

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 4/15/08 8:00 P.M.

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

Absent: Councilwoman Shirley Lasker

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

SPECIAL PRESENTATION: To the Clarkstown Capitals Hockey Team – New York State Champions of the Pee Wee U-12 Division.

Head Coach Eddie Varmon, Assistant Coaches- Mickey Carroll, Tommy Stephens, and Kevin Carroll

Joe Carcia	Michael Hanson	Kevin Murphy
Chris Carroll	Tim Hekker	Maurice Murphy
Connor Carroll	Michael Koodin	Tommy Stephens
Anthony D’Ercole	Chris Kowalchuk	Michael Taussi
Jimmy Danaher	Dinty (Dan) Moore	Stephen Varmon
Kris Giordano	Eric Murphy	

Public Hearing #1a re: Continuation of Chapter 111 Proceedings (Unsafe Buildings), 560 Mountainview Avenue, Valley Cottage. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:15 P.M. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 8:17 P.M. RESOLUTION NO. (207-2008)

Public Hearing #1b re: Chapter 111 Proceedings (Unsafe Buildings), 8 Red Rock Road, New City. On motion of Co. Maloney, seconded by Co. Borelli, hearing opened 8:18 P.M. On motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, the public hearing was continued to May 13, 2008. RESOLUTION NO. (208-2008)

Public Hearing #2 re: Request of Frances Bowman for use of Town Law 280-a (4) to create an open development area to obtain access to 3 Murdock Road, New City. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:20 P.M. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 8:45 P.M. RESOLUTION NO. (209-2008)

Public Hearing #3 re: Proposed amendment to Comprehensive Plan with respect to Zone Change Petition of Normandy Village (R-10 to MF-3) for property at 97 College Avenue, Nanuet. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:46 P.M. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 9:00 P.M. RESOLUTION NO. (210-2008)

Public Hearing #4 re: Zone Change Petition of Normandy Village (R-10 to MF-3) for property at 97 College Avenue, Nanuet. On motion of Co. Maloney, seconded by Co. Mandia, hearing opened 9:00 P.M. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 9:18 P.M. RESOLUTION NO. (211-2008)

Public Hearing #5 re: Application of Cablevision of Rockland/Ramapo for renewal of Franchise Agreement. On motion of Co. Maloney, seconded by Co. Mandia, hearing opened 9:18 P.M. On motion of Co. Mandia, seconded by Co. Maloney, and unanimously adopted pending final contract approval by the Town Attorney’s office, the public hearing was closed 9:32 P.M. RESOLUTION NO. (212-2008)

Public Hearing #6 re: Proposed Local Law amending Chapter 290 (Zoning) of the Town Code Re: Hospice Residence. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 9:32 P.M. On motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, the public hearing was continued to May 13, 2008. RESOLUTION NO. (213-2008)

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

RESOLUTION NO. (207-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION DISCONTINUING CHAPTER 111 PROCEEDING
(544-560 MOUNTAINVIEW AVENUE, VALLEY COTTAGE – 59.11-2-37.1-37.7)

WHEREAS, a public hearing was held on October 23, 2007 and continued on March 11, 2008 and April 15, 2008 pursuant to Chapter 111 of the Code of the Town of Clarkstown in connection with premises located 544-560 Mountainview Avenue, Valley Cottage, New York, Tax Map designation 59.11-2-37.1 – 37.7, and WHEREAS, by reports dated April 1, 2008 and April 4, 2008, the Chief Fire Inspector, Mark Papenmeyer,

RESOLUTION NO. (207-2008) continued

and Building Inspector, Peter Beary, have advised that the conditions complained of in the Order and Notice dated September 25, 2007 have been corrected to their satisfaction and the building has been secured and is now safe and in compliance;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby directed to calculate the total costs incurred by the Town for this proceeding and public hearing and materials and labor needed to correct the conditions and authorized and directed to discontinue said Chapter 111 proceeding and cancel the Lis Pendens, subject to the receipt of payment of costs within thirty (30) days of presentment of a statement to the property owner, and be it

FURTHER RESOLVED, that in the event the property owner fails to reimburse the Town within thirty (30) days of presentment of a statement, the Assessor is hereby directed to assess said sum against the premises set forth above which sum shall be levied and collected in the same manner as provided in Article 15 of Town Law for the levy and collection of a special ad valorem levy, as provided in Section 111-8 of the Town Code.

On roll call the vote was as follows

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

RESOLUTION NO. (208-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION CONTINUING CHAPTER 111 PUBLIC HEARING (8 RED ROCK ROAD, NEW CITY – 33.16-2-18)

RESOLVED, that the public hearing held by the Town Board on March 11, 2008 and continued on April 15, 2008 pursuant to Chapter 111-5 of the Code of the Town of Clarkstown regarding premises located at 8 Red Rock Road, New City, New York (Tax Map designation 33.16-2-18) (hereinafter the "Property") is hereby continued to May 13, 2008, and be it

FURTHER RESOLVED, that based upon the report and recommendation by the Building Inspector, dated April 4, 2008, and to the Town Board at the April 15, 2008 public hearing of the continued unsafe nature of the building and the need to demolish the building, the Building Inspector is hereby authorized to have the said building demolished.

On roll call the vote was as follows

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

RESOLUTION NO. (209-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING TOWN LAW 280-A(4) FRANCES BOWMAN, NEW CITY, NEW YORK MAP 43.14-1-45

WHEREAS, FRANCES M. BOWMAN has made application to the Town Board of the Town of Clarkstown for use of provisions of Town Law 280-a(4) to create an Open Development Area for subdivision of the premises designated as Map 43.14-1-45, which is described on Schedule "A" attached hereto, and

WHEREAS, at the Town Board meeting of March 11, 2008, the Board scheduled a public hearing for April 15, 2008, which hearing was duly held, and

WHEREAS, the Town Board designated Robert Geneslaw, Planning Consultant, as its agent to complete the SEQRA process, has considered his report dated April 11, 2008 in making its decision herein, and

WHEREAS, the matter was referred to the Rockland County Planning Department and the Town of Clarkstown Planning Board for review and report, and

WHEREAS, the Rockland County Department of Planning recommended approval, subject to the issuance of any required permits by the Rockland County Highway Department and Rockland County Drainage Agency, by letter dated March 20, 2008, and

WHEREAS, the Town of Clarkstown Planning Board, by its resolution dated January 16, 2008, recommended approval of the application subject to the following conditions:

1. Applicant's engineer shall provide a marked map specifying the location of the driveways to accompany the Town Board referral;
2. The driveway for the lot receiving Town Law 280-a(4) access shall be paved to a 15 foot width;
3. An additional hydrant shall be provided on Murdock Road, if required by the Fire Inspector, and

WHEREAS, the Town Planner has advised the Town Board that the applicant has agreed to and/or complied with the Planning Board's conditions;

NOW, THEREFORE, be it

RESOLVED, that based upon the April 11, 2008, report of Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed use of Town Law 280-a(4) for the subject premises is a Type II action under SEQRA and 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 pursuant to recommendation of the Rockland County Planning Department dated March 20, 2008, a review must be completed by the County of Rockland Department of Highways and all

RESOLUTION NO. (209-2008) continued
required permits obtained from them, and be it

FURTHER RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, and pursuant to the recommendations of the Town of Clarkstown Planning Board dated January 16, 2008, the Town Board hereby establishes an "Open Development Area" for property situate at 3 Murdock Road, New City, New York, which property is designated on the Clarkstown Tax Map as 43.14-1-45, and which is known as "Bowman Estates," so that same may be developed as a result of the application presently pending before the Clarkstown Planning Board for access to premises by right of way or easement, and be it

FURTHER RESOLVED, that the applicant shall return to the Planning Board for final subdivision review and approval, and that any subdivision map approved by the Planning Board shall contain a Note(s) referring to this resolution establishing the "Open Development Area" by date and number, and shall incorporate the Planning Board's conditions as set forth in their January 16, 2008 resolution.

SCHEDULE A

This being a parcel known as Section 43.14, Block 1, Lot 45, also known as 3 Murdock Road in the Town of Clarkstown, County of Rockland and State of New York, originally shown as Lot 31 on Filed Map No. 2519, Selah Acres Subdivision, filed in the Rockland County Clerk's Office on the 12th day of August, 1957 on Page 29 of Book 58.

BEGINNING at an iron pipe at the northwesterly portion of the property on the southerly side of Murdock Road across from Greenwood Drive; thence running

Easterly along the southerly side of Murdock Road, South 62 degrees 00 minutes 00 seconds East for a distance of 30.50 feet, to a point on the southerly side of Murdock Road; thence

Easterly along the southerly side of Murdock Road on a curve to the left with a radius of 387.81 feet and a length of 139.12 feet, to a point on the southerly side of Murdock Road; thence

Easterly along the southerly side of Murdock Road, South 82 degrees 33 minutes 11 seconds East for a distance of 42.58 feet, to a point on the southerly side of Murdock Road and the land of n/f Greco; thence

Southerly along the lands of n/f Greco, South 07 degrees 26 minutes 49 seconds West for a distance of 241.36 feet to a point along the northerly side of New Hempstead Road; thence

Westerly along New Hempstead Road, North 78 degrees 14 minutes 33 seconds West for a distance of 108.37 feet; thence

South 19 degrees 52 minutes 15 seconds West for a distance of 30.18 feet to a point on the northerly side of the New Hempstead Road; thence

Westerly along New Hempstead Road, North 71 degrees 44 minutes 09 seconds West for a distance of 48.59 feet to a point at the southeasterly corner of the lands of n/f Buckley; thence

Northerly along the lands of n/f Buckley, North 05 degrees 49 minutes 35 seconds West for a distance of 164.17 feet to a point; thence

Westerly along the lands of n/f Buckley, North 78 degrees 00 minutes 09 seconds West for a distance of 17.54 feet to a point; thence

Northerly along the lands of n/f Eldridge, North 11 degree 59 minutes 51 seconds East for a distance of 128.19 feet, back to the PLACE and POINT of BEGINNING.

Having an area of 49,420 square feet or 1.1345 acres, more or less.

On roll call the vote was as follows

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

RESOLUTION NO. (210-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN MAP

WHEREAS, by Resolution adopted on February 12, 2008, the Town Board directed that a public hearing be held on April 15, 2008 at 8:00 p.m., to consider possible amendment of the Town of Clarkstown Comprehensive Plan and Map for zoning to allow the Normandy Village, Co. a change of zone on premises designated on the Clarkstown Tax Map as 64.9-1-11, from the R-10 District to the MF-3 District, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on March 27, 2008, and WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 15, 2008; NOW, THEREFORE, be it

RESOLVED, that based upon the SEQRA report prepared by Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the amendment to the Comprehensive Plan and zoning map RESOLUTION NO. (210-2008) continued

amendment will not result in 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 by letter dated January 29, 2008, the Clarkstown Planning Board has concluded that the proposal is consistent with the Comprehensive Plan and the Town Board hereby finds that the amendment to the Comprehensive Plan as set forth herein is consistent with the overall scheme and intent of said plan, and be it

FURTHER RESOLVED, that the Town of Clarkstown Comprehensive Plan Map is hereby amended and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote being as follows:

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

RESOLUTION NO. (211-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN FOR NORMANDY VILLAGE, CO. PROPERTY, FROM THE R-10 DISTRICT TO THE MF-3 DISTRICT, MAP 64.9-1-11

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

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on February 12, 2008, provided for a public hearing on April 15, 2008, at 8:00 P.M., to consider the application of Normandy Village Co. to amend the Zoning Local Law of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as 64.9-1-11, from an R-10 District to an MF-3 District, and

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

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to SEQRA, by its consultant Robert Geneslaw, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Town of Clarkstown Planning Board reviewed the petition at their January 23, 2008 meeting and recommended approval of the zone change, subject to certain conditions as set forth in the Board's January 29, 2008 resolution, and

WHEREAS, the Rockland County department of Planning, by letter dated January 8, 2008 recommended approval of the requested zone change subject to certain conditions, including, among others, that traffic data be submitted to the Town showing the projected increase in traffic upon build-out (condition No. 2); and

WHEREAS, by their resolution dated January 29, 2008, the Town of Clarkstown Planning Board recommended overriding the County Planning Department's condition No. 2, in that the number of units proposed would not result in a measurable increase in traffic, and

WHEREAS, the Town of Clarkstown Planning Board further concluded that the proposed zone change is consistent with the Town's Comprehensive Plan, in that the Petitioner has offered to provide three one-bedroom condominium units to the Rockland Housing Action Coalition, Inc., at below market prices in order to provide affordable housing to emergency service volunteers, and that such offer constitutes a "specific measurable benefit" to the Town as required under the Town's Comprehensive Plan;

NOW, THEREFORE, be it

RESOLVED, that based upon the November 2, 2006 and April 11, 2008 reports of Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that this action is an Unlisted Action, and the Town Board hereby further determines that the proposed change of zone for the subject premises 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 for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 64.9-1-11, situate in the Hamlet of Nanuet, from the R-10 District to the MF-3 District, which property is more particularly described on the attached Schedule "A," subject to the following conditions:

1. The applicant shall submit an overall site plan for approval by the Planning Board. In addition to other site plan requirements, the site plan shall show how the subject property fits with the surrounding Normandy Village site in terms of bulk, density and parking spaces, and how the flood plain potential drainage and sidewalk issues will be addressed;

RESOLUTION NO. (211-2008) continued

- 2. The proposed affordable housing for emergency service volunteers shall be conveyed with a covenant, in a form approved by the Town Attorney, to ensure that the units meet appropriate affordability guidelines, are conveyed to emergency service volunteers, and remain affordable volunteer housing in the future;
- 3. The parcel shall be merged with the surrounding MF-3 lot;
- 4. The applicant shall comply with conditions 1,3,4,5 and 6 as set forth in the Rockland County Planning Department's letter dated January 8, 2008.

