

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

06/27/2006

8:00 P.M.

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

Absent: Council woman Nowicki

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

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Public Hearing #1 Re: Petition of MAK Development And The Stop & Shop Supermarket Company LLC, For a Special Permit To Construct Gasoline Pumps And Kiosk. On motion of Co. Lasker, seconded by Co. Mandia, opened 8:08. On motion of Co. Maloney, seconded by Co. Lasker, closed 8:20, to be continued July 25, 2006, 8PM. RESOLUTION NO. (412-2006) adopted.

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Public Hearing #2 re: Proposed local law to create Chapter 243 (Signs) of the Town Code. On motion of Co. Maloney, seconded by Co. Lasker, opened 8:21. On motion of Co. Maloney, seconded by Co. Lasker, closed 8:41, to be continued September 19, 2006 at 8PM.

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Supervisor opened the meeting to public comments regarding agenda items, but there being no one wishing to be heard, the aforementioned portion of the meeting was closed.

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RESOLUTION NO. (412-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION REFERRING PETITION OF MAK DEVELOPMENT AND THE STOP & SHOP SUPERMARKET COMPANY LLC, FOR A SPECIAL PERMIT TO CONSTRUCT GASOLINE PUMPS AND KIOSK

WHEREAS, MAK Development and the Stop & Shop Supermarket Company LLC have petitioned the Town Board of the Town of Clarkstown for a special permit for the construction of gasoline pumps and a kiosk pursuant to the provisions of Section 290-17(F) and 290-11A, Table 11 of the Zoning Local Law of the Town of Clarkstown, for property located on the corner of North Main Street and Cavalry Drive, New City, New York, designated on the Clarkstown Tax Map as 43.11-2-38, 39, 40 and 41, and

WHEREAS, the Town Board opened the public hearing June 27, 2006, and

WHEREAS, the Rockland County Department of Planning has recommended that the petition be referred to the County of Rockland Drainage Agency, County Health Department, County Highway Department, County Dept. of Public Transportation, and New York State Department of Transportation;

NOW, THEREFORE, be it

RESOLVED, that the public hearing concerning the petition of MAK Development and the Stop & Shop Supermarket Company LLC, shall be continued to July 25, 2006, and be it

FURTHER RESOLVED, that the Town Board hereby refers the petition of MAK Development and the Stop & Shop Supermarket Company LLC, for a special permit to construct gasoline pumps and kiosk, to the following agencies for comments and recommendations to be provided to the Town on or before July 18, 2006:

1. County of Rockland Drainage Agency;
2. County of Rockland Department of Health;
3. County of Rockland Department of Highways;
4. County of Rockland Department of Public Transportation;
5. New York State Department of Transportation,

and be it

FURTHER RESOLVED, that the Town Clerk shall transmit said petition and pertinent information to the agencies referred to herein.

RESOLUTION NO. (412-2006) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (413-2006)  
This Resolution number was not utilized.

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RESOLUTION NO. (414-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the minutes of the Town Board Meeting of June 13, 2006 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

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RESOLUTION NO. (415-2006)

Co. Lasker offered and Co. Maloney seconded

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

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

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

SHF CORPORATION  
 10 Glen Road  
 Highland Falls, NY 10928  
 Shaun Failing, President

NOW, THEREFORE, be it  
 RESOLVED, that the following Certificates of Registration be issued:  
 No. 06-26 ENVIRONMENTAL CONSTRUCTION INC.

06-27 SHF CORPORATION

On roll call the vote was as follows

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

RESOLUTION NO. (416-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND (BEDNER ESTATES SUBDIVISION – 110-A-14)

WHEREAS, Rockland Empire Development, Inc. furnished to the Town of Clarkstown a Maintenance Bond secured by Bank Check No. 037042032-6 in the amount of \$4,810.50 to guaranty the road and improvements in the Bedner Estates Subdivision, as shown on the final plat of Bedner Estates (110-A-14), which was filed in the Rockland County Clerk’s Office on January 19, 2000, and

WHEREAS, the Deputy Director of the Department of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Maintenance Bond in the amount of \$4,810.50, in connection with the dedication of the road and improvements in a subdivision known as Bedner Estates is hereby terminated; and the sum of \$4,810.50 may be released to the guarantor.

On roll call the vote was as follows

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

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RESOLUTION NO. (417-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT FOR PARTICIPATION IN THE ROCKLAND COUNTY INTELLIGENCE CENTER SHERIFF’S DEPARTMENT

WHEREAS, two police officers from the Clarkstown Police Department were assigned throughout the calendar year 2006 to work at the Rockland County Intelligence Center, and

WHEREAS, by Resolution No. 327 of 2006, the County of Rockland did resolve on June 6, 2006, to reimburse the Town of Clarkstown in the amount of \$140,000.00, upon execution of an inter-municipal cooperation agreement between the County of Rockland and the Town of Clarkstown, and

WHEREAS, Chief of Police Peter Noonan has recommended that the Town enter into such inter-municipal cooperation agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the inter-municipal cooperation agreement with the County of Rockland, in a form satisfactory to the Town Attorney, which will provide for reimbursement to the Town of Clarkstown the amount of \$140,000.00, as compensation for two members of the Clarkstown Police Department having worked and to work at the Rockland County Intelligence Center Sheriff’s Department for the period January 1, 2006 through December 31, 2006.

