

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

6/15/10

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli, George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

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

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SPECIAL PRESENTATION: St. Francis of Assisi – CYO New York State Champions

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SPECIAL PRESENTATION: Recognition of the Dedicated Volunteer Clarkstown Auxiliary Police.

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Public Hearing #1 re: Amending the Clarkstown Comprehensive Plan to Include the West Nyack Vision Plan. On motion of Co. Hoehmann, seconded by Co. Borelli, hearing opened 8:30 P.M. On motion of Co. Hoehmann, seconded by Co. Lasker, hearing continued to July 20, 2010. RESOLUTION NO. (301-2010) unanimously adopted.

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Public Hearing #2 re: Proposed Local Law Amending Chapter 208 of the Code of the Town of Clarkstown. On motion of Co. Hoehmann, seconded by Co. Borelli, hearing opened 8:35 P.M. On motion of Co. Hoehmann, seconded by Co. Hausner, and unanimously adopted, hearing closed 8:37 P.M. RESOLUTION NO. (302-2010)

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Public Hearing #3 re: Amending Conditions of Zone Change for Normandy Village Company On motion of Co. Lasker, seconded by Co. Hoehmann, hearing opened 8:37 P.M. On motion of Co. Lasker, seconded by Co. Hoehmann, and unanimously adopted, hearing closed 8:45 P.M. RESOLUTION NO. (303-2010)

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Supervisor opened the meeting to public comments regarding agenda items.

Amy Durbin- Congers  
Regarding agenda items #9c & d (res. nos. 328-2010, 329-2010), asked if the positions were being refilled.

Supervisor Gromack  
Regarding agenda items #9c & d (res. nos. 328-2010, 329-2010), stated the positions were not being refilled, at this time.

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RESOLUTION NO. (301-2010)  
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION CONTINUING THE PUBLIC HEARING WITH REGARD TO AMENDING THE CLARKSTOWN COMPREHENSIVE PLAN TO INCLUDE THE WEST NYACK VISION PLAN

WHEREAS, by Resolution adopted on May 18, 2010, the Town Board directed that a public hearing be held on June 15, 2010, to consider amendment of the Town of Clarkstown Comprehensive Plan for zoning to include the West Nyack Vision Plan, and  
WHEREAS, notice of said hearing was duly prepared and published in the Journal News on June 2, 2010, and  
WHEREAS, the public hearing was held by the Town Board of the Town of Clarkstown on June 15, 2010, and  
WHEREAS, by letter dated June 10, 2010, the Clarkstown Planning Board recommended approval of the amendment, however, the Rockland County Department of Planning has not yet provided their comments pursuant to General Municipal Law;  
NOW, THEREFORE, be it  
RESOLVED, that the public hearing is hereby continued to July 20, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (302-2010)  
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 2 – 2010

WHEREAS, a proposed local law entitled,  
“A Local Law Amending Chapter 208 (Peddling, Hawking and Soliciting) Of the Code of the Town Of Clarkstown”  
was introduced by Councilwoman Stephanie G. Hausner, at a Town Board meeting held on May 18, 2010, and  
WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 18, 2010, directed that a public hearing be held on June 15, 2010, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and  
WHEREAS, notice of said hearing was duly prepared and published in the Journal News on June 2, 2010, and  
WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on May 26, 2010;  
NOW, THEREFORE, be it

RESOLUTION NO. (302-2010)

RESOLVED, that Local Law No. 2 – 2010 entitled:

“A Local Law Amending Chapter 208 (Peddling, Hawking and Soliciting) Of the Code of the Town Of Clarkstown” is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Co. Lasker . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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

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RESOLUTION NO. (303-2010)

Co. Lasker offered and Co. Hoehmann seconded

Resolution Amending Conditions of Zone Change For Normandy Village Company, By Resolution No. 913-2002

WHEREAS, pursuant to Resolution 211-2008, adopted on April 15, 2008, the Town Board adopted a zone change for the Normandy Village Company, for property designated as Map 64.9-1-11, from the R-10 District to the MF-3 District, and

WHEREAS, the zone change was conditioned upon, among other things, that Normandy Village Company convey three (3) one (1) bedroom condominium units at approximately \$150,000 below market value to the Rockland Housing Action Coalition in order to provide affordable housing to emergency service volunteers, and

WHEREAS, the Rockland Housing Action Coalition has advised the Town that it is unable to purchase the units at this time, and

WHEREAS, Normandy Village Company has submitted an Amended Petition in which it offers to convey one (1) one (1) bedroom unit with a value of \$150,000 directly to the Town of Clarkstown, which the Town may lease at below market rents to emergency service volunteers, and

WHEREAS, the Town wishes to revise the zone change conditions to recognize these subsequent events and memorialize the agreements as recited above, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on May 18, 2010, provided for a public hearing on June 15, 2010, at 8:00 P.M., to consider the matter referred to herein, 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 June 11, 2010 resolution of the Town Planning Board, which recommended approval of the Amended Petition, which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Department of Planning, by letter dated June 9, 2010 recommended approval of the Amended Petition;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 211-2008, adopted on April 15, 2008, is hereby amended as follows:

