

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

08/22/2006

8:00 P.M.

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

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

Public Hearing #1 re: Petition for Extension of Clarkstown Consolidated Water Supply Dist. No. 1 for Little Tor Homes & Highland Vista Estates Subdivisions). On motion of Co. Lasker, seconded by Co. Mandia, opened 8:05. On motion of Co. Nowicki, seconded by Co. Maloney, closed 8:07. RESOLUTION NO. (514-2006) unanimously adopted.

Public Hearing #2 re: Proposal to provide cable services in the Town of Clarkstown: Authorizing franchise agreement with Verizon New York, Inc. On motion of Co. Lasker, seconded by Co. Maloney, opened 8:08. On motion of Co. Maloney, seconded by Co. Lasker, closed 9:20. RESOLUTION NO. (515-2006) unanimously adopted.

Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers

Asked about agenda item #2, regarding littering and posting. Wanted to know why we are getting more fire hydrants, regarding agenda item #12. Asked about agenda item #14. Regarding agenda item #21, he asked if the previous scenario of having to go through the town clerk's and town attorney's offices in order to get copies of documents from Planning or Zoning Departments had been resolved.

Town Attorney Amy Mele

Regarding agenda item #21, responded that if he required copies of a proposed local law that is in final draft form, he could contact her office directly and not have to go through that process. Town Clerk David Carlucci and I have met and David's office is leading the way and working on having proposed local laws that will be debated in a public hearing up on the web site, so that the public will have ready access to them and have an opportunity to read them before they come to the public hearing.

Town Clerk David Carlucci

Regarding agenda item #21 and the aforementioned plan to put proposed local laws that will be debated in a public hearing on the web site- The plan should be up and running within the next month or so.

Karen Schmidt- Valley Cottage

Thanked the Town Board for awarding the Kill Von Beaste bid and for approving the Verizon franchise. Asked about agenda item #'s 17a and 28a.

Steve Peters- Congers

Regarding agenda items #18L,N, & P asked if this is not a promotion, but a reclassification, why weren't all Senior Clerk Typists being made Principal Clerk Typists. Supervisor responded that these personnel changes came from the County Personnel Office and said he would have Mary Loeffler, the Clarkstown Personnel Administrator, call him tomorrow for clarification.

Supervisor Gromack- Regarding agenda item #10a, recognized 8 ½ year old, Anna Hughes of New City for writing a letter to the town about the need for a "Dead End" sign on Harness Rd. The town reviewed the letter and agreed with Miss Hughes that there was a need for the sign, which was on the agenda tonight and would be approved this evening. He thanked Miss Hughes for helping government to work a little bit better.

Rubin Sterngass- Valley Cottage

Regarding agenda item #21, submitted a letter in opposition, (on file with Town Clerk).

RESOLUTION NO. (514-2006)

Co. Nowicki offered and Co. Maloney seconded

A Petition in this matter for the EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown excluding any portion already in an existing district, having been duly adopted by the Town Board on the 25th day of July 2006, for the hearing of all persons interested in the matter on the 22nd day of August, 2006, at 8:00 PM EST, at the Board Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York and a Public Hearing by the said Town Board having been duly held at such time and place, and it having been duly resolved and determined, following such hearing, that the Petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all property and property owners within the proposed extension were benefited thereby, that all property and property owners benefited were included within the

RESOLUTION NO. (514-2006) continued

limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, that there has been and will be no cost to the Town of Clarkstown pursuant to such extension, that no state owned lands are part of the extended district, or if state owned lands are part of the extension, they consist of less than ten percent of such extended district, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby

ORDERED, that the CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown:

(Description on file in Town Clerk's office)

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. (515-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A FRANCHISE AGREEMENT WITH VERIZON NEW YORK INC. TO PROVIDE CABLE SERVICE TO THE TOWN OF CLARKSTOWN

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

WHEREAS, VERIZON NEW YORK INC. ("Verizon") is upgrading its existing telecommunications and information services network through the installation of what Verizon refers to as "Fiber to the Premises Telecommunication Network" (the "FTTP Network") within the Town and elsewhere, which existing network transmits Non-Cable Services (as defined in the proposed Verizon Franchise Agreement) pursuant to the authority granted by Section 27 of the New York Transportation Corporations Law, and Title II of the Telecommunications Act, which Non-Cable Services are not subject to the Cable Law or to Title VI of the Communications Act, and

WHEREAS, the FTTP Network occupies public rights-of-way (as defined in the proposed Verizon Franchise Agreement) within the Town, and Verizon desires to use portions of the FTTP Network now or hereinafter installed within the Town to provide cable service (as defined in the proposed Verizon Franchise Agreement), and

WHEREAS, Verizon has submitted a written application for a cable television franchise to the Town on August 11, 2006 (the "Verizon Application"), which the Town has had an opportunity to thoroughly review, and

WHEREAS, due negotiations between the Town and Verizon have resulted in a proposed agreement entitled "Cable Franchise Agreement between the Town of Clarkstown and Verizon New York Inc.," which proposed agreement was filed with the Town on August 11, 2006 ("Verizon Franchise Agreement"), and

WHEREAS, on August 8, 2006, at a regularly scheduled Workshop meeting of the Town Board, and on August 22, 2006 at a regularly scheduled meeting of the Town Board, that were duly and reasonably advertised to the public, Verizon made a presentation to the Town Board in favor of the proposed Verizon Franchise Agreement, including an outline of the cable television services proposed to be provided to the Town pursuant thereto, and members of the Town Board, the public, and representatives of Cablevision, the existing franchise, were given notice and the opportunity to comment on Verizon's presentation and ask questions to be addressed by Verizon's representatives, and

WHEREAS, the Town has identified the cable-related needs and interests of the residents of the Town and has exercised due diligence in considering the technical ability, financial conditions, character and legal qualifications of Verizon to meet such needs and interests;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby establishes itself as the lead agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following finding, and alternative determination with respect to the environmental impact of the proposed Verizon Franchise Agreement:

- (a) In order to provide the equipment necessary to support its proposed Cable Franchise Service in the Town, Verizon will complete the installation of a fiber optic network, which work is already in progress. Even without the proposed use for Cable Television Transmissions, this ongoing network conversion would continue to occur so as to service Verizon's existing telecommunications operations, although the pace of the conversion is expected to be accelerated if the pending application is approved;

RESOLUTION NO. (515-2006) continued

(b) That the Town Board’s execution of the proposed Franchise Agreement is a TYPE II Action under the State Environmental Quality Review Act (SEQRA). Specifically, this action is covered under 6 NYCRR §617.5(20): “routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.” Accordingly, it has been pre-determined that adoption of the proposed Franchise Agreement will not result in a significant impact on the environment, and no further action is required relative to this matter under SEQRA;