On roll call the vote was as follows

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

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RESOLUTION NO. (418-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH GOOSETOWN COMMUNICATIONS TO PROVIDE PROJECT MANAGEMENT SERVICES IN CONNECTION WITH THE INSTALLATION OF THE TOWN'S EMERGENCY COMMUNICATIONS TOWER

WHEREAS, by Resolution No. 345-2006, adopted May 23, 2006, the Town Board adopted a negative declaration with respect to the siting of an "Emergency Services Communication Facility" at 491 Mountainview Avenue, Valley Cottage, New York, Tax Map 59.15-1-7; and

WHEREAS, the Town is currently in the process of soliciting requests for proposals to design and prepare engineering plans for the construction of the facility; and

WHEREAS, Goosetown Communications has submitted a proposal, dated June 20, 2006, to provide project management services in connection with the construction and installation of the facility; and

WHEREAS, representatives of the Supervisor's Office, Purchasing Department, Clarkstown Police Department, Department of Environmental Control and the County of Rockland met with Goosetown Communications regarding their proposal and recommend acceptance of the proposal;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into a contract, in a form approved by the Town Attorney, with Goosetown Communications, 58 North Harrison Avenue, Congers, New York 10920, to provide professional project management services in connection with the installation of the Town's Emergency Services Communications Facility; and be it

FURTHER RESOLVED, that the cost of said services shall be based upon Goosetown's labor rate of \$95.00 per hour as per Rockland County Contract No. 04-073 and shall not exceed \$25,650 without further authorization from the Town Board; and be it

FURTHER RESOLVED, that said fees shall constitute a proper charge to Account No. H 8754-409-0-78-41.

On roll call the vote was as follows

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

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RESOLUTION NO. (419-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING PRODUCTION COMPANY TO FILM IN THE TOWN OF CLARKSTOWN

WHEREAS, MTV2 Production Management (a division of Viacom International), a production company, has requested permission to film in the Town of Clarkstown, on Sunday, July 2, 2006.

NOW, THEREFORE, be it

RESOLVED, that MTV2 Production Management (a division of Viacom International), of 1515 Avenue of the Americas, 2223B, New York, NY 10036, is hereby authorized to film in the Town of Clarkstown, segments from the Rockland Country Fair & Farmers Market being held on Main Street in Downtown New City, NY 10956, between the hours of 11:00 AM and 4:00 PM on Sunday, July 2, 2006, upon the following conditions:

- (1) Permittee obtains permission from the property owner or tenant to film at the above mentioned site;
(2) A permit fee of \$250.00 shall be paid to the Town of Clarkstown by Permittee;
(3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;

RESOLUTION NO. (419-2006) continued

(4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;

(5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;

(6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;

(7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and

(8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that the permit granted by this resolution shall serve as the Filming Permit.  
On roll call the vote was as follows

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

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RESOLUTION NO. (420-2006)

Co. Lasker offered and Co. Mandia seconded

**RESOLVED**, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#33-2006 – CLARKSTOWN POLICE DEPARTMENT CCTV SYSTEM UPGRADE DVR

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 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 Deputy Town Attorney-Purchasing .

On roll call the vote was as follows

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

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RESOLUTION NO. (421-2006)

Co. Lasker offered and Co. Mandia seconded

**RESOLVED**, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#34-2006 – CLARKSTOWN POLICE DEPARTMENT FIBER OPTIC CABLE AND MAINTENANCE

RESOLUTION NO. (421-2006) continued

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 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 Deputy Town Attorney-Purchasing .

On roll call the vote was as follows

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

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RESOLUTION NO. (422-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of William Cestaro, 23 Beech Street, Nanuet, New York - Courier (less than full-time) – Data Processing Department - is hereby accepted - effective June 30, 2006 - at the close of the business day.

On roll call the vote was as follows

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

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RESOLUTION NO. (423-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Lenore E. Loncar, 3 Yellowstone Drive, West Nyack, New York - is hereby appointed to the position of (provisional) Principal Account Clerk – Office of the Town Comptroller - at the current 2006 annual salary of \$43,887., - effective and retroactive to June 26, 2006.

On roll call the vote was as follows

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

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RESOLUTION NO. (424-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on June 7, 2006 that the position of Automotive Mechanic I (#500895) – Town Garage – can be reclassified to the position of Automotive Mechanic I & Body Repairer,

Now, therefore, be it

RESOLVED, that the position of Automotive Mechanic I –is hereby reclassified to the position of Automotive Mechanic I & Body Repairer – Town Garage – effective and retroactive to June 26, 2006.

