

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

2/13/2007

8:00 P.M.

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

Absent: Councilwoman Lasker

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

Supervisor stated Councilwoman Lasker is attending the National Parks and Recreation Conference in Washington and will report back to the Town Board upon her return.

Supervisor welcomed Girl Scout Troop 556 who is visiting to see what a Town Board Meeting is like.

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Public Hearing #1 re: (Continuation from 12/29/06) Request of Cambridge Press to amend Zoning Local Law dealing with uses in the LO Zoning District. On motion of Co. Maloney, seconded by Co. Nowicki, hearing opened 8:00 P.M. On motion of Co. Maloney, seconded by Co. Nowicki, Public Hearing continued to March 20, 2007. RESOLUTION NO. (72-2007)

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Public Hearing #2 re: Petition for road abandonment & amendment to Official Map: Portions of Rt. 45 & Rt. 59 Bypass Road. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:10 P.M. On motion of Co. Nowicki, seconded by Co. Maloney. RESOLUTION NO. (73-2007) unanimously adopted.

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Public Hearing #3 re: Proposed local law to amend Local Law No. 2-1974 as amended, to create AAR (Active Adult Residential) Zoning District. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:20 P.M. On motion of Co. Maloney, seconded by Co. Mandia. RESOLUTION NO. (74-2007) unanimously adopted.

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Public Hearing #4 re: (Continuation from 1/23/07) Proposed local law to amend Town Code Chapter 251: Wireless Communication Facilities. District. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 9:00 P.M. On motion of Co. Maloney, seconded by Co. Nowicki. Public Hearing continued to April 17, 2007. RESOLUTION NO. (75-2007).

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Public Hearing #5 re: Proposed local law to amend Local Law No. 13-2006 extending the temporary moratorium on Wireless Communication Facilities for an additional 60 days. On motion of Co. Maloney, seconded by Co. Mandia, hearing opened 9:30 P.M. On motion of Co. Nowicki, seconded by Co. Maloney. RESOLUTION NO. (76-2007) unanimously adopted.

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

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RESOLUTION NO. (72-2007)  
Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE CONTINUANCE OF THE PUBLIC HEARING WITH RESPECT TO A PETITION OF CAMBRIDGE PRESS TO AMEND THE ZONING LOCAL LAW DEALING WITH USES IN THE LO ZONING DISTRICT

WHEREAS, Cambridge Press has petitioned the Town Board of the Town of Clarkstown for a text amendment to the provisions of Section 290-12 and 290-11A, Table 8 of the Zoning Local Law of the Town of Clarkstown, to allow for broader distribution center uses than that currently permitted, and

WHEREAS, by Resolution No. 732-2006, adopted on October 17, 2006, the Town Board directed the Town Attorney to prepare an amended text amendment addressing the comments of the Clarkstown Planning Board and the Rockland County Planning Department, which was completed and sent to the parties, and

WHEREAS, subsequent to that latest draft of the Local Law, the Clarkstown Planning Board, by memo dated December 18, 2006, recommended that the Amendment to the Zoning Local Law be required by Special Permit of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby directs the Town Attorney to draft a revised proposed Local Law in accordance with the Clarkstown Planning Board's recommendations, and be it

FURTHER RESOLVED, that the revised 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 Planning Consultant, Robert Geneslaw, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the continuation of the 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 March 20, 2007, 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 . . . . . Absent  
Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Nowicki . . . . . Yes  
Supervisor Gromack . . . . . Yes

RESOLUTION NO. (73-2007)  
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION ABANDONING A PORTION OF ROUTE 45 AND ROUTE 59 BY-PASS (S. H. 1019), NEW CITY, NEW YORK, AND AMENDING THE OFFICIAL MAP OF THE TOWN OF CLARKSTOWN

WHEREAS, on the petition of MAZEL KARKAH CORP., by Saul Strulovic, the Town Board of the Town of Clarkstown by resolution adopted on December 29,2006 provided for a public hearing on February 13,2007, at 8:00PM., to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of Route 45 and Route 59 by-pass (S.H. 1019), New City, New York, as described in Schedule "A" attached and

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

WHEREAS, the Clarkstown Planning Board considered the matter at its regularly scheduled meeting on February 7,2007, and, by resolution dated February 7,2007, recommended that the portion of Route 45 and Route 59 by-pass be de-mapped and removed from the Official Map, as there are no planning issues related to such action, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report, pursuant to SEQRA, from our consultant Robert Geneslaw, which states that this matter is a Type II action under Part 617 of the SEQRA regulations and no further analysis is necessary, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated February 9, 2007, acting as staff to the Town Board as lead agency, and the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of Route 45 and Route 59 by-pass (S.H. 1019), New City, New York, as described in the Schedule "A" attached, and be it

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

Portion of Tax Lot 50.12-1-26  
Schedule "A"

All that certain plot, piece or parcel of land situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York. Being more fully bounded and described as follows:

BEGINNING at a point on the northerly right of way line of Emerald Court, said point being located at the southwest corner of lands now or formerly of David Zall (Tax Lot 50.16-1-8) and the southeast corner of the hereinafter intended to be described parcel; running thence

- 1) S88-26-09W, 119.13 feet along said northerly right of way line of Emerald Court; running thence along the easterly line and northerly line of lands now or formerly of Patrick J. Scanlon (Tax Lot 50.16-1-1) the following two (2) courses and distances:
  - 2) N01-21-03E, 169.50 feet;
  - 3) N82-09-25W, 57.65 feet; thence
  - 4) N06-28-50E, 1,043.98 feet along the southerly line of lands now or formerly of Mallory Construction Corp (Tax Lot 50.12-1-27); thence
  - 5). S85-51-17E, 214.49 feet along the southerly line of lands now or formerly of the People of the State of New York, Portion of the State Highway 1019 (Tax Lot 50.12-1-26) and Peter & Anne DiNuzzo (Tax Lot 50.12-1-19); thence
  - 6. S06-24-57W, 620.57 feet along the westerly line of lands now or formerly of Teri Mersel (Tax Lot 50.12-1-22), Ivan & Rosaline Persijanow (Tax Lot 50.12-1-23), Marie Jean Pierre (Tax Lot 50.12-1-25) Stanley & Sholley Mathews (Tax Lot 50.16-1-2) and John Yoo (Tax Lot 50.16-1-3); thence
  - 7. S09-10-12W, 287.64 feet along the westerly line of lands now or formerly of John Yoo (Tax Lot 50.16.1-3) Mostafa Abdueawad (Tax Lot 50.16-1-4) and Cecila P. Moone (Tax Lot 50.16-1-5); thence
  - 8) N81-54-01W, 2.41 feet along the northerly line of lands now or formerly of Charles & Nerelis Sawyer (Tax Lot 50.16.1-6); thence
  - 9) S08-05-09W, 298.54 feet along the westerly line of lands now or formerly of Charles and Nerelis Sawyer (Tax lot 50.16-1-6), Ursala and John Nemeth (Tax lot 50.16-1-7) and David Zall (Tax Lot 50.16-1-8) to the point or places of BEGINNING.
- Consisting of 5.542 acres of land.

