Steven Levine- Congers

Spoke about issues on Massachusetts Avenue having recently been written about in the Journal News, stating the articles do not portray what is really happening on Massachusetts, which is very disappointing to the residents of Massachusetts Avenue. Read and submitted a letter to the Town Board, (on file with Town Clerk).

Co. Lasker

Stated the Town Board has no control over what the Journal News writes.

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.

The Supervisor asked for a motion to open an executive session of the Town Board with Police Chief Peter Noonan to discuss a personnel matter, on motion of Co. Borelli, seconded by Co. Lasker.

Respectfully submitted,

David Carlucci  
Town Clerk