RESOLUTION NO. (424-2006) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (425-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that William L. Carton, 543 Kings Highway, Valley Cottage, New York, is hereby appointed to the position of Automotive Mechanic I & Body Repairer – Town Garage - at the current 2006 annual salary of \$65,344., effective and retroactive to June 26, 2006.

On roll call the vote was as follows

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

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RESOLUTION NO. (426-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, that Rockland County Personnel Office has certified on June 20, 2006 that the position of Courier (less than full-time) – Data Processing Department – can be reclassified to the position of Courier (full-time) – Data Processing Department

Now, therefore, be it

RESOLVED, that the position of Courier (less than full-time) is hereby reclassified to the position of Courier (full-time) – Data Processing Department – effective July 3, 2006.

On roll call the vote was as follows

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

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RESOLUTION NO. (427-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on March 7, 2006 that the position of Cashier (Tax Office) – Receiver of Taxes Office – can be created,

NOW, therefore, be it

RESOLVED, that the position of Cashier (Tax Office) - Receiver of Taxes Office - is hereby created – effective June 26, 2006 - and be it,

FURTHER RESOLVED, that the grade for the position of Cashier (Tax Office) is hereby established at a grade 16.

RESOLUTION NO. (427-2006) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (428-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Dina M. Eigenlaub, 88 Wisconsin Avenue, Congers, New York - is hereby appointed to the position of (provisional) Cashier (Tax Office) – Receiver of Taxes Office - at the current 2006 annual salary of \$30,450., – effective and retroactive to June 26, 2006.

On roll call the vote was as follows

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

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RESOLUTION NO. (429-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO HOME REMODELERS GROUP (MARK FOUR ENTERPRISES, INC.) PROPERTY OWNER - CHAPMAN - MAP NO. 51.7-3-6

WHEREAS, the Home Remodelers Group, affiliate of Mark Four Enterprises, Inc., has requested a refund of Building Permit Fee (No. 06-555) paid in the amount of \$240.00 for property owned by Michael Chapman, located at 24 Deerfield Drive, New City, New York, New York, more particularly described as Tax Map No. 51.7-3-6, and

WHEREAS, the company has advised that Mr. Chapman’s plan to build a deck has been cancelled and the application for a Building Permit is withdrawn, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$120.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$120.00, of the total Building Permit fee paid in the amount of \$240.00, to the Home Remodelers Group, affiliate of Mark Four Enterprises, Inc., to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (430-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO JOHN AND ELENA GRAZIANO - MAP NO. 58.17-1-58

WHEREAS, John and Elena Graziano have requested a refund of Building Permit Fee (No. 04-987) paid in the amount of \$308.00, for property located at 22 Fenner Lane, Nanuet, New City, New York, New York, more particularly described as Tax Map No. 58.17-1-58, and

WHEREAS, the property owners have advised that plans have been cancelled to build an addition, and the application for a Building Permit is withdrawn, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$120.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$188.00, of the total Building Permit fee paid in the amount of \$308.00, to John and Elena Graziano, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

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RESOLUTION NO. (431-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION REQUESTING PLANNING CONSIDERATION OF APPROPRIATENESS OF CHILD DAYCARE CENTERS IN ADDITIONAL ZONING DISTRICTS

WHEREAS, a property owner with premises located in an RS Zone in the vicinity of West Nyack Road, Nanuet, New York, has requested consideration of an Amendment of the Zoning Local Law to authorize Daycare Centers in such zone by Special permit, and

WHEREAS, a property owner with premises located in a CS Zone in the vicinity of Middletown Road, Nanuet, New York, has requested consideration of an Amendment of the Zoning Local Law to authorize Daycare Centers in such zone by Special Permit, and

WHEREAS, a religious institution with premises located in an R-15 Zone in the vicinity of Old Schoolhouse Road, New City, New York, has requested consideration of an Amendment of the Zoning Local Law to authorize Daycare Centers as accessory uses for religious/educational institutions in all zones, and

WHEREAS, the Building Inspector and the Town Attorney have prepared a draft Local Law entitled, "AMENDMENT TO CHAPTER 290 OF THE CLARKSTOWN TOWN CODE KNOWN AS THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN, TO PROVIDE FOR CHILD DAYCARE CENTER AS A USE PERMITTED BY SPECIAL PERMIT OF THE TOWN BOARD IN THE LO, CS, RS AND MRS ZONING DISTRICTS AND WHEN ACCESSORY TO A RELIGIOUS/EDUCATIONAL INSTITUTION OR NOT-FOR-PROFIT SOCIAL HALL AND CULTURAL CENTER IN THE R-160, R-80, R-40, R-22, R-15, R-10, RG-1, RG-2, LIO, MF-1, MF-2, and MF-3 ZONING DISTRICTS," which would allow Child Daycare Centers by Special Permit in all zones except in M and PED Zones, and as an accessory use to a religious/educational institution in certain zones;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the Clarkstown Planning Board and the Rockland County Commissioner of Planning review and comment on the proposed local law, and be it