FURTHER RESOLVED, that based upon the Clarkstown Planning Board's recommendation, the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the additional units permitted by virtue of the zone change will not result in a measurable increase in traffic, and be it

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

SCHEDULE "A"

DESCRIPTION of LANDS PROPOSED TO BE REZONED FROM R-10 to MF-3

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, and on the westerly side of College Avenue as the same is laid out running southwesterly from the Nyack Turnpike to the public highway leading to Nanuet, and is bounded and described as follows:

BEGINNING at a point marked by an iron pipe in the westerly line or side of College Avenue And at the northeast corner of land N/F of Charles Behling, and running thence North 85°, West 235.5 feet to an iron pipe; thence running North 9° 23' East 100.00 feet to an Elm tree; thence South 85° 5' East and along the lands N/F of John Zimmerman, 245 feet to an iron pipe in the Westerly line of College Avenue; thence South 4° 30' West and along the west line of College Avenue, 100 feet to an iron pipe and the point or place of BEGINNING.

Said premises being known as 97 College Avenue, Nanuet, Rockland County, New York and appearing on the Town of Clarkstown Tax Maps as Section 64.09, Block 1, Lot 11.

On roll call the vote was as follows

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

RESOLUTION NO. (212-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO RENEW A FRANCHISE AGREEMENT WITH CABLEVISION OF ROCKLAND/RAMAPO, LLC TO PROVIDE CABLE SERVICE TO THE TOWN OF CLARKSTOWN

WHEREAS, the Town of Clarkstown (the "Town") is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the "Communications Acts"), and is authorized to grant one or more cable television franchises pursuant to Article 11 of the New York State Public Service Law, (the "Cable Laws"), and

WHEREAS, the Town entered into a non-exclusive franchise agreement with TKR Cable Company doing business as TKR of Rockland for the provision of cable television and other communication services, and said authorization has expired, and

WHEREAS, Cablevision of Rockland/Ramapo, LLC (the "Franchisee") acquired certain assets from TKR including the cable television system in the Town of Clarkstown on March 4, 1998, and

WHEREAS, the Franchisee has applied for a renewal of said franchise agreement with the Town, and

WHEREAS, a public hearing was conducted before the Town Board on November 14, 2006, wherein the Town and the Franchisee mutually agreed to the terms of a renewal franchise agreement, however, the Public Service Commission requested a second public hearing be conducted because the renewal agreement was not timely executed, and

WHEREAS, the second public hearing was held before the Town on April 15, 2008;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby establishes itself as the lead agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following finding:

- (a) That the Town Board's execution of the proposed Franchise Agreement is a TYPE II Action under the State Environmental Quality Review Act (SEQRA). Specifically, this action is covered under 6 NYCRR §617.5(20): "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment." Accordingly, it has been pre-determined that adoption of

RESOLUTION NO. (212-2008) continued

the proposed Franchise Agreement will not result in a significant impact on the environment, and no further action is required relative to this matter under SEQRA;

(b) That notwithstanding that the Town Board’s finding that the grant of a Cable Television Franchise is not an “Action” subject to the requirements of SEQRA, the Town Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed Cablevision of Rockland/Ramapo Franchise Renewal Agreement, and be it

FURTHER RESOLVED, that the Town approves the character of Cablevision of Rockland/Ramapo, and be it FURTHER RESOLVED, that the Town concludes that Cablevision of Rockland/Ramapo will meet all statutory and regulatory non-discrimination requirements, and be it

FURTHER RESOLVED, that the Town concludes, based on the presentation by Cablevision of Rockland/Ramapo, that the cable service offered by Cablevision of Rockland/Ramapo will include competitive offerings, and be it

FURTHER RESOLVED, that the Town concludes that although the terms of the proposed Cablevision of Rockland/Ramapo Renewal Franchise Agreement are not identical to those of the Verizon franchise agreement, that the terms of both agreements are reasonably comparable in their totality and contain no economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon another cable television franchise operating in the same franchise area, therefore, neither agreement provides either franchisee with any unfair competitive advantage, or subject either franchisee to any unfair competitive disadvantage, and be it

FURTHER RESOLVED, that the Town Board determines that it is in the best interest of the public to award Cablevision of Rockland/Ramapo a renewal franchise agreement, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal franchise agreement with Cablevision of Rockland/Ramapo, LLC, in a form approved by the Town Attorney, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (213-2008)

Co. Mandia offered and Co. Maloney seconded

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

WHEREAS, the Town Board held a public hearing on April 15, 2008, to consider a proposed Local Law to Amend Chapter 290 (Zoning) of the Town Code of the Town of Clarkstown, to allow special permit use for Hospice residences under the Zoning Local Law of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that in order for the Town Board to consider comments from the public, complete SEQRA review, and provide the Town with an opportunity to revise the proposed Local Law in accordance with the Clarkstown Planning Board’s recommendations, the Town Board shall continue the public hearing concerning the proposed Local Law to Amend Chapter 290 with regard to hospice residences in the Town of Clarkstown, on May 13, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (214-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of March 11, 2008 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (215-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY

WHEREAS, the Rockland County Solid Waste Management Authority (Authority) wishes to reduce the

RESOLUTION NO. (215-2008) continued

level of odors generated from the Clarkstown Yard Waste Facility and create a greater capacity at the Facility for improved composting of the yard waste remaining on site, therefore, it adopted a resolution on March 27, 2008, authorizing the reimbursement to the Town of Clarkstown for the removal of approximately 11,000 cubic yards of leaves, and 3,000 cubic yards of grass by Organic Recycling, Inc., not to exceed the amount of \$85,330.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the Rockland County Solid Waste Authority, in a form approved by the Town Attorney, whereby the Authority shall reimburse the Town of Clarkstown for the removal of approximately 11,000 cubic yards of leaves, and 3,000 cubic yards of grass from the Clarkstown Yard Waste Facility by Organic Recycling, Inc., not to exceed the amount of \$85,330.00.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (216-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND, ACTING ON BEHALF OF THE YOUTH BUREAU/ROCKLAND COUNTY AMERICORPS, FOR SUMMER MEMBER PROGRAM (PLANNING DEPARTMENT)

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to participate in a service-orientated, educational and environmentally beneficial program and it has proposed to provide Americorps members under the direction of the Town Planner to participate in the Town of Clarkstown Comprehensive Plan, and

WHEREAS, as part of this process several community surveys are being conducted and the Town will need assistance tabulating this data, and

WHEREAS, the Town is also partnering with Clarkstown North High School in the creation of a web-based photography interface, and

WHEREAS, the Town will require assistance in taking, cataloguing and researching photographs of areas throughout the Town, as well as assistance in conducting various in-house data-entry programs, field research projects and other tasks that will arise as the development of the Comprehensive Plan continues, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which will be funded in part by the Town of Clarkstown, and

WHEREAS, the Town Planner has recommended this program for adoption in the Town of Clarkstown;

NOW, THEREFORE, be it that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2008, in a form approved by the Town Attorney, to utilize the service of not more than four (4) Americorps members for the tabulating of data in connection with the Town's Comprehensive Plan, for a program total not to exceed 250 services hours for each member at a cost not to exceed \$4,360.00, and be it

FURTHER RESOLVED, that said fee shall constitute a proper charge to Account No. A 8021-409.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (217-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH MICHAEL S. LIPPE, M.D., TO PROVIDE SERVICES AS AN EMERGENCY HEALTH CARE PROVIDER TO THE CLARKSTOWN POLICE DEPARTMENT

WHEREAS, Chief of Police Peter T. Noonan has recommended renewing an agreement with Michael S. Lippe, M.D., to provide services to the Clarkstown Police Department as the Emergency Health Care Provider pursuant to the Public Health Law Section 3000(B), for the calendar year 2008, at the same terms and conditions as the prior agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Michael S. Lippe, M.D., as referred to herein, for the period January 1, 2008 to December 31, 2008, upon the same terms and conditions as the prior agreement, which services are provided without charge to the Town as per Section 3000(B) of the Public Health Law; and be it

FURTHER RESOLVED, that this resolution shall be retroactive to January 1, 2008.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (218-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FRANK X. GARIGALI, M.D. of MID ROCKLAND MEDICAL GROUP, TO ACT AS POLICE SURGEON FOR THE YEAR 2008

WHEREAS, Chief of Police Peter T. Noonan has recommended renewing an agreement with Frank X. Garigali, M.D., of Mid Rockland Medical Group, to provide services to the Clarkstown Police Department as the police surgeon for the calendar year 2008, at the same terms and conditions as the prior agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Frank X. Garigali, M.D., of Mid Rockland Medical Group, as referred to herein, for the period January 1, 2008 to December 31, 2008, upon the same terms and conditions as the prior agreement; and be it

FURTHER RESOLVED, that compensation for said services shall be at Dr. Garigali's regular rates established for annual physical examinations for sworn personnel plus the sum of \$1,500.00 per month, all of which shall be charged to Account No. A 3120-409; and be it

FURTHER RESOLVED, that this resolution shall be retroactive to January 1, 2008.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (219-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING EXTENSION OF LEASE WITH THE ROCKLAND COUNTY RADIO CONTROL CLUB TO UTILIZE A PORTION OF THE CAPPED CLARKSTOWN SANITARY LANDFILL SITE FOR RADIO CONTROL MODEL AIRPLANE AIRDROME

RESOLVED, that the Town Board authorizes the extension of a license agreement with the Rockland County Radio Control Club for use of the former site of the Clarkstown Sanitary Landfill, now capped, for a period of one year commencing March 31, 2008 and ending on March 31, 2009, for the nominal fee of \$1.00 per year, provided that all residents wishing to participate in club activities continue to be eligible for membership, and all the other terms and conditions in the license agreement, including providing the required proof of insurance, shall be observed.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (220-2008)
Co. Maloney offered and Co. Borelli seconded

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

WHEREAS, the following group wishes to adopt a segment of a town road for a period of two (2) years, beginning April 15, 2008 to April 15, 2010, as follows:

Sponsor: McDonald's – New City, 33 Cavalry Drive, New City, NY 10956
Road: .2 mile segment of Cavalry Drive from North Main Street to Route 304, New City, New York,

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning April 15, 2008 to April 15, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the McDonald's-New City organization, to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (221-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF TWO OPTILIGHT SOLAR POWERED ILLUMINATED STREET SIGNS AT THE INTERSECTION OF KINGS HIGHWAY AND NEW LAKE ROAD IN VALLEY COTTAGE AS PART OF THE VALLEY COTTAGE DOWNTOWN IMPROVEMENT PROJECT – PHASE II

Whereas, a presentation, attended by the Supervisor, the Public Works Administrator, representatives of the Department of Environmental Control and the Clarkstown Highway Department, was made by Optilight, Inc. of Farmingdale, New York featuring their solar powered illuminated street signs; and

Whereas, as a result of this presentation, the Town Board of the Town of Clarkstown desires to purchase and have two (2) solar powered illuminated street signs manufactured by Optilight, Inc. installed at the intersection of Kings Highway and New Lake Road in Valley Cottage as part of the Valley Cottage Downtown Improvement Project; and

Whereas, the Department of Environmental Control has obtained a proposal from Topinka and D’Angelo, Inc., authorized distributors for Optilight, Inc., for the manufacture, delivery and installation of the two (2) signs; and

Whereas, said proposal has been reviewed by the Department of Environmental Control and found to be acceptable;

Now, Therefore, Be It Resolved that, based upon the recommendation of the Department of Environmental Control, the Town Board of the Town of Clarkstown authorizes a change order on contract to Bid #72-2005 Valley Cottage Downtown Improvements – Phase II for the purchase and installation of two (2) Optilight Solar Powered Illuminated Street Signs from Topinka and D’Angelo, Inc. in accordance with their proposal for the amount of \$9,230.00; and

Be It Further Resolved that said amount shall not be increased without further resolution of the Town Board of the Town of Clarkstown; and

Be It Further Resolved that the budget allowance for this project be increased to \$3,728,139.53 to reflect the cost of this change order on contract; and

Be It Further Resolved that this shall be a proper charge to account # H-5111-400-409-0-4-17.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (222-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO EXTEND THE EXISTING DRAINAGE WITHIN THE TOWN’S RIGHT-OF-WAY AT SCANDIA ROAD TO IVY COURT CONGRERS

WHEREAS, the Department of Environmental Control has received a complaint for additional drainage from Mr. Jacob Mathew and Mr. Abraham Varghese of respectively #4 Ivy Court and #6 Ivy Court.

