

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

4/26/11

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli,  
George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
Justin Sweet, Town Clerk

:  
The Supervisor declared Town Board meeting opened. Assemblage saluted the flag. The Town Clerk read the roll call.

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The Supervisor opened up the meeting to public comments regarding agenda items.

Amy Durbin, New City  
She inquired about Item 2d, what are the duties of the Town Garage Senior Storekeeper?

The Supervisor responded that this person is responsible for ordering mechanical parts for all town vehicles and keeping track of the warehouse.

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RESOLUTION NO. (216-2011)  
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the Special Town Board Minutes of April 5, 2011 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (217-2011)  
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on March 31, 2011, that the position of Principal Clerk Typist #500958 – can be reclassified to the position of Principal Clerk Stenographer, the incumbent Tomasina Scala needs no appointment from an Eligibles list, as this is a lateral move,

NOW, THEREFORE, BE IT RESOLVED, that the position of Principal Clerk Typist – is hereby reclassified to the position of Principal Clerk Stenographer – Building Department – effective

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (218-2011)  
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Matthew Murphy, 12 Shore Road, New City, New York – is hereby appointed to the position of (promotional) Maintenance Helper – Maintenance Department - at the current 2011 annual salary of 39,587., effective and retroactive to April 25, 2011.

On roll call the vote was as follows:

Co. Lasker .....Yes  
Co. Borelli ..... Yes  
Co. Hoehmann ..... Yes  
Co. Hausner ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (219-2011)  
Co. Hoehmann offered and Co. Borelli 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., John F. Kolka II, 141 Dara Lane, Stony Point, New York Laborer – Sewer Department – is hereby granted an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to April 17, 2011 thru May 17, 2011.

On roll call the vote was as follows:

Co. Lasker .....Yes  
Co. Borelli ..... Yes  
Co. Hoehmann ..... Yes  
Co. Hausner ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (220-2011)  
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the resignation by (retirement) of Alfred Carlini, 45 Normandy Village #4, Nanuet, New York – Senior Storekeeper Town Garage – is hereby accepted – effective and retroactive to April 23, 2011.

On roll call the vote was as follows:

Co. Lasker .....Yes  
Co. Borelli ..... Yes  
Co. Hoehmann ..... Yes  
Co. Hausner ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (221-2011)  
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Town has received \$20,000 from Entergy, \$5,342.17 from DARE donations, \$195 from Tire Warehouse Outlet, and \$100 from Margaret Hook,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) by \$25,637.17 and Budgetary Accounts A-3989-409-0 (Police Emergency Operations-Other Equipment) by \$20,000, A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$5,342.17, and A-3140-293-0 (Police Canine-Law Enforcement Equipment) by \$295 and

WHEREAS, various accounts need additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease A-1420-409-0 (Town Attorney-Fees for Services) and increase A-1420-201-0 (Town Attorney-Furniture & Fixtures) by \$4,000 and be it,

FURTHER RESOLVED, to decrease A-7310-404-0 (Recreation Youth Programs-Travel) and increase A-7310-329-0 (Recreation Youth Programs-Misc Supplies) by \$4,000 and be it,

FURTHER RESOLVED, to decrease B-8010-328-0 (Zoning Bd of Appeals-Books & Publications) and increase B-8010-201-0 (Zoning Bd of Appeals-Furniture & Fixtures) by \$500 and be it,

FURTHER RESOLVED, to decrease B-8020-414-0 (Planning-Schools & Conferences) and increase B-8020-201 (Planning-Furniture & Fixtures) by \$750.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann . . . . . Yes
- Co. Hausner . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (222-2011)  
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION OF THE TOWN BOARD DETERMINING A NEGATIVE  
DECLARATION WITH RESPECT TO ACQUISITION OF PROPERTY IN WEST  
NYACK KNOWN AS MAP 58.7-1-86 UNDER THE PROVISIONS OF THE  
STATE QUALITY REVIEW ACT

WHEREAS, the Town Board of the Town of Clarkstown has received the Short Environmental Assessment Form, pursuant to SEQRA, prepared by K. Luke Kalarickal, Director of the Department Environmental Control, with respect to the acquisition of property for general municipal purposes designated on the Clarkstown Tax Map as Map 58.7-1-86, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the SEQRA report prepared by K. Luke Kalarickal, dated April 25, 2011, the Town Board acting as lead agency hereby determines that the proposed action is an unlisted action and will not have any adverse environmental impact.