**The following condition shall be deleted:** “Normandy Village Company to convey three (3) one (1) bedroom condominium units at approximately \$150,000 below market value to the Rockland Housing Action Coalition in order to provide affordable housing to emergency service volunteers, **and replaced with the following condition:** “Normandy Village Company to convey one (1) one (1) bedroom unit with a value of at least \$150,000 directly to the Town of Clarkstown, which the Town may lease at below market rents to emergency service volunteers”, and be it

FURTHER RESOLVED, that such conveyance shall be in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the contract of sale shall provide, among other things, for professional inspection of the premises, and shall further provide that the Petitioner shall install new appliances, two new air-conditioning units, new formica kitchen countertops, and apply a fresh coat of paint to all interior walls, and be it

FURTHER RESOLVED, that this resolution shall be filed with the Town Clerk, the Town Planning Department, the Rockland County Planning Department, and shall be recorded in the Rockland County Clerk’s Office.

- On roll call the vote was as follows
- Co. Lasker . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (304-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the Town Board Minutes of May 18, 2010 is hereby accepted as submitted by the Town Clerk.

- On roll call the vote was as follows
- Co. Lasker . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (305-2010)

Co. Hausner offered and Co. Lasker seconded

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

RESOLUTION NO. (305-2010)

RFP # 24-2010 – CANINE HARASSMENT OF CANADA GEESE

is hereby awarded to: Hudson Valley Wild Goose Chasers, Inc.. 10 Waldron Avenue, Ste #3,NYACK, NY 10960

PRINCIPAL: FRANCESCA SALINA RIZZO, PETER RIZZO

as per their proposed total cost as follows:

\$2,695.00 - Total Base bid price per month for one 12 month period for Kings Park, Congers Memorial Park and Twin Ponds with no additional charge per call-out for additional sites;

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 . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (306-2010)

Co. Hausner offered and Co. Lasker seconded

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

BID #30-2010 – PAPER AND PLASTICS SUPPLIES

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by 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 at the above address.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (307-2010)

Co. Lasker offered and Co. Hoehmann seconded

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

BID#32-2010 – SEWER COVERS/FRAMES

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 . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (308-2010)

Co. Lasker offered and Co. Hoehmann seconded

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

BID#33-2010 – POLICE COMMUNICATIONS ROOM CHAIRS

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 . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (309-2010)

Co. Lasker offered and Co. Hoehmann seconded

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

RESOLUTION NO. (309-2010)

BID#34-2010 – RUTH DRIVE 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 Department of Environmental Control upon payment of the prescribed fee.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (310-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT FOR DESIGN AND ENGINEERING OF THE NEW PARK AND RIDE LOT LOCATED ON ROUTE 304, NEW CITY

WHEREAS, the Town of Clarkstown constructed a new commuter park and ride lot located on Route 304 near Calvary Drive, New City; and

WHEREAS, the County of Rockland, through its Department of Public Transportation, recommends that the County reimburse the Town of Clarkstown for design and engineering on the new park and ride lot.

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 reimburse the Town for design and engineering costs in relation to the New Park and Ride lot located near Calvary Drive, New City, for the period from January 1, 2010 through December 31, 2010, in a sum not to exceed \$175,000.00.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (311-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CLARKSTOWN MEDICAL ASSOCIATES, P.C., TO ACT AS POLICE SURGEON FOR THE 12-MONTH PERIOD COMMENCING JUNE 1, 2010 THROUGH MAY 31, 2011.

WHEREAS, Chief of Police Peter T. Noonan has recommended entering into an agreement with Clarkstown Medical Associates, P.C., to provide services to the Clarkstown Police Department as the police surgeon for the twelve-month period beginning June 1, 2010 through May 31, 2011, upon the terms as conditions set forth therein;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Clarkstown Medical Associates, as referred to herein, for the period June 1, 2010 through May 31, 2011, upon the terms and conditions set forth therein; and be it

FURTHER RESOLVED, that per the agreement, the police surgeon is an independent contractor and compensation for said services shall be at the rates established for annual physical examinations for sworn members of the police department, to wit: \$235 per exam, plus the sum of \$1,500 per month, all of which shall be charged to Account No. A3120-409; and be it

FURTHER RESOLVED, that this resolution shall be effective as of June 1, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (312-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING AN AGEEMENT WITH KORN ROSENBAUM LLP FOR AUDITING SERVICES FOR THE YEARS 2010 and 2011

WHEREAS, a proposal has been received from Korn Rosembaum LLP, certified public accounts, dated May 17, 2010, to continue providing auditing services to the Town of Clarkstown, and

WHEREAS, Edward J. Duer, Town Comptroller, has advised that past experience with this firm has proven satisfactory;

NOW, THEREFORE, be it

RESOLUTION NO. (312-2010)

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn Rosenbaum LLP, Certified Public Accountants, with offices at Palisades Office Park, 26 Firemen’s Memorial Drive, Pomona, New York, for auditing services for the years ending December 31, 2010 and December 31, 2011, and be it

FURTHER

RESOLVED, that the fee for such services shall not exceed the amount of \$52,750.00, which cost shall be charged to Account No. A 1320-409, and be it

