

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

08/14/2007

8:00 P.M.

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

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

SPECIAL PRESENTATION: Clarkstown Town Clerk David Carlucci acknowledged the winners of the first essay contest sponsored by the Town Clerk’s Office in honor of the 230th birthday of the American Flag this past Flag Day. The essay contest’s theme was “What the American Flag Means to Me.” The contest winners’ accomplishments are now recorded as a part of Clarkstown’s permanent archives. Town Clerk Carlucci stated, “In 2006, I began an initiative in which residents were invited to bring old, worn, torn or faded American Flags to the Town Clerk’s Office so the flags could be retired in a proper Flag Retirement Ceremony. Many people who returned flags had a story to tell, so why not offer everyone a forum to express these heartfelt feelings. I hope those who participated in the contest took away a deeper meaning and maybe even a newfound respect for the American Flag.” The Town Clerk thanked the participants of the essay contest. Certificates of Achievement were presented to:

Sister Stephen Gerard, O.P., Principal, St. Paul’s School, Valley Cottage
Nina Kwiecinski, Daughters of the American Revolution, Shatemuc Chapter, Stony Point
Joseph Miele, Korean War Veteran, New City

Public Hearing #1 re: Continuation- Proposed amendment to Comprehensive Plan with respect to New City Hamlet Center Overlay District and New City Vision Plan. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:05 P.M. On motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:11 P.M. RESOLUTION NO. (499-2007)

Public Hearing #2 re: Continuation- Petition of Workplace Essentials, Inc. for a special permit to allow a small scale waste management facility at Clarkstown Executive Park, 16 Corporate Way, Valley Cottage. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:15 P.M. On motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:19 P.M. RESOLUTION NO. (500-2007)

Supervisor opened the meeting to public comments regarding agenda items.

Cora Bodkin- Chair of the Architecture and Landscape Commission

Regarding agenda item #18, the Architecture and Landscape Commission would like to be independent of the Planning Board, so documents could be reviewed by the commission earlier in the application process. We would like to have time to review the proposed local law to amend chapter 5 of the Town Code, so the committee can have an informed response at the September 25th public hearing.

Amy Mele- Town Attorney

Regarding agenda item #18, spoke about the revised language of section 5.3c in the proposed local law, concerning the application process.

RESOLUTION NO. (499-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND AMENDMENT TO THE COMPREHNSIVE PLAN CONCERNING THE NEW CITY HAMLET CENTER OVERLAY DISTRICT AND THE NEW CITY VISION PLAN

WHEREAS, the Town of Clarkstown and the County of Rockland retained Behan Planning Associates, LLC to conduct a visioning process and to prepare a Vision Plan for the future revitalization of the downtown New City Hamlet Center, and

WHEREAS, the Town Board has reviewed the New City Vision Plan that defines a town vision for community revitalization, sets short term and long term goals and actions, recommends new design guidelines and zoning changes to ensure future growth is in keeping with what the New City community is interested in working toward, and

WHEREAS, the Town of Clarkstown Town Board has to date declared itself Lead Agency as the sole agency involved in the potential adoption of the New City Vision Plan; accepted a Full EAF for review; determined that the plan as described was subject to the State Environmental Quality Review Act (SEQR) as a Type I action for the purpose of an environmental review pursuant to 6 NYCRR Part §617.6 (b) (3) of the State Environmental Quality Review Act (SEQR); reviewed the Full EAF; and conducted a public hearing on the Vision Plan on June 20, 2007, and

WHEREAS, the Town Board referred the proposed local law to the Town of Clarkstown Planning Board pursuant to Chapter 290-33 and to the Rockland County Planning Department pursuant to GML Section 239 l and m, and

WHEREAS, the Clarkstown Planning Board recommended approval with certain modifications by letter dated July 9, 2007, which the Town Board has reviewed and considered in making its determination herein, and

WHEREAS, the Rockland County Planning Department recommended approval in its letter dated July 31, 2007, and

WHEREAS, the Town of Clarkstown Town Board has considered public comments on the Vision Plan; has considered the proposed action and the Plan; has reviewed the Full EAF documentation and the criteria for determining environmental significance of this Type I action, thoroughly analyzed the action and has found no potentially significant adverse impacts to the environment in adopting the plan, and