FURTHER RESOLVED, that the Town Board requests that the report and recommendation be provided within 45 days of the date hereof, and be it

RESOLUTION NO. (431-2006) continued

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows

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

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RESOLUTION NO. (432-2006)

Co. Lasker offered and Co. Maloney seconded

**RESOLUTION AMENDING RESOLUTION NO. 302-2006**

WHEREAS, by Resolution No. 302-2006 (the "Resolution"), adopted May 9, 2006, the Town Board mandated that any contractor or subcontractor, prior to entering into a Public Works Contract or Drainage Contract (as defined in the Resolution) have apprenticeship agreements registered with and approved by the New York State Commissioner of Labor; and

WHEREAS, the Resolution further provided that said mandate shall apply to all Public Works Contracts and Drainage Contracts advertised for bids on or after the effective date of the Resolution; and

WHEREAS, it has come to the Town Board's attention that certain Public Works Contracts and Drainage Contracts, for which specifications had already been prepared and approved prior to the effective date of the Resolution and which were advertised for bids shortly after the effective date of the Resolution, did not contain any language requiring the successful bidder to have apprenticeship agreements registered with and approved by the New York State Commissioner of Labor; and

WHEREAS, the Resolution further directed the Department of Purchasing to promulgate such rules and regulations necessary and appropriate for the implementation of the Resolution; and

WHEREAS, the Authorized Purchasing Agent has informed the Town Board that he requires at least 60 days to draft such rules and regulations;

NOW, THEREFORE, BE IT

RESOLVED, that Resolution No.302-2006 is hereby amended as follows:

The phrase: "FURTHER RESOLVED, that this resolution shall apply to the Public Works Contracts and Drainage Contracts advertised for bids on or after the effective date" is hereby deleted and is replaced with the phrase: "FURTHER RESOLVED, that this resolution shall take effect on September 1, 2006, in order to allow the Purchasing Department to promulgate such rules and regulations as necessary to carry out the provisions of this resolution."

On roll call the vote was as follows

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

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RESOLUTION NO. (433-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 173 "LITTERING AND POSTING" OF THE TOWN 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 TO AMEND CHAPTER 173 "LITTERING AND POSTING" OF THE CODE OF THE TOWN OF CLARKSTOWN,"

and

WHEREAS, the proposed local law is to amend and update Chapter 173 to clarify administration and enforcement provisions, increase penalties for offenses and add a severability provision:

NOW, THEREFORE, be it,

RESOLVED, that a public hearing, pursuant to Chapter 20 of the Municipal Home Rule Law, be held at the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on July 25, 2006 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 same to be published and posted as aforesaid and file proof thereof in the office of the Town Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that the Town Board refers this proposed local law to the following for their input and report: the Town Attorney, the Zoning Administrator, the Building Inspector and the Superintendent of Highways, and be it,

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows

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

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RESOLUTION NO. (434-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION DESIGNATING ELECTRICAL UNDERWRITERS OF NEW YORK, LLC AND SWANSON CONSULTING, INC. AS ADDITIONAL ELECTRICAL CODE INSPECTION AGENCIES, TO PROVIDE ELECTRICAL SUPPLEMENTAL AND ALTERNATIVE INSPECTION CAPABILITY TO THE TOWN OF CLARKSTOWN

WHEREAS, Peter Beary, Building Inspector, has recommended the designation of the Electrical Underwriters of New York, LLC (Principal: Ernie Bello) and Swanson Consulting, Inc. (Principal: J.O. Swanson) as additional electrical code inspection agencies, to provide electrical supplemental and alternative inspection capability to the Town of Clarkstown to the presently designated New York State Board of Fire Underwriters, and

WHEREAS, pursuant to Section 133-3 of the Clarkstown Town Code, the Town Board may designate such additional inspection agencies to provide the services referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby designates, pursuant to Section 133-3 of the Town Code, the Electrical Underwriters of New York, LLC and Swanson Consulting, Inc. as approved agents of the Town of Clarkstown, to provide electrical inspections and re-inspections in the Town of Clarkstown commencing on June 28,

RESOLUTION NO. (434-2006) continued

2006, which designation shall remain in effect unless and until revoked by further resolution of the Town Board, and be it

FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

On roll call the vote was as follows

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

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RESOLUTION NO. (435-2006)

Co. Lasker offered and Co. Maloney seconded

**WHEREAS**, the Town has received \$5,019.10 from D.A.R.E. Donations,

**NOW THEREFORE BE IT,**

**RESOLVED**, to increase Revenue Account A-01-9-2770-0 (Gifts & Donations) and A-3230-319-0 (D.A.R.E. -Misc Supplies) by \$5,019.10 and

