

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/26/08

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney & Shirley Lasker
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

Absent: Council Members Ralph Mandia & Frank Borelli

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

Public Hearing #1 re: Proposed Local Law entitled: "A Local Law amending Chapter 109 (Building Construction Administration) of the Code of the Town of Clarkstown." On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:01 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:06 P.M. RESOLUTION NO. (554-2008)

Public Hearing #2 re: Proposed Local Law entitled: "A Local Law amending Chapter 125 (Dogs and Other Animals) of the Code of the Town of Clarkstown." On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:06 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:08 P.M. RESOLUTION NO. (555-2008)

Public Hearing #3 re: Proposed Local Law entitled: "A Local Law amending Chapter 146 (Flood Damage Prevention) of the Code of the Town of Clarkstown." On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:08 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:10 P.M. RESOLUTION NO. (556-2008)

Public Hearing #4 re: Continuation-- Proposed Local Law amending Chapter 216 (Property Maintenance) of the Code of the Town of Clarkstown." On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:10 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:28 P.M. RESOLUTION NO. (557-2008)

Public Hearing #5 re: Proposed Local Law entitled: "A Local Law amending Chapter 262 (Taxation) of the Code of the Town of Clarkstown." On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:28 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:32 P.M. RESOLUTION NO. (558-2008)

Public Hearing #6 re: Amending conditions of Zone Change adopted by Resolution #913-2002--Pondview, LLC. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:32 P.M. On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:42 P.M. RESOLUTION NO. (559-2008)

Supervisor opened the meeting to public comments regarding agenda items.

Bob Terry- New City

Regarding agenda item #13 (res. no. 575-2008), stated the property should remain as it is zoned for commercial use, instead of down zoning, and that fifty-five and older housing can have children.

Supervisor Gromack

Regarding agenda item #13 (res. no. 575-2008), stated this is a study for the AAR District to allow the Town of Clarkstown to accept money from applicant to pay for the town's consultants.

Bette Nussbaum- New City

Regarding agenda item #13 (res. no. 575-2008), stated the area has had many floods going back to the 1940's.

RESOLUTION NO. (554-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 13 -2008

WHEREAS, a proposed local law entitled,
"A LOCAL LAW AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Shirley Lasker, at a Town Board meeting held on July 22, 2008, and

WHEREAS, the purpose of this Local Law is to Amend Chapter 109 of the Clarkstown Town Code to require any new one or two family dwelling and multiple single family dwelling (townhouse) of three stories or less, built to achieve a Home Energy Rating Score (HERS) of eighty-four (84) or higher or HERS Index of eighty (80) or lower on a scale created unit the Home Energy Rating Energy System established pursuant to the National Home Energy Rating Technical Guidelines issued by the National Association of State Energy Officials and dated September 19, 1999, and which meets other requirements, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 22, 2008, directed that a public hearing be held on August 26, 2008, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, which hearing was held on said date, and

RESOLUTION NO. (554-2008) continued

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 12, 2008, and WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 8, 2008;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 13 –2008 entitled:

“A LOCAL LAW AMENDING CHAPTER “A LOCAL LAW AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE CODE OF THE TOWN OF CLARKSTOWN”

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

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli Absent
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. (555-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 11 –2008

WHEREAS, a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 125 (DOGS AND OTHER ANIMALS) OF THE CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilwoman Shirley Lasker, at a Town Board meeting held on July 22, 2008, and WHEREAS, the purpose of this Local Law is to include a definition of habitual barking, amend restrictions, fees for seizure of dogs and penalties for offenses, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 22, 2008, directed that a public hearing be held on August 26, 2008, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, which hearing was held on said date, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 12, 2008, and WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 19, 2008;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 11 –2008 entitled:

“A LOCAL LAW AMENDING CHAPTER “A LOCAL LAW AMENDING CHAPTER 125 (DOGS AND OTHER ANIMALS) OF THE CODE OF THE TOWN OF CLARKSTOWN”

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

Co. Lasker Yes
Co. Maloney Yes
Ralph F. Mandia. Absent
Co. Borelli Absent
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. (556-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 9 –2008

WHEREAS, a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 146 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilwoman Shirley Lasker, at a Town Board meeting held on July 22, 2008, and

WHEREAS, the purpose of this Local Law is to include in

Chapter 146-6A the latest map revisions as a basis for establishing areas of special flood hazard, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 22, 2008, directed that a public hearing be held on August 26, 2008, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, which hearing was held on said date, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 12, 2008, and WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 22, 2008, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed a report from Luke Kalarickal dated August 15, 2008 pursuant to SEQRA, which states that pursuant to Section 6NYCRR Part 617.5(c)(20), routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment is a Type II action, and no further processing under SEQRA is required, which report has been discussed and considered by the Town Board in making its decision herein;

NOW, THEREFORE, be it

RESOLUTION NO. (556-2008) continued

RESOLVED, that based upon the report dated August 15, 2008, submitted by the Luke Kalarickal, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed action is a Type II action under SEQRA, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it NOW, THEREFORE, be it

RESOLVED, that Local Law No. 9 –2008 entitled:

“A LOCAL LAW AMENDING CHAPTER 146 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN”

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

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli Absent
- 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. (557-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 12 –2008

WHEREAS, a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 216 (PROPERTY MAINTENANCE) OF THE CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilperson Shirley Lasker, at a Town Board meeting held on June 17, 2008, and WHEREAS, the purpose of this Local Law is to amend and update Chapter 216, relating to Property Maintenance, in order to preserve the health, safety, and welfare of the Town of Clarkstown and its inhabitants, and WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 17, 2008, directed that a public be held on July 22, 2008, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law. The Town Board opened the hearing and continued it to August 26, 2008, and