RESOLUTION NO. (499-2007) continued

WHEREAS, the Town of Clarkstown’s planning advisors, Behan Planning Associates, LLC have prepared a Type I negative declaration statement under the requirements of 6 NYCRR Part §617.7(b) for the Town Board’s review; and, WHEREAS, the Town of Clarkstown hereby clarifies the language of the Vision Plan to include the following: the Town agrees that a gateway element would enhance the intersection of North Main Street and Zukor Road, but does not feel that the concept of a modern roundabout at that location would be beneficial to the rural character of that area; the Town agrees that a gateway element would enhance the intersection of South Main Street and Route 304, but would prefer the creation of a channelized intersection; and the Town agrees that an improved pedestrian crossing would enhance the connection of the County Campus across New Hempstead Road, but does not feel that a pathway running underneath New Hempstead road would necessarily be beneficial to the pedestrian experience;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown Town Board hereby determines the adoption of the New City Vision Plan as an element of the Town Comprehensive Plan, will not result in any significant adverse impact on the environment; and that it has reviewed and hereby accepts the negative declaration statement; and, therefore the Type I negative declaration will be filed, distributed, and published under the requirements of 6 NYCRR Part §617.7(b), and be it

FURTHER RESOLVED, that the Town of Clarkstown Town Board hereby adopts the New City Vision Plan as an element of, and as a complement to, the previously adopted Town of Clarkstown Comprehensive Plan under New York State General Town Law §272-a(2)(a) for incorporation as an official planning document of the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (500-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AND SPECIAL FINDINGS GRANTING A SPECIAL PERMIT TO WORKPLACE ESSENTIALS, INC., TO OPERATE A RECYCLING AND TRANSFER FACILITY - MAP 52.25-1-84

WHEREAS, on May 10, 2007, WORKPLACE ESSENTIALS, INC. filed a petition to the Town Board of the Town of Clarkstown seeking a special permit to operate a recycling and transfer facility pursuant to the provisions of General Use Regulations Section 290-11A, Table 14, LIO District, Column 3, Items B2 and B6, and Section 290-17R of the Zoning Local Law of the Town of Clarkstown, on property located at the Clarkstown Executive Park, 616 Corporate Way, Valley Cottage, New York, which is designated on the Clarkstown Tax Map as 52.15-1-84, and more particularly described on the attached Schedule “A;”

WHEREAS, after due notice published and posted, a public hearing had been held before the Town Board of the Town of Clarkstown on July 24, 2007 and continued on August 14, 2007, at 8:00 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form pursuant to SEQRA, from the Director of the Department of Environmental Control, which the Board has discussed and considered such report in making their decision herein, and

WHEREAS, the Rockland County Planning Department, by its letter of August 19, 2007, advised that the lot is not within its jurisdiction and, therefore, no review is required;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waster disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements as per Section 290-13A, than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of property values, in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that based upon the review of the EAF and report of the Director of Environmental Control dated August 10, 2007, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the revised special permit will not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that a Special Permit to operate a recycling and transfer facility on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Will comply with all of the provisions of Section 290-17R, 1-4;
2. All activity that takes place, and all waste storage, be confined within the enclosed building;
3. All the waste water be released to the sanitary sewer system, and pre-treatment in accordance with the Rockland County Sewer District No. 1 requirements be provided;
4. A copy of the New York State Department of Environmental Conservation (NYSDEC) Part 360 permit be provided to the Town, and any reports prepared with said permit be copied to the Town for the record;
5. A license be obtained from the Clarkstown Sanitation Commission, pursuant to Section 149 (Garbage Refuse and Rubbish), if required;
6. Upon referral to and review by the Rockland County Department of Health, compliance with any condition that said Department may impose;

RESOLUTION NO. (500-2007) continued

- 7. Hours of operation be limited from 6:00 a.m. to 6 p.m., Monday through Friday;
- 8. Time frame for Special Permit be limited to five (5) years, at which time the applicant must seek a renewal of the Special Permit;
- 9. Loading and unloading of vehicles be strictly within the building, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (501-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of July 24, 2007 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 Yes
 Supervisor Gromack Yes

RESOLUTION NO. (502-2007)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD REFERRING TO THE COUNTY PLANNING DEPARTMENT AND SCHEDULING A PUBLIC HEARING ON A PROPOSED ZONE CHANGE FOR SEVERAL PROPTERTIES ON PINE VIEW ROAD, WEST NYACK, NEW YORK, FROM THE M DISTRICT TO THE R-22 DISTRICT

WHEREAS, the Town Board, on its own motion, shall consider amending the Zoning Local Law of the Town of Clarkstown, by redistricting premises located in West Nyack, New York, from the M District to the R-22 District, as follows:

MAP DESIGNATION	PROPERTY OWNER	ADDRESS
65.9-2-28	Kohut	8 Pine View Road
65.9-2-29	Colorito	33-35 Pine View Road
65.9-2-30	Anderson	29 Pine View Road
65.9-2-31	Bofetiado	25 Pine View Road
65.9-2-34	Levier	12 Pine View Road
65.9-2-35	Pugliese	16 Pine View Road
65.9-2-36	Rivera	20 Pine View Road
65.9-2-37	Voges	24 Pine View Road
65.9-2-38	Charlemagne & Torres	28 Pine View Road
65.9-2-39	Bimbo	32 Pine View Road
65.9-2-40	Naclerio	36 Pine View Road
65.9-2-41	DRC Holding Corp.	40 Pine View Road

NOW, THEREFORE, be it

RESOLVED, that this matter be referred to the Rockland County Commissioner of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 25, 2007, at 8:00 p.m., and be it

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

FURTHER RESOLVED, that Robert Geneslaw, as agent for the Town Board pursuant to SEQRA, shall submit an update to his memo dated February 10, 2004, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (503-2007)

Co. Maloney offered and Co. Nowicki seconded

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

WHEREAS, by Resolution No.79-2007, adopted February 13, 2007, the Town Board authorized the Supervisor to enter into an agreement with the New York State Division of Criminal Justice Services (DCJS #SA06-1050-D00), in a form approved by the Town Attorney, to obtain funding in the amount of \$60,456.00 for the period July 1, 2006 to June 30, 2007, of which \$1,230.00 shall be reimbursed to the Clarkstown Police Department for its current expenditures for the Operation Impact III Project, and

WHEREAS, the Clarkstown Police Department will be submitting additional reimbursement requests, for a total of \$60,456.00;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 79-2007 is hereby amended as follows:

“RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services (DCJS #SA06-1050-D00), in a form approved by the Town Attorney, to obtain funding in the amount of \$60,456.00 for the period July 1, 2006 to June 30, 2007, and be it

FURTHER RESOLVED, that the Clarkstown Police Department is hereby authorized to submit reimbursement requests as per the terms of the grant.”

On roll call the vote was as follows

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

RESOLUTION NO. (504-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING PRODUCTION COMPANY TO FILM IN THE TOWN OF CLARKSTOWN

WHEREAS, GARTNER, a production company, has requested permission to film in the Town of Clarkstown, on July 30, 2007.

NOW, THEREFORE, be it

RESOLVED, that Gartner, of 1531 Colorado Avenue. Santa Monica, CA 90404, is hereby authorized to film a Pillsbury Commercial, on Monday, July 30, 2007 between the hours of 5:30 am to 8:00 pm at 457 Mountain View Avenue, Valley Cottage, NY 10989 upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned sites;
(2) A permit fee of \$250.00 shall be paid by Permittee;
(3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
(4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;
(5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
(6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
(7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
(8) Permittee shall 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 this resolution shall be retroactive from 5:30 am, Monday, July 30, 2007 and deemed the Filming Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (505-2007)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING STRATEGIC BUSINESS SERVICES, INC. TO PREPARE A PRELIMINARY APPRAISAL ON AVALON PROPERTIES, INC. AND/OR AVALONBAY COMMUNITIES, INC. (57.12-1-43 AND 43./3)

WHEREAS, Avalon Properties, Inc. and/or AvalonBay Communities, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Tax Map 57.12-1-43 and 43./3, and more commonly known as 11-648 Smith Road and 80 Overlook Boulevard, Nanuet, New York for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Strategic Business Services, Inc. be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (506-2007)

Co. Maloney offered and Co. Nowicki seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of various town roads for an additional period of two (2) years, continuing from August 15, 2007 to August 15, 2009, as follows:

Sponsor: American Legion Wm. E. DeBevoise, Jr. Post No. 1682, 65 American Legion Way, New City, NY 10956

Road: .1 mile segment of American Legion Way, from Congers Road to Route 304, New City, NY 10956

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from August 15, 2007 to August 15, 2009, 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 above named group to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (507-2007)

Co. Maloney offered and Co. Nowicki seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of various town roads for an additional period of two (2) years, continuing from August 15, 2007 to August 15, 2009, as follows:

Sponsor: Curti's Landscaping, Inc., 91 West Nyack Road, Nanuet, NY 10954

Roads: .3 mile segment of Demarest Mill Road, from Route 304 to West Nyack Road, Nanuet, NY 10954

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from August 15, 2007 to August 15, 2009, 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 Curti's Landscaping, Inc. to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (508-2007)

Co. Maloney offered and Co. Nowicki 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 various town roads for a period of two (2) years, beginning August 14, 2007 to August 14, 2009, as follows:

Sponsor: Housecraft Inc., 43 Maple Avenue, New City, NY 10956

Road: .5 mile segment of Cairnsmuir Lane from Congers Road to Strawtown Road, New City, New York,

and

RESOLUTION NO. (5008-2007) continued

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning August 14, 2007 to August 14, 2009, 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 Housecraft Inc. organization, to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (509-2007)

Co. Maloney offered and Co. Nowicki seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, continuing from August 1, 2007 to August 1, 2009, as follows:

Sponsor: Dr. Paul M. Lentini, Bardonia Chiropractic, 28 Bardonia Road, Bardonia, NY 10954

Road: 0.7 mile segment of Bardonia Road, from Route 304 to Germonds Road, Bardonia/West Nyack, NY and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from August 1, 2007 to August 1, 2009, 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 above named to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (510-2007)

Co. Maloney offered and Co. Nowicki seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of various town roads for an additional period of two (2) years, continuing from August 15, 2007 to August 15, 2009, as follows:

Sponsor: McDonald's - New City, 33 Cavalry Drive, New City, NY 10956

Road: .2 mile segment of Cavalry Drive, from North Main Street to Route 304, New City, NY 10956 and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from August 15, 2007 to August 15, 2009, 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 above named group to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (511-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York

RESOLUTION NO. (511-2007) continued

is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12388, LITTLE TOR HOMES.

- Hyd. #1 X11150 – n/s of Harvest Rd, Approx 450’ w/o Little Tor Road
- Hyd. # 2 X11151 – w/s of Harvest Rd, approx 950’ w/o Little Tor Road
- Hyd. #3 X11152 – w/s of Harvest Rd. approx. 400’ s/o Cornsilk Road
- Hyd. #4 X11153 – n/s of Harvest Rd, corner of Cornsilk Road
- Hyd. #5 X11154 – n/s of Harvest Rd, approx 400’ n/o Cornsilk Road
- Hyd. #6 X11155 – w/s of Harvest Rd, corner of Golden Rod Ln.
- Hyd # 7X 11156 – w/s of Pleasant Hill Rd, approx 150’ n/o Golden Rod Ln.
- Hyd. #8 X11157 – w/s of Pleasant Hill Rd, approx 350’ s/o Golden Rod Ln.
- Hyd. #9 x11158 – w/s of Harvest Rd, approx 425’ s/o Golden Rod Ln.

and be it,

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

On roll call the vote was as follows

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

RESOLUTION NO. (512-2007)

Co. Nowicki offered and Co. Lasker seconded

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

WHEREAS, the following has applied for a Certificate of Registration pursuantto Section 236-48 of the Town Code of the Town of Clarkstown:

VITO'S PLUMBING & HEATING, d/b/a MR. PLUMBER, 30A Bridge Street, Garnerville, NY 10923
Vito Martorana, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 07-26 VITO'S PLUMBING & HEATING d/b/a MR. PLUMBER

On roll call the vote was as follows

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

RESOLUTION NO. (513-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION RESCINDING RESOLUTION NO. 459-2007 CONCERNING THE WAIVING OF NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR DDC & ASSOCIATES, INC. D/B/A T-BONE'S

RESOLVED, that Resolution no. 459-20087, adopted by the Town Board on July 24, 2007, waiving the notice requirement in Section 64 of the New York State ABC Law with respect to a liquor license for DDC & Associates, inc. d/b/a T-Bone's, is hereby rescinded because the petitioner changed names of corporation and a separate resolution was adopted accordingly.

On roll call the vote was as follows

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

RESOLUTION NO. (514-2007)

Co. Maloney offered and Co. Lasker seconded

AUTHORIZING A CHANGE ORDER TO BID NO. 10-2007: ROADWAY RESURFACING PROGRAM

WHEREAS, Bid #10-2007 entitled "2007 Roadway Resurfacing Program" which was awarded on April 17, 2007 by Resolution No. 257-2007, provides, in Section G4, that the quantities of work may be increased by the Superintendent of Highways based on funds available, and

WHEREAS, the Superintendent of Highways has secured funds as follows:

- \$100,000.00 Grant from Assemblyman Zebrowski,
- \$60,000.00 from Orange & Rockland for restoration work,
- \$284,016.25 for roadwork on the various Town Board-approved Capital Projects as detailed in Town Board Resolution's #326-2007, #327-2007, #328-2007, #329-2007, #330-2007, #331-2007, #332-2007, #333-2007, and #483-2007,

RESOLUTION NO. (514-2007) continued

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes an increase in the contract amount by \$450,000.00, which reflects the additional funds, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the increase as recommended by the Superintendent of Highways for Bid No. 10-2007 from \$1,001,670.00 to \$1,451,670.00, and this cost shall be charged to Account No. DB 5110-381-0.