On roll call the vote was as follows

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

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RESOLUTION NO. (74-2007)  
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE CONTINUATION OF A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING LOCAL LAW NO. 2-1974 AS AMENDED CREATION OF THE AAR (ACTIVE ADULT RESIDENTIAL) ZONING DISTRICT

RESOLUTION NO. (74-2007) continued

WHEREAS, a proposed local law entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 2-1974 AS AMENDED, CREATION OF THE AAR (ACTIVE ADULT RESIDENTIAL) ZONING DISTRICT, was introduced by Councilman Mandia, at a Town Board meeting held on December 5, 2006, and

WHEREAS, on February 13, 2007, a public hearing was held to consider said local law, and at such time it was determined by the Town Board that the hearing be continued on March 20, 2007;

NOW, THEREFORE, be it

RESOLVED, that the continuation of 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 March 20, 2007, 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 . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia. . . . .	Yes
Co. Nowicki. . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (75-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE CONTINUATION OF A PUBLIC HEARING WITH RESPECT TO THE PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES)

WHEREAS, a proposed local law entitled, "A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES) was introduced by Councilman Maloney, at a Town Board meeting held on November 14, 2006, and

WHEREAS, a public hearing was held with regard to the proposed local law on January 23, 2007, and

WHEREAS, at the public hearing, counsel for several interested carriers requested an opportunity to provide detailed comments with regard to the proposed local law, and

WHEREAS, in response to said requests, the Town Board directed that individuals wishing to comment on the proposed local law submit their comments by February 6, 2007, and further directed that the public hearing be continued to February 13, 2007, and

WHEREAS, the Town Board is in receipt of the following comments:

1. Letter from Christopher B. Fisher, Esq. of Cuddy & Feder, LLP, dated February 6, 2007;
2. Letter from Karl J. Nelson, Esq. of Saul Ewing, dated February 5, 2007;
3. Letter from Leslie Snyder, Esq. of Snyder & Synder LLP, dated February 6, 2007, and
4. Letter from Robert E. Smith of Crown Castle USA dated February 7, 2007, and

WHEREAS, each of the interested parties listed above requested an opportunity to meet with the Town's Attorneys and consultants to further discuss the issues raised by the letters;

NOW, THEREFORE, be it

RESOLVED, that this public hearing shall be continued, pursuant to §20 of the Municipal Home Rule Law, to April 17, 2007 at 8:00 p.m. or as soon thereafter as possible, 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, and be it

FURTHER RESOLVED, that the comment letters listed above shall be included in the official record of this matter, and be it

FURTHER RESOLVED, that the Town Attorney shall schedule a meeting with all interested parties and invite their input and participation.

On roll call the vote was as follows

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

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RESOLUTION NO. (76-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 1 – 2007

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING LOCAL LAW NO. 13-2006 EXTENDING TEMPORARY MORATORIUM ON WIRELESS COMMUNICATIONS FACILITIES FOR SIXTY DAYS"

was introduced by Councilman Maloney, at a Town Board meeting held on January 23, 2007, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 23, 2007, directed that a public hearing be held on February 13, 2007, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on January 31, 2007, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 31, 2007, and

RESOLUTION NO. (76-2007) continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 13, 2007;NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1 – 2007 entitled:

“A LOCAL LAW AMENDING LOCAL LAW NO. 13-2006 EXTENDING TEMPORARY MORATORIUM ON WIRELESS COMMUNICATIONS FACILITIES FOR SIXTY DAYS”

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

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

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RESOLUTION NO. (77-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of January 23, 2007 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. Nowicki. . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (78-2007)

Co. Maloney offered and Co. Nowicki 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:

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

PHOENIX EXCAVATING  
 62 Rose Road  
 West Nyack, NY 10994  
 Mike Mouacadie, President

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 07-07 MRJ EXCAVATING
- 07-08 PHOENIX EXCAVATING
- 07-10 PAUL BITTS CO., INC.
- 07-11 DANNY CLAPP LANDSCAPING, INC.
- 07-13 W. HARRIS & SON, INC.

On roll call the vote was as follows

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

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RESOLUTION NO. (79-2007)

Co. Maloney offered and Co Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO ACCEPT A GRANT WITH RESPECT TO THE OPERATION IMPACT III PROJECT

WHEREAS, the Chief of Police, Peter Noonan, has advised that the New York State Division of Criminal Justice Services has tendered a contract award regarding (DCJS #SA06-1050-D00) to the Clarkstown Police Department for the Operation Impact III Project in the amount of \$60,456.00, for the period July 1, 2006 to June 30, 2007, and

RESOLUTION NO. (79-2007) continued

WHEREAS, the Chief of Police has recommended that the Clarkstown Police Department accept said grant, and WHEREAS, the Clarkstown Police Department has applied for a reimbursement in the amount of \$1,230.00 for its current expenditures;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services (DCJS #SA06-1050-D00), in a form approved by the Town Attorney, to obtain funding in the amount of \$60,456.00 for the period July 1, 2006 to June 30, 2007, of which \$1,230.00 shall be reimbursed to the Clarkstown Police Department for its current expenditures for the Operation Impact III Project.

On roll call the vote was as follows

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

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RESOLUTION NO. (80-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING A ONE YEAR RENEWAL OF THE TOWN OF CLARKSTOWN'S AGREEMENT WITH ROCKLAND PARAMEDIC SERVICES, INC.

WHEREAS, by Resolution No. 946-2005, the Town Board authorized the renewal of an agreement with Rockland Paramedic services, Inc., subject to the Town of Clarkstown's acceptance, by resolution, on an agreed upon annual fee for such services, and further subject to the adoption of the Town budget line for said services, and

WHEREAS, the adopted 2007 Town budget line for Rockland Paramedic Services, Inc. is \$1,759,565.00;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes a one year renewal agreement by the Town Attorney, to provide emergency medical services to persons within the Town of Clarkstown, to commence on January 1, 2007 and terminate on December 31, 2007, and be it

FURTHER RESOLVED, that the annual cost of such services shall not exceed \$1,759, 565.00, which amount shall constitute a proper charge to Account No. A 4541-585.

On roll call the vote was as follows

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

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RESOLUTION NO. (81-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND TO PROVIDE MAINTENANCE AND UPKEEP TO CERTAIN PARK AND RIDE LOTS

Whereas, the County of Rockland, through its Department of Public Transportation, is desirous of entering into an agreement with the Town of Clarkstown for maintenance and upkeep of park and ride lots located at:

1. Exit 12 – Lot 1
2. Exit 12 – Lot 2
3. Exit 14 – East Lot
4. Exit 14 – West Lot
5. Exit 14 – North Lot
6. Nanuet Railroad Station – Lot 1
7. Nanuet Railroad Station – Lot 2
8. North Middletown Road
9. Smith Street
10. Middletown Road Park and Ride

and

WHEREAS, the County of Rockland agrees to pay the Town the sum of \$190,000.00 in connection with maintenance of the park and ride lots;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into such agreement with the County of Rockland, in a form approved by the Town Attorney, for the period January 1, 2007 and terminating December 31, 2007, to provide maintenance and upkeep of park and ride lots located at sites referred to herein, and be it

FURTHER RESOLVED, that the County of Rockland agrees to reimburse the Town of Clarkstown for said work in a sum not to exceed \$190,000.00.

On roll call the vote was as follows

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

RESOLUTION NO. (82-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR MASS TRANSPORTATION

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2007 to March 31, 2008, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

On roll call the vote was as follows

Co. Laker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (83-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION NO. 495-2006 AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AMENDED AGREEMENT WITH H2M GROUP TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RE: TILCON QUARRY, CRUSHER ROAD, WEST NYACK, NY

WHEREAS, Tilcon New York, Inc. ("Tilcon"), submitted an application to the New York State Department of Environmental Conservation ("NYSDEC") for renewal of its Mined Land Reclamation Permit; and

WHEREAS, the Town Board, by Resolution No. 495-2006, deemed it advisable to retain the services of an engineer well-versed in mining operations to review Tilcon's current permit, reclamation plan as well as its dust and noise mitigation measures; and

WHEREAS, it was resolved that the Supervisor was authorized to enter into an agreement, in a form acceptable to the Town Attorney, with H2M Group, 575 Broad Hollow Road, Melville, NY 11747, to provide the professional engineering services outlined in Tasks I and III of its July 21, 2006 Proposal; and

WHEREAS, it was further resolved that the fees for said services shall not exceed \$27,100 without further authorization from the Town Board and shall constitute a proper charge to Account No. A 1420-409; and

WHEREAS, the initial studies performed by H2M were completed and many additional questions were raised by residents of the Town of Clarkstown at a public hearing held on September 13, 2006 concerning the renewal application of Tilcon that required additional engineering services; and

WHEREAS, it was deemed advisable and reasonable to extend the retainer of H2M to continue the work required for the evaluation/investigation of Tilcon's application and compliance with NYSDEC regulatory requirements and guidelines.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to extend and modify the retainer agreement with H2M dated October 18, 2006 (authorized by Town Board Resolution No 495-2006) to continue to provide additional professional engineering services outlined in the Proposal dated July 21, 2006' and be it

FURTHER RESOLVED, that the fees for said services shall not exceed \$60,000 (including \$27,100 originally authorized) without further authorization from the Town Board and shall constitute a proper charge to Account No. A 1420-409.