WHEREAS, the Department of Environmental Control has determined the need to extend the existing drainage within the Town right-of-way in front of #4 Ivy Court and #6 Ivy Court.

WHEREAS, the Department of Environmental Control has prepared a plan to install one (1) catch basin, one (1) junction box and one hundred forty-two (142) linear feet of 15” high density polyethylene pipe

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to construct the drainage extension; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Environmental Construction Inc., and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Environmental Construction Inc. Inc. for their low proposal of \$17,500.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of: Environmental Construction Inc., 27 Kay Fries Drive, Stony Point New York 10980

to perform this work in accordance with their proposal for an amount not to exceed \$17,500.00; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

FURTHER RESOLVED that this amount shall be a proper charge to account #H 8759-409-0-83-10.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (223-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION TO PURCHASE A GEOGRAPHIC INFORMATION SYSTEM (GIS) PROGRAM - PHASE ONE

WHEREAS, the Town Board of the Town of Clarkstown (“Town”) has an interest in implementing a GIS program, and
WHEREAS, Robert Stritmater, Director of Automated Systems has advised that the total cost of Phase One of the program, including software, licensing, hardware, and training is \$55,000, 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
NOW, THEREFORE, be it
RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to direct the Director of Automated Systems to purchase the aforesaid system, and be it
FURTHER RESOLVED, that all hardware shall be purchased from current approved New York State Contracts, and be it
FURTHER RESOLVED, that the said purchase shall be a proper charge to account # H 8758-409-0-83-13, and be it
FURTHER RESOLVED, that is the intent of the Town Board that the project shall be funded through serial bonds.
On roll call the vote was as follows

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

RESOLUTION NO. (224-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERINTENDENT OF HIGHWAYS TO INSTALL GUIDERAIL AT VARIOUS LOCATIONS THROUGHOUT THE TOWN

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is seeking authorization to install guiderails at the following locations in the Town of Clarkstown:

- 489 West Clarkstown, New City
- Phillips Hill Road (n/o Old Phillips Hill), New City
- S. Greenbush (O’Town border), W. Nyack
- 65 S. Greenbush, West Nyack
- #2 New Valley Road, New City
- Crusher Rd @ Ford Products
- #2 West Street, West Nyack
- S. Mountain Road, New City

NOW, THEREFORE, be it
RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it
FURTHER RESOLVED, pursuant to GML Section 103, the work will be completed utilizing the County of Ulster Guide Rail and Bridge Steel Bid #RFB-UC07-44, and be it
FURTHER RESOLVED, that the Town Board hereby authorizes the installation of these guiderails, and be it
FURTHER RESOLVED that the cost of said guiderails shall not to exceed \$200,000.00 and shall be charged to Account Number H 8759-409-0-83-4, and be it
FURTHER RESOLVED, that it is the intent of the Board that this is to be funded by serial bonds.
On roll call the vote was as follows

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

RESOLUTION NO. (225-2008)
Co. Maloney offered and Co. Mandia seconded

WHEREAS, the March of Dimes Birth has requested use of the Town of Clarkstown showmobile on Sunday, April 27, 2008 from 6:00 am – 2:00 pm, for the Opening and Closing Ceremony at the annual Walk America to be held at 1 Blue Hill Plaza, Pearl River, NY
NOW, THEREFORE, BE IT
RESOLVED, that permission is hereby granted to the March of Dimes Birth to use the Town of Clarkstown showmobile on Sunday, April 27, 2008 for the above purpose and subject to the provision of the necessary insurance policies,
FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

RESOLUTION NO. (225-2008) continued

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (226-2008)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown South High School has requested use of the Town of Clarkstown showmobile on Friday, May 30, 2008 for a SPRINGFEST, to be held at the Clarkstown South High School, West Nyack, NY NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Clarkstown South High School to use the Town of Clarkstown showmobile on Friday, May 30, 2008 for the above purpose and subject to the provision of the necessary insurance policies,

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

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (227-2008)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Veterans Memorial Association of Congers has requested use of the Town of Clarkstown showmobile on Saturday, May 31, 2008 for the Parade Memorial Services NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to Veterans Memorial Association of Congers to use the Town of Clarkstown showmobile on Saturday, May 31, 2008 for the above purpose and subject to the provision of the necessary insurance policies,

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

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (228-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION GIVING PERMISSION TO THE HIGHWAY SUPERINTENDENT TO CO-HOST A ONE TIME PROGRAM WITH CORNELL COOPERATIVE EXTENSION OF ROCKLAND AND THE ROCKLAND COUNTY BOCES

WHEREAS, Cornell Cooperative Extension of Rockland is hosting the Rockland County Boces Environmental Careers Program for one day (May 1, 2008) for the purpose of obtaining pre-vocational skills Training and would like to bring the students to work at the Town of Clarkstown Highway Department for a few hours, at no cost to the Town of Clarkstown, and

WHEREAS, the Superintendent of Highways has advised that he would like to participate in this program, and believes that the students could provide valuable assistance to the Clarkstown Highway Department by obtaining on-site meaningful prevocation work experience;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes this one day program to take place at the Clarkstown Highway Department facility, 12 Seeger Drive, Nanuet, New York, for up to ten (10) students, provided that the school agrees to indemnification and protect the Town from any liability and provide the necessary certificate of insurance naming the Town of Clarkstown as an additional insured, and will also provide the necessary certificate of insurance naming the Town of Clarkstown as an additional insured, and will also provide supervision to be present at all times when the students are at the Clarkstown Highway Department.

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (229-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION RELEASING SITE RESTORATION BOND (LITTLE TOR HOMES SUBDIVISION – 34.17-1-1)

RESOLVED, that based upon the recommendation and report of the Deputy Director of the Department of Environmental Control, the Site Restoration Bond furnished to the Town by Joy Builders, Inc., as Owner, and W.C. Clarkstown Corp., as Developer, in the amount of \$101,250.00, in connection with Little Tor Homes Subdivision designated on the Clarkstown Tax Map as 34.17-1-1, is no longer required and may be released as the Site Restoration Bond has been superseded and replaced by a Performance Bond in the full amount of infrastructure construction.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (230-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION RELEASING SITE RESTORATION BOND(HIGHLAND VISTA ESTATES SUBDIVISION - 33.20-2-8)

RESOLVED, that based upon the recommendation and report of the Deputy Director of the Department of Environmental Control, the Site Restoration Bond furnished to the Town by Joy Builders, Inc., as Owner, and Highland Vista Estates Corp., as Developer, in the amount of \$68,685.00, in connection with Highland Vista Estates Subdivision designated on the Clarkstown Tax Map as 33.20-2-8, is no longer required and may be released as the Site Restoration Bond has been superseded and replaced by a Performance Bond in the full amount of infrastructure construction.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (231-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH ROBERT ROWE AND ICILMA FERGUS, 4 WAGON WHEEL DRIVE, NEW CITY, NEW YORK, REGARDING ENCROACHMENT ON TOWN SEWER AND DRAINAGE EASEMENT

WHEREAS, Robert Rowe and Icilma Fergus, owners of premises located at 4 Wagon Wheel Drive, New City, New York 10956 and more particularly described as Tax Map 42.8-2-69, have installed a retaining wall within a Town sewer and drainage easement, and

WHEREAS, Dennis M. Letson, Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein may remain provided the Town retains the right to order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owners, in a recordable form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the retaining wall to remain in the Town's sewer and drainage easement, located at 4 Wagon Wheel Drive, New City, New York and more particularly described as Tax Map 42.8-2-69, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owners or successors shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment or license to maintain same.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (232-2008)
Co. Maloney offered and Co. Borelli seconded

WHEREAS, the Superintendent of Recreation and Parks has recommended the need for various improvements to recreational areas in the Town. They will consist of replacement of a portion of lighting at the

Central Nyack Community Center, lighting for Germonds Pool, and installation of signage at the Town's West Hook Mountain Hiking Trail;

NOW, THEREFORE, be it

RESOLVED, that the Town Board herby authorizes the Superintendent to Recreation and Parks to make the aforementioned improvements to recreational areas in the Town for a cost not to exceed \$30,000.00, which cost shall be charged to Account No. H 8759-409-0-83-9, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the improvements through the Money in Lieu of Land Account.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (233-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING A MASTER PLAN FOR PARKS AND RECREATION FACILITITIES FOR TOWN PROPERTIES

WHEREAS, Jo Ann Pederson, Superintendent of Recreation and Parks, has recommended the need for various improvements to recreational areas in the Town. The improvements will consist of a Master Plan for Recreation and Parks, and the replacement of drains, slide repair, replacement of the Strantrol Chemical System at the Germonds Pool, and drainage work at Germonds Park Field No. 1;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to create the Master Plan for Recreation and Parks and improvements to Parks and Recreational Facilities in the Town for a cost not to exceed \$69,100.00, which cost shall be charged to Account No. H 8759-409-0-83-9.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (234-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH C.T. MALE ASSOCIATES TO PROVIDE A MASTER PLAN FOR PARKS AND RECREATIONAL FACILITIES AND PROGRAMS IN THE TOWN OF CLARKSTOWN

WHEREAS, Jo Anne Pedersen, Superintendent of Recreation and Parks, has solicited proposals with respect to planning and design services required to prepare a Master Plan for Parks and Recreational Facilities and Programs in the Town of Clarkstown for the Parks Board and Recreation Commission, and recommends the hiring of C.T. Male Associates, P.C., 50 Century Hill Drive, Latham, New York, to provide said services pursuant to its proposals of March 31, 2008 and April 9, 2008, which proposals were found to be reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with C.T. Male Associates, P.C., in a form approved by the Town Attorney, to provide planning and design services required to prepare a Master Plan for Parks and Recreational Facilities and Programs in the Town of Clarkstown, and be it FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$32,000.00 without further authorization from the Town Board, and shall constitute a proper charge to Account No. H 87598-400-409-0-83-9.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (235-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for: BID #21-2008 – SURVEILLANCE CAMERAS FOR THE CLARKSTOWN HIGHWAY DEPARTMENT Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Authorized Purchasing Agent .

RESOLUTION NO. (235-2008) continued

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli. Yes
 Supervisor GromackYes

RESOLUTION NO. (236-2008)

Co. Maloney offered and Co. Mandia seconded

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

BID #22-2008 – PAPER AND PLASTIC SUPPLIES

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Authorized Purchasing Agent .

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli. Yes
 Supervisor GromackYes

RESOLUTION NO. (237-2008)

Co. Borelli offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on March 21, 2008 that the position of (part-time) Economic Development Specialist (Towns) – Department of Finance – can be created, NOW, therefore, be it

RESOLVED, that the position of (part-time) Economic Development Specialist (Towns) - Department of Finance - is hereby created – effective and retroactive to April 14, 2008.

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli. Yes
 Supervisor GromackYes

RESOLUTION NO. (238-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLVED, that Catherine Nowicki– is hereby appointed to the position (part-time) Economic Development Specialist (Towns) - Department of Finance - at the current 2008 hourly rate of \$25.00., (not to exceed \$26,000., in a calendar year) effective date pending Rockland County Personnel Office approval of her application.

