

TOWN OF CLARKSTOWN
SPECIALTOWN BOARD MEETING

Town Hall

09/26/2006

7:30 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.

Presentation: Of the 2007 Tentative Budget to the Town Board by the Town Clerk, pursuant to provisions of § 106 Town Law

Supervisor opened the meeting to public comments regarding agenda items.

Town Attorney Amy Mele explained background of agenda item #6 (Hess Rd. in Valley Cottage).

Erin Deward- Valley Cottage
Regarding agenda item #6, she asked about the results of Hess Rd. in Valley Cottage.

Herbert Lerner- Valley Cottage
Regarding agenda item #6, spoke about zoning maps from 1939.

Yani Tsakos- Valley Cottage
Regarding agenda item #6, spoke about Hess Rd. in Valley Cottage.

Stacy Casolaro- Valley Cottage
Regarding agenda item #6, spoke about Hess Rd. in Valley Cottage.

RESOLUTION NO. (639-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE PROPOSED 2007 BUDGET OF
THE TOWN OF CLARKSTOWN

RESOLVED, that the Tentative Budget, as received by the Town Clerk on September 26, 2006, is hereby designated the Preliminary Budget and the Town Clerk is directed to prepare 25 copies of the Budget, for public distribution pursuant to Town Law §106, and be it

FURTHER RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for November 8, 2006, at 7:00 p.m., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2007, and be it

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

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. (640-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SOLICITATION OF REQUESTS FOR PROPOSALS FOR PROFESSIONAL
ENGINEERING SERVICES RELATED TO THE HACKENSACK RIVER FLOOD MANAGEMENT PROJECT

WHEREAS, the Director of the Department of Environmental Control has recommended that the Town solicit proposals for professional engineering services to prepare plans and specifications for the Hackensack River Flood Management Project;

NOW THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to solicit proposals for professional engineering services to prepare plans and specifications for the Hackensack River Flood Management Project; and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control, together with the Town Attorney, are hereby authorized to select and retain a professional engineer for the project, and be it

FURTHER RESOLVED, that the fee for said services shall be determined at a later date.

RESOLUTION NO. (640-2006) 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. (641-2006)

Co. Nowicki offered and Co. Mandia seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 246 (SITE PLAN REVIEW) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

"A LOCAL LAW TO AMEND CHAPTER 246 (SITE PLAN REVIEW) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the purpose of this local law is to ensure that the Town is adequately compensated for inspections; NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on November 14, 2006, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for its review and recommendation.

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. (642-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING PRODUCTION COMPANY TO FILM IN THE TOWN OF CLARKSTOWN

WHEREAS, **Upper Ground Enterprises, Inc.**, a production company, has requested permission to film in Clarkstown, from **September 21, 2006 through October 1, 2006.**

NOW, THEREFORE, be it

RESOLVED, that **Upper Ground Enterprises, Inc.**, of 121 West Lexington Drive, Suite 212, Glendale, CA 91203-2203, is hereby authorized to film a **"Nanny 911" TV segment on September 21, 2006 through October 1, 2006, between the hours of 7:00 am – 10:00 pm at a private residence located at 34A Heritage Drive, New City, NY 10956**, 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 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 7:00 am, September 21, 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. (643-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING MEMBERSHIP IN THE HISTORICAL SOCIETY OF ROCKLAND COUNTY

RESOLVED, that the Town Board hereby authorizes Membership for the Town of Clarkstown, in The Historical Society of Rockland County, 20 Zukor Road, New City, New York, for the period of one year at a fee of \$60.00, which fee shall be charged to Account No. A-1010-423.

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. (644-2006)

Co. Mandia offered and Co. Lasker seconded

RESOLUTION REQUESTING CLARKSTOWN PLANNING BOARD TO EVALUATE ALTERNATIVES WITH RESPECT TO PARCEL LOCATED AT 67 HESS ROAD, VALLEY COTTAGE (MAP 59.8-1-17)

WHEREAS, Loeb House, Inc., has indicated a desire to sell certain of its property located at 67 Hess Road, Valley Cottage, (Map 59.8-1-17) (the "Property"); and

WHEREAS, the Rockland Housing Action Coalition ("RHAC") has informally approached the Town with a proposal to construct affordable town homes on the Property to be marketed to local volunteer first responders; and