FURTHER RESOLVED, that said agreement shall provide, among other provisions requested 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.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (313-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH ROBERT W. AND MAUREEN WILLIAMSON, 5 ELKS DRIVE, NANUET, NEW YORK, REGARDING ENCROACHMENT ON TOWN DRAINAGE EASEMENT

WHEREAS, Robert W. and Maureen Williamson, owners of premises located at 5 Elks Drive, Nanuet, New York and more particularly described as Tax Map 64.13-4-26, have proposed installing/erecting a pool within a Town drainage easement, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein may be installed and/or erected 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 pool to be installed/erected in the Town’s drainage easement, located at 5 Elks Drive, Nanuet, New York and more particularly described as Tax Map 64.13-4-26, 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 . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (314-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH SURESH AND ANN RAMASWAMY, 4 ROBERTS ROAD, NEW CITY, NEW YORK, REGARDING ENCROACHMENT ON TOWN DRAINAGE EASEMENT

WHEREAS, Suresh and Ann Ramaswamy, owners of premises located at 4 Roberts Road, New City, New York and more particularly described as Tax Map 34.5-1-15, have proposed installing/erecting a driveway over a Town drainage easement, and

WHEREAS, Wayne T. Ballard, Superintendent of the Clarkstown Highway Department, has investigated this matter and has advised that the encroachment described herein may be installed and/or erected 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 driveway to be installed/erected over the Town’s drainage easement, located at 4 Roberts Road, New City, New York and more particularly described as Tax Map 34.5-1-15, 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 . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (315-2010)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING A RENEWAL AGREEMENT WITH SHORE GROUP, INC. FOR OFFSITE NETWORK MONITORING SERVICE AND SOFTWARE TECHNICAL SUPPORT

WHEREAS, the Town Board of the Town of Clarkstown ("Town") has previously authorized the Supervisor of the Town to enter into an agreement with Shore Group, Inc., 460 West 35<sup>th</sup> Street, New York, N.Y. 10001 to provide the Town with a remote monitoring service called "Shore Patrol," which would proactively monitor the Town's critical network components and applications, and

WHEREAS, the present agreement expired on May 31, 2010, and

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended that the Town renew its agreement with Shore Group, Inc. for this service;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town 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 \$41,897.83, which 50% of said fee shall be paid upon the signing of the agreement and the balance shall be due six months thereafter upon receipt of invoice from the provider, and be it

FURTHER RESOLVED, that the said purchase shall constitute a proper charge to account number # A-1680-409.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (316-2010)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF SPRING VALLEY, THE SHERIFF OF ROCKLAND COUNTY AND THE COUNTY OF ROCKLAND REGARDING THE 2010 BYRNE JUSTICE ASSISTANCE GRANT (JAG)

WHEREAS, the U.S. Department of Justice has approved the application (GMS application NO. 2010-H6620-NY-DJ) from the Town of Clarkstown for funding under the 2010 Byrne Justice Assistance Grant Program (JAG) in the amount of \$10,826.00 to offset overtime for the Rapid Deployment Training, plus \$24,935.00 for the Village Of Spring Valley for their Operation Safe Streets Program and a Youth/Police Initiative Program, and

WHEREAS, the Town of Clarkstown has agreed to be the point of contact and fiscal agent for the JAG grant, and has further agreed to administer the grant for the Village of Spring Valley, and

WHEREAS, the Town of Clarkstown shall receive grant funds totaling the amount of \$35,761.00 from the U.S. Department of Justice, to act as fiscal agent to distribute said funds to itself and the Village Of Spring Valley, and

WHEREAS, the Sheriff of Rockland County has decided not to participate in JAG funding for 2010, but remain a partner with the Town of Clarkstown and Village of Spring Valley for the 2010 JAG grant award period;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Village of Spring Valley and the County of Rockland, in a form approved by the Town Attorney, regarding the 2010 Byrne Justice Assistance grant (JAG) from the New York State Department of Justice, in the amount of \$35,761.00, with \$10,826.00 for use by the Clarkstown Police Department to offset overtime for the Rapid Deployment Training.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (317-2010)  
Co. Lasker offered and Co. Hoehmann seconded

Resolution Authorizing The Supervisor To Enter Into An Agreement With The County Of Rockland, Office Of The Aging

WHEREAS, the Rockland County Office of the Aging provides for a Senior Community Service Employment Program, which is operated under Title V of the Older Americans Act, and

WHEREAS, the County, as Sponsor Agency, wishes to enter into an agreement with the Town of Clarkstown for the Town to serve as the Host Agency for this program, and

WHEREAS, the program was created to allow seniors to perform temporary work with nonprofit or governmental agencies and receive on the job training for twenty hours per week, at no cost to the Town, and

WHEREAS, the Town Board finds this endeavor good for the community and its seniors;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County Office of the Aging for the Town to serve at Host Agency for the Senior Community Service Employment Program.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes

RESOLUTION NO. (317-2010)

Co. Hoehmann..... Yes  
 Co. Borelli..... Yes  
 Supervisor Gromack..... Yes  
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RESOLUTION NO. (318-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE PALISADES INTERSTATE PARK COMMISSION CONCERNING DRAINAGE EASEMENTS