WHEREAS, notices of said hearings were duly prepared and published in the Journal News on July 8, 2008 and August 12, 2008, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 24, 2008, and

WHEREAS, the Town of Clarkstown Building Department, by memo dated August 12, 2008, recommended approval of the proposed local law, because the added language will enable the Building Department to more quickly address nuisances attendant with vacant or abandoned properties, and be it

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the memo dated August 18, 2008 prepared by the Town Attorney, Amy Mele, and which the Board has discussed and considered in making its decision herein; NOW, THEREFORE, be it

RESOLVED, that based upon the August 18, 2008 memo of the Town Attorney, Amy Mele, it is hereby determined that the proposed action is a Type II action under SEQRA, and shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 12 –2008 entitled:

“A LOCAL LAW AMENDING CHAPTER 216 (PROPERTY MAINTENANCE) OF THE CODE OF THE TOWN OF CLARKSTOWN”

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

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli Absent
- 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. (558-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 10 –2008

WHEREAS, a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilman Frank Borelli, at a Town Board meeting held on July 22, 2008, and

WHEREAS, the purpose of this Local Law is to amend Article V, Alternative Veterans Exemption, Section 262-15, to increase the maximum exemption allowable in Subdivision 2(a), (b) and (c) to \$54,000.00, \$36,000.00 and \$180,000.00, respectively, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 22, 2008, directed that a public hearing be held on August 26, 2008, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

RESOLUTION NO. (558-2008) continued

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 12, 2008, and WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 1, 2008, and WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 26, 2008; NOW, THEREFORE, be it

RESOLVED, that Local Law No. 10 –2008 entitled:

“A LOCAL LAW AMENDING CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

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

- Co. Lasker Yes
- Co. Maloney Yes
- Ralph F. Mandia. Absent
- Co. Borelli Absent
- 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. (559-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AMENDING CONDITIONS OF ZONE CHANGE ADOPTED BY RES. NO. 913-2002 PONDVIEW, LLC

WHEREAS, pursuant to Resolution 913-2002, adopted on November 12, 2002, the Town Board adopted a zone change for Pondview, LLC (‘Pondview’), for property designated as Map 58.19-1-9, from the LO District to R-15 District, and

WHEREAS, the zone change was conditioned upon, among other things, (a) Pondview installing a traffic light at the intersection of Demarest Avenue and West Nyack Road, and (b) the property being encumbered with an obligation that Pondview construct a 4,000 square foot building shell in accordance with the reasonable requirements of the Clarkstown Central School District, and

WHEREAS, subsequent to granting the zone change, Eden Park Homes LLC has received approval from the Town Board to construct thirty-four (34) patio homes under the Town’s Active Adult Residence (‘AAR’) Zone, and

WHEREAS, as a condition to the AAR development, the Town required the installation of a four phase traffic signal at the intersection of Demarest Avenue and West Nyack Road, and

WHEREAS, Pondview LLC and Eden Park Homes LLC have agreed to share the cost of the traffic signal on a 50/50 basis, and

WHEREAS, also subsequent to the zone change, the Clarkstown Central School District has advised that, in lieu of the building shell (which will require additional capital investment on the part of the district) it would prefer Pondview to perform certain construction services with an approximate value equal to the value of the building shell, and

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

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on July 22, 2008, provided for a public hearing on August 26, 2008, at 8:00 P.M., to consider the matter referred to herein, and

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

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the August 18, 2008 and August 21, 2008 memoranda from the Town Attorney, as well as the June 26, 2008 letter from Warren Berbit, Esq., Counsel to the School District (copies attached), which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Department of Planning, by letter dated August 6, 2008 recommended approval of the modification of certain conditions of the previous zone change which would allow: (1) Pondview and Eden Park Homes LLC to share the installation cost of the traffic light at the intersection of Demarest Avenue and West Nyack Road, as long as the signal is installed as required, and (2) Pondview to perform certain construction services with an approximate value equal to the value of the building shell which was required by the previous zone change, and

WHEREAS, the Rockland County Department of Planning further recommended that the Town ascertain the status of the large, undeveloped parcel (tax parcel 58.19-1-9.26) which was to be conveyed to the school district; NOW, THEREFORE, be it

RESOLVED, that based upon the August 18, 2008 memorandum by the Town Attorney, it is hereby determined that the proposed amendment requires no further processing pursuant to the State Environmental Quality Review Act (SEQRA), and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by modifying certain conditions of Resolution No. 913-2002, adopted on November 12, 2002, that redistricted property designated on the Clarkstown Tax Map as 58.19-1-9, West Nyack, New York, from the LO District to the R-15 District, as follows:

Condition No. 1 shall be deleted and replaced with the following:

‘1. That, within thirty (30) days after the Town notifies Pondview LLC of the cost of same, Pondview shall pay 50% of all costs, both direct and indirect, in connection with the design, installation and construction of a new four way direction traffic signal at the intersection of Demarest Avenue and West Nyack Road, which design and installation shall be in accordance with the specifications of the NYSDOT as determined by the Department of Environmental Control, and such traffic light installation shall be adequate to allow for roadway widening without

RESOLUTION NO. (559-2008) continued
modification to said signal.”