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli. Yes
 Supervisor GromackYes

RESOLUTION NO. (239-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the resignation of William McCue– Member – Zoning Board of Appeals – is hereby accepted – effective and retroactive to March 25, 2008.

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli. Yes
 Supervisor GromackYes

RESOLUTION NO. (240-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that Gaetano Pastore- is hereby appointed to the position of Member – Zoning Board of Appeals – (to fill the unexpired term of William McCue) – at the current 2008 annual salary of \$5,500., term effective April 21, 2008 and to expire on December 31, 2010.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (241-2008)
Co. Borelli offered and Co. Maloney seconded

WHEREAS, John J. Kelly has requested an extension of his leave of absence, without pay, and WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement, provides for an extension of a leave of absence, without pay,

NOW, therefore, be it

RESOLVED, that John J. Kelly– Laborer – Highway Department – is hereby granted a three (3) month extension of his leave of absence, without pay, effective and retroactive to April 4, 2008 to July 4, 2008.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (242-2008)
Co. Borelli offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06075 Clerk Typist which contains the name of Elizabeth R. Noonan,
NOW, therefore, be it

RESOLVED, that Elizabeth R. Noonan– is hereby appointed to the position of (permanent) Clerk Typist Clarkstown Police Department – at the current 2008 annual salary of \$31,228., - effective and retroactive to April 14, 2008.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (243-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Frank W. Kemmer, Groundskeeper – Parks Board and Recreation Commission – is hereby accepted – effective and retroactive to March 29, 2008.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (244-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of William Conklin to the position of Groundkeeper – Parks Board and Recreation Commission – at the current 2008 annual salary of \$51,273., effective and retroactive to April 14, 2008.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (245-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the resignation of Sr. Mary Bernadette Phillips– Member – Board of Ethics – is hereby accepted – effective and retroactive to March 10, 2008.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (246-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that Sr. Margaret Mc Partland- is hereby appointed to the position of Member – Board of Ethics – (to fill the unexpired term of Sr. Mary Bernadette Phillips) - at the current 2008 annual salary of \$2,150., term effective and retroactive to March 10, 2008 and to expire on October 22, 2010.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (247-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLVED, that Patricia E. Parke is hereby reappointed to the position of Member – Traffic & Traffic Fire Safety Advisory Board -at the current 2008 annual salary of \$2,700., term effective and retroactive to April 1, 2008 and to expire on March 31, 2013.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (248-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, “A LOCAL LAW AMENDING CHAPTER 208 (PEDDLING AND SOLICITING) OF THE CODE OF THE TOWN OF CLARKSTOWN”

WHEREAS, Councilperson Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled “A Local Law Amending Chapter 208 (PEDDLING AND SOLICITING) of the Code of the Town of Clarkstown,” and

WHEREAS, the purpose of this local law is to amend and update Chapter 208, relating to peddling and soliciting, in order to preserve the peace, health, safety, welfare and good order of the Town of Clarkstown and its inhabitants;

NOW, THEREFORE, be it

RESOLVED, RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on May 13, 2008 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (249-2008)
Co. Maloney offered and Co. Mandia seconded

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

RESOLUTION NO. (249-2008) continued

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

MONSEY EXCAVATING
P.O. Box 677
Tallman, NY 10982
Albert Lepori, President

CAL MART ENTERPRISES
4 Burts Road
Congers, NY 10920
Martin Wortendyke, President

JD BACKHOE
P.O. Box 342
Sparkill, NY 10976
Joe D'Auria, President

MOUNTAIN VIEW CONSTRUCTION, INC.
30 Pyngyp Road
Stony Point, NY 10980
Edward Schmidt, President

AMERICAN MINUTEMEN SEWER & DRAIN
P.O. Box 2055
New City, NY 10956
Joseph Simonetti, President

McGANNON EXCAVATING LLC
Route 303
Valley Cottage, NY 10989
Robert McGannon, President

TZ SERVICES
90 Wayne Avenue
Stony Point, NY 10980
Theodore Zurla, President

FAIRWAY GOLF & LANDSCAPE
MAINTENANCE CORP.
119 Rockland Center, Suite 164
Nanuet, NY 10954
Chris Peterson, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 08-10 MONSEY EXCAVATING
- 08-22 JD BACKHOE
- 08-23 AMERICAN MINUTEMEN SEWER & DRAIN
- 08-24 TZ SERVICES
- 08-25 CAL MART ENTERPRISES
- 08-26 MOUNTAIN VIEW CONSTRUCTION, INC.
- 08-27 McGANNON EXCAVATING LLC
- 08-28 FAIRWAY GOLF & LANDSCAPE MAINTENANCE CORP.

RESOLVED, that the resignation (by retirement) of Christopher Palacios – Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to February 29, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (250-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING AN AMENDED AGREEMENT WITH H2M GROUP TO PROVIDE ENGINEERING SERVICES TO CONDUCT AN ADDITIONAL FIELD MONITORING PROGRAM AT THE TILCON QUARRY, WEST NYACK, NEW YORK, AND TO AUTHORIZE AN AGREEMENT WITH TILCON OF NEW YORK FOR REIMBURSEMENT TO THE TOWN WITH REGARD TO THE ENGINEERING SERVICES PROVIDED BY H2M GROUP

WHEREAS, the Town of Clarkstown and Tilcon of New York, Inc., have agreed to conduct an additional field monitoring program during a week in April, 2008, at the West Nyack site, to adequately document existing conditions during a shut down period from the quarry mining operation, and will include monitoring of noise levels; NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement, in a form approved by the Town Attorney, with the H2M Group, 575 Broad Hollow Road, Melville, New York, to provide the professional engineering services outlined in its proposal dated March 31, 2008, to conduct an additional field monitoring program during a week in April, 2008, at the West Nyack site, to adequately document existing conditions during a shut down period from the quarry mining operation, and will include monitoring of noise levels, and be it

FURTHER RESOLVED, that the fees for said services shall not exceed \$5,500.00, without further authorization from the Town Board and shall constitute a proper charge to Account No. A-1420-409, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with Tilcon of New York, for the Town to accept reimbursement from Tilcon for all fees paid by the Town to the H2M Group for the additional monitoring services in their proposal dated March 31, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (251-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES
CONCERNING THE NEW CITY COMMUTER PARKING LOT

WHEREAS, by Resolution No. 302-2006, adopted on May 9, 2006, the Town Board established a policy to promote apprenticeship training as authorized by Section 818-b of the New York Labor Law, for contracts involving construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition of any building, facility, physical structure, highway or bridge, with a value in excess of \$250,000, and
WHEREAS, the Town Board has determined the need for a Feasibility Analysis with regard to the construction of the New City Commuter Parking Lot adjacent to the Bradlees Shopping Center, and
WHEREAS, H2M Group has submitted a proposal to the Town dated March 31, 2008, to perform engineering services to develop a Feasibility Analysis and Project Labor Agreement for this project;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to perform engineering services regarding the Feasibility Analysis and Project Labor Agreement for the construction of the New City Commuter Parking Lot, and be it
FURTHER RESOLVED, that the fee for said work shall not exceed \$9,400.00 and will be charged to Account No. H 8757-409-0-81-27.

On roll call the vote was as follows

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

RESOLUTION NO. (252-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES
CONCERNING ELKS DRIVE DRAINAGE IMPROVEMENTS

WHEREAS, by Resolution No. 320-2006, adopted on May 9, 2006, the Town Board established a policy to promote apprenticeship training as authorized by Section 818-b of the New York Labor Law, for contracts involving construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition of any building, facility, physical structure, highway or bridge, with a value in excess of \$250,000, and
WHEREAS, the Town Board has determined the need for a Feasibility Analysis with regard to the construction project associated with the Elks Drive Drainage Improvements, Nanuet, New York, and
WHEREAS, H2M Group has submitted a proposal to the Town dated April 4, 2008, to perform engineering services to develop a Feasibility Analysis and Project Labor Agreement for this project;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to perform engineering services regarding the Feasibility Analysis and Project Labor Agreement regarding the construction project associated with the Elks Drive Drainage Improvements, Nanuet, New York, and
FURTHER RESOLVED, that the fee for said work shall not exceed \$7,600.00 and will be charged to Account No. H 8753-409-0-77-23.

On roll call the vote was as follows

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

RESOLUTION NO. (253-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES
CONCERNING THE HACKENSACK RIVER DRAINAGE IMPROVEMENTS

WHEREAS, by Resolution No. 320-2006, adopted on May 9, 2006, the Town Board established a policy to promote apprenticeship training as authorized by Section 818-b of the New York Labor Law, for contracts involving construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition of any building, facility, physical structure, highway or bridge, with a value in excess of \$250,000, and
WHEREAS, the Town Board has determined the need for a Feasibility Analysis with regard to the construction project associated with the Hackensack River Drainage Improvements and Flood Control in West Nyack, New York, and
WHEREAS, H2M Group has submitted a proposal to the Town dated April 3, 2008, to perform engineering services to develop a Feasibility Analysis and Project Labor Agreement for this project;
NOW, THEREFORE, be it

RESOLUTION NO. (253-2008) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to perform engineering services regarding the Feasibility Analysis and Project Labor Agreement for the construction project associated with the Hackensack River Drainage Improvements and Flood Control in West Nyack, New York, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$9,400.00 and will be charged to Account No. H 7186-409-0-59-1.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (254-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE PURCHASE OF A MOTOROLA PLANT VESTA PALLAS E-911 SYSTEM FOR THE CLARKSTOWN POLICE DEPARTMENT

WHEREAS, the Chief of Police has recommended the purchase of Motorola Plant Vesta Pallas E-911 system at a cost of \$784,138.65, and

WHEREAS, the County of Rockland has agreed to reimburse the Town of Clarkstown the amount of \$419,069.00 for the purchase of the E911 Public Safety Answering Point (PSAP) specifically the 7 Position Plant Vesta Pallas E911 System including optional redundant pallas switch, which amount includes installation, integration, optimization, training and 1st year 7x24 warranty, Plant CML Services & Support - 5 years, and

WHEREAS, the County has further agreed to remain solely responsible for all costs related to the extended warranty years two through five for the Nortel Switch On Site and continued maintenance thereafter;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that pursuant to GML Section 103, said equipment shall be procured through Monroe County, NY Bid #412-04, and be it

FURTHER RESOLVED, that the purchase of said equipment shall constitute a proper charge to Account No. H 8759 409 0 83 7, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the Town's share of said purchase through the issuance of municipal serial bond, and be it

FURTHER RESOLVED, that Resolution No. 276-2007 is hereby amended to reflect reimbursement in the amount of \$419,069.00.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (255-2008)

Co. Maloney offered and Co. Borelli seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

BREGA TRANSPORTATION
SOUTH SIDE TERMINUS OF CORPORATE WAY
VALLEY COTTAGE, NY 10989
109-A-1 (52.19-1-1)

By the installation of Fire lane designations, and

WHEREAS, RICHARD BREGA requested that the Town of Clarkstown designate said fire lanes.

NOW, THEREFORE, BE IT

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

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (256-2008)
Co. Maloney offered and Co. Borelli seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at
FERGUSON LANDSCAPING & CONSTRUCTION
22 BURTS ROAD
CONGERS, NY 10920
115-A-4.5 (35.14-1-46)

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

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

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (257-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLUTION GRANTING PERMISSION TO WEST NYACK FIRE ENGINE CO. #1 INC.,
TO HAVE A LICENSED FIREWORKS DISPLAY AT GERMONDS PARK, WEST NYACK, NY

WHEREAS, the West Nyack Fire Engine Co. #1 Inc. has requested permission to have a licensed fireworks display at Germonds Park, West Nyack, NY and hold a fair, and
WHEREAS, Police Chief Peter Noonan, Clarkstown Police Department, Keith Garrabrant, Emergency Management Coordinator, and Mark Papenmeyer, Chief Fire Safety Inspector, have reviewed the proposal and have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and that adequate Police personnel will be available, and have recommended permission be granted for such fireworks display subject to certain conditions and compliance with all necessary public safety measures provided the display is held on May 3, 2008 (rain date May 4, 2008);

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to West Nyack Fire Engine Co. #1 Inc. to sponsor a fireworks display at Germonds Park on May 3, 2008 (rain date May 4, 2008) at approximately 9:00 p.m., subject to the following conditions:

1. Compliance with New York State Penal Law S405 and the National Fire Protection Act, and
2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage, and
3. An on site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display, and
4. Provide a bond for the favor of the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (258-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #23-2008 – BROOKSIDE AVENUE DRAINAGE IMPROVEMENTS
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York
_____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control upon payment of the prescribed fee .