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

FURTHER RESOLVED, that the Town approves the character of Verizon, and be it

FURTHER RESOLVED, that the Town concludes that Verizon is legally (pursuant to Public Service Commission Rules and other statutory requirements), technically, and financially and otherwise qualified to meet the cable-related needs and interests of the Town, which needs and interests were ascertained by the Town, and be it

FURTHER RESOLVED, that the Town concludes that Verizon will be required to provide adequate public, educational, governmental access capacity, either through channels dedicated to same, or through interconnection between cable operators as permitted by law, and be it

FURTHER RESOLVED, that the Town concludes that Verizon will meet all statutory and regulatory non-discrimination requirements, and be it

FURTHER RESOLVED, that the Town concludes, based on the presentation by Verizon, that the cable service offered by Verizon will include competitive offerings with its existing completion, and be it

FURTHER RESOLVED, that the Town concludes that although the terms of the proposed Verizon Franchise Agreement are not identical to those of the existing franchise agreement with Cablevision, that the terms of both agreements are reasonably comparable in their totality and contain no economic or regulatory burdens which when taken as a whole

are greater or lesser than those burdens placed upon another cable television franchise operating in the same franchise area, therefore, neither agreement provides either franchise with any unfair competitive advantage, or subject either franchise to any unfair competitive disadvantage, and be it

FURTHER RESOLVED, that the Town Board determines that it serves the public interest to award Verizon a franchise to own, construct, operate and maintain a cable system along the public rights-of-way within the Town, in order to provide cable service, and be it

FURTHER RESOLVED, that the Town Board authorizes the award of a non-exclusive franchise to Verizon to own, construct, operate and maintain a cable system along the public rights-of-way within the Town, in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the cable laws, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a franchise agreement with VERIZON NEW YORK INC., in a form approved by the Town Attorney, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (516-2006) was not utilized.

RESOLUTION NO. (517-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of July 25, 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. Yes
Supervisor Gromack Yes

RESOLUTION NO. (518-2006)

Co. Maloney offered and Co. Lasker seconded

TOWN OF CLARKSTOWN LOCAL LAW NO. 11 - 2006

WHEREAS, a proposed local law entitled, "A LOCAL LAW TO AMEND CHAPTER 173 (LITTERING AND POSTING)" was introduced by Co. Maloney, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 27, 2006, directed that a public hearing be held on July 25, 2006, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 12, 2006, and

WHEREAS, a copy of the proposed local law was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 23, 2006, and a revised copy of the proposed local law was placed on the desks of the Town Board on August 11, 2006, and

WHEREAS, in a report dated July 20, 2006 the County of Rockland Department of Planning recommended approval of the amendment, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 25, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed and considered the report dated July 10, 2006 from its consultant Robert Geneslaw, acting as staff of the Town Board as lead agency, prepared pursuant to SEQRA, and determined that as a Type II action is not subject to SEQRA review;

NOW, THEREFORE BE IT RESOLVED, that Local Law No. 11 – 2006 entitled:

"A LOCAL LAW TO AMEND CHAPTER 173 (LITTERING AND POSTING)"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows

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

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

RESOLUTION NO. (519-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION OF THE TOWN BOARD REFERRING PETITION OF GUISEPPE DEPAULIS AND LUCY DEPAULIS, FOR A ZONE CHANGE ON PROPERTY KNOWN AS MAP 35.20-1-16 FROM THE LO DISTRICT TO THE RS DISTRICT, TO THE CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY COMMISSIONER OF PLANNING

WHEREAS, GUISEPPE DEPAULIS and LUCY DEPAULIS have petitioned the Town Board of the Town of Clarkstown, requesting a change of zone from the LO District to the RS District for premises designated on the Clarkstown Tax Map as 35.20-1-16, located at 343 Route 9W, Congers, New York;

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, 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 Robert Geneslaw 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. (520-2006)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown and the Rockland County Patrolmen’s Benevolent Association (the PBA) are parties to a Collective Bargaining Agreement covering the term 2005-2008, and

WHEREAS, the parties have determined that there are ambiguities that the parties seek to clarify which has been done by way of a tentative agreement contained in a Memorandum of Agreement dated May 31, 2006, and

WHEREAS, the membership of the PBA has ratified the terms of the Memorandum of Agreement, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the terms of the Memorandum of Agreement and finds that an amendment to the Collective Bargaining Agreement consistent with the terms contained therein is in the best interests of the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement.

On roll call the vote was as follows

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

RESOLUTION NO. (521-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING ATTENDANCE AT A SEMINAR REGARDING PUBLIC CONTRACTS AND PROCUREMENT REGULATIONS IN NEW YORK

RESOLVED, that the Town Board hereby authorizes Jessica Hauser, Deputy Town Attorney, to attend a seminar regarding “Public Contracts and Procurement Regulations in New York,” being held on September 19, 2006, in White Plains, New York, and be it

FURTHER RESOLVED, that the cost of said program being \$369.00, plus travel and any necessary expenses, will be charged to Account No. A 1010-414.

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. (522-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7020-460-3 (Frame Relay) by \$750.00 and to increase Appropriation Account A-7141-204 (Office Machine) by \$750.00.

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. (523-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Town Board Resolution #580-2005 awarded bid #36-2005; South Mountain Road Drainage Improvements to Colonnelli Brothers, Inc.; and

WHEREAS, rock excavation was required to install the proposed drainage on South Mountain Road; and

RESOLUTION NO. (523-2006) continued

WHEREAS, one (1) change order on contract has been reviewed and found acceptable by the Department of Environmental Control as follows:

- 1) 29 cubic yards of rock excavation @ \$175.00 per cubic yard \$5,075.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$78,850.00 to \$83,925.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #H 8755 409 0 79 27

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. (524-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 503-2006
(TAX CERTIORARI SETTLEMENT – BARDONIA ASSOCIATES – 58.14-1-50)

WHEREAS, Resolution No. 503-2006, dated July 25, 2006, authorized settlement of a tax certiorari proceeding entitled, Bardonia Associates v. the Town of Clarkstown, Its Assessor and Board of Assessment Review, affecting a parcel designated as Map 58.14-1-50 , and

WHEREAS, there was a typographical error which discontinued the proceeding for the 2006/07 year;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 503-2006 is hereby amended to correct the typographical error which discontinued the proceeding and reflect that the assessment on the premises owned by the petitioner respecting Map 58.14, Block 1, Lot 50 be reduced for the year 2006/07 from \$725,000.00 to \$601,800.00 at no cost to the Town.

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. (525-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. (488-2006) – adopted at the Town Board meeting of July 25, 2006 – reassigning Lois August – File Clerk – to the Town Justice Department – is hereby amended to reflect the corrected salary of \$41,981.