RESOLUTION NO. (222-2011) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (223-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE PURCHASE OF A PARCEL  
 OF PROPERTY IN WEST NYACK – TAX MAP 58.7-1-86

WHEREAS, the owner, Hugh Traphagen Trust, of a certain property located at 131 Germonds Road, West Nyack has entered in a contract of sale for the aforesaid property for \$900,000 with a third party, and

WHEREAS, the Town has a right of first refusal on the subject property pursuant to a License Agreement dated June 24, 1976 and ratified on February 15, 2002, and

WHEREAS, the Town Board deems it in the best interest of the Town to purchase the 9.23 acres of land and buildings for general municipal purposes, and

WHEREAS, the Town obtained an appraisal of the property and said appraisal came in above the amount offered by the third party;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to enter in to a contract, in a form approved by the Town Attorney, to purchase the subject property for a price not to exceed \$900,000 plus the usual and customary closing costs, provided that all legal and environmental requirements regarding the acquisition of subject property are complied with, and be it

FURTHER RESOLVED, that this purchase shall be subject to permissive referendum, and be it

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be charged to Account No. H-8762-409-0-86-9, and be it

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

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes

Co. Lasker stated that she was voting for this with the caveat that she has a commitment from her fellow Town Board members that the majority of the Traphagen property will be preserved as Open Space.

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## RESOLUTION NO. (224-2011)

Co. Hoehmann offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 26, 2011, AUTHORIZING THE ACQUISITION OF A PARCEL OF REAL PROPERTY LOCATED AT 131 GERMONDS ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$925,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$925,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire a parcel of real property located at 131 Germonds Road in West Nyack (Tax Map No. 58.7-1-86) for general municipal purposes. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$925,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$925,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$925,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 21 of the Law, is thirty (30) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections

## RESOLUTION NO. (224-2011) continued

56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 26, 2011, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted April 26, 2011, authorizing the acquisition of a parcel of real property located at 131 Germonds Road, stating the estimated maximum cost thereof is \$925,000, appropriating said amount for such purpose, and authorizing the issuance of \$925,000 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire a parcel of real property located at 131 Germonds Road in West Nyack (Tax Map No. 58.7-1-86) for general municipal purposes; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$925,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$925,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$925,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

RESOLUTION NO. (224-2011) continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is thirty (30) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$925,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Justin Sweet  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (225-2011)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION ACCEPTING DEED FOR ROAD WIDENING  
JOSEPH LAICO SUBDIVISION (33.08-2-15)

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Joseph Laico (33.08-2-15), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along South Mountain 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 upon the recommendation of the Deputy Director of the Department of Environmental Control of the Town of Clarkstown, deed dated December 6, 2010 from Joseph Laico to the Town of Clarkstown, gratuitously conveying a strip of land along South Mountain Road, New City, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office at the expense of the grantor.

RESOLUTION NO. (225-2011) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (226-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF  
 MAINTENANCE AGREEMENT REGARDING  
 PALISADES AUDI SITE PLAN (65.07-5-3 & 4)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Palisades Audi Site Plan (65.07-5-3 & 4), HVA Realty has provided a stormwater control facility maintenance agreement, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyance; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from HVA Realty in connection with the Palisades Audi Site Plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (227-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING CHANGE ORDER #2 & #3, PLUMBING, BID #48-2008, RENOVATIONS TO SEWER DEPARTMENT WAREHOUSE BUILDING, BURNSIDE AVENUE, CONGERS, NEW YORK

WHEREAS, the existing Sewer Department Warehouse located on Burnside Avenue, Congers, New York is currently undergoing renovations, and

WHEREAS, unforeseen conditions to the existing fire protection system required replacement and conversion from a dry fire suppression system to a wet fire suppression system, and

WHEREAS, the Plumbing Contractor has submitted the proposal for the required modifications to the water supply installation, and

RESOLUTION NO. (227-2011) continued

WHEREAS, the Town’s Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work for Change Order #2 and #3 is \$18,093.68.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1, Plumbing, for Bid #48-2008 is approved for the additional cost of \$18,093.68, and

BE IT FURTHER RESOLVED, that the total cost for Plumbing shall not exceed \$237,408.96 and shall constitute a proper charge to Account No. H 8759-409-0-83-20, and