Condition No. 6 shall be deleted and replaced with the following:

“6. That Pondview LLC shall, upon written request of the Clarkstown Central School District (CCSC), perform the following construction services for the CCSD in accordance with the District’s specifications:

- (1) Congers Elementary School Storage Room Addition (NYS Project Control No. 50-01-01-06-00-01-010).
 - (2) South High School Concession Stand and Press Booth (NYS Project Control No. 50-01-01-06-7-030-001.”
- and be it

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

FURTHER RESOLVED, that as per the August 20, 2008 memo by the Town attorney, the Rockland County Department of Planning’s GML comments have been addressed, and a copy of the Town Attorney’s memo shall be forwarded to the Rockland County Department of Planning within thirty days of this Resolution.

On roll call the vote was as follows

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

RESOLUTION NO. (560-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of August 5, 2008 are hereby accepted as submitted by the Town Clerk.
On roll call the vote was as follows

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

RESOLUTION NO. (561-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION DISCONTINUING CHAPTER 216 PROCEEDING (22 CLARK DRIVE, NANUET–57.11-1-64)

WHEREAS, a public hearing was held on July 22, 2008 pursuant to Chapter 216 of the Code of the Town of Clarkstown in connection with premises located at 22 Clark Drive, Nanuet, New York (Tax Map Designation 57.11-1-64 f/k/a 7-A-3.23), and

WHEREAS, Code Enforcement Officers Irene M. Saccende and Joel J. Epstein have issued reports to the Town advising that all hazards complained of in the Order and Notice dated June 17, 2008 have been corrected and the grass has been cut and litter and debris removed at the premises located at 22 Clark Drive, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue said Chapter 216 Proceeding, subject to the receipt of disbursements in the amount of \$1,776.57 within thirty (30) days of presentment of a statement to the property owner, and be it

FURTHER RESOLVED, that in the event the property owner fails to reimburse the Town the sum of \$1,776.57, the Assessor is hereby directed to assess said sum against the premises set forth above which sum shall be levied and collected in the same manner as provided in Article 15 of Town Law for the levy and collection of a special ad valorem levy, as provided in Section 216-8 of the Town Code.

On roll call the vote was as follows

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

RESOLUTION NO. (562-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO ROMEO AND ROSE DINSAY FOR PROPERTY KNOWN AS MAP NO. 63.11-2-5

WHEREAS, Romeo and Rose Dinsay have requested a refund of Building Permit Fee (No. 08-451) paid in the amount of \$395.00 for property located at 4 Chisholm Court, Nanuet, New York, more particularly described as Tax Map No. 63.11-2-5, and

WHEREAS, Ms. Dinsay has advised the Town that the proposed project has been cancelled, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$140.00;

RESOLUTION NO. (562-2008) continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$255.00, of the total Building Permit fee paid in the amount of \$395.00, to Romeo and Rose Dinsay, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (563-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, LEOPARD FILMS USA, LTD., a production company, has requested permission to film in the Town of Clarkstown, on August 26, 27 & 29, 2008.

NOW, THEREFORE, be it

RESOLVED, that Leopard Films USA, Ltd., 127 E. 26th Street, New York, NY 10010, is hereby authorized to film an episode of a television series, "Dear Genevieve", on Tuesday, August 26, Wednesday, August 27 and Friday, August 29, 2008 between the approximate hours of 9:00 am and 8:00 pm at 9 Homestead Lane, New City, NY 10956 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 deemed the Filming Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (564-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, PARK PICTURES, a production company, has requested permission to film in the Town of Clarkstown, on August 26 & 27, 2008.

NOW, THEREFORE, be it

RESOLVED, that Park Pictures, 184 Fifth Avenue, 8th Floor, New York, NY 10010, is hereby authorized to film a TV commercial for "Kleenex", on Tuesday, August 26 and Wednesday, August 27, 2008 between the approximate hours of 6:00 am and 10:00 pm at 475 Mountainview Avenue, Valley Cottage, NY 10989 and Spot Lite Cleaners, 301 Route 59, Central Nyack, NY 10960 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 deemed the Filming Permit.

RESOLUTION NO. (564-2008) continued

On roll call the vote was as follows

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

RESOLUTION NO. (565-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Supporting Our Stephanie, Inc. has requested use of the Town of Clarkstown showmobile on Saturday, September 27, 2008 from 7:00 am–10:00 pm, for a fundraiser to help pay for the medical needs of Stephanie Ulrich who is battling stage 4 colon cancer, in Germonds Park,
NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Supporting Our Stephanie, Inc. to use the Town of Clarkstown showmobile on Saturday, September 27, 2008 for the above purpose and subject to the provision of the necessary insurance policies,

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

On roll call the vote was as follows

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

RESOLUTION NO. (566-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN EMPLOYEE ASSISTANCE PROGRAM AGREEMENT WITH NYACK HOSPITAL

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for an Employee Assistance Program covering all employees and members of their immediate families, for the twenty-four (24) month period commencing October 1, 2008 and terminating on September 30, 2010, in a form satisfactory to the Town Attorney, and be it

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

FURTHER RESOLVED, that the fee of \$18,711.00 per year for such services shall be charged to Account No. A 8840-424, and be it

FURTHER RESOLVED, that either party may terminate the agreement on thirty (30) days written notice.

On roll call the vote was as follows

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

RESOLUTION NO. (567-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES WITH RESPECT TO THE BYRNE JUSTICE ASSISTANCE GRANT (JAG)

WHEREAS, the Department of Justice has approved the application from the Town of Clarkstown for funding under the Byrne Justice Assistance Grant Program (DCJS No. BJ07926230) in the amount of \$20,000.00, for use by the Clarkstown Police Department in its Traffic Enforcement Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Division of Criminal Justice Services, in a form approved by the Town Attorney, with regard to the Byrne Justice Assistance Grant in the amount of \$20,000.00, for use by the Clarkstown Police Department in its Traffic Enforcement Program.