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. (526-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board adopted Resolution No. 493-2006 on July 25, 2005, authorizing the Director of the Department to Environmental Control to retain the services of a contractor, Cal Mart Enterprises, Inc., to clean a portion of stream channel within a Town Conservation Easement in the vicinity of 125 Green Avenue, Valley, and

WHEREAS, the cost of \$3,535.00 for the work to be performed by Cal Mart Enterprises, Inc. was incorrectly charged to Account No. 8730-409-0;

NOW, THEREFORE, be it

RESOLUTION NO. (526-2006) continued

RESOLVED, that the Town Board hereby amends Resolution No. 493-2006 by charging the cost of the project to Account No. H 8755-400-409-0 (Project No. 79-19).

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. (527-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION ACCEPTING DRAINAGE EASEMENTS CONCERNING THE DEMAREST MILL CREEK IMPROVEMENT PROJECT, WEST NYACK

WHEREAS, in accordance with the recommendation of the Director, Department of Environmental Control, the Town of Clarkstown wishes to accept and record drainage easements in connection with the Demarest Mill Creek Improvement Project, West Nyack and,

WHEREAS, the Town Attorney's Office has gathered and assembled the original executed documents and they are in recordable form as necessary,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to accept the easements concerning said Project for the properties as listed below and orders them recorded in the Rockland County Clerk's Office at the Town's expense:

- Jeanette Matthews & Eveleyn Lombardi, 6 Jeffrey Court, West Nyack (59.13-1-15)
Robert H. & Dolores Morris, 8 Jeffrey Court, West Nyack (59.13-1-16)
Eddie & Shari J. Kim, 10 Jeffrey Court, West Nyack (59.13-1-17)
Sebastian & Sheila Casselano, 12 Jeffrey Court, West Nyack (59.13-1-18)
James & Mary E. Guilfoyle, 14 Jeffrey Court, West Nyack (59.13-1-19)
Antonio & Dorothy Camasso, 16 Jeffrey Court, West Nyack (59.13-1-20)
Miguel & Pauline Henriques, 120 Strawtown Road, West Nyack (58.20-2-4)
Mikhail G. Kogan & Raissa S. Steblova, 130 Strawtown Road, West Nyack (58.16-146)
Kunihiko Matsuo, 5 Dara Court, West Nyack (58.20-2-5)
United Water-NY, 112 Strawtown Road, West Nyack (59.17-1-1)
United Water-NY, 48 Old Mill Road, West Nyack (59.13-1-28)

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. (528-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION APPROVING AND ADOPTING REVISED MINI TRANS DRUG AND ALCOHOL TESTING POLICY

WHEREAS, the Town of Clarkstown is the recipient of a grant through the Federal Transportation Agency, which provides funds for the Town's Mini Trans bus system, and

WHEREAS, the Town's current Drug and Alcohol Testing Policy as contained in the current CSEA contract requires modification in order to be in compliance with Federal guidelines related to the aforementioned grant, and

WHEREAS, the CSEA has approved the revised Drug and Alcohol Testing Policy, and

WHEREAS, the Town's Safety Manager has recommended the adoption of the revised Policy in order to be in compliance with the aforementioned guidelines;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and adopts the Town of Clarkstown Mini Trans Drug and Alcohol Testing Policy and Procedures and hereby authorizes the Supervisor and/or his designee(s) to take all necessary actions to implement said Policy and Procedures and to distribute same to all affected employees.

RESOLUTION NO. (528-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (529-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "Dead End" sign on Harness Road at Saddle Lane, New City, NY

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

On roll call the vote was as follows

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

RESOLUTION NO. (530-2006)

Co. Maloney offered and Co. Lasker seconded

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

NANUET AMBULANCE CORPS.
 255 S. MIDDLETOWN ROAD
 NANUET, NY 10954
 (13-D-20) (63.12-3-52.1)

By installation of fire lane designation, and

WHEREAS, KAREN MILLER has requested that the Town of Clarkstown designate said fire lanes:

NOW THEREFORE BE IT RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory board 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. 531(-2006)

Co. Nowicki offered and Co. Lasker seconded

GRANTING PERMISSION FOR INSTALLATION OF "NEIGHBORHOOD WATCH" SIGNS

WHEREAS, Ms. Kathy Urzi, a Nanuet resident, had made a request to the Clarkstown Police Department to install "Neighborhood Watch" signs at the intersections of: Freedman Avenue at Old Nyack Turnpike, and Park Lane at Prospect Street, and

WHEREAS, the Clarkstown Police Department referred this request to the Traffic & Traffic Fire Safety Advisory Board who advised that these signs are not regulated by their board, but that the Town Board can authorize this type of sign and that permission must be formally granted by the Town Board,

RESOLUTION NO. (531-2006) continued

NOW THEREFORE, BE IT

RESOLVED, that the Nanuet Neighborhood Watch group is hereby granted permission to install, under the direction and supervision of the Clarkstown Highway Department:

Two standard "Neighborhood Watch" signs

One at the intersection of Freedman Avenue at Old Nyack Turnpike, and

One at the intersection of Park Lane at Prospect Street, and be it

FURTHER RESOLVED, that the Nanuet Neighborhood Watch group shall be responsible for the purchase of said "Neighborhood Watch" signs.

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. (532-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12419 April Lane, New City.

X11051H – w/s of April Lane approx. 160' s/o proposed Lot #3

and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

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. (533-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A PRIVATE CONTRACTOR TO PERFORM CERTAIN DRAINAGE IMPROVEMENTS ON PROPERTY BELONGING TO THE TOWN OF CLARKSTOWN

Whereas, an adverse drainage condition exists in the right of way at #18 Green Avenue in Valley Cottage, New York; and

Whereas, the Department of Environmental Control has formulated a plan to install certain drainage improvements in the right of way of Green Avenue to alleviate said condition; and

Whereas, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to perform this work in accordance with their plan; and

Whereas, the Department of Environmental Control has received four (4) responses to their solicitation; and

Whereas, the Department of Environmental Control has reviewed said proposals and finds them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Belleville Landscaping, Inc.
866 Belleville Drive
Valley Cottage, N.Y. 10989

to perform said improvements as per the aforementioned plan in accordance with their lowest responsible proposal of \$4,800.00; and

Be It Further Resolved that this shall be a proper charge to account #H 8757 400 409-0 81-25

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. (534-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF ECHO BRIDGE, INC. TO FABRICATE AND DELIVER A 26.5' STEEL PEDESTRIAN BRIDGE

WHEREAS, an existing pedestrian bridge within a Town easement in the vicinity of Nancy Drive, New City is in a state of disrepair and in need of replacement; and
WHEREAS, the Department of Environmental Control has prepared specifications for the fabrication of a new steel pedestrian bridge; and
WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to fabricate and construct said pedestrian bridge; and
WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation and after review by Department of Environmental Control staff, it was found that the lowest proposal, provided by Echo Bridge, Inc. is acceptable; and
WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to:

Echo Bridge, Inc.
P.O. Box 89
Elmira, New York 14902

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of Echo Bridge, Inc. for an amount not to exceed \$14,900.00 to fabricate and deliver a 26.5' pedestrian bridge; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account H 8757 400 409 0 8126