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (259-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Clerk of the Works and the Authorized Purchasing Agent that

BID #5-2008 – ONE SELF-CONTAINED HYDRAULIC DUMP TRAILER-LEAF LOADER FOR THE CLARKSTOWN BUILDING MAINTENANCE DEPARTMENT

is hereby awarded to: TRIUS, INC.
458 JOHNSON AVENUE
P.O. BOX 158
BOHEMIA, NY 11716-0158

PRINCIPALS: GARY CERVELLI
FRANCES CERVELLI

as per their low bid proposal of \$25,995.00 and be it
FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8759-400-409-0-83-2 not to exceed \$25,995.00.

On roll call the vote was as follows

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

RESOLUTION NO. (260-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney- Purchasing and the Clarkstown Superintendent of Highways that

BID # 12-2008 – 2008 ROADWAY RESURFACING PROGRAM

is hereby awarded to: A.J.M. CONTRACTORS, INC.
71 LIBERTY STREET
PASSAIC, NJ 07055

PRINCIPAL: ANTHONY J. MARINARO

as per their proposed total project cost not to exceed \$1,762,988.75 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
- h) Evidence that the Contractor/Sub-contractor has entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law. The Town will consider the use of project labor agreements in Public Works Contracts involving multiple trades in furtherance of the Apprenticeship Policy

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 Clarkstown Highway Department

On roll call the vote was as follows

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

RESOLUTION NO. (261-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney- Purchasing and the Clarkstown Superintendent of Highways that

BID # 13-2008 – 2008 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to: BELLA VISTA CONSTRUCTION
P.O. BOX 753
ARDSLEY, NY 10502

PRINCIPAL: JOSEPH DE SANTIS
YOLANDA DE SANTIS

as per their proposed total project cost not to exceed \$215,162.50 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

RESOLUTION NO. (261-2008) continued

- 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 Clarkstown Highway Department
On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli... Yes
 Supervisor GromackYes

RESOLUTION NO. (262-2008)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown solicited bids for Bid #17-2008 – Athletic Field and Turf Maintenance; and
WHEREAS, the Town only received one (1) bid in response to its solicitation; and
WHEREAS, the sole bidder submitted a bid price of \$57,980.00 which was higher than the estimated project cost; and

WHEREAS, the Superintendent of Recreation and Parks has reviewed the bid proposal and has negotiated with the sole bidder to reduce his bid price; and

WHEREAS, the sole bidder has agreed to reduce his bid price to \$39,000.00;

NOW THEREFORE, BE IT

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

BID # 17-2008 – ATHLETIC FIELD AND TURF MAINTENANCE

is hereby awarded to: FIELD PRO ENTERPRISES, LLC
17 WHITMAN PLACE
MONROE, NY 10950

PRINCIPAL: NATALE NUOVO

as per the agreed upon negotiated total project cost of \$39,000.00 and be it

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

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

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

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli... Yes
 Supervisor GromackYes

RESOLUTION NO. (263-2008)

Co. Mandia offered and Co. Maloney seconded

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

BID #7-2008 – SWIMMING POOL CHEMICALS

is hereby awarded to: DUSO CHEMICAL CO., INC.
26 VAN KLEEK DRIVE
POUGHKEEPSIE, NY 12601

PRINCIPALS: DAVID LANDESMAN

LINCOLN EQUIPMENT
2051 COMMERCE AVENUE
CONCORD, CA 94520

PRINCIPALS: CHARLIE LUECKER
KATHIE LUECKER

as per the attached item/price schedule, and be it

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

- a) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- b) Certificate of Automobile Liability Coverage

RESOLUTION NO. (263-2008) continued

- c) Certificate of Worker's Compensation insurance coverage
- d) 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.

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli... Yes
 Supervisor GromackYes

RESOLUTION NO. (264-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney – Purchasing that
 BID #19-2008 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to: ZAMS, INC.	MOORE MEDICAL, LLC
200 N. MAIN STREET	1690 NEW BRITAIN AVENUE
FREEPORT, NY 11520	FARMINGTON, CT 06032-3112
PRINCIPALS: ZUBAIDA RATCHER	PRINCIPALS: A PUBLIC CORPORATION

HENRY SCHEIN MATRIX, INC.	LAERDAL MEDICAL CORPORATION
P.O. BOX 194	176 MYERS CORNERS ROAD
WARETOWN, NJ 07858	WAPPINGERS FALLS, NY 12590
PRINCIPALS: A PUBLIC CORPORATION	PRINCIPALS: A PUBLIC CORPORATION

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

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli... Yes
 Supervisor GromackYes

RESOLUTION NO. (265-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES
 CONCERNING THE NEW CITY REVIALIZATION PROJECT LABOR AGREEMENT

WHEREAS, by Resolution No. 302-2006, adopted on May 9, 2006, the Town Board established a policy to promote apprenticeship training as authorized by Section 818-b of the New York Labor Law, for contracts involving construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition of any building, facility, physical structure, highway or bridge, with a value in excess of \$250,000, and
 WHEREAS, the Town Board has determined the need for a Feasibility Analysis and Project Labor Agreement with regard to the construction project associated with Main Street Improvements in New City, and
 WHEREAS, H2M Group has submitted a proposal to the Town dated April 11, 2008, to perform engineering services to develop a Feasibility Analysis and Project Labor Agreement for this project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to perform engineering services regarding the Feasibility Analysis and Project Labor Agreement for the construction project associated with Main Street Improvements in New City, and be it
 FURTHER RESOLVED, that the fee for said work shall not exceed \$11,400.00 and will be charged to Account No. H 5111-409-0-4-16.

On roll call the vote was as follows

Co. Lasker Absent
 Co. Maloney Yes
 Ralph F. Mandia. Yes
 Co. Borelli... Yes
 Supervisor GromackYes

RESOLUTION NO. (266-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE
 ROBERT GENESLAW CO. FOR PLANNING SERVICES FOR THE PERIOD 1/1/08 TO 7/31/08

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 consultant services

RESOLUTION NO. (266-2008) continued

to the Town of Clarkstown, for the period from January 1, 2008 through July 31, 2008, and be it FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be as follows: For the period January 1, 2008 through March 31, 2008 the billing rate shall be \$4,166 per month, and for the period April 1, 2008 through July 31, 2008 the billing rate shall be \$3,125.50 per month, and the total compensation shall be \$25,000.00 which amount shall be charged to Account No. B-8020-409.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (267-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND CONCERNING THE "SUPER SAVER" DISCOUNT PROGRAM FOR THE CLARKSTOWN MINI TRANS

WHEREAS, the County of Rockland and the Town of Clarkstown wish to coordinate bus fares as it relates to cash paying, full fare, adults on the "Transport of Rockland" (TOR) and the "Clarkstown Mini Trans" (CMT), and WHEREAS, the Town Board of the Town of Clarkstown wishes to participate in the County of Rockland Department of Public Transportation "Super Saver" Discount Program for the Clarkstown Mini Trans; NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to provide for the coordination of bus fares as it relates to cash paying, full fare, adults on the Transport of Rockland and the Clarkstown Mini Trans, and for the Town of Clarkstown to participate in the County's "Super Saver" Discount Program.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (268-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SHORE GROUP, INC.

WHEREAS, Shore Group, Inc., 460 West 35th Street, New York, New York 10001, has submitted a proposal with respect to providing the Town with a remote monitoring service called "Shore Patrol," which would proactively monitor the Town's critical network components and applications, and WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended acceptance of said proposal; NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Shore Group, Inc., for a one year period, in a form approved by the Town Attorney, to provide a remote monitoring service called "Shore Patrol," which would proactively monitor the Town's critical network components and applications, and be it

FURTHER RESOLVED, that payment for such services shall not exceed \$29,000.00, of which 50% of said fee shall be paid upon signing of the agreement and the balance shall be due six months thereafter upon receipt of invoice from provider, and be it

FURTHER RESOLVED, that such fees shall be a proper charge to Account No. A 1680-409.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (269-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH KORN, ROSENBAUM, PHILLIPS & JAUNTIG, LLP REGARDING AUDIT FOR PALISADES CENTER ICE RINK

RESOLUTION NO. (269-2008) continued

WHEREAS, the Planning Board, in approving the amended final site plan for the Palisades Center Mall in accordance with the Town Board's conditional zoning approval, required the construction and operation of a skating rink to be located at Palisades Center Mall and operated as a public amenity for the benefit of the residents of the Town of Clarkstown, and

WHEREAS, as a condition of approval of the said site plan, the Planning Board provided that in the event the skating rink was to be operated by other than EklecCo (operating entity for Palisades Center Mall), or the Town of Clarkstown, the operating details of the facility would be subject to the approval of the Planning Board, or the Town Attorney, and that EklecCo would permit reasonable access for inspection and/or audit of the relevant financial records with respect to said skating rink operation, and

WHEREAS, the Town of Clarkstown has declined to operate this facility for its own account and EklecCo has retained the services of an operating company;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the public accounting firm of Korn, Rosenbaum, Phillips & Jauntig, LLP for the purpose of conducting an audit of the operating statement of Palisades Center ice rink for the last ended fiscal period, and to express an opinion with regard to same for a service fee not to exceed \$5,000.00, and be it

FURTHER RESOLVED, that this Resolution is subject to obtaining the cooperation of Palisades Center ice rink for production of the necessary books and records and their agreement to reimburse the Town of Clarkstown for the cost of said audit, and be it

FURTHER RESOLVED, that this audit shall be presented to the Clarkstown Town Board for their review.

On roll call the vote was as follows

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

RESOLUTION NO. (270-2008)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to adopt a segment of a town road for a period of two (2) years, beginning April 15, 2008 to April 15, 2010, as follows:

Sponsor: Clarkstown High School South
31 Demarest Mill Road
West Nyack, NY 10994

Road: .4 mile segment of Old Mill Road from Strawtown Road
to Snake Hill Road, West Nyack, New York,

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning April 15, 2008 to April 15, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the Clarkstown High School South organization, to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (271-2008)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, beginning April 9, 2008 to April 9, 2010, as follows:

Sponsor: Alexander Brothers Automotive Inc., 712 West Nyack Road, West Nyack, NY 10994

Road: .06 mile segment of West Nyack Road from Strawtown Road and Sickletown Road east to Western Highway, West Nyack, NY 10994

and

WHEREAS, Alexander Brothers Automotive, Inc. has asked to be released from

RESOLUTION NO. (271-2008) continued

an additional segment they are currently adopting for safety reasons;
WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Alexander Brothers Automotive Inc., will perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning April 9, 2008 to April 9, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Alexander Brothers Automotive Inc., to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (272-2008)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, beginning April 9, 2008 to April 9, 2010, as follows:

Sponsor: Nanuet Rotary Club, P.O. Box 281, Nanuet, NY 10954

Road: .42 mile segment of College Avenue from Route 59 to Church Street, Nanuet, NY 10954

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning April 9, 2008 to April 9, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Nanuet Rotary Club to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (273-2008)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning April 9, 2008 to April 9, 2010, as follows:

Sponsor: Plastic-Craft Products Corp., 744 West Nyack Road, West Nyack, NY 10994

Roads: .10 mile segment of Doscher Avenue from Western Highway to Route 59E, West Nyack, NY 10994

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Plastic-Craft Products Corp., will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning April 9, 2008 to April 9, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Plastic-Craft Products Corp., to remove trash from the roadways.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (274-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING RESOLUTION #155-2008, AUTHORIZING THE SUPERVISOR TO ENTER INTO
A RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN "ADOPT-A-ROAD" PROGRAM

WHEREAS, Resolution #155-2008 authorized the Supervisor to enter into an amended renewal agreement with Washington Mutual Bank to adopt one segment of Town roadways from July 19, 2007 to July 19, 2009; and

WHEREAS, a representative of Washington Mutual Bank has notified the Town that due to a communication misunderstanding the segment cited in the resolution was incorrect;

NOW, THEREFORE, be it

RESOLVED, that Resolution No.155-2008 is hereby amended to provide that the roadway Washington Mutual Bank will adopt for its renewal period is as follows:

Road: .54 mile segment of McCarthy Way from Parrot Road to Strawtown Road, West Nyack, New York
And be it further

RESOLVED, that this resolution shall be retroactive to July 19, 2007.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (275-2008)
Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the following group wishes to adopt specified Town locations for a period of two (2) years, beginning April 16, 2008 to April 16, 2010, as follows:

Sponsor: Champion Day Camp, 175 West Clarkstown Road, New City, NY 10956

Location: West Clarkstown Road, New City, off Middletown,
Road in the area of the entrance to Palisades, Parkway Exit 10

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for a period of two (2) years beginning April 16, 2008 to April 16, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows

Co. Lasker Absent
Co. Maloney Yes
Ralph F. Mandia. Yes
Co. Borelli... Yes
Supervisor GromackYes

RESOLUTION NO. (276-2008)
Co. Maloney offered and Co. Borelli seconded

TOWN OF CLARKSTOWN TOWN BOARD STATE ENVIRONMENTAL QUALITY REVIEW ACT
RESOLUTION OF NOTICE TO BECOME LEAD AGENCY

WHEREAS, the Town Board is administering the development of the South Main Street Streetscape Revitalization Plan for New City, hereinafter referred to as the "Project," and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Clarkstown Town Board hereby declares its intent to be lead agency in the coordinated review of the South Main Street Streetscape Revitalization Plan for New City

RESOLUTION NO. (276-2008) continued

Project and will follow the requirements of the New York State Environmental Quality Review Act.