On roll call the vote was as follows

Co. Laker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (84-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AMENDING RESOLUTION NO. 60-2007(BRIDGewater II –AMENDED DECLARATION OF COVENANT)

WHEREAS, Resolution No. 60-2007, adopted by the Town Board on January 23, 2007, authorized the Supervisor to enter into a modification of a Declaration of Covenant with the Bridgewater II Homeowners' Association, Inc. with respect to annual charges for a fire hydrant located on association property, and

WHEREAS, the number of fire hydrants was incorrectly stated;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 60-2007 is hereby amended to change the number of fire hydrants from one (1) fire hydrant to three (3) fire hydrants.

On roll call the vote was as follows

Co. Laker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

RESOLUTION NO. (85-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING BRIAN BROOKER ASSOCIATES TO PROVIDE ADDITIONAL ENGINEERING SERVICES TO DESIGN AND PREPARE PLANS AND SPECIFICATIONS FOR THE REPLACEMENT OF CULVERTS AND IMPROVEMENTS ALONG THE DEMAREST MILL CREEK

WHEREAS, Town Board Resolution 659-2003 authorized BRIAN BROOKER ASSOCIATES to be the consultant for engineering services to design and prepare Plans and Specifications for the replacement of culverts and improvements along the Demarest Mill Creek and,

WHEREAS, the soil borings were necessary to complete the engineering design and Brian Brooker Associates retained the services of Soiltesting, Inc for a fee of \$2836.00, and,

WHEREAS, the additional survey information was to complete the engineering design and Brian Brooker Associates retained the services of Joseph Haller, Inc for a fee of \$1100.00, and,

WHEREAS, reviews and comments from different agencies facilitated amendments to design including preparing a SWPPP, redesign culvert for future road widening, secure permits from the New York State Department of Environmental Conservation and the Army Corps of Engineers and these request from different agencies required additional design revisions, meetings, prints and mailings and field inspections during construction which resulted in additional services fees of \$28,270.59, and,

WHEREAS, the Department of Environmental Control has reviewed said extra work fees and found it to be acceptable; NOW THEREFORE, BE IT RESOLVED that the current allowance for this project be increased by an amount of \$32,206.59 to cover these additional engineering services; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8739-409-0-60-1

On roll call the vote was as follows

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

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RESOLUTION NO. (86-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING BRIAN BROOKER ASSOCIATES TO PROVIDE ADDITIONAL ENGINEERING SERVICES TO DESIGN AND PREPARE SPECIFICATIONS TO ADDRESS THE FLOODING OF THE TRIBUTARY TO THE HACKENSACK RIVER KNOW AS THE DEMAREST MILL CREEK

WHEREAS, Town Board Resolution 695-2004 authorized BRIAN BROOKER ASSOCIATES to be the consultant for engineering services to design and prepare Specifications to address the flooding of the tributary to the Hackensack River know as the Demarest Mill Creek (from Strawtown Road to the confluence at Hackensack River), and,

WHEREAS, the Rockland County Sewer Department required modifications to the sewer system, which resulted in additional design services of \$2988.85, and,

WHEREAS, reviews and comments from different agencies facilitated amendments to design including drainage on Jeffery Court, prepare SWPPP, retaining wall extension, secure permits from the New York State Department of Environmental Conservation and the Army Corps of Engineers and these request from different agencies required additional design revisions, meetings, prints and mailings which resulted in additional design services of \$16,685.85, and,

WHEREAS, the Department of Environmental Control has reviewed said extra work fees and found it to be acceptable; NOW THEREFORE, BE IT RESOLVED that the current allowance for this project be increased by an amount of \$19,674.70 to cover this additional design fees; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8739-409-0-60-1

On roll call the vote was as follows

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

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RESOLUTION NO. (87-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION SCHEDULING A SPECIAL TOWN BOARD MEETING FOR MARCH 6, 2007

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for March 6, 2007, at 7:30 p.m., in Room 311 of the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York.

On roll call the vote was as follows

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

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RESOLUTION NO. (88-2007)  
Co. Nowicki offered and Co. Maloney seconded

Ann Cutignola- Representative of Tim Miller Associates [Prepared Draft Generic Environmental Impact Statement (DGEIS) WITH RESPECT TO AAR Zoning District]

Provided an overview of the DGEIS. We are not here to pass this law tonight, but it is the beginning of the conversation. The law only provides a floating zone if it is requested.

RESOLUTION ACCEPTING DGEIS REPORT PREPARED WITH RESPECT TO THE PROPOSED AAR ZONING DISTRICT AND SETTING A PUBLIC HEARING ON THE DGEIS

WHEREAS, by Resolution adopted on October 24, 2006, the Town Board authorized Tim Miller Associate to act as its agents with respect to SEQRA review of the proposed local law entitled "A Local Law Amending Local Law No.2-1974 as Amended, Creation of the AAR (Active Adult Residential) Zoning District," and

WHEREAS, Tim Miller Associates prepared and presented the Draft Generic Environmental Impact Statement ("DGEIS") report to the Town Board which the Board has discussed and considered in making its decision herein, and NOW, THEREFORE, be it

RESOLVE, that the Town Board hereby accepts the DGEIS prepared by Tim Miller Associates, dated February 13, 2007, acting as agent for the Town Board with respect to the proposed creation of the AAR Zoning District, and be it FURTHER RESOLVED, that the Town Board hereby directs that a public hearing 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 March 6, 2007 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 the Environmental Notice Bulletin, and such notice be 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 DGEIS shall be posted on the Town's official website, and be it FURTHER RESOLVED, that a Notice of Completion of the DGEIS and/or a copy of DGEIS (as indicated below) shall be sent to the following agencies for their review and comment:

Involved Agencies

Clarkstown Town Board  
Rockland County Planning Department

Interested Agencies

Clarkstown Town Clerk	New York State Thruway Authority - Notice Only
Clarkstown Town Attorney	Palisades Interstate Park Commission - Notice Only
Clarkstown Department of Environmental Control	Federal Emergency Management Agency - Notice Only
Clarkstown Department of Planning	US Army Corps. of Engineers - Notice Only
Clarkstown Building Department	Rockland County Drainage Agency
Clarkstown Planning Board	Rockland County Department of Highways - Notice Only
Clarkstown Zoning Board of Appeals	Rockland County Sewer District Number 1
Town of Haverstraw Town Board	Rockland County Department of Health
Town of Ramapo Town Board	Clarkstown Central School District - Notice Only
Town of Orangetown Town Board	Nyack Union Free School District - Notice Only
Village of Upper Nyack Village Board	Nanuet Union Free Central School District - Notice Only
Village of Nyack Village Board	East Ramapo Central School District - Notice Only
Village of Spring Valley	
Village of South Nyack Village Board - Notice Only	
New York State DEC, Region 3 - Notice Only	
New York State DOT, Region 8 - Notice Only	

On roll call the vote was as follows

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

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RESOLUTION NO. (89-2007)  
Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #05115A Police Sergeant (Prom) which contains the name of James A. McCormick,  
Now, therefore, be it

RESOLVED, that James A. McCormick is hereby appointed to the position of (Contingent-Permanent) Police Sergeant (Prom) – Clarkstown Police Department - at the current 2007 annual salary of 122,614., effective February 16, 2007.