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

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann . . . . . Yes
- Co. Hausner . . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (228-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING CHANGE ORDER #3, CONTRACT-G, GENERAL CONTRACTING, BID #48-2008, RENOVATIONS TO SEWER DEPARTMENT WAREHOUSE BUILDING, BURNSIDE AVENUE, CONGERS, NEW YORK

WHEREAS, the existing Sewer Department Warehouse located on Burnside Avenue, Congers, New York is currently undergoing renovations, and

WHEREAS, in the course of performing the general contracting work, the following changes were required:

1. Cost associated for de-mobilization due to Brega DOT not being out of the building
2. Replacement of existing failed concrete floor slabs.
3. Requirement of additional testing.
4. Additional work to parking lot due to unsuitable soils, and

WHEREAS, the General Contractor has submitted the proposal for the above referenced work, and

WHEREAS, the Town’s Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work is \$6,711.37.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #3, Contract-G, General Contracting, for Bid #48-2008 is approved for the additional cost of \$6,711.37, and

RESOLUTION NO. (228-2011) continued

BE IT FURTHER RESOLVED, that the total cost for Contract "G", General Contracting, shall not exceed \$1,134,990.30 and shall constitute a proper charge to Account No. H 8759-409-0-83-20, and

BE IT FURTHER RESOLVED, that it is the intent of the Town Board to fund this through the issuance of Serial Bonds.

On roll call the vote was as follows:

Co. Lasker . . . . .	Yes
Co. Borelli . . . . .	Yes
Co. Hoehmann . . . . .	Yes
Co. Hausner . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (229-2011)  
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING CHANGE ORDER #4, CONTRACT-G, GENERAL CONTRACTING, BID #48-2008, RENOVATIONS TO SEWER DEPARTMENT WAREHOUSE BUILDING, BURNSIDE AVENUE, CONGERS, NEW YORK

WHEREAS, the existing Sewer Department Warehouse located on Burnside Avenue, Congers, New York is currently undergoing renovations, and

WHEREAS, in the course of performing the general contracting work, the following changes were required:

- 5. The specified epoxy coating for the concrete floor in the equipment warehouse required additional thickness due to the heavier vehicle weights for the protection of the existing concrete floor and whereas the thicker coating will provide a twenty (20) year minimum life, and

WHEREAS, the General Contractor has submitted the proposal for the above referenced work, and

WHEREAS, the Town's Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work is \$23,635.93.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #4, Contract-G, General Contracting, for Bid #48-2008 is approved for the additional cost of \$23,635.93, and

BE IT FURTHER RESOLVED, that the total cost for Contract G, General Contracting, shall not exceed \$1,158,626.23, and shall constitute a proper charge to Account No. H 8759-409-0-83-20, and

BE IT FURTHER RESOLVED, that it is the intent of the Town Board to fund this through the issuance of Serial bonds.

RESOLUTION NO. (229-2011)

On roll call the vote was as follows:

Co. Lasker .....Yes  
 Co. Borelli ..... Yes  
 Co. Hoehmann ..... Yes  
 Co. Hausner ..... Yes  
 Supervisor Gromack ..... Yes

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RESOLUTION NO. (230-2011)

Co. Lasker offered and Co. Borelli seconded

RESOLUTION GRANTING PERMISSION TO WEST NYACK FIRE ENGINE CO. #1  
 INC. TO HAVE A LICENSED FIREWORKS DISPLAY AT GERMONDS PARK,  
 WEST NYACK, NY

WHEREAS, the West Nyack Fire engine Co. #1 Inc. has requested permission to have a licensed fireworks display on May 15, 2011 and hold a carnival on May 12, 2011 through May 15, 2011 at Germonds Park, West Nyack, NY, and

WHEREAS, Police Chief Michael Sullivan,, Clarkstown Police Department, Keith Garrabrant, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to West Nyack Fire Engine Co. #1 to sponsor a fireworks display at Germonds Park on May 15, 2011 subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Act, and
2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage, and
3. An on site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display, and
4. Provide a bond for the favor of the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law, and
5. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's April 25, 2011 memo, and
6. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

On roll call the vote was as follows:

Co. Lasker .....Yes  
 Co. Borelli ..... Yes  
 Co. Hoehmann ..... Yes  
 Co. Hausner ..... Yes  
 Supervisor Gromack ..... Yes

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RESOLUTION NO. (231-2011)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE  
NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR  
LIBERTYS VC INC.