On roll call the vote was as follows

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

RESOLUTION NO. (568-2008)
Co. Maloney offered and Co. Lasker 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. 12747, LONG CLOVE ROAD, CONGERS

X11264-RELOCATED OUTSIDE THE PROPOSED GATES CLOSING OFF THE ROADWAY ON SCRATCHUP ROAD AT THE INTERSECTION OF LONG CLOVE ROAD IN CONGERS 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
Ralph F. Mandia. Absent
Co. Borelli Absent
Supervisor Gromack Yes

RESOLUTION NO. (569-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 531-2005 DECLARING DEFAULT IN THE WINDHAM PARK SUBDIVISION (124-B-17, 18)

WHEREAS, Resolution No. 531-2005, dated June 28, 2005, declared Windham Development Corp. in default of its performance bond for failure to complete the public improvements in the Windham Park Subdivision, and WHEREAS, the Deputy Director of Environmental Control, Dennis Letson, has advised that the Town of Clarkstown has in its possession escrow funds in the amount of \$11,750.00 to secure completion of work at various lots for the wearing course in said subdivision and the developer Windham Development Corp. has failed to complete the required work;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 531-2005 is hereby amended to include the default of escrow funds in the amount of \$11,750.00 posted to secure completion of public improvements in the Windham Park Subdivision.

On roll call the vote was as follows

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

RESOLUTION NO. (570-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 57-2008 FOR BID #51-2007; GILCHREST ROAD CULVERT REPLACEMENT

WHEREAS, Town Board Resolution 57-2008 awarded bid #51-2007; Gilchrest Road Culvert Replacement to Ben Ciccone Inc.; and

WHEREAS, during installation of the new culvert it was determined by the Department of Environmental Control that the culvert needed to be lowered 4' in order to allow for enough cover between the top of the culvert and finished road grade; and

WHEREAS, additional paving was required as a result of an expansion of the paving limits for the project due to utility trenches left after relocation of the water and gas mains; and

WHEREAS, the following change orders were reviewed by the Department of Environmental Control and found to be acceptable:

C.O. #1 Lower inlet wingwalls and first section of concrete box culvert	\$2,623.29
C.O. #2 Expansion of project paving limits due to utility relocation	\$3,576.88

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$99,000.00 to \$105,200.17 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account H-8758-400-409-0-82-23

On roll call the vote was as follows

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

RESOLUTION NO. (571-2008)
Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown Youth Court program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Youth Court grant application in the amount of nineteen thousand eight hundred thirty one dollars (\$19,831.00) for 50/50% Division for Youth funding for 2009, and

FURTHER BE IT RESOLVED that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

On roll call the vote was as follows

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

RESOLUTION NO. (572-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR ABR RESTAURANT CO LLC, CROSSROADS RESTAURANT & BAR

WHEREAS, John Augustine of ABR Restaurant Co LLC, Crossroads Restaurant & Bar, has advised that he intends to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality. The establishment is located at 275 So. Middletown Road, Nanuet, New York, and WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of ABR Restaurant Co LLC, Crossroads Restaurant & Bar, for a liquor license at the premises referred to herein.

On roll call the vote was as follows

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

RESOLUTION NO. (573-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF CLARKSTOWN TO AMEND AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR THE PURPOSE OF UNDERTAKING A COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974 as amended, and Title II of the National Affordable Housing Act of 1990, as amended, to make grants to states and other units of general local government to help finance Community Development Programs; and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more municipal corporations, to apply for, accept and expend funds made available by the federal government, either directly or through the State, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, the Community Development Act of 1974 as amended, Title II of the National Affordable Housing Act of 1990, as amended, and any 'Eligible Activities' thereunder are not inconsistent with the statutes or Constitution of the State; and

WHEREAS, a number of municipalities have requested Rockland's participation, and the County of Rockland has determined that it is desirable and in the public interest that it make application for Community Development Block Grant funds and HOME funds as an Urban County; and

WHEREAS, participation by the County of Rockland as an Urban County in the Community Development Program requires that the Town of Clarkstown and the County of Rockland cooperate in undertaking, or assisting in undertaking, essential community development and housing activities, specifically those activities authorized by

RESOLUTION NO. (573-2008) continued
statutes enacted pursuant to Article 18 of the New York State Constitution.

WHEREAS, this Board deemed it to be in the public interest to enter into a Cooperation Agreement with the County of Rockland for the aforesaid purposes.

NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Alexander J. Gromack is authorized to amend the Cooperation Agreement between the Town of Clarkstown and the County of Rockland for the purposes of undertaking a Community Development Program pursuant to the Housing and Community development Act of 1974 as amended, and Title II of the National Affordable Housing Act of 1990, as amended, by amending Paragraph 7a-b of the currently executed agreement with the following:

7: The County and Municipality agree that the cooperating unit of general local government has adopted and is enforcing:

- a.. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions."