**WHEREAS**, various accounts require additional funding,

**NOW THEREFORE BE IT,**

**RESOLVED**, to decrease A-1410-110-0 (Town Clerk-Salaries) and increase A-1410-328-0 (Town Clerk-Books & Publications) by \$3,500 and be it

**FURTHER RESOLVED**, to decrease A-1420-409-0 (Town Attorney-Fees for Services) by \$7,000 and increase A-1420-313-0 (Town Attorney-Office Supplies) by \$1,000 and A-1420-201-0 (Town Attorney-Furniture & Fixtures) by \$6,000 and be it

**FURTHER RESOLVED**, to decrease A-1430-209-0 (Personnel-Other Equipment) and increase A-1430-313-0 (Personnel-Office Supplies) by \$500 and be it

**FURTHER RESOLVED**, to decrease A-1910-219-0 (Insurance/Claims -Misc Equipment) and increase A-1910-460-4 (Insurance/Claims -Cellular Phones) by \$700 and be it

**FURTHER RESOLVED**, to decrease A-3310-114-0 (Traffic Advisory-Salaries/PT) and increase A-3310-313-0 (Traffic Advisory-Office Supplies) by \$25 and be it

**FURTHER RESOLVED**, to decrease A-3120-114-0 (Police-Salaries/PT) and increase A-3120-409-0 (Police-Fees for Services) by \$25,000.

On roll call the vote was as follows

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

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RESOLUTION NO. (436-2006)

Co. Maloney offered and Co. Lasker seconded

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

WHEREAS, the Town of Clarkstown operates a facility for the disposal and processing of various types of waste, including residential and bulk waste, as its Solid Waste Facility, Route 303, West Nyack, New York; and

WHEREAS, pursuant to Section 248-6 of the Clarkstown Town Code, the Town Board by resolution may set fees for the disposal of acceptable waste at Town operated disposal facilities; and

RESOLUTION NO. (436-2006) continued

WHEREAS, the Deputy Director – Operations of the Department of Environmental Control has recommended revised tipping fees be approved to reflect the increased cost of processing said materials;

NOW, THEREFORE, BE IT

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

Commodity 1101 – Residential Garbage (Clarkstown, Orangetown)	\$79.00 per Ton
Commodity 1102 – Commercial Garbage Roll Off (Clarkstown, Orangetown)	\$79.00 per Ton
Commodity 1103 – Residential Garbage Other (Clarkstown, Orangetown)	\$79.00 per Ton
Commodity 1111 – Residential Garbage (Ramapo, Other)	\$79.00 per Ton
Commodity 1112 – Commercial Garbage Roll Off (Ramapo, Other)	\$79.00 per Ton
Commodity 1113 – Commercial Garbage (Ramapo, Other)	\$79.00 per Ton
Commodity 1121 – Debris Contractor (Clarkstown, Orangetown)	\$79.00 per Ton (\$20.00 Min.)
Commodity 1122 – Debris Roll Off (Clarkstown, Orangetown)	\$79.00 per Ton
Commodity 1131 – Debris Contractor (Ramapo, Other)	\$79.00 per Ton (\$20.00 Min.)
Commodity 1132 – Debris Roll Off (Ramapo, Other)	\$79.00 per Ton
Commodity 1133 – Resident Debris (Clarkstown Only)	\$79.00 per Ton (No Min.)
Commodity 1134 – Non Resident Debris (Ramapo, Orangetown, Other)	\$79.00 per Ton (\$20.00 Min.)
Commodity 1223 – Mixed Yard Waste (No Grass)	\$125.00 per Ton
Commodity 1224 – Stumps	\$100.00 per Ton
Commodity 1302 – Brick (Roll Off)	\$10.00 per Ton
Commodity 1303 – Concrete (Roll Off)	\$10.00 per Ton
Commodity 1312 – Brick (Pick Up or 2 CY Mason Dump)	\$10.00 per Ton
Commodity 1313 – Concrete (Pick Up or 2 CY Mason Dump)	\$10.00 per Ton
Commodity 1316 – Brick (4 CY Mason Dump)	\$10.00 per Ton
Commodity 1317 – Concrete (4CY Mason Dump)	\$10.00 per Ton
Commodity 1322 – Brick (6 Wheel or Tandem Dump)	\$10.00 per Ton
Commodity 1323 – Concrete (6 Wheel or Tandem Dump)	\$10.00 per Ton
Commodity 1332 – Brick (Trailer)	\$10.00 per Ton
Commodity 1333 – Concrete (Trailer)	\$10.00 per Ton
Commodity 1343 – Asphalt (Roll Off)	\$10.00 per Ton
Commodity 1353 – Asphalt (Pick Up or 2 CY Mason Dump)	\$10.00 per Ton
Commodity 1354 – Asphalt (4 CY Mason Dump)	\$10.00 per Ton
Commodity 1363 – Asphalt (6 Wheel or Tandem Dump)	\$10.00 per Ton
Commodity 1373 – Asphalt (Trailer)	\$10.00 per Ton
Commodity 2501 – Recycled Concrete Aggregate	\$8.00 per Cubic Yard
Commodity 2507 – Recycled Asphalt	\$2.00 per Cubic Yard

And be it

FURTHER RESOLVED, that the above fees shall become effective as of July 1, 2006.