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project be funded by 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. (535-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH KORN, ROSENBAUM, PHILLIPS & JAUNTIG, LLP FOR AUDIT SERVICES

WHEREAS, a proposal has been received from Korn, Rosenbaum, Phillips & Jauntig, LLP, certified public accounts, to continue providing audit services to the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Korn, Rosenbaum, Phillips & Jauntig, LLP, in a form satisfactory to the Town Attorney, for audit services for the years ending December 31, 2006 and December 31, 2007, and be it

FURTHER RESOLVED, that the fees for such services shall be \$46,225 for the years ending December 31, 2006 and December 31, 2007, which shall be charged to Account No.A 1320-409, and be it

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

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. (536-2006)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, MedbillLtd.com acts as the service organization for the Town of Clarkstown to process insurance claims for basic and advanced life support services provided by volunteer ambulance corps and Rockland Paramedic Service, Inc. and

WHEREAS, it is necessary that the Town of Clarkstown have a limited scope audit to obtain reasonable assurance that MedbillLtd.com has the necessary controls and procedures in place to provide reliance that the billing is proper,

THEREFORE, BE IT,

RESOLVED, that Supervisor Gromack is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn, Rosenbaum, Phillips & Jauntig, Certified Public Accountants, with offices at Palisades Office Park, 26 Firemen’s Memorial Drive, Pomona, New York, for a cost not to exceed \$5,000, to perform the limited scope audit referred to herein, as described in a proposal dated June 28, 2006.

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. (537-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION ENTERING INTO AN AGREEMENT WITH GENERAL CODE PUBLISHERS TO PROVIDE EDITORIAL ANALYSIS AND RE-CODIFICATION OF THE ENTIRE TOWN CODE

WHEREAS, the Chairperson of the Planning Board and the Town Planner have requested General Code Publishers, 72 Hinchey Road, Rochester, New York, to submit a proposal to provide an editorial analysis and re-codification of the entire Town Code of the Town of Clarkstown, and

WHEREAS, General Code Publishers has submitted its proposal to the Town which the Technical Advisory Committee to the Planning Board have reviewed and recommend acceptance of said proposal;
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with General Code Publishers, in a form approved by the Town Attorney, to provide an editorial analysis and re-codification of the entire Town Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for Phase I of such analysis shall not exceed the amount of \$5,895.00, which shall be a proper charge to Account No. B 8020-409.

On roll call the vote was as follows

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

RESOLUTION NO. (538-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE SITE AGREEMENT WITH T-MOBILE, TO ESTABLISH WIRELESS COMMUNICATION ANTENNA AND EQUIPMENT SHELTER ON PREMISES KNOWN AS GERMONDS PARK, WEST NYACK

WHEREAS, the discontinuance of park lands identified for use for wireless communication purposes has been authorized by Chapter 542, Laws of the State of New York, approved by the Governor on September 28, 2004, and

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

WHEREAS, T-MOBILE has submitted a request to lease a part of the premises for use as wireless communication;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of Deputy Town Attorney Daniel N. Kraushaar, the Supervisor is hereby authorized to execute a site lease agreement with T-Mobile, which provides for

RESOLUTION NO. (538-2006) continued

payment of \$1,000 per month to the Town of Clarkstown, in a form approved by the Town Attorney, subject to T-Mobile complying with the following conditions:

1. Insurance certificate naming Town as additional insured in the amount of \$1,000,000/\$2,000,000;
2. Letter of Credit in the amount of \$10,000.00, in a form approved by the Town Attorney’s Office, as security for the removal of the Tenant’s facilities;
3. A check in the amount of \$1,000 made payable to the Town of Clarkstown for the “Option Fee” provided in Section 1(a) of the lease;
4. A check in the amount of 1,000 made payable to the Town of Clarkstown for “Signing Bonus” provide in Section 18(n), and
5. A check in the amount of \$5,000 made payable to the Town of Clarkstown within ten business days of Tenant receiving two copies of the fully executed lease as and for the “administrative and filing fee” provide in Section 18.

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. (539-2006)

Co. Maloney offered and Co. Lasker seconded

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

BID#39-2006 – RICHARD DRIVE DRAINAGE EXTENSION

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. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (540-2006)

Co. Mandia offered and Co. Lasker seconded

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

BID#72-2005 – VALLEY COTTAGE DOWNTOWN IMPROVEMENTS PHASE II

is hereby awarded to:

WJL EQUITIES CORPORATION
 157 FISHER AVENUE, SUITE 3
 EAST CHESTER, NY 10709
 PRINCIPALS: DANIELLE BUENAVENTURA

as per their low bid proposal of \$3,700,000.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond – 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.

RESOLUTION NO. (540-2006) continued

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

FURTHER RESOLVED, that said award will constitute a proper charge to account H-5111-400-409-0-4-17

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. (541-2006)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Transit Operations Supervisor and the Deputy Town Attorney - Purchasing Department that

BID #23-2006 – ONE BUS FOR TRANSIT APPLICATION FOR THE CLARKSTOWN MINI-TRANS DEPARTMENT

is hereby awarded to: FACTORY DIRECT BUS SALES, INC.
65-51 FRESH MEADOW ROAD
FRESH MEADOWS, NY 11365

PRINCIPALS: RICK REICHENBACH, PRESIDENT

as per the proposed unit cost of \$57,242.00 for one (1) bus and \$3,010.00 for extended warranty for one (1) bus as stated in the bid proposal.

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. (542-2006)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney – Purchasing that
BID #36-2006 – WORK CLOTHING AND ACCESSORY SAFETY ITEMS

is hereby awarded to: WEARGUARD, A DIVISION OF
ARAMARK UNIFORM AND CAREER
APPAREL GROUP
141 LONGWATER DRIVE
NORWELL, MA 02061

PRINCIPALS: A PUBLIC CORPORATION

STRONGWEAR GARMENT CORP.
191 THE PLAZA
TEANECK, NJ 07666

PRINCIPALS: WALTER POPICK, PRESIDENT

STAUFFER GLOVE & SAFETY
361 EAST SIXTH STREET,
P.O. BOX 45
RED HILL, PA 18076

PRINCIPALS: W. RANDALL STAUFFER
JEFFREY STAUFFER
REBEKAH STAUFFER PUTERA

as per the attached item/price schedule

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. (543-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 12, 2006 that the position of Solid Waste Facility Attendant #500722 (encumbered by Joseph Caoili) Solid Waste Facility – can be reclassified to the position of Motor Equipment Operator II,

Now, therefore, be it

RESOLVED, that the position of Solid Waste Facility Attendant - is hereby reclassified to the position of Motor Equipment Operator II – Solid Waste Facility – effective and retroactive to August 21, 2006.

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. (544-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Joseph Caoili is hereby appointed to the position of Motor Equipment Operator II – Solid Waste Facility - at the current 2006 annual salary of \$43,887., effective and retroactive to August 21, 2006.