On roll call the vote was as follows

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

RESOLUTION NO. (574-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION ACCEPTING DECLARATION CONCERNING STRAWTOWN MEWS SUBDIVISION
(MILLIE LANE & STRAWTOWN ROAD, WEST NYACK-58.12-2-17 & 58.16-1-16)

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final approval of Strawtown Mews Subdivision (58.12-2-17 & 58.16-1-16), William Brodsky has provided a declaration with respect to maintenance of the water quality basin located at the intersection of Millie Lane and Strawtown Road, West Nyack, New York, to the Town of Clarkstown, in a form approved by the Town Attorney, and

WHEREAS, the Town Attorney has recommended acceptance and recording of said Declaration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration from William Brodsky concerning Strawtown Mews Subdivision and orders same recorded in the Rockland County Clerk's Office at the expense of the declarant.

On roll call the vote was as follows

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

RESOLUTION NO. (575-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD REFERRING ZONE CHANGE PETITION OF SQUADRON LAND, LLC, AND AUTHORIZING SEQRA REVIEW BY TIM MILLER ASSOCIATES,

WHEREAS, SQUADRON LAND, LLC has submitted a petition to the Town Board of the Town of Clarkstown, requesting a change of zone from the PO District to the AAR District for premises designated on the Clarkstown Tax Map as 43.07-1-24 and 25, situated on the north side of Squadron Boulevard, and Tax Map 43.11-2-2 and 3, situated on the south side of Squadron Boulevard, New City, New York, to permit the construction of a multi-unit complex (76 units) for active adults;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby 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, 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 Tim Miller Associates, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that Tim Miller Associates 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, and be it

FURTHER RESOLVED, that the Town Attorney's Office is hereby directed to secure an escrow deposit in the amount of \$7,500.00, and the Comptroller's Office is hereby directed to deduct the Town's cost of Tim Miller's SEQRA review of the application from the escrow, and be it

FURTHER RESOLVED, that Behan Planning Associates shall provide professional planning services and review the petition and report to the Town Board on the proposed action, and be it

RESOLUTION NO. (575-2008) continued

FURTHER RESOLVED, that the Town Attorney's Office is hereby directed to secure an escrow deposit in the amount of \$5,000.00, and the Comptroller's Office is hereby directed to deduct the Town's cost of Behan Planning Associates review of the application from the escrow.

On roll call the vote was as follows

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

RESOLUTION NO. (576-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Orange & Rockland Utilities and \$16,105 from the NYS Education Department

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (Gifts & Donations) and Expense Account A-7620-409-0 (Adult Activities-Fees for Services) by \$2,000 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-10-3060-0 (Capital-State Aid/Records Management) and Expense Account H-8758-409-0-82-37 Capital Projects-Records Management Project) by \$16,105 and

WHEREAS, various expense accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-1220-404-0 (Supervisor-Travel/Meals) and increase Account A-1220-314-0 (Supervisor-Computer Supplies) by \$800 and be it,

FURTHER RESOLVED, to decrease Account A-1330-110-0 (Receiver of Taxes-Salaries) and increase Account A-1330-313-0 (Receiver of Taxes-Office Supplies) by \$1,601.30 and be it,

FURTHER RESOLVED, to decrease Account A-5630-406-0 (Mini-Trans-Auto Maintenance Repairs) and increase Account A-5630-312-0 (Mini-Trans-Auto Maintenance Supplies) by \$11,000.

On roll call the vote was as follows

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

RESOLUTION NO. (577-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION TO AUTHORIZE THE TOWN ATTORNEY TO ORDER SURVEY WORK AND THE TOWN BOARD TO ACCEPT DEED

WHEREAS the Nanuet Fire Engine Co. #1 (NFC) , 7 Prospect Street, Nanuet, NY is the owner of property known as 1-11 Renee Lane, Bardonia, NY designated on the Town of Clarkstown Tax Map as 58.11-3-1 (fka 53-A-26), which premises is currently a single tax lot occupied by the Bardonia Fire Sub-station building and the Bardonia Men's Club building, and

WHEREAS the NFC is desirous of subdividing the parcel and donating a portion of the parcel to the Town of Clarkstown, which portion is currently encumbered by a leasehold interest of the Bardonia Men's Club, Inc. (BMC) and

WHEREAS the BMC is desirous of giving up its long term lease to the Town of Clarkstown subsequent to the acceptance of the deed for the parcel by the Town as well as its interest in the BMC building, and

WHEREAS in order to effect this transaction, a minor subdivision application to the Planning Board is required and an updated survey must be done showing metes and bounds of the newly created and remaining parcel and deed papers be drawn up,

NOW, THEREFORE, be it RESOLVED, that the Town Attorney is hereby authorized to retain the professional services of a Land Surveyor for the purposes aforementioned and The Town Board is authorized to accept the deed for this transaction when perfected.

On roll call the vote was as follows

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

RESOLUTION NO. (578-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Lynn A. Strenkert, Motor Equipment Operator II--Solid Waste Facility--is hereby accepted effective and retroactive to August 11, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (579-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Michael Peterson, Courier--Mail and Copy - is hereby accepted - effective and retroactive to August 15, 2008 - at the close of the business day.

On roll call the vote was as follows

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

RESOLUTION NO. (580-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Christina M. Maffeo, is hereby appointed to the position of Courier--Mail and Copy--at the 2008 annual salary of \$29,942., - effective and retroactive to August 11, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (581-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Matthew J. Scarpulla, is hereby appointed to the position of Laborer--Maintenance Department--at the 2008 annual salary of \$35,499., - effective August 27, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (582-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Catherine A. McCarthy, is hereby appointed to the position of (part-time) Clerk Typist--Receiver of Taxes Office--at the 2008 hourly rate of \$15.00., - effective August 28, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (583-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Margaret M. Whelan, is hereby appointed to the position of Clerk (Seasonal)--Receiver of Taxes Office--at the 2008 hourly rate of \$15.00., - effective and retroactive to August 25, 2008.