On roll call the vote was as follows

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

RESOLUTION NO. (515-2007)

Co. Maloney offered and Co. Lasker seconded

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

RFP #43-2007 – RECORDS MANAGEMENT IMPROVEMENT PROJECT FOR TOWN CLERK’S DEPARTMENT REQUEST FOR PROPOSAL

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

On roll call the vote was as follows

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

RESOLUTION NO. (516-2007)

Co. Maloney offered and Co. Lasker seconded

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

BID #44-2007 – CAST IRON CURB INLETS, CATCH BASINS FRAMES & GRATES, ETAL

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

On roll call the vote was as follows

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

RESOLUTION NO. (517-2007)

Co. Maloney offered and Co. Lasker seconded

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

BID #45-2007 – ELKS DRIVE DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at 11:00 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 Department of Environmental Control upon payment of the prescribed fee.

On roll call the vote was as follows

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

RESOLUTION NO. (518-2007)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #07117 (NCP/T&E) Superintendent of Recreation & Parks which contains the name of JoAnne Pedersen, NOW, therefore, be it

RESOLUTION NO. (518-2007) continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of JoAnne Pedersen to the (permanent) position of Superintendent of Recreation and Parks – Parks Board and Recreation Commission – at the 2007 annual salary of \$126,140., - effective and retro-active to August 13, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (519-2007)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Janeen Valentin-Eisler has requested an extension of her leave of absence, without pay, and
WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the granting of an extension of her leave of absence, without pay, by the Parks Board and Recreation Commission of Janeen Valentin-Eisler – Senior Recreation Leader – Parks Board and Recreation Commission – effective September 1, 2007 to December 5, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (520-2007)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Christopher M. Gibbs– is hereby appointed to the position of Assistant Maintenance Mechanic – Sewer Department – at the 2006 annual salary of \$39,422., effective and retroactive to August 13, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (521-2007)

Co. Mandia 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., Beth Ann Malone– Clerk Typist – Building Department – is hereby granted a Sick Leave of Absence – at one-half pay – effective September 10, 2007 to October 1, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (522-2007)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of Patrick J. McNamara– Motor Equipment Operator I – Highway Department – is hereby accepted – effective and retroactive to August 3, 2007 – 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. Yes
Supervisor Gromack Yes

RESOLUTION NO. (523-2007)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Michael A. Forenza– Motor Equipment Operator I – Highway Department – is hereby granted, as

RESOLUTION NO. (523-2007) continued

per his request, a leave without pay, pursuant to the Family Medical Leave Act – effective and retroactive to August 1, 2007 to August 29, 2007.

On roll call the vote was as follows

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

RESOLUTION NO. (524-2007)

Co. Maloney offered and Co. Lasker seconded

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

BID # 56-2006 – PINE STREET CHANNEL RESTORATION

is hereby awarded to: WEST-CON CONTRACTING CORP., 41 WILMOT ROAD, SCARSDALE, NY 10583
PRINCIPAL: JOHN GENTILE

as per their proposed project cost of \$123,311.00 and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8758-400-409-82-20 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds
On roll call the vote was as follows

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

RESOLUTION NO. (525-2007)

Co. Maloney offered and Co. Lasker seconded

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

BID # 37-2007 – 9 FARM COURT STREAM STABILIZATION

is hereby awarded to: CAL MART ENTERPRISES, INC., BUILDING 2 – SUITE B
216 CONGERS ROAD, NEW CITY, NY 10956

PRINCIPAL: CARL V. WORTENDYKE, PRESIDENT, MARTIN C. WORTENDYKE, VICE PRESIDENT
PETER T. WORTENDYKE, SECRETARY/TREASURER

as per their proposed project cost of \$56,665.00 and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8758-400-409-0-81-22 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds
On roll call the vote was as follows

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

RESOLUTION NO. (526-2007)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Director of Automated Systems that

BID #39-2007 – TWO (2) ENVIRONMENTAL CONTROL SYSTEMS FOR THE COMPUTER ROOMS is hereby awarded to: LIEBERT CORPORATION/EMERSON NETWORK POWER 1250 BROADWAY, SUITE 2300, NEW YORK, NY 10001

