

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall 03/6/2007 7:30 P.M.

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

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

On motion of Co. Maloney, seconded by Co. Lasker the Public Hearing RE: DGEIS (Draft Generic Environmental Impact Statement) with respect to proposed local law to amend Local Law No. 2-1974 as amended, to create AAR (Active Adult Residential) Zoning District was opened, time: 7:31 pm. On motion of Co. Nowicki, seconded by Co. Maloney the public hearing was closed, time: 9:15 pm. RESOLUTION NO. (118-2007) unanimously adopted.

Supervisor opened the meeting to public comments regarding the agenda items.

Martin Bernstein- New City

Regarding agenda item #8, resolution no. (133-2007), spoke in favor of NYS Assembly Bill No. A 1572 and against town opposing it.

RESOLUTION NO. (118-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION CLOSING THE PUBLIC HEARING ON THE DGEIS FOR THE PROPOSED ACTIVE ADULT RESIDENTIAL FLOATING ZONE

WHEREAS, the Town Board of the Town of Clarkstown held a public hearing on March 6, 2007 concerning the Draft Generic Environmental Impact Statement dated February 13, 2007, for the proposed Active Adult Residential Floating Zone (AAR District), at which it received input from the public;

NOW, THEREFORE, be it

RESOLVED; that the Town Board hereby closes the public hearing on the Draft Generic Environmental Impact Statement for the proposed Active Adult Residential Floating Zone, and be it

FURTHER RESOLVED, that written comments on the DGEIS will be accepted until ten days after the close of this public hearing by the Town, which comments shall be mailed to Alexander J. Gromack, Supervisor, at Town of Clarkstown, 10 Maple Avenue, New City, New York 10956.

On roll call the vote was as follows

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

RESOLUTION NO. (119-2007)
Co. Nowicki offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of February 13, 2007 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (120-2007)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN APPLICATION, PURSUANT TO SECTION 837-d OF THE EXECUTIVE LAW, WITH RESPECT TO REIMBURSEMENT TO THE CLARKSTOWN POLICE DEPARTMENT FOR THE PURCHASE OF SOFT BODY BALLISTIC ARMOR VESTS FOR POLICE OFFICERS

WHEREAS, the Chief of Police has advised that Section 837-d of the Executive Law authorizes municipalities to apply for partial reimbursement of expenses incurred for the purchase of "soft body ballistic armor vests" for police officers, and

WHEREAS, the Chief of Police has recommended submission of several applications for such reimbursement which may result in an award in the amount of \$5,022.77 to reimburse for expenditures previously made by the Police Department;

RESOLUTION NO. (120-2007) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an application, pursuant to Section 837-d of the Executive Law, for the partial reimbursement to the Clarkstown Police Department for expenditures incurred for the purchase of "soft body ballistic armor vests" for police officers.

On roll call the vote was as follows

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

RESOLUTION NO. (121-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment as follows:

EQUIPMENT

Table with 4 columns: Quantity, Vehicle, Estimated Cost per Vehicle, Estimated Total Cost. Row 1: 7, Plow Trucks, \$155,000.00, \$1,085,000.00

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

FURTHER RESOLVED, that said equipment shall be procured by soliciting competitive bids, and be it

FURTHER RESOLVED, that the purchase of said equipment, in an amount to exceed \$1,100,000.00 in the aggregate shall be charged to Account No. H 8758-409-0-82-2, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this purchase through the issuance of municipal serial bonds.

On roll call the vote was as follows

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

RESOLUTION NO. (122-2007)

Co. Nowicki offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 6, 2007, AUTHORIZING THE ACQUISITION OF PLOW TRUCKS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000, APPROPRIATING SAID AMOUNT THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$1,100,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire seven plow trucks at the estimated maximum cost of \$155,000 per truck. The aggregate estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,100,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to

RESOLUTION NO. (122-2007) continued

both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on March 6, 2007, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted March 6, 2007, authorizing the acquisition of plow trucks, stating the estimated maximum cost thereof is \$1,100,000, appropriating said amount therefor, and authorizing the issuance of \$1,100,000 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire seven plow trucks at the estimated maximum cost of \$155,000 per truck; STATING the aggregate estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,100,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,100,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,100,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,100,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

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

RESOLUTION NO. (123-2007)