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. (545-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 12, 2006 that the position of Solid Waste Facility Attendant #500878 (encumbered by Ronald Reck) Solid Waste Facility – can be reclassified to the position of Motor Equipment Operator II,

NOW, THEREFORE,

BE IT RESOLVED, that the position of Solid Waste Facility Attendant - is hereby reclassified to the position of Motor Equipment Operator II – Solid Waste Facility – effective and retroactive to August 21, 2006.

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. (546-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Ronald Reck is hereby appointed to the position of Motor Equipment Operator II – Solid Waste Facility – at the current 2006 annual salary of \$43,887., effective and retroactive to August 21, 2006.

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. (547-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 12, 2006, 2006 that the position of Solid Waste Facility Attendant #500719 (encumbered by Steven Spadaccini) Solid Waste Facility – can be reclassified to the position of Motor Equipment Operator II,

Now, therefore, be it

RESOLVED, that the position of Solid Waste Facility Attendant – is hereby reclassified to the position of Motor Equipment Operator II – Solid Waste Facility – effective and retroactive to August 21, 2006.

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. (548-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Steven Spadaccini is hereby appointed to the position of Motor Equipment Operator II – Solid Waste Facility - at the current 2006 annual salary of \$43,887., effective and retroactive to August 21, 2006.

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. (549-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 28, 2006 that the position of Maintenance Mechanic I #500168 (encumbered by Charles W. Corletta III) -Sewer Department – can be reclassified to the position of Maintenance Mechanic II,

Now, therefore, be it

RESOLVED, that the position of Maintenance Mechanic I -Sewer Department - is hereby reclassified to the position of Maintenance Mechanic II – Sewer Department – effective and retroactive to August 21, 2006.

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. (550-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Charles W. Corletta is hereby appointed to the position of Maintenance Mechanic II – Sewer Department - at the current 2006 annual salary of \$67,532., effective and retroactive to August 21, 2006.

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. (551-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06057 Environmental Control Inspector III (Promotional) which contains the name of David L. Secor, Now, therefore, be it RESOLVED, that David L. Secor is hereby appointed to the position of (permanent) Environmental Control Inspector III – Department of Environmental Control – at the current annual salary of \$81,298., effective and retroactive to August 21, 2006.

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. (552-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06057 Environmental Control Inspector III (Promotional) which contains the name of Gary J. Landro, Now, therefore, be it RESOLVED, that Gary J. Landro is hereby appointed to the position of (permanent) Environmental Control Inspector III – Dept. of Environmental Control – at the current annual salary of \$79,110., effective and retroactive to August 21, 2006.

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. (553-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06104 Environmental Control Inspector II (Promotional) which contains the name of Christopher C. Wagner, Now, therefore, be it RESOLVED, that Christopher C. Wagner is hereby appointed to the position of (permanent) Environmental Control Inspector II – Department of Environmental Control – at the current annual salary of \$54,695., effective and retroactive to August 21, 2006.

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. (554-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 28, 2006 that the position of Senior Clerk Typist #500217 – Town Justice Department (encumbered by Maureen Santamaria) can be reclassified to the position of Principal Clerk Typist,

NOW therefore, be it

RESOLVED, that the position of Senior Clerk Typist -Town Justice Department – is hereby reclassified to the position of Principal Clerk Typist – effective and retroactive to August 21, 2006.

RESOLUTION NO. (554-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (555-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06068A Principal Clerk Typist (Promotional) which contains the name of Maureen Santamaria,
 Now, therefore, be it
 RESOLVED, that Maureen Santamaria is hereby appointed to the position of (permanent) Principal Clerk Typist – Town Justice Department – at the current annual salary of \$41,981., effective and retroactive to August 21, 2006.

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. (556-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on August 9, 2006 that the position of Senior Clerk Typist #500859 – Office of the Town Clerk (encumbered by Maureen A. Landro) can be reclassified to the position of Principal Clerk Typist,
 Now, therefore, be it
 RESOLVED, that the position of Senior Clerk Typist -Office of the Town Clerk – is hereby reclassified to the position of Principal Clerk Typist – effective and retroactive to August 21, 2006.

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. (557-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06068A Principal Clerk Typist (Promotional) which contains the name of Maureen A. Landro,
 Now, therefore, be it
 RESOLVED, that Maureen A. Landro is hereby appointed to the position of (permanent) Principal Clerk Typist – Office of the Town Clerk – at the current annual salary of \$47,910., effective and retroactive to August 21, 2006.

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. (558-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on August 9, 2006 that the position of Senior Clerk Typist #500214 – Town Justice Department (encumbered by Pasqualina Rausa) can be reclassified to the position of Principal Clerk Typist,

NOW therefore, be it

RESOLVED, that the position of Senior Clerk Typist -Town Justice Department – is hereby reclassified to the position of Principal Clerk Typist – effective and retroactive to August 21, 2006.

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. (559-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06068A Principal Clerk Typist (Promotional) which contains the name of Pasqualina Rausa, Now, therefore, be it

RESOLVED, that Pasqualina Rausa is hereby appointed to the position of (permanent) Principal Clerk Typist – Town Justice Department -at the current annual salary of \$41,981., effective and retroactive to August 21, 2006.

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. (560-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06068A Principal Clerk Typist (Promotional) which contains the name of Jacqueline M. Bambauer, Now, therefore, be it

RESOLVED, that Jacqueline M. Bambauer is hereby appointed to the position of (permanent) Principal Clerk Typist – Zoning Board of Appeals – at the current annual salary of \$52,258., effective and retroactive to August 21, 2006.

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. (561-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06067B Principal Clerk (Promotional) which contains the name of Carol Collura, Now, therefore, be it

RESOLVED, that Carol Collura is hereby appointed to the position of (permanent) Principal Clerk – Town Justice Department –at the current annual salary of \$47,910., effective and retroactive to August 21, 2006.

RESOLUTION NO. (561-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (562-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Office has certified on July 28, 2006 that the position of Principal Clerk – Highway Department - can be created,

Now therefore, be it
RESOLVED, that the position of Principal Clerk – Highway Department - is hereby created – effective and retroactive to August 21, 2006.

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. (563-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06067B Principal Clerk (Promotional) which contains the name of Marialaine Notaro,

Now, therefore, be it
RESOLVED, that Marialaine Notaro is hereby appointed to the position of (permanent) Principal Clerk - Highway Department – at the current annual salary of \$52,329., effective and retroactive to August 21, 2006.

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. (564-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06069A Assessing Clerk I (Promotional) which contains the name of Kathleen T. Goodyear,

Now, therefore, be it

RESOLVED, that Kathleen T. Goodyear is hereby appointed to the position of (permanent) Assessing Clerk I – Office of the Town Assessor – at the current annual salary of \$43,887., effective and retroactive to August 21, 2006.