RESOLUTION NO. (583-2008) continued

On roll call the vote was as follows

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

RESOLUTION NO. (584-2008)

Co. Maloney 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., Helena M. Walsh, Paralegal Specialist I (Municipal Law)– Office of the Town Attorney–is hereby granted an extension of her Sick Leave of Absence–at one-half pay–effective September 1, 2008 to October 1, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (585-2008)

Co. Lasker offered and Co. Maloney seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, continuing from September 10, 2008 to September 10, 2010, as follows:

Sponsor: Danny Clapp Landscaping, Inc., 59 Schriever Lane, New City, NY 10956
Road: 1.57 mile segment of Brewery Road, New City from intersection of Congers Road, New City to intersection of Strawtown Road, New City;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Danny Clapp Landscaping, Inc. 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 September 10, 2008 to September 10, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by Danny Clapp Landscaping, Inc. to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (586-2008)

Co. Lasker offered and Co. Maloney seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, continuing from September 10, 2008 to September 10, 2010, as follows:

Sponsor: The Salvation Army, 440 West Nyack Road, West Nyack, NY 10994
Road: .46 mile segment of West Nyack Road, West Nyack from driveway at 440 West Nyack Road to intersection of Route 304, West Nyack;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that The Salvation Army 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 September 10, 2008 to September 10, 2010, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above

RESOLUTION NO. (586-2008) continued

segment, and to provide and coordinate services by The Salvation Army to remove trash from the roadway.
On roll call the vote was as follows

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

RESOLUTION NO. (587-2008)

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 #35-2008-TRAILER MOUNTED FLUID PUMP

is hereby awarded to: Godwin Pumps Of America, Inc, P.O. Box 191, One Floodgate Road, Bridgeport, NJ 08014
PRINCIPALS: John M. Paz, President

as per their proposed low bid price not to exceed \$53,596.00 and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8759-400-409-83-25 not to exceed \$53,596.00 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
Ralph F. Mandia. Absent
Co. Borelli. Absent
Supervisor Gromack Yes

RESOLUTION NO. (588-2008)

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 #38-2007-FIRST STREET ROAD IMPROVEMENTS

is hereby awarded to: WJL Equities Corporation, 274 White Plains Road, Suite 7, Eastchester, NY 10709
PRINCIPALS: Danielle Buenaventura, President

as per their proposed total cost not to exceed \$498,350.00, 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 said award shall constitute a proper charge to account # H-8758-400-409-0-82-6 not to exceed \$498,350.00 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
Ralph F. Mandia. Absent
Co. Borelli. Absent
Supervisor Gromack Yes

RESOLUTION NO. (589-2008)

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 #42-2007-HIGHWAY AVENUE EASEMENT IMPROVEMENTS

is hereby awarded to: ASCAPE Landscape & Construction Corp., 634 Route 303, Blauvelt, NY 10913
PRINCIPALS: Stuart Chaitin, President

as per their proposed total cost not to exceed \$178,961.00, and be it

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

RESOLUTION NO. (589-2008) continued

- 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 said award shall constitute a proper charge to account # H-8758-400-409-0-82-14 not to exceed \$178,961.00 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
 Ralph F. Mandia. Absent
 Co. Borelli..... Absent
 Supervisor GromackYes

RESOLUTION NO. (590-2008)

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 #32-2008—DUSTMAN LANE ROAD IMPROVEMENTS

is hereby awarded to: WJL Equities Corporation, 274 White Plains Road, Suite 7, Eastchester, NY 10709

PRINCIPALS: Danielle Buenaventura, President

as per their proposed total cost not to exceed \$351,000.00, and be it

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

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

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

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8754-400-409-0-78-27 not to exceed \$351,000.00 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
 Ralph F. Mandia. Absent
 Co. Borelli..... Absent
 Supervisor GromackYes

RESOLUTION NO. (591-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING, purchase of a duplicator and landscaping service equipment.

WHEREAS, the Superintendent of Recreation and Parks has recommended the need for a duplicator and landscaping service equipment.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to purchase a duplicator and landscaping service equipment for a cost not to exceed \$35,000.00; and be it

FURTHER RESOLVED, that the purchase of said equipment shall be procured pursuant to GMC Section 103 and 104b; and be it

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

RESOLUTION NO. (591-2008) continued

On roll call the vote was as follows

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

RESOLUTION NO. (592-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves a Side Letter of Agreement between the Civil Service Employees Association, Inc., Town of Clarkstown Unit and the Town dated August 26, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (593-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION GRANTING PERMISSION TO CONGERS-VALLEY COTTAGE ROTARY CLUB TO DISPENSE ALCOHOLIC BEVERAGES AT THE ITALIAN FESTIVAL TO BE HELD ON BURNSIDE AVENUE AND AT THE CONGERS DEPOT, CONGERS, NEW YORK

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, the Congers-Valley Cottage Rotary Club wishes to obtain a permit from the Parks Board and Recreation Commission to hold an event in the Town of Clarkstown on Burnside Avenue and at the Congers Depot, Congers, New York, on September 14, 2008, rain date September 21, 2008, and

WHEREAS, the permittee has requested permission to dispense alcoholic beverages on the occasion; NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Congers-Valley Cottage Rotary Club to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, for an event which shall be held in the Town of Clarkstown on Burnside Avenue and at the Congers Depot, Congers, New York, on September 14, 2008, rain date September 21, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (594-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING CHANGE ORDER FOR RFP- #43-2007-RECORDS MANAGEMENT IMPROVEMENT PROJECT