Co. Maloney offered and Co. Lasker seconded

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

BID#19-2007 – SWIMMING POOL CHEMICALS

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

RESOLUTION NO. (123-2007) continued

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

RESOLUTION NO. (124-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Kathleen Kiernan, 13 North Rockland Avenue, Apt #2, Congers, New York - Real Property Data Collector II – Office of the Town Assessor – is hereby granted a Sick Leave of Absence – at one-half pay – effective and retroactive to February 27, 2007 to March 27, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (125-2007)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, Janeen Valentin-Eisler, has requested a leave of absence, without pay, and WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay, Now, therefore, be it

RESOLVED, that Janeen Valentin-Eisler, 26 Oakland Place, Nanuet, New York – Senior Recreation Leader – Parks Board and Recreation Commission – is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to March 1, 2007 to August 31, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (126-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of William F. Smith, 11 Nansen Court, New City, New York, - Custodial Worker – Maintenance Department – is hereby accepted – effective and retroactive to February 25, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (127-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Edward Chazan– Police Officer – Clarkstown Police Department - is hereby accepted - effective and retroactive to February 2, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (128-2007)
Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on January 29, 2007 that the position of Clerk Typist #500079 – Building Department (encumbered by Donna Boemio) can be reclassified to the position of Senior Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Clerk Typist – Building Department – is hereby reclassified to the position of Senior Clerk Typist – effective and retroactive to March 5, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (129-2007)
Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #05076I Senior Clerk Typist (Prom) which contains the name of Donna Boemio,

Now, therefore, be it

RESOLVED, that Donna Boemio, 584 Babbling Brook Lane,Valley Cottage, New York – is hereby appointed to the position of (permanent) Senior Clerk Typist – Building Department – at the 2006 salary of \$43,887., effective and retroactive to March 5, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (130-2007)
Co. Mandia offered and Co. Nowicki seconded

RESOLUTION RE-ESTABLISHING A COMMITTEE TO RECOGNIZE COMMERCIAL PROPERTY OWNERS, OR OPERATORS, WHO MAINTAIN EXEMPLARY PROPERTIES

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 456 on July 25, 2006, creating a committee to recognize commercial property owners, or operators, who have taken extraordinary steps maintaining their properties. This program is known as the “Pride of Clarkstown,” and is also intended to act as an incentive for all commercial property to be improved, and

WHEREAS, the Committee consists of the following persons:

- 1. Ralph F. Mandia, Town Board Liaison
- 2. Scott Milich, Chairman
- 3. Maryann Heinzen
- 4. Dorie McMaster
- 5. Donald Ritch
- 6. Irene Ryan
- 7. Shirley Washington

and

WHEREAS, the Town Board wishes to re-establish the Committee for the year 2007;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby re-establishes the committee referred to herein, and be it

FURTHER RESOLVED, that the Town Board hereby endorses the contest for the best maintained commercial property, and shall appropriate \$1,500.00 to the committee to conduct the contest, prepare award certificate and for incidental expenses, which shall be a proper charge to Account No. A 1010-409.

On roll call the vote was as follows

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

RESOLUTION NO. (131-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD SETTING A PUBLIC HEARING REGARDING PETITION OF DEPAULIS FOR ZONE CHANGE ONPROPERTY KNOWN AS MAP 35.20-1-16, FROM LO TO RS DISTRICT

WHEREAS, GUISEPPE DEPAULIS and LUCY DEPAULIS have petitioned the Town Board for a change of zone from the LO District to the RS District for premises designated on the Clarkstown Tax Map as 35.20-1-16, located at

RESOLUTION NO. (131-2007) continued
343 Route 9W, Congers, New York;
NOW, THEREFORE, be it

FURTHER 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 March 20, 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 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. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (132-2007)
Co. Nowicki offered and Co. Maloney seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 42 (PLANNING BOARD AND BOARD OF APPEALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

WHEREAS, Councilperson Nowicki, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 42 (PLANNING BOARD AND BOARD OF APPEALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the purpose of this Local Law is amend Chapter 42 (Planning Board and Board of Appeals) of the Town Code of the Town of Clarkstown, to require and provide the Planning Board and Board of Appeals 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 requirement of the Rockland Municipal Planning Federation ("Federation"), and

WEHREAS, the Town Board hereby wishes to amend its requirements for the Planning Board and Board of Appeals members to be consistent with State law and the Federation's requirements;

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

RESOLUTION NO. (133-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN OPPOSING ASSEMBLY BILL NO. A.1572 AND THE CONCEPT OF COUNTY-WIDE ASSESSING

WHEREAS, the New York State Assembly has proposed legislation to amend the New York State Constitution to require a format of County-wide assessment, as stated in Assembly Bill No. A. 1572, sponsored by Assembly member Galef, and