WEREAS, the Town of Clarkstown has requested that the Palisades Interstate Park Commission (PIP) provide the Town with four drainage easements through PIP owned property in order for the Town to perform drainage improvements. The areas are depicted on a plan entitled "Quaspeck Park Drainage Improvement Project," Proposed Drainage Easement Plan" dated June 4, 2010, and described on Schedules "A," "B," "C," and "D" attached hereto; NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Palisades Interstate Park Commission Park to provide four drainage easements over PIP property to the Town, as described on Schedules "A," "B," "C," and "D" attached hereto;

On roll call the vote was as follows  
 Co. Lasker ..... Yes  
 Co. Hausner ..... Yes  
 Co. Hoehmann..... Yes  
 Co. Borelli..... Yes  
 Supervisor Gromack ..... Yes  
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RESOLUTION NO. (319-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH THE COUNTY OF ROCKLAND AND THE ROCKLAND FARM ALLIANCE, INC.

WHEREAS, the Town of Clarkstown and the County of Rockland are the owners of a certain parcel of land located in the Town of Clarkstown, County of Rockland, State of New York, located at 230 South Little Tor Road, New City, New York and more commonly known as Cropsey Farm, designated on the Clarkstown Tax Map as 37-F-47, and WHEREAS, the Town of Clarkstown and the County of Rockland are willing to grant a license to the Rockland Farm Alliance, Inc. to operate an agricultural operation on approximately five (5) acres of the subject premises for an organic community supported agriculture and educational program, which the Town and the County determined would be a benefit to the public;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a license agreement, in a form approved by the Town Attorney, with the County of Rockland and the Rockland Farm Alliance, Inc. to allow the use of approximately five (5) acres of the premises located at 230 South Little Tor Road, New City, New York and more commonly known as Cropsey Farm, designated on the Clarkstown Tax Map as 37-F-47, for organic farming and related educational programming from June 1, 2010 to no later than June 1, 2014, and be it

FURTHER RESOLVED, that in consideration of the grant of the license, the Rockland Farm Alliance, Inc. shall provide the Town with proof OF the required insurance naming the Town of Clarkstown as an additional insured, and be it

FURTHER RESOLVED, that the Rockland Farm Alliance, Inc. shall agree to defend and indemnify, and to hold harmless, the Town of Clarkstown and its employees and agents, from and against all claims, damages, losses and expenses including attorneys' fees, that shall or may result from the work performed by them on the premises, and be it FURTHER RESOLVED, that this resolution shall be retroactive to June 1, 2010.

On roll call the vote was as follows  
 Co. Lasker ..... Yes  
 Co. Hausner ..... Yes  
 Co. Hoehmann..... Yes  
 Co. Borelli..... Yes  
 Supervisor Gromack ..... Yes  
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RESOLUTION NO. (320-2010)

Co. Lasker offered and Co. Hoehmann seconded

AUTHORIZING EXECUTION OF AMENDMENT TO DEED OF CONSERVATION EASEMENT ON LANDS OF UNITED WATER NEW YORK AND OF CORWICK REALTY, INC.

WHEREAS, in February, 2003, the Town Board authorized and the Town of Clarkstown acquired, a Deed of Conservation Easement (the Conservation Easement) with a one-year term, on undeveloped land of United Water New York and Corwick Realty, Inc. (Grantees) lying in the Hackensack River Basin in the Town of Clarkstown, except the submerged land of Lake DeForest (the Affected Land); and

WHEREAS, in February, 2004, the Town Board extended the term of the Conservation Easement for two years; and WHEREAS, in February, 2006, the Town Board again extended the term of the Conservation Easement for two years; and

WHEREAS, in March, 2008, the Town Board again extended the term of the Conservation Easement for two years; and

WHEREAS, the Town Board and the grantors are desirous of extending the Conservation Easement for an additional two years, and

RESOLUTION NO. (320-2010) continued

WHEREAS the Town Board has previously determined that this is an unlisted, site-specific action that conforms with the conditions and thresholds established for such actions in the Generic Environmental Impact Statement for the Comprehensive Plan Update of 1999 and the Supplementary Generic Impact Statement prepared for the Town-Wide Open Space and Land Conservation Initiative, and therefore requires no further compliance with the State Environmental Quality Review Act;

NOW THEREFORE be it

RESOLVED that the Supervisor is hereby authorized to execute an Amendment extending by two years the term of the Deed of Conservation Easement with United Water New York and Corwick Realty, Inc., in a form meeting the standards of Article 49 of the Environmental Conservation Law and approved by the Town Attorney.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (321-2010)

Co. Lasker offered and Co. Hoehmann 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 an additional period of two (2) years, beginning May 13, 2010 to May 13, 2012, as follows:

Sponsor: Dellwood Country Club, 60 Zukor Road, New City, NY 10956

Road: 1.2 mile segment of Zukor Road from North Main Street and Old Route 304 to South Mountain Road, New City, New York

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Dellwood Country Club 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 an additional period of two (2) years beginning May 13, 2010 to May 13, 2012, 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 Dellwood Country Club organization, to remove trash from the roadway.