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (277-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR EDDIEROLL, INC. D/B/A AKIRA SUSHI

WHEREAS, Glen F. Kubista & Associates, on behalf of EDDIEROLL, INC. D/B/A AKIRA SUSHI, has advised that he intends to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality. The establishment is located at 22 North Middletown Road, Nanuet, New York, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Glen F. Kubista & Associates, on behalf of EDDIEROLL, INC. D/B/A AKIRA SUSHI, for a liquor license at the premises referred to herein.

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (278-2008)

Co. Mandia offered and Co. Borelli seconded

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN DENOUNCING THE PUBLIC SERVICE COMMISSION'S CLEAR-CUTTING POLICY, AND URGING THE PUBLIC SERVICE COMMISSION TO REPEAL ITS 6/20/05 ORDER

WHEREAS, by Order dated June 20, 2005, the New York State Public Service Commission ordered that electric utilities, including Orange & Rockland Utilities, Inc., completely remove all "undesirable vegetation" located within the right of way of a bulk transmission line, and

WHEREAS, as a result of this order, Orange & Rockland is required to completely remove trees located within utility easements on numerous parcels located within the Town of Clarkstown, and

WHEREAS, the Public Service Commission's order has had, and will continue to have, a negative impact upon many property owners in the Town and upon the Town as a whole, in that the clear-cutting of large numbers of trees results in adverse visual, aesthetic and drainage impacts, and

WHEREAS, the Public Service Commission's order was issued without appropriate environmental review and without input from the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby denounces the Public Service Commission's clear-cutting policy, and urges the Public Service Commission to repeal its June 20, 2005 order, and be it

FURTHER RESOLVED, that the Town Attorney is hereby directed to research and advise the Town Board regarding possible legal action against the Public Service Commission, including, if appropriate, joining forces with other municipalities to pursue legal remedies.

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (279-2008)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the residents of Dustman Lane, Bardonia, in the Town of Clarkstown have requested that street lighting be installed to improve the safety and welfare of the community, and

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

RESOLUTION NO. (279-2008) continued

by the Department of Environmental Control, and

WHEREAS, a majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

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

Dustman Lane, Bardonia (Install one (1) -70-watt-5,800 sodium vapor street light on Pole #59204/40232)

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

On roll call the vote was as follows

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

RESOLUTION NO. (280-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING INCREASES IN DISPOSAL FEE FOR CERTAIN COMMODITIES AT THE TOWN OF CLARKSTOWN TRANSFER STATION, WEST NYACK, NEW YORK

WHEREAS, the Town of Clarkstown allows the disposal of and processes various yard waste, concrete and asphalt at its Solid Waste Facility, West Nyack, New York, and

WHEREAS, it is recommended that the tipping fees for these various commodities be increased to reflect the cost of processing the materials.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby establishes the new tipping fees for disposal of the following commodities at the Town's Solid Waste Facility as follows:

- Commodity 1202 (Leaves) - \$42.00 per ton
- Commodity 1212 (Brush) - \$56.00 per ton
- Commodity 1213 (Chipped Brush) - \$56.00 per ton
- Commodity 1222 (Grass) - \$62.00 per ton
- Commodity 1224 (Stumps) - \$125.00 per ton
- Commodity 1302 (Brick, Roll Off Container) - \$12.00 per ton
- Commodity 1303 (Concrete, Roll Off Container) - \$12.00 per ton
- Commodity 1312 (Brick, Mason Dump, 2 CY) - \$12.00 per ton
- Commodity 1313 (Concrete, Mason Dump, 2CY) - \$12.00 per ton
- Commodity 1316 (Brick, Mason Dump 4 CY) - \$12.00 per ton
- Commodity 1317 (Concrete, Mason Dump, 4 CY) - \$12.00 per ton
- Commodity 1322 (Brick, 6 Wheel / Tandem Dump) - \$12.00 per ton
- Commodity 1323 (Concrete, 6 Wheel / Tandem Dump) - \$12.00 per ton
- Commodity 1332 (Brick, Trailer) - \$12.00 per ton
- Commodity 1333 (Concrete, Trailer) - \$12.00 per ton
- Commodity 1343 (Asphalt, Roll Off Container) - \$12.00 per ton
- Commodity 1353 (Asphalt, Mason Dump, 2 CY) - \$12.00 per ton
- Commodity 1354 (Asphalt, Mason Dump, 4 CY) - 12.00 per ton
- Commodity 1363 (Asphalt, 6 Wheel / Tandem Dump) - \$12.00 per ton
- Commodity 1373 (Asphalt Trailer) - \$12.00 per ton
- Commodity 2501 (Recycled Concrete Aggregate) - \$9.00 per CY
- Commodity 2507 (Recycled Asphalt) - \$1.00 per CY
- Commodity 2601 (Recycled Concrete Aggregate - Min. 400 CY/Day) - \$6.00 per CY.

A minimum charge of \$2,400.00 will apply.

- Commodity 2701 (Recycled Aggregate 2" minus) - \$7.00 per CY
- Commodity 2702 (Recycled Aggregate Unscreened) - \$7.00 per CY, and

BE IT FURTHER RESOLVED, that the new minimum fee shall become effective April 17, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (281-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION CONSENTING TO RELOCATION OF BLACKWALNUT, LLC TO 618 CORPORATE WAY, UNIT 2, VALLEY COTTAGE, NEW YORK, WHICH IS LOCATED IN THE ROCKLAND EMPIRE ZONE.

RESOLUTION NO. (281-2008) continued

WHEREAS, Blackwalnut, LLC. (“the Company”) manufactured theatrical scenery for broadcast at 709 Executive Boulevard Unit C, Valley Cottage, New York, from May 2005 to December 2007, and
 WHEREAS, the Company employed twenty-four people in 2007, and anticipates hiring eleven new full time employees over the next five years, and
 WHEREAS, the Company’s previous space would not accommodate the Company’s planned expansion, and
 WHEREAS, the Company moved in December of 2007 to 618 Corporate Way, Unit 2, Valley Cottage, New York, into a new facility that provided the business with the necessary amount of space required for Blackwalnut’s expansion, and
 WHEREAS, 618 Corporate Way, Unit 2, Valley Cottage, New York, is located in the Empire Zone, and
 WHEREAS, Blackwalnut, LLC is applying for Empire Zone Certification, and the Board is advised by the Rockland Economic Development Corporation that the Company meets the eligibility criteria for the Empire Zone;
 NOW, THEREFORE, be it
 RESOLVED, that the Town of Clarkstown hereby consents to the relocation of Blackwalnut, LLC, from 709 Executive Boulevard, Unit C, Valley Cottage, New York which is not an Empire Zone location, to 618 Corporate Way, Unit 2, Valley Cottage, New York, which is in the Rockland Empire Zone.

On roll call the vote was as follows

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

RESOLUTION NO. (282-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, and

WHEREAS, the TOWN OF CLARKSTOWN, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws, and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY to be executed for such STATE Aid;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. That ALEXANDER J. GROMACK, Supervisor of the Town of Clarkstown, is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project;
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project;
5. That this resolution shall take effect immediately.

On roll call the vote was as follows

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

RESOLUTION NO. (283-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF SIGNAGE FOR THE CLARKSTOWN POLICE DEPARTMENT DRIVE SAFE AWARENESS PROGRAM

WHEREAS, The Clarkstown Police Department’s Community Policing Division is desirous of promoting driver safety and awareness, and

WHEREAS, Town Code Chapter 173-3 (Littering & Posting) does exempt the posting of public notices by Municipalities, and

WHEREAS, the Town Board, in its mission to protect the health, safety and welfare of the people of Clarkstown, wishes to promote public awareness of the dangers of driving while intoxicated, without compromising community appearance with unregulated signage,

RESOLUTION NO. (283-2008) continued

NOW, THEREFORE, be it, RESOLVED,

That the Town Board hereby authorizes the Superintendent of Highways to install fifteen (15) 'Drive Safe, Drive Sober' signs with Clarkstown Police Department logo on existing sign posts at appropriate strategic locations as agreed upon by the Clarkstown Police Department and the Superintendent of Highways.

On roll call the vote was as follows

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

RESOLUTION NO. (284-2008)

Co. Maloney offered and Co. Mandia seconded **RESOLUTION**

WHEREAS Bardonia Associates, L.P., a New York limited partnership ("Bardonia Associates") is a redevelopment company, formed under Article 5 of the N.Y. Private Housing Finance Law ("NYPHFL") to own and operate the housing project known as Monterey Gardens, located in Bardonia, Town of Clarkstown, New York (the "Project");

WHEREAS the Project is presently subject to a HUD insured mortgaged loan, and is an "Old Regulations" project under the Section 8 housing program;

WHEREAS the continued use of the Project as a complex which meets housing needs of low income families and individuals receiving governmental housing assistance payments, including under the federal Section 8 program, is an important interest of the Town of Clarkstown (the "Town");

WHEREAS the Town Board of the Town of Clarkstown (the "Town Board") is the supervising agency of the Project pursuant to NYPHFL, and Bardonia Associates has sought various acknowledgment, approvals, and authorizations from the Town Board regarding, among other things, the continued use and availability of housing meeting the needs of low income families and individuals, the refinancing of its existing mortgage, and the amount of past and future funds to be kept in its residual receipts account;

WHEREAS Bardonia Associates has proposed and agreed to pay an impact fee to the Town in the amount of \$650,000.00 on account of the impacts the acknowledgment, approvals, and authorizations sought will have upon the Town, and upon the Town's interest in ensuring future availability of housing meeting the needs of low income families and individuals, plus reimbursement of the actual final amount of the Town's outside legal fees incurred by the Town in connection with Bardonia Associate's proposal (approximately \$25,000.00-\$30,000.00);

WHEREAS the acknowledgments, approvals, and authorizations sought by Bardonia Associates also concern, to a certain extent, a payment in lieu of taxes agreement of January 29, 1979, entitled "Tax Exemption Agreement" (hereinafter "PILOT Agreement") made pursuant to

NYPHFL and relating to tax obligations payable to the County, the Town, and to the local School District;

WHEREAS the Project is situated on property designated on the Clarkstown Tax Map as Map 35, Block B, Lot 4.10, for which a Zone Change was approved by Town Resolution No. 127-194 from R-15 to MF-3, and whereas the property is currently zoned MF-3 (the "Current Zoning"), and whereas Bardonia Associates previously made substantial improvements to the property in reliance on the Current Zoning as a consequence of which Bardonia Associates has certain vested rights under the Current Zoning, including with respect to the existing number of dwelling units;

IT IS HEREBY RESOLVED, subject to the conditions set forth below and unless otherwise mandated by federal law or federal authorities, as follows:

The Mortgage Refinancing

1. Pursuant to the authority vested by the NYPHFL upon this Town Board as the supervising agency, it is acknowledged and approved that:

a. Bardonia Associates has certified and certifies that the actual costs of the original construction of the Project (including cost of purchasing land) plus the certified actual costs of improvements made by the owner since completion total \$5,246,118.28 (the "Original Costs"); and

b. Based on Bardonia Associates' certification, and in accordance with Section 111 of the NYPHFL, the Town Board consents that Bardonia Associates may refinance the Original Costs through reputable private lenders in an amount of up to \$5,246,118.28 (the "Initial Refinancing");

c. In accordance with Section 111 of the NYPHFL, upon such Initial Refinancing, the new mortgage shall constitute a "federally-aided mortgage" as referenced in the PILOT Agreement and NYPHFL § 102, so long as and provided that the Project is continued as

against any sums accrued on or after October 20, 1999, the enactment date of the federal preemption statute; and

c. accordingly, unless otherwise required by federal law or directed by federal authorities, upon the Refinancing in accordance with paragraph "1" hereinabove, Bardonia Associates is permitted to withdraw from the residual receipts account any sums accrued on or after October 20, 1999, and the restrictions of Section 107 of the NYPHFL concerning limitation and retention of newly-acrued residual receipts and limiting distributions to 6% are federally preempted and shall no longer apply.