WHEREAS, the Town of Clarkstown Town Board has read the aforementioned legislation and cannot support this proposed amendment to the New York State Constitution and, in fact, strongly opposes this attempt to remove the assessment process from local government, where it has been since early colonial times, and

WHEREAS, there has been no study published that confirms any dollar savings to the taxpayers or any improvement to the quality of the assessment process if transferred to the county form of government and, in fact, there is evidence it could become more costly to the taxpayers and produce burdens to the local property owner who may have to travel significant miles to a County Seat, and

WHEREAS, the local assessor is an essential part of local government and their duties are no longer restricted to producing the assessment roll, but they are able to share their vast knowledge of the local community with other municipal departments and they have become the key person for property data, census information, E911 assistance, local planning history, GIS knowledge and many other areas;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown Town Board opposes Assembly Bill No. A.1572 and the concept of county-wide assessing.

RESOLUTION NO. (133-2007) continued

On roll call the vote was as follows

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

RESOLUTION NO. (134-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING STOP-DWI FUNDS FOR THE YEAR 2005

WHEREAS, the County of Rockland has appropriated funds for the STOP-DWI Program to be shared by all Police Departments in the County of Rockland and the Sheriff's Patrol, and

WHEREAS, the Town of Clarkstown has been notified by letter dated January 26, 2007 that the Town of Clarkstown's share for the STOP-DWI Program for the calendar year 2007 is \$5,477.16;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement dated January 26, 2007, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of \$5,477.16 for the calendar year 2007, subject to the use of all those funds as provided in said agreement.

On roll call the vote was as follows

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

RESOLUTION NO. (135-2007)

Co. Lasker offered and Co. Maloney seconded

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

RFP#1-2007 – FIREWORKS DISPLAY

is hereby awarded to: ZAMBELLI FIREWORKS INTERNATIONAL
 P.O. BOX 1463
 NEW CASTLE, PA 16103
 PRINCIPALS: CONSTANCE ZAMBELLI

as per their low bid proposal of \$ 5,099.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond
- c) Certificate of General Liability Insurance
- d) Certificate of Fireworks Display Liability Coverage
- e) Certificate of Worker's Compensation
- f) Certificate of Worker's Disability Insurance Coverage

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

On roll call the vote was as follows

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

RESOLUTION NO. (136-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND (C.F.F. DEVELOPMENT CORP. – 35-A-23)

RESOLVED, that based upon the recommendation and report of the Deputy Director of the Department of Environmental Control, the Escrow Agreement furnished to the Town by Price Realty, LLC secured by Letter of Credit No. 97-1006 in the amount of \$40,000.00 in connection with the C.F.F. Development Corp. (Parkview

RESOLUTION NO. (136-2007) continued

Condominiums) site plan designated on the Clarkstown Tax Map as 35-A-23 and more commonly known as Route 304, Bardonia, New York, may be released as all the required work has been completed to the satisfaction of the Department of Environmental Control.

On roll call the vote was as follows

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

RESOLUTION NO. (137-2007)

Co. Lasker offered and Co. Maloney 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:

"Stop" signs and "Stop" lines (per sec. 211.3, R1-1A signs of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected at the following locations:

- On the West Side of Second Avenue at Clinton Street, Spring Valley; and
- On the South Side of Second Avenue at Clinton Street, Spring Valley

and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (138-2007)

Co. Lasker offered and Co. Maloney 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:

Mc GANNON EXCAVATING
85 North Central Avenue
Garnerville, NY 10923
Robert McGannon, President

KEVIN STOKES EXCAVATING, INC.
52 Grotke Road
Chestnut Ridge, NY 10977
Kevin Stokes, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 07-03 Mc GANNON EXCAVATING
- 07-09 KEVIN STOKES EXCAVATING, INC.

On roll call the vote was as follows

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

RESOLUTION NO. (139-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12637 West Clarkstown Road.

- X11124 – in front of house #30 on West Clarkstown Road
- X11125 – corner of West Clarkstown Road and Parkway Drive
- X11126 – corner of Norlen Lane and Hilltop Road

and be it,

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

RESOLUTION NO. (139-2007) continued

On roll call the vote was as follows

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

RESOLUTION NO. (140-2007)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the town has received \$159.00 from D.A.R.E. donations,
 NOW THEREFORE BE IT,
 RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) and Expense
 Account A-3230-319-0 (Police-Misc Supplies) by \$159.00 and
 WHEREAS, various accounts require additional funding,
 NOW THEREFORE BE IT,
 RESOLVED, to decrease A-7020-110-0 (Recreation-Salaries) and increase A-7141-222-0 (Recreation-Parks
 & Rec Equipment) by \$6,600.