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. (565-2006)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06069A Assessing Clerk I (Promotional) which contains the name of Susan L. Sicherman, Now, therefore, be it

RESOLVED, that Susan L. Sicherman is hereby appointed to the position of (permanent) Assessing Clerk I – Office of the Town Assessor – at the current annual salary of \$41,981., effective and retroactive to August 21, 2006.

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. (566-2006)

Co. Maloney offered and Co. Mandia 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., Daniel C. Lettre- Senior Groundswoker – Parks Board & Recreation Commission is hereby granted a Sick Leave of Absence – at one-half pay - effective and retroactive to August 21, 2006 to

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. (567-2006)

Co. Maloney offered and Co. Nowicki 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 pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

VITO'S PLUMBING & HEATING
30A Bridge Street
Garnerville, NY 10923
Vito Martorana, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued: No. 06-29 VITO'S PLUMBING & HEATING

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. (568-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING PRODUCTION COMPANY TO FILM IN THE TOWN OF CLARKSTOWN

WHEREAS, "Proof Films, Inc.", a production company, has requested permission to film in the Town of Clarkstown, on August 19, 2006.

NOW, THEREFORE, be it

RESOLVED, that Proof Films, Inc., of 247 West 16th Street, Suite 2F, New York, NY 10011, is hereby authorized a photography shoot for "Snickers", in the Town of Clarkstown, at a private residence located at

RESOLUTION NO. (568-2006) continued

20 New Valley Road, New City, NY 10956, between the hours of 10:30 am and 10:30 pm, on Saturday, August 19, 2006, or alternate rain date, Sunday, August 20, 2006, upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned site;
- (2) A permit fee of \$250.00 per day 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 10:30 am on Saturday, August 19, 2006, 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. (569-2006)

Co. Mandia offered and Co.Maloney seconded

RESOLUTION REFERRING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING LOCAL LAW NO. 2-1974 AS AMENDED CREATION OF THE AAR (ACTIVE ADULT RESIDENTIAL) ZONING DISTRICT"

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

"A LOCAL LAW AMENDING LOCAL LAW NO. 2-1974 AS AMENDED CREATION OF THE AAR (ACTIVE ADULT RESIDENTIAL) ZONING DISTRICT"

and

WHEREAS, the proposed local law is to amend Local Law No. 2-1974 as amended to create the AAR (Active Adult Residential Zoning District," and

WHEREAS, by Resolution No. 143, adopted by the Town Board on February 14, 2006, the Board referred the draft Local Law to the Clarkstown Planning Board pursuant to Section 290-33 of the General Municipal Law, and

WHEREAS, the Planning Board issued a resolution report dated May 10, 2006 recommending certain modifications to said Local Law, and

WHEREAS, by Resolution No. 410, adopted by the Town Board on June 13, 2006, the Board retained the services of the Housing Action Council to review and make recommendations with respect to the proposed Local Law, and

WHEREAS, on August 8, 2006, the Town Board held a Workshop at which it received public comment regarding the proposed Local Law, and

WHEREAS, based upon the comments from the Planning Board, the Housing Action Council and the public, the Town Board directed the Town Attorney's Office to prepare a revised draft of the proposed Local Law;

NOW, THEREFORE, be it

RESOLVED, that the proposed local law, as revised. 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, 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.

RESOLUTION NO. (569-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (570-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
 (BOARD OF MANAGERS OF THE GEORGETOWN OFFICE PLAZA CONDOMINIUM – 34.19-1-7./1010+)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, The Board of Managers of the Georgetown Office Plaza Condominium v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index Nos. 4646/00, 4799/01, 5248/02, 5296/03, 4980/04 and 5470/05, affecting parcels designated as Map 34.19, Block 1, Lot 7./1010+, and more commonly known as 337-339 North Main Street, New City, New York for the years 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 proceedings 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 34.19, Block 1, Lot 7./1010+ be reduced for the year 2000/01 from \$2,099,600.00 to \$1,637,688.00 at a cost to the Town of \$6,669.53;
 2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 34.19, Block 1, Lot 7./1010+ be reduced for the year 2001/02 from \$2,099,600.00 to \$1,532,708.00 at a cost to the Town of \$8,182.66;
 3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 34.19, Block 1, Lot 7./1010+ be reduced for the year 2002/03 from \$2,099,600.00 to \$1,574,700.00 at a cost to the Town of \$7,650.37;
 4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 34.19, Block 1, Lot 7./1010+ be reduced for the year 2003/04 from \$2,099,600.00 to \$1,511,712.00 at a cost to the Town of \$8,876.67;
 5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 34.19, Block 1, Lot 7./1010+ be reduced for the year 2004/05 from \$2,099,600.00 to \$1,490,716.00 at a cost to the Town of \$10,706.87;
 6. The assessment on the premises owned by the petitioner described on the assessment roll as Map 34.19, Block 1, Lot 7./1010+ be reduced for the year 2005/06 from \$1,574,700.00 to \$1,456,500.00 at a cost to the Town of \$2,142.68;
 7. Reimbursement for the years 2000/01, 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06 on the parcel described as Map 34.19, Block 1, Lot 7./1010+, as stated above, be made within ninety (90) 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;
 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 for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

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

RESOLUTION NO. (571-2006)

Co. Nowicki offered and Co. Mandia seconded

RESOLUTION AUTHORIZING PAYMENT IN LIEU OF TAXES AGREEMENT APPROVING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES FOR SETON VILLAGE, A PROJECT WHICH CONSISTS OF ONE HUNDRED SIX UNITS LOCATED AT 142-148 CONVENT ROAD, NANUET, NEW YORK (SECTION 63.11-2-13./1) IN THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK (THE "PROJECT") PURSUANT TO SECTION 577 OF THE PRIVATE HOUSING FINANCE LAW OF THE STATE OF NEW YORK

WHEREAS, Seton Village Phase I, L.P., on behalf of Seton Village Housing Development Fund Company, Inc., a housing development fund company formed pursuant to Article XI of the Private Housing Finance Law of the State of New York to acquire a leasehold interest in the Project (the "HDFC") which HDFC holds legal title to the leasehold interest in the Project for the benefit of Seton Village Phase I, L.P., a New York limited partnership (the "Partnership") which holds equitable title, The Sisters of Charity of St. Vincent DePaul of New York ("Fee Owner") which holds title, submitted a request to Alexander J. Gromack, the Supervisor of the Town of Clarkstown, requesting that the Town Board take the following action with regard to the Project:

Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law of the State of New York,

and

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article 11 of the PHFL, and

WHEREAS, the HDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for the elderly and handicapped, and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL, and

WHEREAS, pursuant to PHFL Section 577, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project, and

WHEREAS, the Town Board of the Town of Clarkstown has considered the financial implications relating to the Project and finds that it is desirable and in the best interest of the residents and the public that a PILOT Agreement be made in order to keep and improve the stock of affordable housing in the Town;