On roll call the vote was as follows

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

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RESOLUTION NO. (90-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that Helena M. Walsh – is hereby appointed to the position of (provisional) Paralegal Specialist I (Municipal Law) Office of the Town Attorneys – at the 2006 salary of \$52,329., effective and retroactive to February 12, 2007.

On roll call the vote was as follows

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

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RESOLUTION NO. (91-2007)

Co. Maloney offered and Co. Nowicki seconded

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

BID#17-2007 – REPLACE SIX (6) ROOF DRAINS CLARKSTOWN TOWN HALL – 10 MAPLE AVENUE, NEW CITY

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it **FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Authorized Purchasing Agent.

On roll call the vote was as follows

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

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RESOLUTION NO. (92-2007)

Co. Maloney offered and Co. Nowicki seconded

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

BID#18-2007 – WEED CONTROL SPRAYING

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it **FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Authorized Purchasing Agent.

On roll call the vote was as follows

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

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RESOLUTION NO. (93-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING FIRE LANE DESIGNATIONS AT C&M BUILDING

**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 Clarkstown, at

C&M BUILDING  
345 NORTH MAIN STREET  
NEW CITY, NY 10956  
(60-A-12.1) (34.19-1-6)

By the installation of fire lane designated, and

**WHEREAS**, ANTHONY COSCIA requested that the Town of Clarkstown designate said fire lanes:

**NOW, THEREFORE**, be it

**RESOLVED**, that pursuant to said Local Law No. 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 review 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 . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia. . . . .	Yes
Co. Nowicki. . . . .	Yes
Supervisor Gromack . . . . .	Yes

RESOLUTION NO. (94-2007)  
Co. Maloney offered and Co. Mandia seconded

RESOLUTION OF THE TOWN BOARD REFERRING PETITION OF CRESTWOOD LAKE PROPERTIES CORP., FOR A CHANGE OF ZONE ON PROPERTY KNOWN AS MAP 52.19-2-85, TO THE CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY COMMISSIONER OF PLANNING

WHEREAS, CRESTWOOD LAKE PROPERTIES CORP. has petitioned the Town Board of the Town of Clarkstown, requesting a change of zone for premises designated on the Clarkstown Tax Map as 52.19-2-85, located at 45-51 Rockland Lake Road, Valley Cottage, New York, from the R-22 District to the R-15 District;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, and the other municipalities and governmental bodies as required by Section 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that Jose Simoes, Town Planner, shall also review and report to the Town Board whether or not the proposed action, if approved shall be consistent with Town of Clarkstown Comprehensive Plan.

On roll call the vote was as follows

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

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RESOLUTION NO. (95-2007)  
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING CHANGE ORDER # 1 TO BID NO. 48A-2005, 2005 GUIDE RAIL & CULVERT RAIL INSTALLATION

WHEREAS, Howard L. Lampert, P.E., Traffic Engineering Consultant, in a memo dated January 19, 2007 has described additional work required as part of the installation of a culvert rail at South Mountain Road W/O Windham Lane; and

WHEREAS, said changes amount to a net increase of \$7,919.42 to the original bid amount of \$477,278.10 for Bid No. 48A-2005;

NOW, THEREFORE, be it RESOLVED that the Town Board of the Town of Clarkstown hereby authorizes Change ORDER No. 1 as recommended by Howard L. Lampert, P.E., Traffic Engineering Consultant, to provide for the installation of a culvert rail of \$7,919.42 and for a total cost for Bid No. 48A-2005 of \$485,194.52.00, and be it FURTHER RESOLVED, that said amount shall constitute a proper charge to Account No. H 8755-409-79-42.

On roll call the vote was as follows

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

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RESOLUTION NO. (96-2007)  
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING CHANGE ORDER # 1 TO BID NO. 82-2005 HIGHWAY DEPARTMENT SALT DOME & PLOW SHOP REPAIRS

WHEREAS, Drazen Cackovic, DCAK Architects, PC ("DCAK"), in a memo dated November 7, 2006 recommended additional work to be performed by Lorencin Contracting Corporation at the Clarkstown Highway Department Salt Dome Shed, which work could not be reasonably foreseen when the preliminary architectural drawings were made by DCAK; and

WHEREAS, said changes will cost \$22,000.00 and shall include all labor, material and equipment for the following:

- 1. Replace the two (2) roll-up doors per the approved shop drawings;
- 2. Replace additional deteriorated joists and side wall framing; and
- 3. Install steel bracing as requested by the Town;

NOW, THEREFORE, be it RESOLVED that the Town Board of the Town of Clarkstown hereby authorizes CHANGE ORDER # 1 as recommended by Drazen Cackovic, DCAK Architects, PC, to provide for additional work by Lorencin Contracting Corporation at the Clarkstown Highway Department Salt Dome Shed as described herein for an increase of \$22,000.00 and for a total cost for Bid No. 82-2005 of \$90,000. Said change order to be charged to Account No. H-8757-400-409-0-81-7.

On roll call the vote was as follows

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

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RESOLUTION NO. (97-2007)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION NO. 219-2006 AUTHORIZING CHANGE ORDER TO INSALL A 30' LONG PEDESTRIAN BRIDGE ON PHILLIPS HILL ROAD IN THE VICINITY OF BROOKLINE WAY IN NEW CITY

WHEREAS, Town Board Resolution #219-2006 awarded Bid #65-2005, Phillips Hill Road Sidewalk Replacement, to Danny Clapp Landscaping, Inc., and

WHEREAS, additional vegetation and brush were removed in order to install the pedestrian bridge; and

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

- 1) Removal and disposal of additional brush and vegetation \$600.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project by increased from the original amount of \$30,596.00 to \$31,196.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to H 8757 400 409 0 81 6.

On roll call the vote was as follows

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

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RESOLUTION NO. (98-2007)

Co. Maloney offered and Co. Mandia 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 have resulted in changes in the work being performed as part of this project; and

*Whereas*, this amendment consists of the following required changes:

1. Sedge Road - Station 22+50 Left: Excavate and dispose of an additional 3' depth of unsuitable material to allow for the installation of a new catch basin; backfill area of additional excavation with ¾" stone; remove two 8' lengths of existing 15" diameter reinforced concrete pipe (RCP) due to its deteriorated condition; install new stone bedding and two (2) lengths of new 15" diameter RCP and backfill trenches in accordance with the contract specifications. This work was done on a time and material basis resulting in an additional cost of **\$2,702.52.**
2. Sedge Road - Station 4+35 Right: Excavate and dispose of an additional 3' depth of unsuitable material to allow for the installation of a new catch basin. This work was performed on a time and material basis resulting in an additional cost of **\$155.25.**
3. Remove and dispose of three (3) existing trees located within the existing 15' wide drainage and easement located on the west side of the lot at 48 Sedge Road that were determined to be at risk of dying due to the proposed installation of the storm drain line within the existing easement. The additional cost for this work is **\$2,500.00.**
4. Sedge Road - Station 16+00: Excavate and dispose of unsuitable material (undercut) in the road subgrade (80'x30'x1'); backfill undercut area with 1-1/2" stone and install geotextile to prevent infiltration of subbase material into stone backfill. This work was done on a time and material basis resulting in an additional cost of **\$8,016.36.**
5. Sedge Road – Station 15+50: Undercut area in road subgrade (15'x30'x1'); backfill undercut area with 1-1/2" stone and install geotextile to prevent infiltration of subbase material into stone backfill. This work was done on a time and materials basis at an additional cost of **\$2,137.28**
6. Sedge Road – Station 15+00: Undercut area in road subgrade (90'x8'x1.5'); backfill undercut area with 1-1/2" stone; install geotextile to prevent infiltration of subbase material into stone backfill. This work was done on a time and material basis at an additional cost of **\$4,882.18.**
7. Mace Drive – Station 2+00 to Station 4+00: Undercut west side of road subgrade (158'x7.7'x2'); undercut east side of road subgrade (198'x4.5'x1.33'); install 158 linear feet of 6" diameter perforated, filter fabric wrapped pipe in undercut areas; backfill undercut areas with 1-1/2" stone; install geotextile to prevent infiltration of subbase material into stone backfill; connect new 6" perforated pipe into the existing 6" diameter underdrain pipe installed beneath the new concrete curbs. This work was performed on a time and material basis at an additional cost of **\$17,875.89;**