WHEREAS, on November 27, 2007 the Town Board adopted Resolution No. 700-2007 awarding RFP # 43-2007 (Records Management Improvement Project) to Hudson Microimaging Inc., and

WHEREAS, the Town did not anticipate having to scan previously microfilmed records, and

WHEREAS, the total for the unanticipated costs is \$4,364.44, plus \$396.00 for third-party inspection, for a total of \$4,760.44, and

WHEREAS, the Town has previously been awarded a LGRMIF GRANT 2007-2008 PROJECT in the amount of \$40, 264.00 for the proposed project; and

WHEREAS, the Town will fund the aforesaid unanticipated costs with the remainder of the LGRMIF GRANT 2007-2008 PROJECT in the amount of \$4,760.44, and

WHEREAS, David Carlucci, Town Clerk, has reviewed said change order and found it to be reasonable in scope and price;

NOW, THEREFORE, be it

RESOLVED, that the total approved cost for the change order on the contract is \$4,760.44, and be it

FURTHER RESOLVED that that the current budget allowance for this project be increased to \$40, 264.00, to reflect the additional cost of the change order on contract, and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No. H 8758-409-0-82-37.

RESOLUTION NO. (594-2008) continued

On roll call the vote was as follows

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

RESOLUTION NO. (595-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING CHANGE ORDER #1, BID #31-2007- EMERGENCY
 COMMUNICATIONS TOWER AND SITE DEVELOPMENT

WHEREAS, Town Board Resolution #180-2008 awarded Bid #31-2007, Emergency Communications Tower and Site Development to Procomm Systems, Inc. and
 WHEREAS, a Category Type II Tower is required to complete the project; and
 WHEREAS, a change order request for change order #1 was submitted by Procomm Systems, Inc. in the amount of \$ 8,500.00 to obtain a Category Type II Tower; and
 WHEREAS, the change order request has been reviewed by the Project Engineer and the Deputy Town Attorney–Purchasing;
 NOW, THEREFORE, BE IT
 RESOLVED, that Change Order #1 for Bid #31-2007 is approved for the additional cost of \$8,500.00 and be it further
 RESOLVED, that the total cost of the project shall not exceed \$391,425.00 and constitute a proper charge to account number H-8754-400-409-0-78-41.

On roll call the vote was as follows

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

RESOLUTION NO. (596-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING POLICE CHIEF TO SELECT PHYSICIANS FOR THE PURPOSES OF
 SECTION 207-c OF THE GENERAL MUNICIPAL LAW

WHEREAS, the Town of Clarkstown’s Chief of Police is charged with the day-to-day administration of the Town’s police department including, amongst other things, the administration of statutory benefits for police officers who become injured or sick in the performance of their duties; and
 WHEREAS, in furtherance of the administration of these statutory benefits it is necessary for physicians and/or other health care providers to attend to such injured or sick police officers from time-to-time for the purpose of providing treatment to such officers and/or for making examinations and reports to the Chief of Police;
 NOW, THEREFORE, be it
 RESOLVED, that the Town Board hereby authorizes Clarkstown’s Chief of Police to direct any member(s) of the police department who claim, or are receiving, statutory benefits pursuant to GML § 207-c, to attend to be examined and/or treated by such physician(s) and/or such other health care provider(s) as the Chief from time-to-time may determine following consultation with the Town’s attorney(s) and third-party benefits coordinator or administrator.

On roll call the vote was as follows

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

RESOLUTION NO. (597-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERINTENDENT OF HIGHWAYS TO
 INVOKE SECTION 189 OF NEW YORK STATE HIGHWAY LAW

WHEREAS, a portion of Dustman Lane, Bardonia, running from NYS Route 304 in a westerly direction approximately 300 feet to Amanda Lane has been used by the public as a highway for a period of more than ten years, and
 WHEREAS, Section 189 of New York State Highway Law provides that lands which are used by the public as a highway for ten years or more shall be deemed a highway by use without need for recordation, and

RESOLUTION NO. (597-2008) continued

WHEREAS, the Superintendent of Highways has requested that said portion of Dustman Lane be included in the Town's Inventory of Roads by its location and use as access to the further westerly portion of Dustman Lane, which portion currently is a Town Road, and

WHEREAS, the Superintendent of Highways is prepared to open said portion to a width of three rods wide, subject to the acquisition of the necessary widening strips of land from the bordering property owners of Parcel 58.14-1-50 (Bardonia Realty Group, LLC) and Parcel 58.14-1-51 (Casmac Partners, LLC), which strips are the subject of gratuitous offers of dedication on the site plans of the respective parcels, and

WHEREAS, by Resolution #363-2008 on June 17, 2008, the Town Board, on its own motion, attempted to create a Road Improvement District for the subject portion of Dustman Lane, and which District creation has been nullified by a valid petition for a permissive referendum by Bardonia Realty Group, LLC,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts the currently undedicated portion of Dustman Lane from NYS Route 304 approximately 300 feet in a westerly direction to Amanda Lane, pursuant to Section 189 of the New York State Highway Law, and the Superintendent of Highways is authorized to fund, open and improve said road to his specifications subject to the receipt of deeds and transfer documents enabling the right of way to be three rods in width.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Steven Levine- Congers

Asked if testing has been done of fill material brought into the Amaro Pump site in Nanuet and if they have been stopped from bringing in more fill.

Joel Epstein- Code Enforcer

Stated there is an ongoing investigation in the State Supreme Court right now.