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Clarkstown does hereby agree to exempt the entire Project from taxes in return for a payment in lieu of taxes in the following amounts (to be billed 60% in September and 40% in January of each year):

<u>Calendar Year</u>	<u>Amount</u>
2006	\$85,648.00
2007	\$42,824.00
2008	\$42,824.00
2009	\$42,824.00
2010	\$42,824.00

and thereafter payments will increase by 5 percent (5%) per year over the payment required for the prior year after 2010 (and shall be due and payable on the succeeding September 30th), which agreement shall be binding, pursuant to Article 11 of the said Private Housing Finance Law, on the local school district and county to accept such payments in lieu of taxes to be applied to the Project which consists of a total of one hundred six (106) rental units, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall act as agent to collect and disburse said payments to the Town, County and School District, and be it

FURTHER RESOLVED, that the exemption and agreements referred to above shall continue for so long as the Project continues to serve as elderly and handicapped housing, but in no event for more than forty (40) years (pursuant to Section 577 of the PHFL), and be it

FURTHER RESOLVED, that the Town Board of Clarkstown authorizes the Town Supervisor to execute and deliver any PILOT Agreement or any other documents he deems necessary to effectuate the purposes of this resolution, and be it

FURTHER RESOLVED, that the exemptions and agreements referred to above shall not be effective until the PILOT Agreement has been executed by the HDFC, the Partnership, the Sisters of Charity of St. Vincent DePaul of New York and the Town of Clarkstown and shall be retroactive to January 1, 2006.

On roll call the vote was as follows

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

Co. Nowicki offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE INTENT OF THE TOWN OF CLARKSTOWN TO APPROVE PAYMENT IN LIEU OF TAXES AGREEMENT AND PARTIAL EXEMPTION FROM REAL PROPERTY TAXES FOR THE NYACK HOUSING DEVELOPMENT FUND COMPANY, INC. A PROJECT WHICH WILL CONSIST OF 28 UNITS TO BE LOCATED ON PORTION OF TAX PARCEL 65.35-1-22 IN THE VILLAGE OF NYACK, TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK PURSUANT TO SECTION 577 OF THE PRIVATE HOUSING FINANCE LAW OF THE STATE OF NEW YORK

WHEREAS, the Town of Clarkstown (the "Town") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for low income and handicapped and disabled persons, and

WHEREAS, Nyack Housing Development Fund Company, Inc., a to-be-formed Article XI New York Private Housing Finance Law corporation and a New York not-for-profit corporation (the "HDFC") and Pine Street Limited Partnership, a to-be-formed New York limited partnership (the "Partnership") and their affiliates have identified property located in the Village of Nyack, County of Rockland, State of New York, (the "Land"), commonly known as the Pine Street housing project (the "Property") for the purpose of the construction on the Property of a housing project for low income and handicapped and disabled persons, said project to consist of: (i) the acquisition of the Land; (ii) the construction of twenty-eight (28) units of housing for low income and handicapped and disabled persons thereon (the "Improvements"); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment," and collectively with the Land and the Improvements, the "Project"), and

WHEREAS, the HDFC has been or will be formed for the purpose of providing residential rental accommodations for low income and handicapped and disabled persons, and

WHEREAS, the HDFC will acquire fee title to the Land, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project, and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Property will constitute a "housing project" as that term is defined in the Private Housing Finance Law of the State of New York ("PHFL"), and

WHEREAS, the HDFC will be a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL that authorizes Town Board Members to exempt the Project from real property taxes, and

WHEREAS, the HDFC will be a co-general partner of the Partnership, and

WHEREAS, the Partnership and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes and the Town is willing to enter into such an Agreement after the Project has been completed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board intends to exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and execution of a proposed PILOT Agreement by and among the Town of Clarkstown, the Partnership, the HDFC, the Nyack Housing Authority (Authority) and the Nyack Housing Assistance Corporation (Corporation), and it is

FURTHER RESOLVED, that the exemptions and agreements referred to above shall not be effective until the PILOT Agreement has been executed by the HDFC, the Partnership, the Authority, the Corporation and 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. (573-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION AUTHORIZING SUPERVISOR TO ENTER INTO A RIGHT OF ENTRY AGREEMENT WITH THE SWARTWOUT LAKE HOMEOWNERS ASSOCIATION IN CONNECTION WITH THE ROUTE 303 AND LAKE ROAD DRAINAGE IMPROVEMENT PROJECT, CONGERS, NEW YORK

WHEREAS, the Town of Clarkstown intends to perform certain drainage improvements at Route 303 and Lake Road, near and on the premises known as Bridgewater Condominiums, Congers, New York, and

WHEREAS, a Right-Of-Entry must be granted to the Town of Clarkstown by the Swartwout Lake Homeowners Association in order to perform said work, and

RESOLUTION NO. (573-2006) continued

WHEREAS, the Swartwout Homeowners Association, as a condition of the agreement, requires that the Town execute a Rider outlining the work involved and indemnifying the Association;

NOW, THEREFORE, be it

RESOLVED, that Jeffrey T. Millman, Deputy Town Attorney, and Dennis Letson, P.E., Deputy Director of Environmental Control, have reviewed the agreement with rider and recommend acceptance of same, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a Right-Of-Entry Agreement with Rider, in a form approved by the Town Attorney, with the Swartwout Lake Homeowners Association, in connection with the Town of Clarkstown project known as "Route 303 and Lake Road Drainage Improvement Project."

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. (574-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL CONTROL TO HIRE A CONTRACTOR TO REMOVE UNDERSIZED CULVERT IN THE VICINITY OF SWARTOUT LAKE AND NYS ROUTE 303

WHEREAS, the intersection of Lake Road Congers is subject to flooding during heavy rainfall storms, and

WHEREAS, said flooding impacts the ability to provide adequate emergency services to the area of Congers due to flooding of roadway and intersection with NYS Route 303, and

WHEREAS, the Department of Environmental Control has reviewed the culverts in the area and found that an extension to an existing culvert has reduced the flow capacity of said culvert, and

WHEREAS, the Department of Environmental Control recommends that the culvert extension be removed to restore the original flow capacity, and

WHEREAS, the Department of Environmental Control has solicited proposals from 9 qualified Contractors to perform said removal, and

WHEREAS, the Department of Environmental Control has received proposals from 6 of those Contractors, and

WHEREAS, the Director of the Department of Environmental Control has reviewed said proposals and found that the proposal from Belleville Landscaping is responsible and acceptable, and is the lowest cost proposal to perform the work,

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain:

Belleville Landscaping, Inc.
 866 Belleville Drive
 Valley Cottage, NY

to perform said culvert removal for the proposed cost not to exceed \$14,600.00, and

BE IT FURTHER RESOLVED, that said award shall be subject to the Town obtaining the necessary rights-of-entry, and

BE IT FURTHER RESOLVED, that the contractor(s) shall name the Swartwout Lake Homeowners Association as an additional insured, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8757-400-409-0-81-25.