PRINCIPALS: A PUBLIC CORPORATION

as per their proposed low bid of \$14,130.00 for the Town Hall Computer Room Unit and \$13,860.00 for the Police Department UPS Room Unit for a total cost not to exceed \$27,990.00 and be it

FURTHER RESOLVED, that this award shall constitute a proper charge to account number H-8758-400-409-0-82-21 20 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this purchase with the issuance of Serial Bonds

On roll call the vote was as follows

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

RESOLUTION NO. (527-2007)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$69,000 from Rockland County Solid Waste Management Authority and \$3,884.11 from D.A.R.E. Donations

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc.) and increase Expense Account H-8757-409-0-81-37 (Capital Projects-Perimeter Fence at the Solid Waste Facility) by \$69,000 and

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (Gifts & Donations) and increase Expense Account A-3230-319-0 by \$3,884.11 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease A-1330-204 (Receiver of Taxes-Office Machines) and increase A-1330-313-0 (Receiver of Taxes-Office Supplies & Printing) by \$1,500 and be it,

FURTHER RESOLVED, to decrease A-1410-110-0 (Town Clerk-Salaries) and increase A-1410-328-0 (Town Clerk-Books & Publications) by \$7,695.45 and be it

FURTHER RESOLVED, to decrease A-1990-505-0 (Contingency-Other Costs) and increase A-1420-409-0 (Town Attorney-Fees for Services) by \$11,000 and be it

FURTHER RESOLVED, to decrease A-7141-110-0 (Community Rec. Centers-Salaries) and increase A-7140-409-0 (Parks & Playgrounds-Fees for Services) by \$5,000 and be it

FURTHER RESOLVED, to decrease B-8020-110-0 (Planning-Salaries) and increase B-8020-409-0 (Planning-Fees for Services) by \$40,000 and be it

FURTHER RESOLVED, to decrease DA-5130-447-0 (Highway-Equipment Repairs) and increase DA-5140-379-0 (Highway-Signs/Posts) by \$5,000.

On roll call the vote was as follows

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

RESOLUTION NO. (528-2007)

Co. Maloney offered and Co. Lasker seconded

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

BID #46-2007 – LAUREL ROAD – LOW FLOW CHANNEL

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue, New City, New York by _____A.M.) (P.M.) on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (529-2007)

Co. Maloney offered and Co. Lasker seconded

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

RESOLUTION NO. (529-2007) continued

BID #47-2007 – RED HILL ROAD GUIDE RAIL

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

On roll call the vote was as follows

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

RESOLUTION NO. (530-2007)

Co. Mandia offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENDED AGREEMENT WITH CLARKSTOWN CARTING ASSOCIATION IN CONNECTION WITH BID NO. 43-2004

WHEREAS, by Resolution No. 981-2004, Bid No. 43-2004 was awarded to Clarkstown Carting Association for the residential refuse and bulk collection services for one, two, and three family homes in the unincorporated portion of the Town of Clarkstown, which bid provided for an agreement option extension of up to two years, and

WHEREAS, Clarkstown Carting Association has agreed to hold the current bid price for an additional one year period, and

WHEREAS, the Town of Clarkstown wishes to exercise the option to extend the agreement for a one year period at the current price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Clarkstown Carting Association, in a form approved by the Town Attorney, to extend the current agreement for one additional year, and all other provisions of the current agreement shall be in full force and effect, for a total cost per month not to exceed \$540,181.85.

On roll call the vote was as follows

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

RESOLUTION NO. (531-2007)

Co. Mandia offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH DENKER CACKOVIC ARCHITECTS PC, TO PROVIDE SERVICES CONCERNING THE TV STUDIO AND RECORD STORAGE

WHEREAS, Edward J. Lettre, Clerk of the Works, has solicited proposals from architects with respect to architectural and interior design services necessary for the construction of TV Studio and Records Storage in Town Hall, and recommend the hiring of Denker Cackovic Architects PC to provide said services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Denker Cackovic Architects PC, in a form approved by the Town Attorney, to provide architectural services with respect to and interior design services necessary for the construction of TV Studio and Records Storage in Town Hall, and be it

FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$37,800.00 plus standard reimbursable expenses, and shall be charged to Account No. H 8758-400-409-0-82-8, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows

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

RESOLUTION NO. (532-2007)

Co. Mandia offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH DENKER CACKOVIC ARCHITECTS PC, TO PROVIDE SERVICES TO INVESTIGATE TOWN HALL CANTILEVERS

WHEREAS, Edward J. Lettre, Clerk of the Works, has solicited proposals from architects with respect to investigation of the deterioration of Town Hall cantilevers, and recommend the hiring of Denker Cackovic Architects PC to provide the architectural work necessary for said project;