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 Amendment No. 1 to the contract price for Bid No. 22-2006 Sedge Road and Mace Drive Reconstruction in the amount of **\$38,269.48;** and

*Be It Further Resolved* that the total cost of the project shall not exceed **\$985,169.48** without further Town Board resolution and shall be a proper charge to account # **H 8755 409 0 79-26.**

On roll call the vote was as follows

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

RESOLUTION NO. (99-2007)  
Co.Maloney offered and Co. Mandia seconded

**RESOLUTION AUTHORIZING AMENDMENT TO THE CONTRACT AMOUNT NO. 2 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 to Danny Clapp Landscaping, Inc. of New City, New York; and  
*Whereas*, the Superintendent of Highways of the Town of Clarkstown has requested that changes be made to the proposed storm drain system being installed as part of this project; and  
*Whereas*, the Department of Environmental Control has solicited prices from the Contractor for these changes not included in the original scope of work for this project; and  
*Whereas*, this amendment consists of the following required changes:

1. Install 6" Perforated Underdrain pipe on the south side of Sedge Road beginning at Station 4+87 Right and continuing west to the catch basin at Station 1+12 Right. This proposed underdrain is to outlet into the existing catch basin at Sta. 1+12 Right. The under drain is to be installed in accordance with the Concrete Curb Replacement & Underdrain Detail. Total Charge: **\$5,457.50**
2. Eliminate the proposed 8" HDPE crossing at Sta. 2+83 (CREDIT \$1,330.00). Install Tee connection, 6" HDPE stub and capped Tee end on proposed underdrain at Sta. 2+83 Right (\$200.00). Total CREDIT: - **\$1,130.00**
3. Eliminate the proposed 8" HDPE drain at Sta. 44+60 Right to the existing catch basin at Sta. 4+87 Right (CREDIT \$1,225.00). Install Tee connection, 6" HDPE stub and capped tee end section at Sta. 4+87 Right (\$200.00). Total CREDIT: - **\$1,025.00**
4. Install a new catch basin at Station 9+75 Left. Total Charge: **\$1,875.55**
5. Install 150 linear feet of 15" diameter HDPE Corrugated Plastic Pipe from the proposed catch basin at Station 9+75 Left to the Catch Basin at Station 11+36 Left. Total Charge: **\$8,400.00**
6. Install a new catch basin at Station 9+60 Right. Total Charge: **\$1,875.00**
7. Install 30 linear feet of 15" diameter HDPE Perforated Corrugated Plastic Pipe from the proposed catch basin at Station 9+60 Right to the proposed catch basin at Station 9+75 Left. Total Charge: **\$1,680.00**

Total Charges Amendment No. 2:	<b>\$19,287.55</b>
Total Credits Amendment No. 2:	<b><u>- \$2,155.00</u></b>
 Total Amount Amendment No. 2:	 <b>\$17,132.55;</b>

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 project specifications;  
*Now, Therefore, Be It, Resolved* that the Town Board authorizes Amendment No. 2 to the contract price for Bid No. 22-2006 Sedge Road and Mace Drive Reconstruction in the amount of **\$17,132.55**; and  
*Be It Further Resolved* that the total cost of the project shall not exceed **\$1,002,302.03** without further Town Board resolution and shall be a proper charge to account # **H 8755 409 0 79-26**.

On roll call the vote was as follows

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

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RESOLUTION NO. (100-2007)  
Co.Maloney offered and Co. Mandia seconded

**RESOLVED**, that based upon the recommendation of the Authorized Purchasing Agent that

**BID#6-2007 – FOOD PROVISIONS FOR TOWN OPERATE SUMMER REFRESHMENT STANDS**  
is hereby awarded to:

ACE ENDICO  
80 INTERNATIONAL BLVD  
BREWSTER, NY 10509  
PRINCIPALS: WILLIAM ENDICO  
MURRAY HERTZBERG

PEPSI COLA OF HUDSON VALLEY  
ONE PEPSI WAY  
NEWBURGH, NY 12550  
PRINCIPALS: A PUBLIC CORPORATION

U. S. FOODSERVICE  
360 S. VAN BRUNT STREET  
ENGLEWOOD, NJ 07631  
PRINCIPALS: A PUBLIC CORPORATION

MULLER DAIRIES  
P.O. BOX 456  
FLORIDA, NY 10921  
PRINCIPAL: WILLIAM J. MULLER

ROCKLAND BAKERY  
94 DEMAREST MILL ROAD  
NANUET, NY 10954  
PRINCIPALS: IGNAZIO BATTAGLIA  
PHILLIP BATTAGLIA  
JOSEPH BATTAGLIA  
MARIO BATTAGLIA

COOKIES AND MORE  
145 PRICE PARKWAY  
FARMINGDALE, NY 11735  
PRINCIPALS: MARK V. ABRUSCATO  
JANICH TRUST

as per the attached price/item list , (on file with Town Clerk).

RESOLUTION NO. (100-2007) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (101-2007)

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that based upon the recommendation of the Authorized Purchasing Agent that

BID#7-2007 – ICE CREAM FOR TOWN OPERATED SUMMER REFRESHMENT STANDS is hereby awarded to:

UNCLE MIKEY’S MUNCHIES INC.  
 8 OAKWOOD TERRACE  
 NEW HEMPSTEAD, NY 10977  
 PRINCIPALS: MICHAEL SELTZER

as per the attached price/item list , (on file with Town Clerk).

On roll call the vote was as follows

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

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RESOLUTION NO. (102-2007)

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that based upon the recommendation of the Authorized Purchasing Agent that

BID#8-2007 – CARBONATED SOFT DRINKS FOR THE TOWN OPERATED SUMMER REFRESHMENT STANDS is hereby awarded to:

PEPSI COLA OF THE HUDSON VALLEY  
 ONE PEPSI WAY  
 NEWBURGH, NY 12550  
 PRINCIPALS: A PUBLIC CORPORATION

as per the attached price/item list , (on file with Town Clerk).

On roll call the vote was as follows

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

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RESOLUTION NO. (103-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION OF THE TOWN BOARD AMENDING ITS REQUIREMENTS FOR BOARD OF APPEALS AND PLANNING BOARD MEMBERS TO BE CONSISTENT WITH STATE LAW AND ROCKLAND MUNICIPAL PLANNING FEDERATION REQUIREMENTS

WHEREAS, pursuant to Town Board Resolution No. 297, adopted on April 27, 1993, all members of the Clarkstown Board of Appeals and the Planning Board were required to attend training classes offered by the Rockland Municipal Planning Federation (“Federation”) and to be certified by the Federation as trained, and to maintain such certification during their respective terms of office, and

WHEREAS, certification by the Federation consisted of attendance at nine hours of classes over a period of twenty-four months and re-certification by the Federation consisted of attendance at three hours of case law and statutory update classes over a period of twenty-four months, and

WHEREAS, the Federation presented all classes necessary for certification and re-certification, and

WHEREAS, since the Town Board adopted Resolution No. 297-1993, the New York State Legislature has enacted Chapter 662 of the Laws of 2006, which, inter alia, requires all members of all Town Boards of Appeals and Planning Boards to receive four hours of classroom training every twelve months, and

WHEREAS, the Federation, in response to the State Legislature’s enactment, has recently revised its re-certification requirement to mirror that of the State, and so now requires attendance at four hours of classroom training every twelve months, of which three hours must consist of case law and statutory update classes, and

WHEREAS, it is the intention of the Town Board to require and provide the Board of Appeals and the Planning Board members with the knowledge of both the grants of authority under which they operate, and the principles and practices of land use regulations, zoning and planning, and to comply with both state law and the new certification requirements of the Federation;

NOW, THEREFORE, be it

RESOLUTION NO. (103-2007) continued

RESOLVED, that, effective immediately, the Town Board of the Town of Clarkstown hereby amends its requirements for Board of Appeals and Planning Board members to be consistent with State law and the Federation’s requirements, as follows:

In addition to any and all other qualifications for holding office as a member of the Board of Appeals and the Planning Board, all present members of said Boards must attend not less than four (4) hours of training classes offered by the Rockland Municipal Planning Federation within one (1) year from the effective date hereof, and complete such classes and receive certification from the Federation within two (2) years from the effective date hereof. Members appointed after the effective date of this local law shall be required to attend not less than four (4) hours of such classes within one (1) year from the date of such appointment, and receive certification within two (2) years from the date of such appointment. Re-certification of all members shall be required each year thereafter from the date of initial certification.