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. (575-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, Luis and Paulina Mata have agreed to gratuitously convey a Conservation Easement to the Town of Clarkstown, as shown on the final plat of Mata Subdivision, designated on the Clarkstown Tax Map as 33.20-2-47 (f/k/a 171-A-14), and more commonly known as 295 Buena Vista Road, New City, New York and

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyance; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said Easement on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said Conservation Easement is hereby ordered recorded in the Office of the Rockland County Clerk at the expense of the grantor.

On roll call the vote was as follows

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

RESOLUTION NO. (576-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION ESTABLISHING TIPPING FEES FOR DISPOSAL OF CONCRETE AND ASPHALT AT THE CLARKSTOWN SOLID WASTE FACILITY IN CONNECTION WITH THE MIDDLETOWN ROAD RECONSTRUCTION PROJECT, NANUET, NEW YORK

WHEREAS, the County of Rockland has awarded a bid for the reconstruction of Middletown Road, Nanuet, New York, and

WHEREAS, this project is being funded jointly by the County of Rockland and the Town of Clarkstown, and

WHEREAS, the project provided for the disposal of concrete and asphalt at the Town of Clarkstown Solid Waste Facility, West Nyack, New York, and

WHEREAS, an increase in the tipping fees for the disposal of concrete and asphalt was instituted after the bid was awarded, and

WHEREAS, the increase in the tipping fee will result in an additional cost to the County of Rockland and the Town of Clarkstown for the disposal of the concrete and asphalt, and

WHEREAS, it is the intention of the Town Board to allow concrete and asphalt material only from the project to be disposed of at the Town of Clarkstown Solid Waste Facility at the previous tipping fee of \$70.00 per load for tandem or tri-axle dump trucks or \$105.00 per load for tractor trailer dump trucks.

NOW, THEREFORE, BE IT

RESOLVED, that the contractor for the Middletown Road Reconstruction, Nanuet, project for the Town of Clarkstown shall be permitted to dispose of concrete and asphalt at the Town of Clarkstown Solid Waste Facility at the hereby established tipping fee of \$70.00 per load for tandem or tri-axle dump trucks or \$105.00 per load for tractor trailer dump trucks, and

BE IT FURTHER RESOLVED, that the construction project manager shall keep an accurate record of all loads of asphalt and concrete being disposed of from the project and forward such records to the Solid Waste Facility office on a weekly basis for record keeping purposes, and

BE IT FURTHER RESOLVED, that the Deputy Director of Operations shall establish a special commodity number for the disposal of the concrete and asphalt in connection with the Middletown Road Reconstruction Project.

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 (577-2006)

Steven Levine- Congers

Spoke in protest to fill on neighbor's property and to ask for testing of fill materials. Submitted a letter to the Town Clerk regarding same, (on file with Town Clerk).

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

Respectfully submitted,

David Carlucci
Town Clerk

Town Hall

08/22/2006

8:05 P.M.

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

Re: Petition for Extension of Clarkstown Consolidated Water Supply Dist. No. 1 for Little Tor Homes & Highland Vista Estates Subdivisions)

On motion of Co. Lasker, seconded by Co. Mandia, opened 8:05. On motion of Co. Nowicki, seconded by Co. Maloney, closed 8:07. RESOLUTION NO. (514-2006) unanimously adopted.

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 8:07 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

Town Hall

08/22/2006

8:08 P.M.

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

Re: Proposal to provide cable services in the Town of Clarkstown: Authorizing franchise agreement with Verizon New York, Inc.

On motion of Co. Lasker, seconded by Co. Maloney, opened 8:08. On motion of Co. Maloney, seconded by Co. Lasker, closed 9:20. RESOLUTION NO. (515-2006) unanimously adopted.

The Supervisor opened the floor for comments.

Kenneth Seltman- Clarkstown Director of Finance
 Spoke on behalf of the Town of Clarkstown about the proposal.

Marsha Coopersmith- First Deputy Town Attorney
 Spoke on behalf of the Town of Clarkstown about the proposal.

Rich Windram- Representative from Verizon
 Spoke in favor of Town of Clarkstown authorizing franchise agreement with Verizon.

Pamela Goldstein- Attorney for Verizon
 Spoke in favor of Town of Clarkstown authorizing franchise agreement with Verizon. Described the benefits Verizon would bring to Clarkstown.

Matt Kirby- Representative from Verizon
 Spoke in favor of Town of Clarkstown authorizing franchise agreement with Verizon.
 Commented on how breaking a monopoly will bring competition to Clarkstown. This will bring the price down and improve customer service.

Emilie Spaulding- Director of Government Relations, Cablevision
 Spoke against the Town of Clarkstown authorizing franchise agreement with Verizon.
 Cablevision is proud to have been a cable provider in Clarkstown. Eighty-one percent of people in Clarkstown have Cablevision.

Paul Abbott- Attorney for Cablevision
 Spoke against the Town of Clarkstown authorizing franchise agreement with Verizon.

Anthony Caprara- New City
 Spoke in favor of proposal.

Steven Levine- Congers
 Spoke in favor of proposal. Inquired about when Town Board Meetings would be on cable.

Joe Barca Jr.- New City, Vice President Communications Workers of America (CWA 1103)
 Submitted a copy of a statement made by union in favor of proposal, (on file with Town Clerk).

Bill Freedman- Valley Cottage
 Said this is a step forward for the County and everyone will benefit. Submitted a letter, (on file with Town Clerk), on behalf of Mountainview East II Condominiums, regarding issues they would like to see addressed.

James Trainor- Congers
 Spoke in favor of proposal.

Thomas O’Gara- Director of Labor Relations with Verizon.
 Spoke in favor of proposal.

Ken Duggan- Congers
 Spoke about concerns with picture quality and that cable service should be reasonably priced.

Gabe Olah- New City, union member
 Referring to Verizon, he stated, “Your voters, they want us!”

Hy Shuster- New City
 Spoke about concerns regarding who would monitor the television studios in the school district. We have had a terrific relationship with Cablevision.

Arthur Lewis- Congers
 Spoke in favor of proposal.

Gerry Heilpern- New City

Cablevision's customer service is horrible. Spoke in favor of proposal.

Clinton Mclain- Nanuet, Verizon employee

Is a new resident in Town of Clarkstown and spoke in favor of proposal.

Co. Maloney stated any choice is good! Endorses franchise approval.

Co. Mandia thanked speakers. They were very informed and to the point. Supports the proposal.

Co. Lasker stated competition is good for everyone, bringing about better service. It's a no brainer.

Co. Nowicki said she doesn't have cable, so she is impartial, but thought the public hearing was wonderful and the board should vote yes.

Supervisor Gromack thanked Marsha Coopersmith and Ken Seltman, the representatives from Verizon and Cablevision, and our residents for speaking at the hearing. Cablevision has been a great partner to the Town of Clarkstown.

Respectfully submitted,

David Carlucci
Town Clerk