RESOLUTION NO. (532-2007) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Denker Cackovic Architects PC, in a form approved by the Town Attorney, to provide architectural services with respect to the deterioration of Town Hall cantilevers, and be it

FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$9,700.00 plus standard reimbursable expenses, and shall be charged to Account No. H 8757-400-409-0-81-19, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows

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

RESOLUTION NO. (533-2007)

Co. Mandia offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH LOCHNER ENGINEERING, P.C., TO PROVIDE ENGINEERING SERVICES WITH RESPECT TO THE KILL VON BEASTE BRIDGE REPLACEMENT AND STREAM RESTORATION

WHEREAS, Luke Kalarickal, Director of Environmental Control, has solicited proposals for the construction inspection of the Kill Von Beaste Bridge Replacement and Stream Restoration work at Kings Highway, Valley Cottage, New York, and recommends the hiring of Lochner Engineering, P.C., to provide said services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Lochner Engineering, P.C., in a form approved by the Town Attorney, to provide engineering services with respect to the construction of the Kill Von Beaste Bridge Replacement and Stream Restoration work at Kings Highway, Valley Cottage, New York, and be it

FURTHER RESOLVED, that the agreed upon fee shall be \$90.00 per hour for all necessary services, which fee shall not exceed \$11,750.00, and shall be charged to Account No. H 8749-400-409-0-73-9, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows

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

RESOLUTION NO. (534-2007)

Co. Mandia offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FREDERICK P. CLARK ASSOCIATES, INC., TO PROVIDE SERVICES WITH RESPECT TO THE NEW CITY DOWNTOWN IMPROVEMENT PLAN

WHEREAS, Edward J. Lettre, Clerk of the Works, has solicited proposals for the development of road improvement plans for the New City Downtown area, and recommends the hiring of Frederick P. Clark Associates, Inc., to provide said services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Frederick P. Clark Associates, Inc., in a form approved by the Town Attorney, to provide planning services with respect to the development of road improvement plans for the New City Downtown area, and be it

FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$8,000.00 plus standard reimbursable expenses for Phase I of the Project, and be it

FURTHER RESOLVED, that the agreed upon fee shall be a fixed sum for all necessary services which shall not exceed \$16,000.00 plus standard reimbursable expenses for Phase II of the Project, which fees for Phase I and Phase II shall be charged to Account No. H 5111-400-409-0-4-16, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows

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

RESOLUTION NO. (535-2007)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 5 (ARCHITECTURE AND LANDSCAPE COMMISSION) 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 5 (ARCHITECTURE AND LANDSCAPE COMMISSION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the purpose of this Local Law is to amend Chapter 5 (Architecture and Landscape Commission) of the Town Code of the Town of Clarkstown, to establish the Architecture and Landscape Commission as an independent, non-advisory Board;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 25, 2007 at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

RESOLVED, that the proposed Local Law is hereby referred to the Rockland County Commissioner of Planning, pursuant to Sections 239-l and 239-m of the General Municipal Law, for his recommendations.

On roll call the vote was as follows

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

RESOLUTION NO. (536-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION OF THE TOWN BOARD REFERRING PETITION OF WOODGLEN CONSTRUCTION CORPORATION, FOR A CHANGE OF ZONE ON PROPERTY KNOWN AS MAP 42.20-3-30 AND 31, FROM THE R-40 DISTRICT TO THE R-15 DISTRICT, TO THE CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY COMMISSIONER OF PLANNING

WHEREAS, Woodglen Construction Corporation, contract purchaser of property located at West Clarkstown Road, New City, New York, has petitioned the Town Board of the Town of Clarkstown, requesting a change of zone for premises designated on the Clarkstown Tax Map as 42.20-3-30 and 42.20-3-31, from the R-40 District to the R-15 District, and property owners Clement Benedetto and Suzanne Benedetto have consented to such petition;

NOW, THEREFORE, be it

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (537-2007)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SETTING A PUBLIC HEARING AND REFERRING TO THE ROCKLAND COUNTY COMMISSIONER OF PLANNING AND THE CLARKSTOWN PLANNING BOARD THE APPLICATION OF NEW CITY JEWISH CENTER, FOR A SPECIAL PERMIT TO CONDUCT A CHILD DAY CARE CENTER

WHEREAS, New City Jewish Center, by its Administrative Vice President Jerry Nejman, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17Z of the Zoning Local Law, to conduct a Child Day Care Center on a portion of premises known as Tax Map 43.19-3-43, for property located at 47 Old Schoolhouse Road, New City, New York, and