WHEREAS, James Harrison Banks, Esq., attorney for Alan Walsh and Libertys VC Inc., has advised the Town Clerk by letter dated April 24, 2011, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that Libertys VC Inc. has applied for an on-premises liquor license at 60 Route 303, Valley Cottage, New York, and

WHEREAS, to expedite processing said corporation's license application, James Harrison Banks, Esq. has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;  
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 Libertys VC Inc. for a license at premises located at 60 Route 303, Valley Cottage, New York.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (232-2011)  
Co. Lasker offered and Co. Hoehmann seconded

SOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE  
NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR  
TERI DISTRIBUTING, INC. D/B/A GARY AND COMPANY

WHEREAS, Gary F. Oteri, owner of Teri Distributing, Inc. d/b/a Gary and Company, has advised the Town Clerk by letter dated February 15, 2011, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that Teri Distributing, Inc. d/b/a Gary and Company has applied for an on-premises liquor license at 49 South Main Street, New City, New York, and

WHEREAS, to expedite processing said corporation's license application, Gary Oteri has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;  
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 Teri Distributing, Inc. d/b/a Gary and Company for a license at premises located at 49 South Main Street, New City, New York..

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (233-2011)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64  
OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A  
LIQUOR LICENSE FOR 76 NORTH ROUTE 303 LLC

WHEREAS, John Gillespie, President of jfg & Associates, Inc., has advised the Town Clerk by letter dated January 22, 2011, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that 76 North Route 303 LLC has applied for an on-premises liquor license at 76 North Route 303, West Nyack, New York, and

WHEREAS, to expedite processing said corporation's license application, John Gillespie has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;  
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 76 North Route 303 LLC for a license at premises located at 76 North Route 303, West Nyack, New York.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (234-2011)  
Co. Hoehmann offered and Co. Lasker seconded

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

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

DUTRA EXCAVATING & SEWER, INC.  
10 Stone Hollow Road  
Montvale, NJ 07645  
Michael J. Stone, President

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

No. 11-36 : DUTRA EXCAVATING & SEWER, INC.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (235-2011)  
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION RE-REFERRING AND SCHEDULING A PUBLIC HEARING  
CONCERNING A PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW  
AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF  
CLARKSTOWN WITH RESPECT TO THE WEST NYACK HAMLET  
COMMERCIAL DISTRICT”

WHEREAS, Councilperson \_\_\_\_\_, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled “A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE WEST NYACK HAMLET COMMERCIAL DISTRICT,” and

WHEREAS, the purpose of this local law is to amend Chapter 290 to create a new section within the Town of Clarkstown Zoning Code, Section 290-7.3 West Nyack Hamlet Zoning, and

WHEREAS, by resolution dated September 21, 2010, the Town Board declared itself lead agency, pursuant to the New York State Environmental Quality Review Act (SEQRA), and referred the draft local law to the Clarkstown Planning Board for their comment and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, and

WHEREAS, the Clarkstown Planning Board reviewed the matter at its regularly scheduled meeting on November 17, 2010 and by resolution dated November 17, 2010 made certain recommendations regarding the proposed local law, and

WHEREAS, by letter dated November 5, 2010, the Rockland County Planning Department commented on the proposed local law, pursuant to General Municipal Law §§239-1 & m, and

WHEREAS, the current draft of the local law substantially addresses the Clarkstown Planning Board’s and the Rockland County Planning Department’s recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the proposed local law be re-referred to the Clarkstown Planning Board, pursuant to Chapter 290-33, for report on whether said amendment complies with the criteria set forth therein, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on June 14, 2011 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.

On roll call the vote was as follows:

- Co. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann . . . . . Yes
- Co. Hausner . . . . . Yes
- Supervisor Gromack . . . . . Yes

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The Supervisor opened the meeting for general public comments.

Orin Getz, New City  
He asked to have the replacement of a street sign expedited at Gable and Durant Road and he also inquired about new lights on Prospect Street near the Nanuet train station. Additionally, he requested that traffic lights in the area be adjusted to reduce traffic congestion.

The Supervisor stated that they would follow up on these issues with the Highway Department.

There being no one further wishing to speak, on motion of Co. Hoehmann, seconded by Co. Borelli and unanimously adopted, the Town Board meeting was closed, time: 8:52 P.M.

Respectfully submitted,

Justin Sweet  
Town Clerk