On roll call the vote was as follows

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

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RESOLUTION NO. (104-2007)

Co. Nowicki 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, 2006, 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 . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia. . . . .	Yes
Co. Nowicki. . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (105-2007)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Clarkstown Police Department that

BID # 13-2007 – CLARKSTOWN POLICE DEPARTMENT SECURITY CAMERAS

is hereby awarded to: NORTH AMERICAN VIDEO INC.  
301 DRUM POINT RD.  
BRICK , NJ 08723  
PRINCIPAL: CYNTHIA FRESHI

as per their low bid proposal of \$41,562.00 and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to Account # H-8758-400-409-0-82-5

On roll call the vote was as follows

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

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RESOLUTION NO. (106-2007)

Co. Mandia offered and Co. Maloney seconded

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

BID # 14-2007 – FILTER REPLACEMENT – GERMONDS POOL

is hereby awarded to: RAY PALMER ASSOCIATES  
95 KING STREET  
DOVER, NJ 07801  
PRINCIPAL: ANDREW PLATT, PRESIDENT  
JEFFREY LANDRY, VICE PRESIDENT

RESOLUTION NO. (106-2007) continued

as per their proposed project cost of \$154,400.00 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 Parks Board and Recreation Commission and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to Account No. H- 8757-400-409-0-81-39  
On roll call the vote was as follows

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

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RESOLUTION NO. (107-2007)

Co. Mandia offered and Co. Maloney seconded

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

BID # 16-2007 – NEW VALLEY ROAD DRAINAGE IMPROVEMENTS PHASE II

is hereby awarded to:      ASCAPE LANDSCAPE & CONSTRUCTION CORP.  
    634 ROUTE 303  
    BLAUVELT, NY 10913  
 PRINCIPAL:                STUART CHAITIN

as per their proposed project cost of \$53,340.00 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 said award shall constitute a proper charge to Account Number H 8754-409-0-78-21  
On roll call the vote was as follows

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

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RESOLUTION NO. (108-2007)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING FIELD MONITORING AND CHEMICAL TREATMENT TO CONTROL AQUATIC VEGETATION FOR FIVE PONDS AND CONGERS LAKE BID 53-2006 AQUATIC VEGETATION MANAGEMENT

WHEREAS, Town Board resolution 229-2005 authorized the Director of the Department of Environmental Control to retain *Clean Lakes, Inc.* to provide services related to monitoring and treatment to improve water quality at Congers Lake; and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having said aquatic vegetation control continued at the six locations (Reginald Drive, two @ Kings Park, and Twin Ponds) including Congers Lake to improve water quality and prevent the plant growth from engulfing the water bodies; and

WHEREAS, the Town Board of the Town of Clarkstown has directed the Department of Environmental Control to solicit sealed bids for the removal of the weed growth by means of chemical treatment (copper sulfate) to control algae growth and (aquatic herbicide) to control aquatic weeds and conduct additional monitoring of the water bodies, and

WHEREAS, the Department of Environmental Control has received a single bid in the amount of \$55,963.80 which bid amount has been reduced to \$39,495 after subsequent negotiations between the town and the bidder,

RESOLUTION NO. (108-2007) continued

NOW, THEREFORE, BE IT RESOLVED that, based on said review, the Director of the Department of Environmental Control recommends that the Town Board of the Town of Clarkstown, award Bid #53-2006, Aquatic Vegetation Management to

DeAngelo Brothers Inc  
100 N Cohahan Drive  
Hazleton, PA 18201

to apply chemicals to control aquatic vegetation within the six water bodies including Congers Lake under the direction of the Department of Environmental Control as per their proposal; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$39,495.00 and shall be a proper charge to account H 8758 4090 0 82 3

On roll call the vote was as follows

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

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RESOLUTION NO. (109-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A MAINTENENANCE AGREEMENT FOR THE INBOUND AND OUTBOUND SCALES LOCATED AT THE TOWN'S SOLID WASTE FACILITY, 166 SOUTH RT. 303, WEST NYACK, NEW YORK 10994

WHEREAS, the inbound and outbound scales located at the Town of Clarkstown Solid Waste Facility, 166 South Rt. 303, West Nyack, New York require inspection and calibration on a quarterly basis, and  
WHEREAS, emergency repairs to the scales are required as a result of the environment in which they operate, and  
WHEREAS, the Deputy Director of Operations, Department of Environmental Control has obtained a proposal from Atlantic Scale Company, 136 Washington Avenue, Nutley, New Jersey 07110 to perform the required calibrations and inspections and provide emergency repairs as required.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into a service agreement with Atlantic Scale Company, 136 Washington Avenue, Nutley, New Jersey 07110 to perform the required calibrations and inspections and provide emergency repairs as required in accordance with their proposal dated February 9, 2007, and

BE IT FURTHER RESOLVED, that the cost for the quarterly inspections and calibrations shall not exceed \$ 595.00 per quarter, and

BE IT FURTHER RESOLVED, that the cost for emergency repairs shall be at the rate of \$55.00 per hour (normal working hours), \$82.50 per hour for Saturdays and overtime and \$110.00 per hour for Sundays and Holidays, and

BE IT FURTHER RESOLVED, that the charge for mileage for any emergency repairs shall be \$1.00 per mile plus a \$150.00 flat rate charge for the heavy duty testing vehicle, and

BE IT FURTHER RESOLVED, that the costs shall be a proper charge to SR 8160 409.

On roll call the vote was as follows

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

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RESOLUTION NO. (110-2007)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by RESOLUTION NO. 943-2005, adopted on December 30, 2005, (as amended by RESOLUTION NO. 397-2006 and 787-2006) the Town Board authorized the Supervisor to enter into an agreement with H2M Group to provide professional engineering services relating to the assessment and evaluation of the operations of the Town's Solid Waste Transfer Station located in West Nyack, New York; and

WHEREAS, additional engineering services are required as a result of the evaluation of Request for Proposals for the continued private operation of the transfer station; and

WHEREAS, H2M Group has outlined the additional services to be provided in a proposal dated January 19, 2007, which proposal has been reviewed and found to be acceptable by the Director of Environmental Control and the Town Attorney;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement, in a form acceptable to the Town Attorney, with H2M Group to provide the additional engineering services outlined in their January 19, 2007 proposal; and be it

FURTHER RESOLVED, that the costs of said additional services shall not exceed \$20,000 and shall constitute a proper charge 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. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (111-2007)  
Co. Maloney offered and Co. Mandia seconded

WHEREAS, during the Fall of 2006, the Town received numerous complaints of odors believed to be emanating from the compost operations at the Town's capped landfill site in West Nyack, New York; and  
WHEREAS, the town solicited proposals from engineering firms to evaluate the town's compost operations and make recommendations, if appropriate;

WHEREAS, the town received a proposal from H2M Group dated January 19, 2007 to review the Town's NYSDEC permits and records relating to the compost operations, to perform site inspections and interviews, to conduct compost runoff pond sampling and to prepare a summary report of operations; and

WHEREAS, the DEC Deputy Director-Operations has reviewed the proposal and found it to be reasonable in terms of scope and price;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with H2M Group, 575 Broad Hollow Road, Melville, New York, to perform professional engineering services as per their January 19, 2007 proposal; and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$10,220 and shall constitute a proper charge to account no. SR-8160-409.