On roll call the vote was as follows

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

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RESOLUTION NO. (437-2006)

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Clerk of the Works that

**BID#30-2006 – MUNICIPAL REPAIR GARAGE ADDITION & ROOF REPAIR**

is hereby awarded to:   GENERAL CONTRACTOR: JOSEPH F. MUTINSKY GENERAL CONTRACTORS  
65 NORTH GRANT AVENUE  
CONGERS, NY 10920  
PRINCIPALS: JAMES A. MUTINSKY

as per their low bid proposal of \$561,780.00 and be it

ELECTRICAL:                   FANSHAWE, INC.  
d/b/a ROCKLAND ELECTRIC  
58 EAST ROUTE 59, 2<sup>ND</sup> FLOOR  
NANUET, NY 10954  
PRINCIPALS: GEORGE FANSHAWE, JOHN FANSHAWE

as per their low bid proposal of \$76,400.00 and be it

MECHANICAL/PLUMBING: **NO AWARD**

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

- a) Signed Contract Documents – two sets
- b) Performance Bond – 100% of the 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 Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker’s Compensation
- g) Certificate of Worker’s Disability Insurance Coverage

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

**FURTHER RESOLVED**, that this project shall be under the supervision of the department of the Clerk of the Works; and be it

**FURTHER RESOLVED**, that fees for such work shall constitute a proper charge to account no. H-8757-409-0-81-22; and be it

**RESOLVED**, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#30-A -2006 – MUNICIPAL REPAIR GARAGE - HVAC**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 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 Deputy Town Attorney-Purchasing .

On roll call the vote was as follows

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

\*\*\*\*\*

## RESOLUTION NO. (438-2006)

Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 27, 2006, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE PROPOSED CONSTRUCTION OF RENOVATIONS TO THE TOWN HIGHWAY GARAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$166,557, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$166,557 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare plans and specifications in connection with the proposed construction of renovations to the Town Highway Garage. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$166,557 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$166,557 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$166,557 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

RESOLUTION NO. (438-2006) continued

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (439-2006)

Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 27, 2006, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE PROPOSED CONSTRUCTION OF RENOVATIONS TO TOWN HALL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$480,200, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$480,200 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare plans and specifications in connection with the proposed construction of renovations to Town Hall. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$480,200 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$480,200 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$480,200 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

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

RESOLUTION NO. (439-2006) continued

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows

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

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RESOLUTION NO. (440-2006)

Co. Lasker offered and Co. Mandia seconded

**RESOLUTION DIRECTING THE TOWN ATTORNEY TO SOLICIT PROPOSALS FOR AN APPRAISAL OF THE TOWN OF CLARKSTOWN TRANSFER STATION AND COMPOSTING FACILITY OPERATIONS**

WHEREAS, the Town Board is considering its options with respect to its Solid Waste Transfer Station and composting facility operations located in West Nyack, New York; and

RESOLUTION NO. (440-2006) continued

WHEREAS, an appraisal of the land and business is required in order for the Town Board to properly evaluate its options with respect to the continued operation of the transfer station and composting facility;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney is hereby directed to solicit proposals for an appraisal of the Town of Clarkstown Transfer Station and Composting Facility Operations, which appraisal shall address both land and business value.

On roll call the vote was as follows

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

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RESOLUTION NO. (441-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE FIRM OF DEVORSETZ, STEINZIANO, GILBERTI, HEINTZ AND SMITH, PC TO REPRESENT THE TOWN OF CLARKSTOWN'S INTERESTS IN THE UNITED WATER RATE INCREASE APPLICATION BEFORE THE PUBLIC SERVICE COMMISSION

WHEREAS, United Water of New York has filed a rate increase application with the New York State Public Service Commission (the "United Water Rate Case"); and

WHEREAS, the Town of Clarkstown and the County of Rockland are opposed to the rate increase sought by United Water; and

WHEREAS, the County of Rockland has agreed to hire the firm of Devorsetz, Steinziano, Gilberti, Heintz & Smith, PC to represent its interests in the United Water Rate Case; and

WHEREAS, the interests of the Town of Clarkstown and the County of Rockland with regard to the United Water Rate Case are largely identical; and

WHEREAS, the Town Board believes that joint representation of both the Town's and the County's interests is most efficient and effective manner to oppose the rate increase, from both an economic and evidentiary standpoint;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarkstown hereby authorizes the firm of Devorsetz, Steinziano, Gilberti, Heintz & Smith, PC to represent its interests in the United Water Rate Case; and be it

FURTHER RESOLVED, that the fees for such representation shall be paid directly by the County of Rockland.