Steven Levine- Congers

Spoke about issues regarding property on Massachusetts Avenue and asked if there were any remediation plans on file with the town by the current owners. Read from and submitted a copy of an article in the Journal News, dated July 13, 2008, regarding testing of soil at Mirant property in Tomkins Cove, (on file with Town Clerk).

K. Luke Kalarickal, Director, Department of Environmental Control

Stated all remediation plans are on file with the Department of Environmental Control.

Bob Terry- New City

Spoke about a property on Carolina Drive that allows weeds to grow, has been doing renovations since 1986, and the owners will not do anything to improve property's appearance until the town does something.

Shelby Green Zarin- New City

Spoke about water problems on her property and asked why the town was fixing another property on South Mountain Road and not hers.

Daniel Kraushaar - Deputy Town Attorney

Advised Mrs. Zarin that the Town Board could not comment while the matter is in litigation.

Co. Maloney requested that the meeting adjourn in the memory of Honorable Joel J. Flick.

Supervisor Gromack Stated that tonight's meeting would adjourn in the memory of Town Justice Joel J. Flick, who served this town with all his heart and soul as one of our justices. Our hearts go out to his wife and family. He is certainly somebody who will be sorely missed.

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was closed in the memory of Honorable Joel J. Flick, 9:08 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

8/26/08

8:01 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney & Shirley Lasker
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

Absent: Council Members Ralph Mandia & Frank Borelli

Re: Proposed Local Law entitled: "A Local Law amending Chapter 109 (Building Construction Administration) of the Code of the Town of Clarkstown."

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:01 P.M.

Daniel Kraushaar - Deputy Town Attorney
Gave an overview of the proposal.

Co. Lasker
Thanked the Town Board and Building Inspector Peter Beary, stating the proposal is a good step forward, given the energy crisis.

Supervisor Gromack
Stated that Council Members Lasker and Borelli have taken the lead in promoting many activities that are energy efficient. We are light years ahead of many of the municipalities.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:06 P.M. RESOLUTION NO. (554-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (554-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

8/26/08

8:06 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney & Shirley Lasker
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

Absent: Council Members Ralph Mandia & Frank Borelli

Re: Proposed Local Law entitled: "A Local Law amending Chapter 125 (Dogs and Other Animals) of the Code of the Town of Clarkstown."

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:06 P.M.

Daniel Kraushaar - Deputy Town Attorney
Gave an overview of the proposal.

There being no one wishing to be further heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:08 P.M. RESOLUTION NO. (555-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (555-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

8/26/08

8:08 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney & Shirley Lasker
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

Absent: Council Members Ralph Mandia & Frank Borelli

Re: Proposed Local Law entitled: "A Local Law amending Chapter 146 (Flood Damage Prevention) of the Code of the Town of Clarkstown."

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:08 P.M.

Daniel Kraushaar - Deputy Town Attorney
Gave an overview of the proposal.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:10 P.M. RESOLUTION NO. (556-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (556-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #4

Town Hall

8/26/08

8:10 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney & Shirley Lasker
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

Absent: Council Members Ralph Mandia & Frank Borelli

Re: Continuation–Proposed Local Law amending Chapter 216 (Property Maintenance) of the Code of the Town of Clarkstown.”

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:10 P.M.

Daniel Kraushaar - Deputy Town Attorney
Gave an overview of the proposal.

Steven Levine- Congers
Read and submitted a letter into the record against the proposal, (on file with Town Clerk). Asked if the town was receiving phone calls about properties.

Peter Beary- Building Inspector
Stated that in the past few months, the town has received ten to twelve calls regarding properties in need of maintenance, which is unusually high.

Joel Epstein- Code Enforcer
Stated that sections 216.4 and 216.5 have not changed in forty years. The change is in response to an increase in foreclosure markets and the increased complaints on property maintenance. There are three mechanisms for enforcing the property maintenance code: prosecution through the justice court, a town board proceeding with a hearing, and through this ten-day notice. This is for vacant and abandoned properties.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:28 P.M. RESOLUTION NO. (557-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (557-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #5

Town Hall

8/26/08

8:28 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney & Shirley Lasker
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

Absent: Council Members Ralph Mandia & Frank Borelli

Re: Proposed Local Law entitled: "A Local Law amending Chapter 262 (Taxation) of the Code of the Town of Clarkstown."

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:28 P.M.

Daniel Kraushaar - Deputy Town Attorney
Gave an overview of the proposal.

Bill Mahan- Representing New City American Legion Post 1682
Thanked the members of the Town Board for the proposal.

There being no one wishing to be further heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:32 P.M. RESOLUTION NO. (558-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (558-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #6

Town Hall

8/26/08

8:32 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney & Shirley Lasker
Daniel Kraushaar, Deputy Town Attorney
David Carlucci, Town Clerk

Absent: Council Members Ralph Mandia & Frank Borelli

Re: Amending conditions of Zone Change adopted by Resolution #913-2002-Pondview, LLC.

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:32 P.M.

Daniel Kraushaar - Deputy Town Attorney
Gave an overview of the amendment.

Warren E. Berbit- Legal Counsel for the Clarkstown Central School District
Submitted a resolution adopted by the Clarkstown Central School District School Board on August 21, 2008, (on file with Town Clerk).

Frank Stefanelli- Director of Facilities for the Clarkstown Central School District
Stated both projects were approved by the state and permits were obtained.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the public hearing was closed 8:42 P.M. RESOLUTION NO. (559-2008)

Respectfully submitted,

David Carlucci
Town Clerk