3. Pursuant to section 107 of the NYPHFL and the authority vested thereby with this Town Board as the supervising agency, and after due consideration of the matter, it is determined that upon the Refinancing in accordance with paragraph "1" above, residual receipts reserve funds of Bardonia Associates accrued prior to October 20, 1999 may be used by Bardonia Associates for the purpose of payment of future interest on and amortization of any mortgage indebtedness and depreciation charges, and distributions (to be used solely for operating expenses and capital improvements), and that the use of such funds for such purposes is necessary.

Conditions of Resolution

4. The approvals, acknowledgments, and authorizations set forth above are subject to all of the conditions set forth hereinabove and below.

5. Until January 29, 2019, Bardonia Associates shall take all reasonably available and good faith steps to remain a redevelopment company organized under and subject to the NYPHFL, and to continue to use and maintain the Project in the same manner in which it is presently used in respect of providing housing to low income families and individuals receiving governmental housing assistance payments, under the current federal Section 8 Mark-Up-To-Market program or an alternative or successor program that provides rental assistance on terms

comparable to the current Section 8 Mark-Up-To-Market program (and which includes provisions for contract rents at market comparable levels, and the right to distribute surplus cash and preemption of state limitations on distributions as currently provided for under the current Section 8 Mark-Up-To-Market program).

6. Under the PILOT Agreement, and in accordance with NYPHFL §125(1)(a) (which provides, *inter alia*, that the tax exemption shall in no event operate for a period of more than forty years), Bardonia Associates' tax exemption period will currently expire on January 29, 2019. Bardonia Associates agrees to take all reasonably available and good faith steps to continue to use and maintain the Project in the same manner in which it is presently used in respect of providing housing to low income families and individuals receiving governmental housing assistance payments, under the current federal Section 8 Mark-Up-To-Market program or an alternative or successor program that provides rental assistance on terms comparable to the current Section 8 Mark-Up-To-Market program (and which includes provisions for contract rents at market comparable levels, and the right to distribute surplus cash and preemption of state limitations on distributions as currently provided for under the current Section 8 Mark-Up-To-Market program), for an additional 40 years until January 29, 2059, including, but not limited to, by supporting all reasonably available and good faith legislative, lobbying and policy initiatives to extend the 40-year deadline currently set forth in NYPHFL§125(1)(a), and by agreeing to an extension of the PILOT Agreement until either, (a) January 29, 2059, or (b) the maximum extended period prior to January 29, 2059 as may be lawfully established, on the same terms and conditions as set forth in the current PILOT Agreement and as set forth in this Resolution and the accompanying Covenants and Restrictions, provided that such extension may be lawfully established by means of a change of law prior to January 29, 2019, and further provided that the Town approves and authorizes the extension of the PILOT Agreement at such time.

7. At any time upon request by the Town as supervising agency, Bardonia Associates shall provide the Town with accountant certified and audited proof of the actual costs

of any construction or improvements made subsequent to the Initial Refinancing, together with such other and additional financial and accounting information which the Town, in its sole and exclusive discretion, shall determine is reasonable and necessary to ensure compliance with this Resolution.

8. As proposed by Bardonia Associates, at the closing of the Initial Refinancing, Bardonia Associates shall pay an impact fee to the Town, which shall be in the amount of \$650,000.00, plus reimbursement of the Town's outside legal fees incurred in connection herewith, the "Impact Fee."

9. Notwithstanding and subsequent to the Initial Refinancing, Bardonia Associates shall continue to maintain and make contributions to the reserve for replacement funds at the greater of either (a) the amounts that are currently required as of the date of this Resolution in the event Bardonia Associates were still subject to a HUD insured mortgage loan, or (b) the amounts that are required by Bardonia Associates' replacement mortgagee.

10. The conditions listed herein shall be recorded as covenants and restrictions against the land upon which the Project is located, and shall be deemed to run with the land.

11. This Resolution, and the acknowledgment, approvals, and authorizations hereunder, shall not take effect until all of the following shall have been satisfied and completed: (a) the covenants and restrictions, in the form annexed as Exhibit A hereto, have been duly signed by Bardonia Associates, and duly recorded (with proof thereof) to the satisfaction of the Town Attorney; (b) the Impact Fee set forth in condition "8" above has been paid; and (c) the closing of the Initial Refinancing.

EXHIBIT A

Covenants and Restrictions

1. Any references in these Covenants and Restrictions to: "NYPHFL" refers to the N.Y. Private Housing Finance Law; "Town" refers to the Town of Clarkstown, New York; "Bardonia Associates" refers to Bardonia Associates, L.P., the present owner of Monterey Gardens (as defined below) as well as any future owner thereof which owns and operates the housing project known as Monterey Gardens, located in Bardonia, Town of Clarkstown, New York (the "Project"); "PILOT Agreement" refers to a certain payment in lieu of taxes agreement of January 29, 1979 between Bardonia Associates and the Town, entitled "Tax Exemption Agreement"; and "Monterey Gardens" means the land and building located at Bardonia, New York more particularly described as that property to the West Side of Route 304, approximately 250 feet south of Pineview Avenue, more commonly known as Monterey Gardens Senior Citizen Complex, and designated on the Clarkstown Tax Map as Map 35, Block B, Lot 4.10, and more particularly described in Schedule A hereto.

2. Until January 29, 2019, Bardonia Associates shall take all reasonably available and good faith steps to remain a redevelopment company organized under and subject to the NYPHFL, and to continue to use and maintain the Project in the same manner in which it is presently used in respect of providing housing to low income families and individuals receiving governmental housing assistance payments, under the current federal Section 8 Mark-Up-To-Market program or an alternative or successor program that provides rental assistance on terms comparable to the current Section 8 Mark-Up-To-Market program (and which includes provisions for contract rents at market comparable levels, and the right to distribute surplus cash and preemption of state limitations on distributions as currently provided for under the current Section 8 Mark-Up-To-Market program).

3. Under the PILOT Agreement, and in accordance with NYPHFL §125(1)(a) (which provides, *inter alia*, that the tax exemption shall in no event operate for a period of more than forty years), Bardonia Associates' tax exemption period will currently expire on January 29, 2019. Bardonia Associates agrees to take all reasonably available and good faith steps to continue to use and maintain the Project in the same manner in which it is presently used in respect of providing housing to low income families and individuals receiving governmental housing assistance payments, under the current federal Section 8 Mark-Up-To-Market program or an alternative or successor program that provides rental assistance on terms comparable to the current Section 8 Mark-Up-To-Market program (and which includes provisions for contract rents at market comparable levels, and the right to distribute surplus cash and preemption of state limitations on distributions as currently provided for under the current Section 8 Mark-Up-To-Market program), for an additional 40 years until January 29, 2059, including, but not limited to, by supporting all reasonably available and good faith legislative, lobbying and policy initiatives to extend the 40-year deadline currently set forth in NYPHFL§125(1)(a), and by agreeing to an

extension of the PILOT Agreement until either, (a) January 29, 2059, or (b) the maximum extended period prior to January 29, 2059 as may be lawfully established, on the same terms and conditions as set forth in the current PILOT Agreement and as set forth in this Resolution and the accompanying Covenants and Restrictions, provided that such extension may be lawfully established by means of a change of law prior to January 29, 2019, and further provided that the Town approves and authorizes the extension of the PILOT Agreement at such time.

4. At any time upon request by the Town as supervising agency, Bardonia Associates shall provide the Town with accountant certified and audited proof of the actual costs of any construction or improvements made subsequent to the Initial Refinancing, together with such other and additional financial and accounting information which the Town, in its sole and exclusive discretion, shall determine is reasonable and necessary to ensure compliance with this Resolution.

5. As proposed by Bardonia Associates, at the closing of the Initial Refinancing, Bardonia Associates shall pay an impact fee to the Town, which shall be in the amount of \$650,000.00, plus reimbursement of the Town's outside legal fees incurred in connection herewith, (the "Impact Fee").

9. Notwithstanding and subsequent to the Initial Refinancing, Bardonia Associates shall continue to maintain and make contributions to the reserve for replacement funds at the greater of either (a) the amounts that are currently required as of the date of this Resolution in the event Bardonia Associates were still subject to a HUD insured mortgage loan, or (b) the amounts that are required by Bardonia Associates' replacement mortgagee.

THE RECORDING OF THESE COVENANTS AND RESTRICTIONS AGAINST THE DEED TO THE ABOVE REFERENCED PROPERTY IS AGREED TO THIS 15TH DAY OF APRIL 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (285-2008)
Co. Maloney offered and Co. Borelli seconded

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

RFP # 19-2008 - 2008 FIREWORKS DISPLAY

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

PRINCIPAL: CONSTANCE ZAMBELLI

as per the sole bidder's total project cost not to exceed \$10,000.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of General Liability Insurance
- d) Certificate of Fireworks Display Liability Coverage
- e) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

RESOLUTION NO. (285-2008) continued

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

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (286-2008)

Co. Maloney offered and Co. Mandia seconded

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

BID #24-2008 – FOUR (4) AERATING FOUNTAINS FOR TWIN PONDS

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Purchasing

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

RESOLUTION NO. (287-2008)

Co. Maloney offered and Co. Borelli seconded

AUTHORIZING THE TENTH AMENDMENT TO SOLID WASTE DISPOSAL SERVICES AGREEMENT BETWEEN THE TOWN OF CLARKSTOWN AND CLARKSTOWN RECYCLING CENTER, INC.

WHEREAS, the Town of Clarkstown (the “Town”) and the Clarkstown Recycling Center, Inc. (the “Company”) are parties to a Solid Waste Disposal Service Agreement and Site Lease Agreement dated May 18, 1990 (together with the amendments referred to below, the “Agreement”), and

WHEREAS, the Agreement has been amended from time to time as follows: First Amendment dated October 24, 1990, Second Amendment dated September 29, 1992, Third Amendment dated October 21, 1994, Fourth Amendment dated May 24, 1995, Fifth Amendment dated November 2, 1998, Sixth Amendment dated September 11, 2003, Seventh Amendment dated April 29, 2005, Eighth Amendment dated August 21, 2006, and Ninth Amendment dated February 28, 2007, and

WHEREAS, the Ninth Amendment provided that the Agreement shall continue in effect on a month to month basis (the “Extension Period”) pending the Town’s implementation of a Fuel Replenishment Program, and

WHEREAS, implementation of the Fuel Replenishment Program was a condition precedent to the commencement of a new contract with Clarkstown Recycling Inc., which was awarded pursuant to General Municipal Law Section 120-w, and

WHEREAS, both parties anticipated that the Fuel Replenishment Program would be implemented by December 31, 2007, and

WHEREAS, due to ongoing negotiations with the Rockland County Solid Waste Management Authority (“RCSWMA”) regarding the possible sale of the Town’s Solid Waste Disposal Facility, the Town has been unable to implement the Fuel Replenishment Program, and

WHEREAS, the cost of fuel has risen sharply during the Extension Period, and

WHEREAS, in order to ensure the continued operation of the Town’s Solid Waste Disposal Facility and to protect the health, safety and welfare of the Town residents by insuring the continuity of Solid Waste Disposal on a temporary basis pending implementation of the Fuel Replenishment Program, the parties have agreed to further extend the agreement at a \$1.00 per ton cost increase;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a Tenth Amendment to the Agreement, in a form approved by the Town Attorney, which shall provide: (1) an increase in the current rate to \$69.50 per ton, commencing May 1, 2008; and (2) that the term of the Agreement shall continue on a month to month basis pending the implementation of the Fuel Replenishment Program and the execution of a new five year agreement by the parties.