On roll call the vote was as follows

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

RESOLUTION NO. (141-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AN ASSIGNMENT OF A SITE LEASE
 AGREEMENT WITH SPRINT SPECTRUM, L.P. TO MOBILITIE, WITH RESPECT TO WIRELESS
 COMMUNICATION ON PREMISES KOWN AS GERMONDS PARK, WEST NYACK

WHEREAS, the Town of Clarkstown entered into a site agreement with Sprint Spectrum, L.P., which provides for the
 lease of approximately 5916 Sq. Ft. of land formerly part of Germonds Park together with an easement for access and
 utilities (Sprint Site ID No. NY26XC375), and

WHEREAS, Sprint Nextel and Mobilitie Investments, LLC (Mobilitie) have entered into a business relationship in
 which Mobilitie will acquire Sprint Nextel's ownership interest in certain cell sites. In that regard Sprint Nextel would
 like to assign the lease referred to herein to Mobilitie;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of Deputy Town Attorney Daniel N. Kraushaar, the Supervisor is hereby
 authorized to execute an assignment of the site lease agreement with Sprint Spectrum, L.P. to Mobilitie, in a form
 approved by the Town Attorney, which provides for payment of \$1,000 per month, plus annual cost escalations and
 co-location payments to the Town of Clarkstown, subject to Mobilitie complying with the following conditions:

1. An amended insurance certificate from Mobilitie naming the Town as additional insured in the amount of
 \$1,000,000/\$2,000,000;
2. A new Letter of Credit in the amount of \$10,000.00, in a form approved by the Town Attorney's Office, as
 security for the removal of the Tenant's facilities.

On roll call the vote was as follows

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

RESOLUTION NO. (142-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION ACCEPTING A DRAINAGE EASEMENT FROM SHLOMO ASSOCIATES AND DEVELOPERS,
 LTD. CONCERNING TAX LOT 52.11-2-8

WHEREAS, the Town of Clarkstown has been offered a gratuitous conveyance of a drainage easement over
 Clarkstown tax lot 52.11-2-8, more commonly known as 14 Gilchrest Road, Congers, New York, from Shlomo
 Associates and Developers, Ltd., which would extend an existing drainage easement acquired by the Town of
 Clarkstown in connection with a previous subdivision, and

WHEREAS, the Deputy Director of the Department of Environmental Control has no objection to accepting
 this easement in a form approved by the Town Attorney;

NOW, THEREFORE, be it

RESOLUTION NO. (142-2007) continued

RESOLVED, that the Town Board hereby accepts said easement and directs it to be recorded in the Rockland County Clerk's Office at the expense of the grantor.

On roll call the vote was as follows

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

RESOLUTION NO. (143-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING PRODUCTION COMPANY TO FILM IN THE TOWN OF CLARKSTOWN

WHEREAS, GO FILM, INC., a production company, has requested permission to film in the Town of Clarkstown, on March 7, 2007.

NOW, THEREFORE, be it

RESOLVED, that GO FILM, INC., of 51 East 12th Street, 6th Floor, New York, NY 10003, is hereby authorized to film a TV commercial, on Wednesday, March 7, 2007, between the hours of 7:00 am to 9:00 pm at Spring Valley Optical, 45 East Route 59, Nanuet, NY 10954, upon the following conditions:

- (1) Permittee obtains permission from named parties 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 utilize public property for filming, or storage of equipment, or parking of vehicles and Permittee shall pay a fee of \$750.00 per day; and be it

FURTHER RESOLVED, that this resolution shall be effective as of 7:00 am, Wednesday, March 7, 2007 and deemed the Filming Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (144-2007)

Co. Maloney offered and Co. Mandia seconded

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

BID#20-2007 – CLARKSTOWN CENTRAL WAREHOUSE RENOVATION

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New city, New York 11:00 A.M. on APRIL 25, 2007 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 Deputy Town Attorney-Purchasing.

On roll call the vote was as follows

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

RESOLUTION NO. (145-2007)

Co. Maloney offered and Co. Mandia seconded

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

BID #21-2007 – DEMAREST MILL CREEK IMPROVEMENTS FROM STRAWTOWN ROAD TO HACKENSACK RIVER

RESOLUTION NO. (145-2007) continued

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____A.M.) (P.M.) on TO BE DETERMINED at which time bids will be opened and read, and be it **FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control.