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (322-2010)

Co. Borelli offered and Co. Hausner seconded

Resolution Authorizing Settlement of Tax Certiorari (C & M 180 Phillips Hill Road LLC – 34.17-1-28)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, C & M 180 Phillips Hill Road LLC v. Town of Clarkstown, (Municipal Corporation), its Assessor and Board of Assessment Review, Index No. 6393/09, affecting parcel designated as Tax Map 34.17-1-28 and more commonly known as 180 Phillips Hill Road, New City, New York for the year 2009/10, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 34.17-1-28 be reduced for the year 2009/10 from \$641,600.00 to \$395,500.00 at a cost to the Town of \$5,482.47;
2. Reimbursement for the year 2009/10 on the parcel described as Tax Map 34.17-1-28, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows

- Co. Lasker . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Hoehmann. . . . . Yes
- Co. Borelli. . . . . Yes
- Supervisor Gromack . . . . . Yes

RESOLUTION NO. (323-2010)  
Co. Borelli offered and Co. Hausner seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (GOLD KAP LLC – 52.19-2-15)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Gold Kap LLC v. the Town of Clarkstown, Its Assessor and Board of Assessment Review of the Town of Clarkstown, Index Nos. 8733/08 and 6389/09, affecting parcel designated as Tax Map 52.19-2-15 and more commonly known as 140 Route 303, Valley Cottage, New York for the years 2008/09 and 2009/10, and  
WHEREAS, the attorney for the petitioner has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and  
WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack Union Free School District, who believe the best interests of the Town and the School District are being served;  
NOW, THEREFORE, be it  
RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 52.19-2-15 be reduced for the years 2008/09 and 2009/10 from \$945,000.00 to \$810,000.00 at a cost to the Town of \$5,759.37;
  2. Reimbursement for the years 2008/09 and 2009/10 on the parcel described as Tax Map 52.19-2-15, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
  3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it
- FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (324-2010)  
Co. Borelli offered and Co. Hausner seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (WEST ROCK TENNIS – 58.18-1-1 & 2)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, West Rock Tennis v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index Nos. 5465/05, 6076/06, 6631/07, 8269/08 and 7518/09, affecting parcels designated as Tax Map 58.18-1-1 and 2 and more commonly known as 21 Pralle Lane and 9 Pralle Lane, Bardonia, New York, respectively, for the years 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10, and  
WHEREAS, the attorney for the petitioner has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and  
WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;  
NOW, THEREFORE, be it  
RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 58.18-1-1 be reduced for the year 2005/06 from \$1,834,200.00 to \$1,422,500.00 at a cost to the Town of \$7,463.13;
  2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 58.18-1-1 be reduced for the year 2006/07 from \$1,834,200.00 to \$1,347,600.00 at a cost to the Town of \$9,062.10;
  3. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 58.18-1-1 be reduced for the year 2007/08 from \$1,834,200.00 to \$1,291,500.00 at a cost to the Town of \$11,407.48;
  4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 58.18-1-1 be reduced for the years 2008/09 and 2009/10 from \$1,834,200.00 to \$1,394,400.00 at a cost to the Town of \$18,762.73;
  5. There is no reduction in the assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 58.18-1-2 for the years 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10;
  6. Reimbursement for the years 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 58.18-1-1, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
  7. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it
- FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes

RESOLUTION NO. (324-2010) continued

Co. Hoehmann..... Yes  
Co. Borelli..... Yes  
Supervisor Gromack..... Yes

RESOLUTION NO. (325-2010)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, a resident of Dykes Park Road, Nanuet, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

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

WHEREAS, 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:

Dykes Park Road, Nanuet (in front of 50 Dykes Park Road) (Install one (1) – 70-watt – 5,800 sodium vapor street light on existing utility Pole #58704/ 40168)

AND BE IT FURTHER RESOLVED, that the installation of this municipal streetlight 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 \$8.74 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

On roll call the vote was as follows  
Co. Lasker ..... Yes  
Co. Hausner ..... Yes  
Co. Hoehmann..... Yes  
Co. Borelli..... Yes  
Supervisor Gromack..... Yes

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RESOLUTION NO. (326-2010)

Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the resignation of George A. Hoehmann – Member – Alarm Users Review Board – is hereby accepted – effective and retroactive to June 7, 2010.

On roll call the vote was as follows  
Co. Lasker ..... Yes  
Co. Hausner ..... Yes  
Co. Hoehmann..... Yes  
Co. Borelli..... Yes  
Supervisor Gromack..... Yes

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RESOLUTION NO. (327-2010)

Co. Borelli offered and Co. Lasker seconded

RESOLVED, that George J. Presotto is hereby appointed to the position of Member – Alarm Users Review Board – (to fill the unexpired term of George A. Hoehmann) – at the current annual salary of \$1,100., - term effective June 14, 2010 – and to expire on December 31, 2011.

On roll call the vote was as follows  
Co. Lasker ..... Yes  
Co. Hausner ..... Yes  
Co. Hoehmann..... Yes  
Co. Borelli..... Yes  
Supervisor Gromack..... Yes

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RESOLUTION NO. (328-2010)

Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Peter J. Aiston - Police Officer – Clarkstown Police Department – is hereby accepted effective and retroactive to May 22, 2010.