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Maloney Yes
- Ralph F. Mandia. Yes
- Co. Borelli... Yes
- Supervisor GromackYes

The Supervisor opened the meeting for general public comments.

Steven Levine- Congers

Spoke about issues regarding property on Massachusetts Avenue and referred to an article in the Journal News regarding the property's foreclosure. Asked the Town Board if they had any further information on the property's status. Mr. Levine was directed to contact Deputy Town Attorney Paul Schofield, who would be able to provide further information.

On motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, Town Board Meeting was closed 10:12 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1A

Town Hall

04/15/2008

8: 15 P.M.

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

Absent: Councilwoman Shirley Lasker

Re: Continuation of Chapter 111 Proceedings (Unsafe Buildings), 560 Mountainview Avenue, Valley Cottage

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

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

Mark Papenmeyer- Chief Fire Inspector
Stated the building has been secured.

Amy Mele- Town Attorney
Recommended the Town Board discontinues the Chapter 111 Proceedings.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Mandia, and
unanimously adopted, the public hearing was closed 8:17 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (207-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #1B
04/15/2008

Town Hall

8: 18 P.M.

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

Absent: Councilwoman Shirley Lasker

Re: Chapter 111 Proceedings (Unsafe Buildings), 8 Red Rock Road, New City

On motion of Co. Maloney, seconded by Co. Borelli, hearing opened 8:18 P.M.

Mark Papenmeyer- Chief Fire Inspector
Stated the building collapsed within itself and has been boarded up. Emergency Services were contacted to make certain there is to be no entry under any circumstances.

Amy Mele- Town Attorney
Recommended the Town Board continues the public hearing to May 13, 2008 and authorizes the Building Inspector to demolish the building.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, the public hearing was continued to May 13, 2008.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

04/15/2008

8: 20 P.M.

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

Re: Request of Frances Bowman for use of Town Law 280-a (4) to create an open development area to obtain access to 3 Murdock Road, New City. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:20 P.M.

Donald Tracy- Attorney representing applicant

Stated the application would authorize the applicant to be able to access the right of way to enter one of the lots.

Tom Vanderbeek- Hudson Valley Engineering

Stated the applicant needs access to Murdock Road instead of New Hempstead Road.

Joe Simoes- Town Planner

Spoke about Planning Board's recommendations, (on file with Town Clerk), stating the application could be granted provided three conditions were met. The applicant submitted a plat indicating the three conditions requested by the Planning Board were addressed. Gave an overview of the SEQRA Review, stating it was a Type II action.

Amy Mele- Town Attorney

Stated the Rockland County Planning Board recommended approval of the application.

Frank DiMaria- New City

I have lived here 48 years. We have a wonderful community and we would like to keep it that way. I oppose this subdivision within 500 feet from my home, with eight new homes to be developed. In addition to the eight, four or five subdivisions are coming in, depending on the action of the board. Services will be needed, increasing my taxes. My quality of life will certainly be jeopardized. Consider the people living there, the effect it will have on them and their children. Please do not change the character of the neighborhood. The school and town taxes will increase for the people living there. If we continue approving subdivisions, making Clarkstown greener will not happen. Please give the owners living in the area a voice in the decision making process.

Arthur Stahl- New City

Stated he has lived here 38 years and there is a concern in the neighborhood with overdevelopment. It is possible to build subdivisions that might conform to the letter of the law, but do not follow the spirit of the law or honor the character of the neighborhood. The houses to be built will be either high ranches or colonials, which are completely out of character with the neighborhood, and will not have basements, due to the water problems on that property. This subdivision is a step in the wrong direction.

Wendy Keryk- New City

The neighborhood is very green with many streams. We will be extremely disappointed with anyone who endorses this subdivision.

Joe Dolan- New City

Stated Greenwood Drive is a narrow road, which will not be able to handle the traffic.

Jim McGovern- New City

Stated if you build the subdivision on Murdock, it will destroy the neighborhood.

Barbara Galli- New City

The people who live here deserve to keep the neighborhood intact.

Frank Podlaski- New City

As a resident of Lombardi Drive, he stated he felt the Town Board ignored what happened on his street and should listen to what the citizens are telling them tonight. Zoning laws are there for a purpose.

Amy Mele- Town Attorney

Stated the Town Board does not approve subdivisions, the Planning Board does. There will be at least two more public hearings at the Planning Board level, where residents can address their concerns. What is currently before the Town Board is not a zone change. This application is for one of three lots which, under current zoning, is entitled to a three lot subdivision on that parcel. This is simply to allow access for one of those lots via an easement over another one of the three lots.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 8:45 P.M. RESOLUTION NO. (209-2008)

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

04/15/2008

8: 46 P.M.

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

Absent: Councilwoman Shirley Lasker

Re: Proposed amendment to Comprehensive Plan with respect to Zone Change Petition of Normandy Village (R-10 to MF-3) for property at 97 College Avenue, Nanuet

On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:46 P.M.

Amy Mele- Town Attorney

Stated this is the first in a series of two public hearings regarding the petition for zone change. The first public hearing is to see if an amendment to the Comprehensive Plan is required if the petition is granted. The determination of the Town Planner was that no amendment to the Comprehensive Plan would be required, but we would have to amend the Comprehensive Plan Map.

Joe Simoes- Town Planner

The proposed amendment is to provide affordable housing for emergency service volunteers, which was deemed necessary by the Citizens Advisory Board. The petition would dedicate three apartments for use by emergency service volunteers.

John Goehring- Nanuet

Asked how many units will be built on the lot.

Joe Simoes- Town Planner

There is an estimated six to eight units that can be built, depending on the amount of bedrooms per unit. The three apartments for use by emergency service volunteers already exist in Normandy Village.

John Goehring- Nanuet

Spoke about concerns regarding taking property zoned for a single family and rezoning it for multi-family use. Little by little I see parcels of land eroded. Will there be more traffic? Will our property value decrease?

Tom Geary- Congers

If we do not do it, who is going to pay for the volunteer EMS?

Patricia Fay- Nanuet

Stated she is strongly opposed to a zone change.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 9:00 P.M. RESOLUTION NO. (210-2008)

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #4

Town Hall

04/15/2008

9:00 P.M.

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

Absent: Councilwoman Shirley Lasker

Re: Zone Change Petition of Normandy Village (R-10 to MF-3) for property at 97 College Avenue, Nanuet

On motion of Co. Maloney, seconded by Co. Mandia, hearing opened 9:00 P.M.

Kenneth J. Torsoe- Normandy Village Condominiums

Stated he has owned the property at Normandy Village for over forty years, is proud of it, and the people who live there are proud of it. He would like to tear down an old home to build a new one.

Joe Simoes- Town Planner

Gave an overview of Planning Board's recommendations, (on file with Town Clerk).

Amy Mele- Town Attorney

Stated the Rockland County Planning Board recommended approval of the application with certain modifications.

John Goehring- Nanuet

Spoke about concerns that Mr. Torsoe first bought one lot, then another, which became one block, and now is going to the other side of the street.

Kenneth J. Torsoe- Normandy Village Condominiums

Stated his plans for the property will make it better than it is now.

Co. Mandia

Thanked Mr. Torsoe and the Planning Board, in particular, Chairwoman Shirley Thormann, for working towards providing the first affordable housing for our emergency service volunteers. If we lose our volunteers, the increase in taxes to pay for these services, would be very damaging to our community.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 9:18 P.M. RESOLUTION NO. (211-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (211-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #5

Town Hall

04/15/2008

9:18 P.M.

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

Absent: Councilwoman Shirley Lasker

Re: Application of Cablevision of Rockland/Ramapo for renewal of Franchise Agreement

On motion of Co. Maloney, seconded by Co. Mandia, hearing opened 9:18 P.M.

Marsha Coopersmith- First Deputy Town Attorney

Stated there was a public hearing held in November of 2006 for the renewal of Cablevision's Franchise Agreement, but the contracts were not timely signed. As a result, the Public Service Commission wanted us to do the public meeting over again.

Adam E. Falk- Vice President for Government and Regulatory Affairs for Cablevision

This is a procedural matter to correct a deficiency identified by the Public Service Commission in regards to signing the Franchise Agreement more than one year after the Town Board voted. There were some matters which resulted in a delay in having the agreement signed. Some things that the town wanted to ensure were addressed in the Franchise Agreement. Those issues were addressed and resolved; however, the signing of the Franchise Agreement came one week beyond the first anniversary of the public hearing on the matter. The Public Service Commission asked that we bring the matter back to the Town Board for its consideration. The Franchise Agreement is substantially similar to the one awarded by the Town of Clarkstown to Verizon in 2006.

Marsha Coopersmith- First Deputy Town Attorney

She asked Mr. Falk, with regard to the peg access interconnection, would he state clearly for the board that he would install an origination point, at a location that the town picks, within 120 days of its request?

Adam E. Falk- Vice President for Government and Regulatory Affairs for Cablevision

There was a letter dated April 8, 2008 that lays out the aspects of the agreement related to this issue. What exists in the document and what has been negotiated between the parties I think is fairly clear.

Marsha Coopersmith- First Deputy Town Attorney

The document that has been available for viewing at the Town Clerk's office for the past ten days, pursuant to the publications that were made, is not the document that you signed about two months ago. There are several minor changes, but those changes will make a massive impact. The origination point, which is about a \$200,000 item, for some reason, Cablevision, wants to take it out of the contract and put it in a side letter. I want to caution the Town Board that when anything goes into a side letter, if it goes to court, it will not be able to be secured by an attorney. The court will only be able to look at the parameters of a contract. I hold here the contract that the Town Attorney's office has put the final review on, and for the Town Board's protection, I ask that this be the contract you sign.

Supervisor Gromack

Asked the First Deputy Town Attorney, Marsha Coopersmith, if she advises the Town Board to adopt it with the understanding that the contract has to be in a form acceptable to the Town Attorney's office prior to signing? The First Deputy Town Attorney confirmed this was acceptable.

Steven Levine- Congers

This is like déjà vu. I remember Cablevision wanted to play on a level field. When will we get these meetings televised?

Supervisor Gromack

We have hired an architect to give us some plans on developing the needed facility. We are also being advised on the type of equipment we will require.

There being no one wishing to be further heard, on motion of Co. Mandia, seconded by Co. Maloney, and unanimously adopted pending final contract approval by the Town Attorney's office, the public hearing was closed 9:32 P.M. RESOLUTION NO. (212-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (212-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #6

Town Hall

04/15/2008

9:32 P.M.

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

Absent: Councilwoman Shirley Lasker

Re: Proposed Local Law amending Chapter 290 (Zoning) of the Town Code Re: Hospice Residence

On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 9:32 P.M

Amy Mele- Town Attorney

This is a follow-up to the action the Town Board took six to eight months ago. Tonight's public hearing pertains to an actual zoning text amendment. The Town Attorney advised the Town Board to continue the public hearing for one month to allow for public comment and to continue the SEQRA Review.

Joe Simoes- Town Planner

Gave an overview of Planning Board's recommendations, (on file with Town Clerk).

Amy Mele- Town Attorney

Stated the Rockland County Planning Board recommended approval of the application.

James Sexton- Bardonia

Spoke in favor of the proposal.

Niles Davies- New City

Spoke in favor of the proposal, stating there is a need for Hospice.

Amy Mele- Town Attorney

What the amendment provides is that no more than one hospice be built in the town, unless the state authorizes it.

Steve Dranow- New City

Spoke in favor of the proposal.

David Schwartz- Suffern

Spoke in favor of the proposal and asked the board to just do what's right.

Charles Izzo- Valley Cottage

Spoke in favor of the proposal.

Robyn Chagares- New City

Spoke in favor of the proposal. As a former hospice nurse, she was here for her patients who have died and are not able to speak.

Tom Geary- Congers

Spoke in favor of the proposal.

Stanley Feld- West Nyack

Spoke in favor of the proposal.

Irwin Librot- Physician

Stated he was a physician, practicing neurology, up to a year ago. Spoke in favor of the proposal, as there are people that have no one to take care of them. That is who I am talking about.

There being no one wishing to be further heard, on motion of Co. Mandia, seconded by Co. Maloney, hearing opened 9:32 P.M. On motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, the public hearing was continued to May 13, 2008. RESOLUTION NO. (213-2008)

Respectfully submitted,

David Carlucci
Town Clerk