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

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RESOLUTION NO. (112-2007)  
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION TO PURCHASE A DOCUMENT IMAGING PROGRAM FOR VARIOUS TOWN DEPARTMENTS

WHEREAS, the Town Board of the Town of Clarkstown ("Town") has an interest in implementing a document imaging program ("program") for various Town departments; and

WHEREAS, Robert Stritmater, Director of Automated Services has advised that the total cost of the program, including software, software maintenance, installation and training (software), wide format scanner/printer, desktop flatbed scanner and hardware maintenance is Eighty One Thousand One Hundred and Twenty Five dollars (\$81,125.00); and

WHEREAS, the Deputy Town Attorney-Purchasing, has opined that the software falls within the "sole source" exception to competitive bidding, as only one vendor distributes the compatible software, and

WHEREAS, the Town has secured a grant in the amount of Thirty Eight Thousand dollars (\$38,000.00) to offset the cost of the program, which grant is allocated to hardware only, thereby reducing the final cost of the program to Forty Three Thousand One Hundred Twenty Five dollars (\$43,125.00);

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town to direct the Director of Automated Systems to purchase the aforesaid document imaging program, and be it

FURTHER RESOLVED, that all hardware shall be purchased from New York State Contract No. PT59785 (flatbed desktop scanners) and No. TT58424 (wide format scanner printer), and be it

FURTHER RESOLVED, that the said purchase shall be a proper charge to account # H-8758-409-0-82-4 and shall be funded through serial bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (113-2007)  
Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 116-2006 adopted on February 14, 2006, the Town Board authorized an agreement between the Town and Robert Geneslaw Co. to provide planning consulting services with the Town; and

WHEREAS, the town wishes to extend the agreement for an additional six month term;

NOW, THEREFORE, BE IT

RESOLVED, that Resolution No. 116-2006 is hereby amended as follows:

"RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Robert Geneslaw Co., in a form satisfactory to the Town Attorney, to continue to provide planning consulting services to the Town of Clarkstown, for the period from January 1, 2007 to June 30, 2007, and be it

FURTHER RESOLVED, that fee for said services shall not exceed \$25,000 and shall be a proper charge to account # B-8020-409, and be it

FURTHER RESOLVED, that additional services outside the scope of the agreement shall be charged in accordance with Robert Geneslaw Co.'s 2007 Fee Schedule."

On roll call the vote was as follows

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

RESOLUTION NO. (114-2007)  
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING RESOLUTION NO. 719-2003, GRANTING PERMISSION PURSUANT TO TOWN LAW 280-A(2) FOR APPLICANTS TO USE MAPPED BUT UNOPENED AND PRIVATELY MAINTAINED STREET AS INGRESS AND EGRESS TO THE NEAREST PUBLIC HIGHWAY, KINGS HIGHWAY, VALLEY COTTAGE MAP 59.07-1-20 (VANGAS)

RESOLVED, that Resolution No. 719-2003 is hereby amended in part as follows:

“WHEREAS, Dimitrios Vangas and Mary Vangas, reputed owners of premises described on the Clarkstown Tax Map as 59.07-1-20, commonly known as 3 Park Avenue, Valley Cottage, New York, have advised the Town Board that they have and will comply in all respects with Resolution No. 719-2003, dated September 23, 2003, except that they have been unable, to date, to install the required improvements to Park Avenue in accordance with the approved plan and will forfeit a mortgage on their home in the event a Certificate of Occupancy is not immediately issued, and WHEREAS, the Town Board, has referred this matter to the Department of Environmental Control (DEC), Building Department, Highway Department, the Office of the Town Attorney, and all interested, necessary required parties and amends its Resolution No. 719-2003 dated September 23, 2003, to allow the applicants to issue a certified check to the Town, in the amount of \$17,980.00 as follows:

1. Road widening improvements	\$11,230.00
2. Installation of asphalt driveway	\$6,000.00
3. Touch up grading and seeding	<u>\$750.00</u>
TOTAL	\$17,980.00

and

WHEREAS, the applicants hereby agree to immediately obtain the written approval of the Building Inspector, Fire Commissioner of the Valley Cottage Fire District, stating that its emergency equipment may safely utilize said improved travel way should any emergency need arise, and

WHEREAS, the applicants further agree that any and all required improvements to Park Avenue, in accordance with Resolution No. 719 of September 23, 2003, and in accordance with New York State Dept. of Transportation standards, will be completed on/or before June 30, 2007 or the Town may default on the entire \$17,980.00 amount at any time thereafter, and

WHEREAS, applicants agree to enter into a stipulation to effect the parameters of this amendment;

NOW, THEREFORE, be it

RESOLVED, that upon the advice of the Department of Environmental Control, Building Department, Highway Superintendent, and the Town Attorney’s Office, hereby amends Resolution No. 719, adopted on September 23, 2003, to reflect the aforesaid changes, and be it

FURTHER RESOLVED, that the applicants comply with all other requirements of the Building Department and DEC with respect to the construction of the proposed one-family dwelling and the improvements of its environs and the road, and be it

FURTHER RESOLVED, that said stipulation be in a form acceptable to the Town Attorney’s Office.”

On roll call the vote was as follows

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

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RESOLUTION NO. (115-2007)  
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI REGARDING RETAIL PROPERTY TRUST (NANUET MALL)(57.20-1-27, 57.20-2-59, 63.8-3-3, 63.8-3-6, 63.8-3-8, 63.8-3-9)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, THE RETAIL PROPERTY TRUST, A MASSACHUSETTS BUSINESS TRUST, V. THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF CLARKSTOWN, AND THE BOARD OF ASSESSMENT REVIEW, Index Nos. 4477/04, 5115/05 and 5347/06, affecting parcels designated as Tax Maps 57.20-1-27, 57.20-2-59, 63.8-3-3, 63.8-3-6, 63.8-3-8 and 63.8-3-9, and more commonly known as the Nanuet Mall property for the years 2004/05, 2005/06 and 2006/07, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings 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 Nanuet Union Free 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 Tax Map 63.8-3-3 be reduced for the year 2004/05 from \$4,500,000.00 to \$2,980,000.00 at a cost to the Town of \$26,728.30;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 63.8-3-3 be reduced for the year 2005/06 from \$3,600,000.00 to \$2,517,000.00 at a cost to the Town of \$19,632.19;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 63.8-3-3 be reduced for the year 2006/07 from \$2,500,000.00 to \$1,674,000.00 at a cost to the Town of \$15,382.85;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 63.8-3-6 be reduced for the year 2004/05 from \$34,300,000.00 to \$22,707,500.00 at a cost to the Town of \$203,847.28;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 63.8-3-6 be reduced for the year 2005/06 from \$27,400,000.00 to \$19,183,000.00 at a cost to the Town of \$148,954.49;
6. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 63.8-3-6 be reduced for the year 2006/07 from \$19,000,000.00 to \$12,756,000.00 at a cost to the Town of \$116,283.94;

RESOLUTION NO. (115-2007) continued

7. Reimbursement for the years 2004/05, 2005/06 and 2006/07 on the parcels described as Tax Maps 63.8-3-3 and 63.8-3-6, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance;

8. The proceedings commenced by the petitioner respecting Tax Maps 57.20-1-27, 57.20-2-59, 63.8-3-8 and 63.8-3-9 be discontinued for the years 2004/05, 2005/06 and 2006/07;

9. 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. Nowicki. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (116-2007)

Co. Nowicki offered and Co.Maloney seconded

WHEREAS, certain Town Departments have submitted requests for vehicles in 2007; and  
WHEREAS, the Rockland County Department of Transportation has allocated certain funds to the Town of Clarkstown for the purchase of vehicles; and