WHEREAS, the Town Board held a workshop on July 18, 2006, at which it had the opportunity to hear comment from neighboring residents regarding RHAC's proposal; and

WHEREAS, on September 20, 2006, the Town held an additional meeting at which RHAC presented a revised proposal; and

WHEREAS, at both meetings, the residents expressed concerns regarding the proposal, including, among others, density, drainage and traffic; and

WHEREAS, the Property is currently zoned R40 and could be developed as of right with single family residences, which use may also have an impact on drainage and traffic; and

WHEREAS, the Town Board is desirous of evaluating the alternative uses of the Property, particularly in light of the residents' various concerns;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby directs the Clarkstown Planning Board to evaluate the alternative uses at the Property, and report its findings and recommendations to the Town Board by November 9, 2006; and be it

FURTHER RESOLVED, that the Planning Board shall notify the neighboring residents of all Planning Board meetings at which the matter will be discussed, and shall encourage the residents to attend and voice their concerns.

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. (645-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO PAVE DRIVEWAYS AT 15 & 17 WALNUT COURT, NEW CITY

WHEREAS, the developer of certain parcels located at 15 & 17 Walnut Court, New City, has defaulted in its obligation to pave the driveways at said residences; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to pave driveways located at 15 & 17 Walnut Court; and

WHEREAS, the Department of Environmental Control has received three (3) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by W.H.Y. Asphalt Paving and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to W.H.Y Asphalt Paving Inc. for their low proposal of \$9410.00; and

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

W.H.Y. Asphalt Paving
403 N. Little Tor Road
New City, NY 10956

to perform this work in accordance with their proposal for an amount not to exceed \$9,410.00; and

RESOLUTION NO. (645-2006) continued

FURTHER RESOLVED that \$3,600.00 shall be a proper charge to the defaulted funds account; and that the balance of \$5,810.00 shall be a proper charge to account # A 8730-409.

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. (646-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION RELEASING PERFORMANCE BONDS AND ESCROW MONIES CONCERNING CAMELOT SUBDIVISION, SECTIONS III & IV

WHEREAS, Resolution No. 757-2005 dated September 27, 2005 authorized the Supervisor to enter into an agreement with Price Construction, LLC outlining all necessary work to be performed on the roads and public improvements in Sections III & IV of the Camelot Subdivision, and

WHEREAS, Resolution No. 375-2006 dated May 23, 2006 accepted the roads and public improvements in Sections III & IV of the Camelot Subdivision subject to the fulfillment of all requirements in the agreement, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that all the work in Sections III & IV of the Camelot Subdivision has been completed in accordance with the agreement;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the agreement between the Town and Price Construction, LLC, the attached list of bonds and escrow monies being held by the Town in connection with Sections III & IV of the Camelot Subdivision may now be released.

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. (647-2006)

Co. Nowicki offered and Co. Mandia seconded

RESOLUTION AUTHORIZING FIRE LANE DESIGNATIONS AT VALLEY COTTAGE ANIMAL HOSPITAL

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 Clarkstown, at

VALLEY COTTAGE ANIMAL HOSPITAL
 202 RT. 303
 VALLEY COTTAGE, NY 10989
 (124-C-8.2) (52.15-1-610)

By the installation of fire lane designated, and

WHEREAS, DR. RUSS PETRO 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 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. (648-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN ACCESS AGREEMENT WITH WYETH

WHEREAS, WYETH is the owner of certain property located in the Town of Clarkstown, and
WHEREAS, the Town of Clarkstown proposes to perform drainage improvements hereinafter known as the "Jerry's Avenue Drainage Project," and

WHEREAS, in order to obtain access to the Wyeth property for the performance of the work, Clarkstown has requested that Wyeth grant to the Town of Clarkstown access to the Wyeth property for the purpose of performing the drainage project;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown and Wyeth have negotiated an access agreement allowing the Town of Clarkstown to enter onto the Wyeth property to perform the necessary drainage work, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an access agreement with Wyeth, in a form approved by the Town Attorney.

On roll call the vote was as follows

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

Chief Peter Noonan gave a report to the Town Board on Police Department matters.

The Supervisor opened the floor for general public comments. There being no one wishing to be heard, the special meeting was declared adjourned, 8:15 PM.

Respectfully submitted,

David Carlucci
Town Clerk