On roll call the vote was as follows

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

RESOLUTION NO. (146-2007)

Co. Maloney offered and Co. Mandia seconded

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

BID #22-2007 – SEVEN DUMP BODIES WITH SALT SPREADING AND LIQUID APPLICATION ATTACHMENTS

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. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (147-2007)

Co. Maloney offered and Co. Mandia seconded

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

BID #23-2007 – ELECTRICAL SERVICES: REMOVAL AND DISPOSAL OF EXISTING UPS (UNINTERRUPTIBLE POWER SUPPLY) SYSTEM AND THE INSTALLATION OF NEW TOWN SUPPLIED UPS SYSTEM FOR THE CLARKSTOWN POLICE DEPARTMENT

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____A.M.) (P.M.) on TO BE DETERMINED at which time bids will be opened and read, and be it **FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows

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

RESOLUTION NO. (148-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND (TARANOW PARKING LOT – 32-B-3+)

RESOLVED, that based upon the recommendation and report of the Deputy Director of the Department of Environmental Control, the Performance Bond furnished to the Town by Tara-59 Holding Corp. in the amount of \$6,500.00, in connection with the Taranow Parking Lot Addition site plan designated on the Clarkstown Tax Map as 32-B-3+ and more commonly known as 300 East Route 59 at Smith Street, Nanuet, New York, which was reduced by resolution dated April 13, 1999 to \$1,000.00, may be released as all the required work has been completed to the satisfaction of the Department of Environmental Control, and be it

FURTHER RESOLVED, that, as per the Deputy Director of the Department of Environmental Control's 2/15/07 memorandum, the Building Department shall investigate the property maintenance issues raised by the memorandum.

On roll call the vote was as follows

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

RESOLUTION NO. (149-2007)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING CHANGE ORDER INCREASING SCOPE OF WORK RELATED TO PREPARATION OF PLANS AND SPECIFICATINOS FOR DRAINAGE IMPROVEMENTS AND SIDEWALK INSTALLATION LAWRENCE STREET, SPRING VALLEY SECTION

WHEREAS, by resolutions 639-2001, 504-2002 and 153-2006 the Town Board authorized the Director of Environmental Control to retain the services of M. G. McLaren PC Consulting Engineers to prepare design, plans and specifications for installation of drainage and sidewalk improvements on Lawrence Street from Second Avenue to New Clarkstown Road, and
WHEREAS, the design of said work requires soil sampling and testing to determine if any special disposal requirements are needed in the contract documents, and
WHEREAS Director of Environmental Control has received a proposal from M. G. McLaren PC Consulting Engineers to provide said services,
NOW THEREFORE, BE IT RESOLVED that Town Board resolutions 639-2001, 504-2002 and 153-2006 are amended to include soil sampling and testing within the NJ Transit ROW,
BE IT FURTHER RESOLVED that M. G. McLaren PC Consulting Engineers, 100 Snake Hill Road, West Nyack, NY 10994 shall perform the soil sampling and testing in accordance with their proposal of January 24, 2007, and
BE IT FURTHER RESOLVED that the additional cost shall not exceed \$8,650.00, and
BE IT FURTHER RESOLVED that the total cost of engineering services shall not exceed \$152,150.00 and shall be a proper charge to account number H-8751-409-0-75-14

On roll call the vote was as follows

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

RESOLUTION NO. (150-2007)

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH JOHN MICKELSON TO CONDUCT RAPID BIODIVERSITY ASSESSMENT IN CONNECTION WITH THE TOWN'S COMPREHENSIVE PLAN UPDATE

WHEREAS, the Town is currently in the process of updating its Comprehensive Plan; and
WHEREAS, the Town plans to conduct a biodiversity study in connection with its Comprehensive Plan review; and
WHEREAS, the Town has received a proposal, dated March 4, 2007, from John Mickelson to conduct the study; and
WHEREAS, Mr. Mickelson was responsible for the GIS component of Hudsonia's 2004 "Riverfront" biodiversity study, part of which was conducted in the Town of Clarkstown, and is intricately familiar with the methodology for conducting such a study within the Town of Clarkstown; and
WHEREAS, the proposal has been reviewed by the Town Planner, Supervisor and Town Attorney, all of whom find the proposal 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 John Mickelson, PO Box 185, Palisades, NY 10964, to provide the professional services outlined in his March 4, 2007 proposal; and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$79,300 without further authorization from this Board, and shall constitute a proper charge to account no. B 8020-409-0.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Karen Amatuzzo- New City

Spoke about a letter she received from the Supervisor regarding the town using H2M Group and inquired about what they are doing. After Town Attorney Amy Mele explained the situation in regards to Tilcon's permit modification, Ms. Amatuzzo continued, "This is a perfect time to ask Tilcon to do something. I hope that since they are doing things in west Nyack, we can have them do the same things in the New City quarry."