On roll call the vote was as follows

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

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RESOLUTION NO. (444-2006) continued

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 co-insured party on all liability policies, as they pertain to the project awarded; and be it

FURTHER RESOLVED, that said amount shall constitute a proper charge to account no. H-8757-409-0-81-21.

On roll call the vote was as follows

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

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RESOLUTION NO. (445-2006)

Co. Lasker offered and Co. Maloney seconded

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

**BID #66-2005 – NANUET HAMLET DRAINAGE IMPROVEMENTS**

is hereby awarded to:

W. HARRIS & SON, INC.  
 37 W. WASHINGTON AVENUE  
 PEARL RIVER, NY 10965

PRINCIPALS:

WILLIAM V. HARRIS, JR., PRESIDENT  
 ANTOINETTE R. HARRIS, SECT/TREASURER  
 TIMOTHY HARRIS, VICE-PRESIDENT

as per their proposed total project cost of \$ 92,500.00 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 co-insured party on all liability policies, as they pertain to the project awarded; and be it

FURTHER RESOLVED, that said amount shall constitute a proper charge to account no. H-8757-409-0-81-22.

RESOLUTION NO. (445-2006) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (446-2006)

Co. Lasker offered and Co. Maloney seconded

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

BID #67-2005 – PRE-CAST CONCRETE CULVERTS FOR NANUET DRAINAGE IMPROVEMENTS

is hereby awarded to:                   PRE-CAST CONCRETE SALES COMPANY  
  123 ROUTE 303  
  P.O. BOX 516  
  VALLEY COTTAGE, NY 10989  
PRINCIPALS:                   GREGORY P. FISHER, PRESIDENT

as per their proposed total project cost of \$ 26,270.00 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 co-insured party on all liability policies, as they pertain to the project awarded; and be it

FURTHER RESOLVED, that said amount shall constitute a proper charge to account no. H-8757-409-0-81-22.

On roll call the vote was as follows

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

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RESOLUTION NO. (447-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#35-2006 – ONE MOBILE ALL-TERRAIN EXCAVATOR WITH TRANSPORT FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

RESOLUTION NO. (447-2006) continued

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on JULY 18, 2006 at which time bids will be opened and read, and be it

**FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing .

On roll call the vote was as follows

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

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RESOLUTION NO. (448-2006)

Co. Maloney offered and Co. Lasker seconded

**RESOLVED**, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#36-2006 – WORK CLOTHING

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 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 Deputy Town Attorney-Purchasing .

On roll call the vote was as follows

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

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RESOLUTION NO. (449-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Parks Board and Recreation Commission has requested that two (2) additional positions of Head Lifeguard be created for the Parks Board and Recreation Commission,

Now, therefore, be it

**RESOLVED**, that the Town Board hereby directs the Personnel Assistant to prepare the necessary paperwork (P.O.27) and forward to the Rockland County Personnel Office for Classification, and be it

**FURTHER RESOLVED**, that the two (2) positions of Head Lifeguard are hereby classified – effective date – pending Rockland County Personnel Office approval.

On roll call the vote was as follows

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

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RESOLUTION NO. (450-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF  
TAX CERTIORARI (GANNETT SATELLITE INFORMATION – 59.18-1-22)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, GANNETT SATELLITE INFORMATION V. THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK, Index Nos. 4313/99, 4615/00, 4647/01, 5395/02, 5162/03, 4807/04 and 5151/05, affecting parcel designated as Map 59.18, Block 1, Lot 22, (f/k/a 106-A-1) and more commonly known as 160 Route 303, West Nyack, New York for the years 1999/00, 2000/01, 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06, 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 Map 59.18, Block 1, Lot 22 be reduced for the year 2001/02 from \$1,363,740.00 to \$981,900.00 at a cost to the Town of \$5,511.57;

2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.18, Block 1, Lot 22 be reduced for the year 2002/03 from \$1,363,740.00 to \$954,600.00 at a cost to the Town of \$5,963.18;

3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.18, Block 1, Lot 22 be reduced for the year 2003/04 from \$1,363,740.00 to \$927,300.00 at a cost to the Town of \$6,589.92;

4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.18, Block 1, Lot 22 be reduced for the year 2004/05 from \$1,363,740.00 to \$900,100.00 at a cost to the Town of \$8,152.84;

5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.18, Block 1, Lot 22 be reduced for the year 2005/06 from \$1,363,740.00 to \$859,160.00 at a cost to the Town of \$9,146.82;

6. Reimbursement for the years 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06 on the parcel described as Map 59.18, Block 1, Lot 22, as stated above, be made within forty-five (45) 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. The proceedings commenced by the petitioner respecting Map 59.18, Block 1, Lot 22 be discontinued for the years 1999/00 and 2000/01;

8. 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 and the Assessor for the Town of Clarkstown are authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

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

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The Supervisor opened the meeting for general public comments.