On roll call the vote was as follows  
Co. Lasker ..... Yes  
Co. Hausner ..... Yes  
Co. Hoehmann..... Yes  
Co. Borelli..... Yes  
Supervisor Gromack..... Yes

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RESOLUTION NO. (329-2010)

Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Robert J. Hoeneveld -Police Officer (Detective) – Clarkstown Police Department – is hereby accepted – effective and retroactive to May 25, 2010.

On roll call the vote was as follows  
Co. Lasker ..... Yes  
Co. Hausner ..... Yes  
Co. Hoehmann..... Yes  
Co. Borelli..... Yes  
Supervisor Gromack..... Yes

RESOLUTION NO. (330-2010)  
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Karen Dowling – Senior Account Clerk – Town Justice Court – is hereby granted an extension of her Sick Leave of Absence – at one-half pay – effective June 18, 2010 to July 18, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (331-2010)  
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Kenneth F. Rooney - Senior Storekeeper, Highway Department – is hereby granted an extension of his Sick Leave of absence – at one half pay effective June 19, 2010 to July 19, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (332-2010)  
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that Rabbi Joshua Gruenberg is hereby reappointed to the position of Member – Board of Ethics – at the current annual salary of \$2,225., term effective June 27, 2010 and to expire on June 26, 2015.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (333-2010)  
Co. Lasker offered and Co. Borelli seconded

Resolution Defaulting Escrow Deposit Concerning 3 Kakiak, Court, New City (TAX MAP 34.6-1-81)

WHEREAS, the builder, Schoonmaker Homes, LLC, provided the Town of Clarkstown with an escrow deposit in the amount of \$3,000.00 to secure completion of topsoiling and seeding in accordance with Section 5-4 of the Town Code regarding 3 Kakiak Court, New City, New York (Tax Map 34.6-1-81), and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the builder has failed to faithfully complete the work and has recommended that the builder be declared in default of its obligations in the full amount of \$3,000.00;

NOW, THEREFORE, be it

RESOLVED, that Schoonmaker Homes, LLC is hereby declared in default of its obligations to complete the topsoiling and seeding at 3 Kakiak Court, New City, New York (Tax Map 34.6-1-81) and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required work, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to use aforesaid funds to complete the topsoiling and seeding at the subject premises.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (334-2010)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION SCHEDULING SPECIAL MEETING OF THE TOWN BOARD FOR JULY 6, 2010

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for July 6, 2010, at 7:30 p.m., at the Clarkstown Town Hall, Room 301, at 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Board hereby schedules a public hearing at said time and date pursuant to Town Law concerning the proposed Local Law adopting the retirement incentive provisions set forth in Chapter 105 of the Laws of 2010, and be it

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

RESOLUTION NO. (334-2010) continued

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (335-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, complaints and requests from residents for the installation of “Dog Waste Prohibited” and “No Dumping” signs in certain areas where violations of Town Code Chapters 125-4F (Nuisance by failure to clean up) and 216-3A (Property Maintenance, illegal dumping) observed, and

WHEREAS, inspections of the areas involved have been conducted by the Code & Zoning Enforcement Officer resulting in findings that the complaints are substantiated, and

WHEREAS, controlling signage to better notify errant dog walkers and illegal dumpers to facilitate enforcement and better protect the green space in the neighborhood is recommended,

NOW, THEREFORE, be it RESOLVED, that the Superintendent of Highways is hereby authorized to install:

- 1.) A ‘Dog Waste Prohibited’ sign on Brookridge Drive, Valley Cottage, near #795 (59.7-2-24).
- 2.) A ‘Dog Waste Prohibited’ sign on Parker Avenue at 176 Red Hill Road (51.5-1-74).
- 3.) A “No Dumping” sign at the Dead End of Loran Court, Nanuet.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (336-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION SETTING A PUBLIC HEARING WITH RESPECT TO THE PROPOSED ABANDONMENT OF ROUTE 45 AND ROUTE 45 BY-PASS, IN THE TOWN OF CLARKSTOWN

WHEREAS, an application has been made by Joy Builders, Inc. that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare that a certain portion of the highway known as Route 45 and Route 59 By-Pass, Town of Clarkstown, New York, as described in the metes and bounds description attached as Schedule “A,” for the portion of the highway in the Town of Clarkstown, upon the grounds that same has never been constructed or used as a highway by the public and therefore the portion of said road may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law, and further wishes to consider, on its own motion, the deletion of said portion of the road from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on July 20, 2010, at 8:00 P.M., or as soon thereafter as possible, pursuant to

Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Local Law of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (337-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK,  
 ADOPTED JUNE 15, 2010 RESCINDING THE BOND RESOLUTION  
 ADOPTED ON DECEMBER 30, 2009, WHICH AUTHORIZED THE  
 ISSUANCE OF \$85,000 BONDS FOR THE CONSTRUCTION OF  
 IMPROVEMENTS TO TOWN PARKS, CONSISTING OF IMPROVEMENTS  
 TO A BASKETBALL COURT AND HANDBALL COURT WALL

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES, AS FOLLOWS:

Section 1. The resolution heretofore duly adopted by the Town Board of the

Town of Clarkstown, in the County of Rockland, New York (the “Town”), entitled:

RESOLUTION NO. (337-2010) continued

“Bond Resolution of the Town of Clarkstown, New York, adopted December 30, 2009, authorizing the construction of improvements to Town parks, consisting of improvements to a basketball court and handball court wall, stating the estimated maximum cost thereof is \$85,000, appropriating said amount therefor, and authorizing the issuance of \$85,000 serial bonds of said Town to finance said appropriation.”

is hereby rescinded, no bonds or bond anticipation notes having been heretofore issued pursuant thereto.