WHEREAS, by RESOLUTION NO. (791-2006), dated November 14, 2006, the Town Board established a policy for vehicle procurement, which, among other things, requires the Authorized Purchasing Agent to review such requests and to consider the procurement of fuel-efficient, low emissions hybrid vehicles when practical;

NOW, THEREFORE, be it

RESOLVED, that the Authorized Purchasing Agent is hereby directed to review all 2007 vehicle requests in accordance with the Town’s Vehicle Procurement Policy; and be it

FURTHER RESOLVED, that total vehicle purchases shall not exceed \$370,000 (of which, approximately \$30,000 is expected to be reimbursed by the Rockland County Department of Transportation) 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-8757-409-0-81-32; and be it

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

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

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RESOLUTION NO. (117-2007)

Co. Nowicki offered and Co. Mandia seconded

WHEREAS, Tilcon New York (“Tilcon”) made a timely application for renewal of its New York State Mined Land Reclamation Law (MLRL) permit for its quarry located in West Nyack, New York; and

WHEREAS, on March 20, 2006, the Town requested that the New York State Department of Environmental conservation (NYSDEC) include certain operational standards as part of the permit; and

WHEREAS, with the assistance of New York State Senator Thomas P. Morahan, the Town scheduled a public meeting on September 13, 2006 with NYSDEC representatives in order to provide the public with an opportunity to comment on the permit renewal; and

WHEREAS, at the public meeting, many residents expressed concerns regarding, among other things, noise, dust, air quality, water quality and blasting; and

WHEREAS, at the public meeting, the NYSDEC Regional Director indicated that the NYSDEC would keep the permit process open for additional time and would accept comments until November 15, 2006;and

WHEREAS, on September 25, 2006, the NYSDEC notified the Town that it had issued the renewal permit to Tilcon; and

WHEREAS, despite the fact that it obtained the renewal permit, Tilcon agreed to work cooperatively with the Town to address the concerns raised at the public meeting, and

WHEREAS, the Supervisor, Director of Finance, Town Attorney and representatives from H2M Group (the engineering firm retained by the Town to advise it in connection with the permit renewal) met with Tilcon President John Cooney and other Tilcon representatives on numerous occasions to address the concerns raised by the residents; and

WHEREAS, the parties have reached an agreement regarding several mitigation measures which the town Board believes will alleviate many of the adverse conditions complained of by residents;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown appreciates Tilcon’s efforts in addressing the issues relating to the operation of its West Nyack quarry; and be it

FURTHER RESOLVED, that the Town hereby accepts the attached , (on file with Town Clerk), terms of agreement with Tilcon, and looks forward to continuing our newfound cooperative relationship.

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

TOWN OF CLARKSTOWN

PUBLIC HEARING #1

2/13/2007

Town Hall

8:00 P.M.

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

Absent: Councilwoman Lasker

Re: (Continuation from 12/29/06) Request of Cambridge Press to amend Zoning Local Law dealing with uses in the LO Zoning District

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Amy Mele- Town Attorney  
Gave an overview of the proposal. Stated the hearing should be continued to March 20, 2007.

Co. Mandia  
Asked the Town Planner if the 30 acre minimum is the proper amount?

Joe Simoes- Town Planner  
Answered Co. Mandia affirmatively and further stated that three properties qualified.

On motion of Co. Maloney, seconded by Co. Nowicki, hearing opened 8:00 P.M. On motion of Co. Maloney, seconded by Co. Nowicki, Public Hearing continued to March 20, 2007.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (72-2007)

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2  
2/13/2007

Town Hall

8:10 P.M.

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

Absent: Councilwoman Lasker

Re: Petition for road abandonment & amendment to Official Map: Portions of Rt. 45 & Rt. 59 Bypass Road.

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

Joe Simoes- Town Planner  
Provided the recommendations of the Planning Board, (on file with Town Clerk).

On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:10 P.M. On motion of Co. Nowicki, seconded by Co. Maloney. RESOLUTION NO. (73-2007) unanimously adopted.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (73-2007)

TOWN OF CLARKSTOWN  
PUBLIC HEARING #3  
2/13/2007

Town Hall

8:20 P.M.

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

Absent: Councilwoman Lasker

Re: Proposed local law to amend Local Law No. 2-1974 as amended, to create AAR (Active Adult Residential) Zoning District

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

Jerry O'Rourke- Congers  
Asked about the difference between a zone change and a floating zone, the fund that's mentioned in the proposal. Questioned whether the density might be out of place in a residential zone.

Penny Leonard- Congers  
Spoke against the proposal. She felt that there are major loop holes in the law, regarding maximum building heights, inadequate parking, and many definitions missing. Asked that public hearing be kept open, since it seems like the Town Board is moving quickly, and many people may have not had access to the proposed local law itself.

David Carlucci- Town Clerk  
Advised that the proposed local law has been placed on the Town Clerk's web site, [www.clarkstownclerk.com](http://www.clarkstownclerk.com), as will all proposed local laws, which is something he recently implemented in order to make the proposed local laws readily available prior to the public hearings, and therefore, more accessible to the public.

Penny Leonard- Congers  
Said she was glad to see the proposed local law on the web site.

Co. Nowicki  
Spoke about having gone to a Land Use Conference, where many of these issues were addressed. The AAR Law was proposed years ago, so we have not moved quickly.

On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:20 P.M. On motion of Co. Maloney, seconded by Co. Mandia. RESOLUTION NO. (74-2007) unanimously adopted.

Respectfully submitted,

David Carlucci  
Town Clerk

TOWN OF CLARKSTOWN

PUBLIC HEARING #4

2/13/2007

Town Hall

9:00 P.M.

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

Absent: Councilwoman Lasker

Re: (Continuation from 1/23/07) Proposed local law to amend Town Code Chapter 251: Wireless Communication Facilities. District

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Amy Mele- Town Attorney

I have received letters from the carriers' attorneys regarding this which will be made part of the record, (on file with Town Clerk). Recommended continuing the Public Hearing to April 17, 2007.

Edward Erickson- New City

Cell towers may prove a health risk to residents close by. There has not been a comprehensive study of the dangers of cell towers. There will be a 20% reduction in property value for people near the towers. To place a tower on Hi Tor Mountain would not be esthetically pleasing. If you read Maxwell Anderson's book, High Tor, where he talks about the beauty of the mountain, he's rolling over in his grave right now. Suggested everyone read this book before the next hearing.

Joe Pendergast- Ridge Road

Asked what locations for towers are proposed, specifically Ridge Rd. It is a beautiful view and it would be outrageous to put a cell tower there.

Supervisor Gromack

This is not about a specific tower, but about a new law. The Ridge Rd. location is on DOT property, run by the State Highway Department. We have no authority over the state and they do not have to come to the town for any review. Several months ago, we asked the state to come to the town, as a courtesy, for an informational meeting. However, the ultimate authority would be the State Commissioner of the DOT. This law will hopefully give the town more rights and protection for applications for cell towers that come to the town, but it will not affect state facilities.

Karen Emantuzzo- New City

Perhaps Clarkstown could suggest to the state's DOT that Ridge Rd. is not a suitable location and provide them with an alternative within Clarkstown where we do have jurisdiction.

On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 9:00 P.M. On motion of Co. Maloney, seconded by Co. Nowicki. Public Hearing continued to April 17, 2007. RESOLUTION NO. (75-2007).

Respectfully submitted,

David Carlucci  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #5  
2/13/2007

Town Hall

9:30 P.M.

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

Absent: Councilwoman Lasker

Re: Proposed local law to amend Local Law No. 13-2006 extending the temporary moratorium on Wireless Communication Facilities for an additional 60 days.

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Amy Mele- Town Attorney  
Gave a recap of the moratorium.

.On motion of Co. Maloney, seconded by Co. Mandia, hearing opened 9:30 P.M. On motion of Co. Nowicki, seconded by Co. Maloney. RESOLUTION NO. (76-2007) unanimously adopted.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (76-2007)