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was closed 10:00PM

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/6/2007

7:31 P.M.

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

Public Hearing re: DGEIS (Draft Generic Environmental Impact Statement) with respect to proposed local law to amend Local Law No. 2-1974 as amended, to create AAR (Active Adult Residential) Zoning District.

On motion of Co. Maloney, seconded by Co. Lasker, opened 7:31 pm. On motion of Co. Nowicki, seconded by Co. Maloney the public hearing was closed, time: 9:15 pm. RESOLUTION NO. (118-2007) unanimously adopted.

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

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 via a power point presentation, (on file with Town Clerk

Supervisor Gromack
Gave an overview of the proposal. The proposed local law will be voted on March 20, 2007 at the next public hearing.

Warren Kossin- New City
Many of his friends have moved because they can not afford to live in Clarkstown. Many times, adult children move home [with their parents], especially with two and three bedrooms. If adult children can live in the AAR residences, it will generate more traffic. Why are three bedrooms allowed? We don't need three bedroom homes. Seniors can't afford it. Spoke in support of one and two bedroom homes. Co. Mandia replied that the third room can be for caregivers or dens.

Rosalyn Zuker - New City
Spoke in support of proposal. She doesn't care how many bedrooms there are, but stated that it has taken too long to get these AAR residences. She wishes to take advantage of them without further delay.

Supervisor Gromack
Your candor is refreshing, and I too like to get things done. When I became the Supervisor, we moved this proposal forward. It's a long process and we need to make sure that everything is done right. We are only a month away from the final adoption.

Amy Mele- Town Attorney
Said why the process takes so long and spoke about statutory deadlines.

David Mack- Valley Cottage
Better late than never. I've lived 50 of my 81 years in the county. I live in Mountainview Condos with 700 units and we never had traffic problems. I hope I live long enough to move into the AAR Zone.

Martin Bernstein- New City
Spoke against the proposal considering 55 as senior housing. Thinks it should be 65 years old.

Rudy Damonti- Clarkstown Senior Citizen Director
There are 100 people on the waiting list just for Middlewood.

Irwin Kolodny- New City
How do you get your name on the list?

Co. Mandia-
Rudy Damonti is our Senior Coordinator. He is keeping the list. The builders might have the courtesy to call you. This proposal is for Active Adult Housing with a cap on 800 units and at least 20% affordable.

Sasha Bunchuck- Orange County
Had questions regarding how many units could be built and their possible locations.

Chris Trevisani- Baker Residential (proposed builder)
Spoke in strong support of the law and that it would be a great benefit to the town. Discussed what the units would look like, the costs involved, and the revenues, in particular, the affordability. Stated they would be in the low \$300,000's, with affordable units at \$220,000.

Gerry O'Rourke- Congers

How do you qualify for affordable units? Town Attorney Amy Mele answered that the income must not exceed 80% of the Rockland County Median Income. Chris Trevisani added that the affordable will be granted by bonds in the \$220,000 range.

Geri Levy- Executive Director, Rockland Housing Action Coalition

I am excited the Town Board is going forward with this.

Penny Leonard- Congers

Spoke against the amendment and concerned that there won't be enough affordable units. Asked if it goes by income or assets? The Town Attorney advised that it is based on 80% of the Rockland County Median Income, which is about \$60,000.

It should be called Senior Housing, not Active Adult. There should be some kind of limit as to how many people can live in the unit. This is downzoning by a fancy name.

Co. Maloney

You've got to be in it to win it. If you have 80 houses and 80 people are happy, fine. People have been living in Clarkstown for 40 or 50 years. The longer we talk about this, we're not going to go anywhere. We'll never have affordable housing.

Helen Mondschein- New City

I've lived in Clarkstown 40 years. To preclude three bedroom units is not a safe assumption. Middlewood is Section 8 and precludes a lot of people. You must consider making it elevator accessible.

There being no one wishing to be further heard, on motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:15 P.M.

Respectfully submitted,

David Carlucci
Town Clerk