Section 2. The project described in the resolution cited in Section 1 hereof is hereby removed and eliminated from the Capital Budget of the Town and the Capital Budget is hereby amended to reflect such change.

Section 3. This resolution shall take effect immediately.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (338-2010)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Town of Clarkstown has received \$65,000 from Cablevision and \$30,000 from Verizon for PEG Grant Donations, and \$5,000 from Tilcon New York Inc., \$3,000 from Provident Bank, \$1,000 from Cablevision, \$500 from United Water New York and \$500 from The Hartford as donations for the 4<sup>th</sup> of July Fireworks Display,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc) and Expense Account H-8757-409-0-81-34 (Capital Projects-PEG Grant) by \$95,000 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Expense Account A-7620-409-0 (Recreation/Adult Activities-Fees for Services) by \$10,000 and

WHEREAS, the following account needs additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account No. A-1640-312-0 (Town Garage-Auto Maintenance Supplies) and increase Account No. A-1640-209-0 (Town Garage-Misc Equipment) by \$3,325

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (339-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RENT PAVING EQUIPMENT AND OPERATORS IN CONNECTION WITH THE PARKING LOT EXPANSION AT THE LAKE NANUET RECREATION AREA, NANUET, NEW YORK

WHEREAS, the Department of Environmental Control has been directed to construct improvements for the parking lot expansion at the Lake Nanuet Recreation Area, and

WHEREAS, the Department of Environmental Control has undertaken the construction of the parking lot expansion utilizing Department personnel, and

WHEREAS, it was necessary to rent paving equipment and operators perform the paving new asphalt access road, and

WHEREAS, the Department of Environmental Control has obtained a proposal from Tilcon, New York, 162 Old Mill Road, Valley Cottage, New York 10994 for the rental of the required equipment and operators necessary to complete the work, and

WHEREAS, the proposal submitted by Tilcon, New York was based on the work being completed in two and one half (2 ½) days, and

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to rent equipment and operators necessary to complete the paving portion of the project, and

BE IT FURTHER RESOLVED, that the total cost for the rental of the asphalt paving equipment and operators shall not exceed \$21,662.50 and shall be a proper charge to account #H 8761-400-409-0-85-7.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (340-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO HAVE CONCRETE CURBS CONSTRUCTED IN CONNECTION WITH THE PARKING LOT EXPANSION AT THE LAKE NANUET RECREATION AREA, NANUET, NEW YORK

RESOLUTION NO. (340-2010) continued

WHEREAS, the Department of Environmental Control has been directed to construct improvements for the parking lot expansion at the Lake Nanuet Recreation Area, and  
WHEREAS, the Department of Environmental Control has undertaken the construction of the parking lot expansion utilizing Department personnel, and  
WHEREAS, the construction of concrete curbing is required for the parking lot expansion, and  
WHEREAS, the concrete curbs will be constructed in accordance with Town Bid #17-2010 at a cost of \$21.15 per linear foot, and

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to have the required concrete curbs constructed for the Lake Nanuet Parking Lot Expansion in accordance with Town Bid #17-2010, and  
BE IT FURTHER RESOLVED, that the total cost for the construction of the concrete curbs shall be \$14,805.00 and shall be a proper charge to account #H 8761-400-409-0-85-7.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (341-2010)

Co. Lasker offered and Co. Hausner seconded

RESOLUTION INVOKING TOWN CODE CHAPTER 216-9(B):  
LAWN & LANDSCAPE MAINTENANCE OF VACANT PROPERTIES

WHEREAS, the Offices of the Building Inspector and Zoning Administrator have joined forces to inspect the current plethora of vacant, foreclosed, and/or abandoned properties in the Town, the owners or responsible parties of which have failed to perform required lawn and landscape maintenance pursuant to Town of Clarkstown Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance) after appropriate notice and posting and

WHEREAS, appropriate diligence by Code Enforcement Officials has been performed as required pursuant to Chapter 216-9(A), and

WHEREAS, the properties currently in violation are identified as follows:

- 73 WEST BURDA PLACE, NEW CITY (50.12-2-49 f/k/a 167-A-6.1)
- 56 BURDA LANE, NEW CITY (51.13-1-27 f/k/a 18-A-26.1/2)
- 27 DEERFIELD DRIVE, NEW CITY (51.7-2-37 f/k/a 76-A-12.34)
- 3 PENN COURT, NEW CITY (50.20-1-35 f/k/a 166-A-8.25)
- 1 FROST COURT, NEW CITY (51.12-3-24 f/k/a 76-B-3.9)
- 12 MORELAND ROAD, NEW CITY (34.13-2-15 f/k/a 41-A-16.4)
- 134 STRAWTOWN ROAD, WEST NYACK (58.16-1-45 f/k/a 72-A-8)
- 85 VAN HOUTEN FIELDS, WEST NYACK (64.12-2-42 f/k/a 70-B-13)

NOW, THEREFORE, be it RESOLVED, that subject to a five-day courtesy grace period through 6/20/10 and a final re-inspection by Code Officials, the Town Board hereby authorizes the Superintendent of Parks and Recreation, subject to more specific tasking and authorization subsequent to the aforementioned grace period and re-inspection, to dispatch a maintenance crew to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with the associated debris removal, throughout the 2010 mowing season, after which the Superintendent will submit a bill of costs to the Town Attorney for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
\*\*\*\*\*

The Supervisor opened the meeting for general public comments.