WHEREAS, said petitioner has duly applied to the Clarkstown Planning Board for site plan approval;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 290-17Z of the Zoning Local Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on September 25, 2007, at 8:00 p.m., or as soon thereafter as possible, to consider the application of New City Jewish Center relative to said Special Permit, 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

RESOLUTION NO. (537-2007) continued

FURTHER RESOLVED, that on or before said public hearing the petitioner shall file with the Town of Clarkstown, the following:

- 1. A floor plan of the proposed child day care center;
- 2. An affidavit containing a narrative description of the anticipated occupancy of the facility by age group, hours of operation, staffing, food service and sanitary provisions.
- 3. An affidavit executed by the officer of the corporation stating that the corporation is licensed by the New York State Department of Social Services to operate the type of facility sought or, in the alternative, that the corporation shall be able to meet all requirements to obtain said license.

and be it

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

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-L and 239-M of the General Municipal Law for report, the Clarkstown Planning Board, and to the following agencies for comment or study and report as soon as possible:

- 1. Clarkstown Department of Environmental Control
- 2. Clarkstown Building Inspector
- 3. Rockland County Health Department
- 4. New York State Dept. of Transportation

On roll call the vote was as follows

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

RESOLUTION NO. (538-2007)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING FORCE ACCOUNT DEPOSIT METRO-NORTH RAILROAD NANUET HAMLET DRAINAGE IMPROVEMENTS

WHEREAS, by resolution 445-2006 and 46-2006, the Town Board authorized replacement of drainage pipe below NJ Transit rail line and Metro-North platform in Nanuet, and

WHEREAS, the work has been reviewed by Metro-North Commuter Railroad, and MNCRR requires personnel to be present during the course of the work, and

WHEREAS, Metro-North has provided an estimate of costs for such supervision in the amount of \$27,000 which amount must be posted before Metro-North will issue the requisite Entry Permit;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes a deposit in the amount of \$27,000.00 to Metro-North Commuter Railroad in accordance with the terms of the MTA's August 3, 2007 letter, and be it

FURTHER RESOLVED that the amount shall be a proper charge to account number 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. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (539-2007)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION GRANTING PERMISSION TO LICENSED WINERIES AND/OR LICENSED FARM WINERIES TO DISPENSE ALCOHOLIC BEVERAGES AT THE CONGERS ITALIAN FESTIVAL

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, Marvin Baum wishes to obtain a Farmer's Market permit on behalf of the Valley Cottage Rotary from the Parks Board and Recreation Commission for the Congers Italian Festival to be held on Town property including Burnside Avenue and Congers Station Park, on September 9, 2007 (rain date September 23, 2007), and

WHEREAS, it is anticipated that said not-for-profit farmers market will include as vendors one or more NYS licensed wineries and/or licensed farm wineries, and

WHEREAS, the permittee has requested permission for vendor/wineries to dispense alcoholic beverages on the date of the festival;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, for the Congers Italian Festival to be held on Town property including Burnside Avenue and Congers Station Park, on September 9, 2007 (rain date September 23, 2007), and be it

FURTHER RESOLVED, that permission to dispense alcoholic beverages is granted only to those vendor wineries which are NYS licensed wineries and/or licensed farm wineries which have furnished to the office of the Clarkstown Town Attorney a true copy of their respective current New York State license(s) as required by the Alcoholic

RESOLUTION NO. (539-2007) continued

Beverage Control Law, prior to the date(s) that such vendor intends to dispense alcoholic beverages.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments, with no one wishing to be heard. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was closed 8:25 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN

PUBLIC HEARING #1

08/14/2007

Town Hall

8:05 P.M.

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

Re: Continued from 7/24/07, Proposed amendment to Comprehensive Plan with respect to New City Hamlet Center Overlay District and New City Vision Plan

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:05 P.M.

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

There being no one wishing to be heard, on motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:11 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (499-2007)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

08/14/2007

8:15 P.M.

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

Re: Continued from 7/24/07, Petition of Workplace Essentials, Inc. for a special permit to allow a small scale waste management facility at Clarkstown Executive Park, 16 Corporate Way, Valley Cottage

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

Robert Knoebel- Attorney for applicant, Workplace Essentials, Inc.
Provided Affidavits of mailing, (on file with Town Clerk). Stated that applicant will adhere to guidelines of special permit.

Amy Mele- Town Attorney
Gave an overview of the guidelines that must be met.

There being no one wishing to be heard, on motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:19 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (500-2007)