Charles W. Ulrich- Valley Cottage

Gave pictures and memo to Town Clerk (on file with Town Clerk), regarding damaged retaining wall on Casper Hill Rd. Wanted to know if the Town Board could direct the Engineering Department to notify residents of what is going on. Requested that his engineers, William D. Youngblood Land Surveying, P.C., review any plans being made by the town.

Martin Bernstein- New City

Asked if a person were a member of the Planning Board and a friend of a builder, could that person be able to participate? Amy Mele Town Attorney said she would refer the question to the Board of Ethics.

Regarding temporary signs, he said he supposes nothing is being done for changes. Co. Mandia responded that we feel we cannot allow signs in public right of ways. If we do not allow only certain signs we are in violation of the law.

Steven Levine- Congers

Twenty-five years ago in a community in upstate New York known as Love Canal, the residents experienced all types of health effects because of illegal dumping. If someone filled in some land in a residential area without permits, it would seem we would need to know where it came from and what it is. Mr. Supervisor, if this happened next to you, wouldn't it be prudent to do testing to alleviate any health concerns? Yes or no?

Supervisor Gromack- Put it in writing and you will get a response. I think we are on a slippery slope when we answer hypothetical questions.

Dennis Letson- Town Engineer- The answer has been responded to you. With all due respect, I don't believe there is any more information that can be provided to you.

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was closed 9:07PM

Respectfully submitted,

David Carlucci  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #1

Town Hall

06/27/2006

8:08 P.M.

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

Public Hearing #1 Re: Petition of MAK Development And The Stop & Shop Supermarket Company LLC, For a Special Permit To Construct Gasoline Pumps And Kiosk.

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On motion of Co. Lasker, seconded by Co. Mandia, opened 8:08. On motion of Co. Maloney, seconded by Co. Lasker, closed 8:20, to be continued July 25, 2006, 8PM. RESOLUTION NO. (412-2006) adopted.

The Supervisor opened the floor for comments.

Steven Levine- Congers

This will be an enhancement to the Town, but expressed concerns about the environmental impact to the area. Does not believe they need gas pumps to be profitable.

Bob Knight- Congers (Clarkstown Historian)

Spoke in favor of the application. This is an opportunity to have private enterprise save the New City Train Station, which is of historical value. Said he does not care about the gas station, but wondered how Stop & Shop keeps the gas prices low.

Mr. Wagner- Engineer for Stop & Shop Facility

Spoke about the safety of the facility and gave a brief synopsis of the plans.

Joe Simoes- Town Planner

Provided the Planning Board's recommendations, stipulating that anything other than auto-related items should not be allowed to be sold at the kiosk and that the hours should be limited to the hours of operation of the supermarket.

Respectfully submitted,

David Carlucci  
Town Clerk

RESOLUTION NO. (412-2006) adopted.

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2

Town Hall

06/27/2006

8:21 P.M.

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

Public Hearing #2 re: Proposed local law to create Chapter 243 (Signs) of the Town Code.

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On motion of Co. Maloney, seconded by Co. Lasker, opened 8:21. On motion of Co. Maloney, seconded by Co. Lasker, closed 8:41, to be continued September 19, 2006 at 8PM.

The Supervisor opened the floor for comments.

Peter Beary- Town Building Inspector

The present Town Code for signs is inadequate. We've been looking throughout New York State at ordinances developed after 2004. We will have a committee to discuss our options further and recommend the Chambers of Commerce appoint a few members to the committee to help with input.

Supervisor Gromack- The committee findings should be ready for the September 19, 2006 Town Board Meeting.

Co. Mandia- Inquired about what amount of time businesses would have in order to comply with the new code. Peter Beary replied that in Clarkstown it would be ten years and that some towns have incentives to change signs before the sunset clause. For instance, some towns might pay for some portion of the sign.

Steven Levine- congers

Had a question regarding the wording of section 243.8 of the code and hoped the ZBA takes a hard look at these decisions.

Roberta Bangs- Nanuet

Commended the Town Board on the work they have done on this. Said it would have been nice to have seen the proposed local law on the internet.

Martin Bernstein- New City

Has been interested in this for many years. Every sign should have a seal put on it so we can know it is approved. Does this include temporary signs? The Board responded that it only applied to permanent signs.

Co. Maloney- Asked that the members of the committee stand up and be recognized.

Jim Cropsey- New City, Member of the Chamber of Commerce

Wanted to know how many business owners were aware about the change. The business owners should get a letter telling them this law is being contemplated. The Supervisor said we will continue the process and we need more input over the next couple of months.

Scott Milich- New City

Feels the Board did a wonderful job. The pylon signs have to be regulated. Said he would be happy to work with the committee.

Respectfully submitted,

David Carlucci  
Town Clerk