Guy Gervasi- West Nyack

Regarding a FOIL he had submitted, asked for clarification on whether there were any funds left over from any bonds pertaining to the school district or any capital project?

Supervisor Gromack

Stated a response would be forthcoming to the FOIL in a few days with clarifications.

Michael Hirsch- Clarkstown

Stated that the Auxiliary Police force could be expanded, so that they could take over the DARE Program; the \$15 million the town has from the sale of the transfer station could be given to the taxpayers as around a one-time \$400 payout per taxpayer; and he would like to see an organizational chart of the town, with lines of responsibility.

Supervisor Gromack

Stated an organizational chart would be mailed to Mr. Hirsch.

Co. Hoehmann

Stated that, with the state of our economy, we should not look at any decisions related to our surplus to give that back in a one-time payment to taxpayers. The county government is \$70 million in the hole. We need to manage our finances appropriately and continue to drive down spending. The first County Executive, John Grant, had a sales tax and the county had money all over the place and gave back small amounts to the taxpayers. Within a couple of years, they had to have big tax increases. We just saw the county try to pass on their responsibility to the towns.

Amy Durbin- Congers

Asked what a data processor does?

Supervisor Gromack

Advised Ms. Durbin that he could get her a job description from the CSEA.

With no one wishing to speak further, on motion of Co. Hausner , seconded by Co. Borelli, the Town Board moved into an executive session to discuss proposed settlement of an employee grievance and legal issues regarding §71 proceeding under NYS Civil Service Law, 9:03 P.M. On motion of Co. Hausner, seconded by Co. Lasker, and unanimously adopted, the executive session was closed, 12:24 A.M.

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On motion of Co. Hausner, seconded by Co. Lasker, and unanimously adopted, the Town Board Meeting was adjourned, 12:24 A.M.

Respectfully submitted,

David Carlucci  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #1

Town Hall

6/15/2010

8:30 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli, George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Amending the Clarkstown Comprehensive Plan to Include the West Nyack Vision Plan  
\*\*\*\*\*

On motion of Co. Hoehmann, seconded by Co. Borelli, hearing opened 8:30 P.M.

Amy Mele- Town Attorney  
Gave an overview of the amendment and recommended continuing the hearing to the July 20, 2010 meeting, as the Rockland County Planning Department had not provided their recommendations yet.

West Nyack business owner  
Stated he had not been invited to any meetings.

West Nyack business owner  
Spoke about concerns regarding the removal of a parking lot.

Amy Mele- Town Attorney  
Stated that the plan is still in the conceptual phase.

Guy Gervasi- West Nyack  
Asked how the plan is being funded.

Supervisor Gromack  
Stated that the town would apply for grants when the plans are formalized, in about two years.

On motion of Co. Hoehmann, seconded by Co. Lasker, hearing unanimously continued to July 20, 2010.

Respectfully submitted,

David Carlucci  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2

Town Hall

6/15/2010

8:35 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli, George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Proposed Local Law Amending Chapter 208 of the Code of the Town of Clarkstown  
\*\*\*\*\*

On motion of Co. Hoehmann, seconded by Co. Borelli, hearing opened 8:35 P.M.

Amy Mele- Town Attorney

Stated that the town has been going chapter by chapter in the town code, making revisions to bring the code up-to-date. This is a housekeeping measure, recommended after a comprehensive review.

On motion of Co. Hoehmann, seconded by Co. Hausner, and unanimously adopted, hearing closed 8:37 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (302-2010)

TOWN OF CLARKSTOWN  
PUBLIC HEARING #3

Town Hall

6/15/2010

8:37 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli, George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
David Carlucci, Town Clerk

Re: Amending Conditions of Zone Change for Normandy Village Company  
\*\*\*\*\*

On motion of Co. Lasker, seconded by Co. Hoehmann, hearing opened 8:37 P.M.

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

Thomas Ciganek - Nanuet  
Asked how many units would Normandy Village be building?

Co. Lasker  
Stated that twelve units would be built at market value.

Kevin Hobbes- Clarkstown  
Asked who would be paying the common charges for the unit meant for an emergency service provider and how the person would be chosen.

Amy Mele- Town Attorney  
Stated that the rent would cover the common charges and that the Rockland Housing Action Coalition would determine the method for choosing an individual.

Co. Hoehmann  
Asked that the town board consider naming the apartment after former Councilman Ralph Mandia, because he dedicated himself to looking for ways to get volunteer housing in Clarkstown.

On motion of Co. Lasker, seconded by Co. Hoehmann, and unanimously adopted, hearing closed 8:45 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk