

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/14/2004

8:00 P.M.

Present: Supervisor Alex J. Gromack
Council Members Lasker, Maloney, Mandia & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared the Town Board Meeting open. Assemblage saluted the Flag.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Chapter 111 Proceeding (Unsafe Buildings) Martin Wesel D/B/A Affordable Community Group, 63 N. Second Avenue, Nanuet was opened, time: 8:03 p.m.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Chapter 111 Proceeding (Unsafe Buildings) Martin Wesel D/B/A Affordable Community Group, 63 N. Second Avenue, Nanuet was closed, time: 8:05 p.m.

RESOLUTION NO. 705-2004 ADOPTED

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Amendment to Comprehensive Plan with regard to petition of Tor Valley Inc./Davies Farm Inc. for zone change AND the Petition of Tor Valley Inc./Davies Farm Inc. for zone change (R-22 to LS) for property located at Little Tor Road and New Valley Road was opened, time: 8:06 p.m.,

On motion of Co. Nowicki seconded by Co. Lasker, the public hearing re: Proposed Amendment to Comprehensive Plan with regard to petition of Tor Valley Inc./Davies Farm Inc. for zone change AND the Petition of Tor Valley Inc./Davies Farm Inc. for zone change (R-22 to LS) for property located at Little Tor Road and New Valley Road was closed, time: 8:55 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law: To create "Chapter 141- Fingerprinting" to the Town Code was opened, time: 8:55 p.m.,

On motion of Co. Maloney seconded by Co. Lasker the public hearing re: Proposed Local Law: To create "Chapter 141- Fingerprinting" to the Town Code was closed, time: 9:00 p.m.

RESOLUTION NO. 706-2004 ADOPTED

Supervisor opened the public portion of the meeting.

George Remmel

Spoke regarding the zoning enforcement officer being added to the list authorized for 24-hour use of town vehicles

Philip Bosco
West Nyack

Spoke on the fire lane designation in front of the Beverage Center on West Nyack Road and inquired why the bonding company had prepared the proposition for the ballot

Martin Bernstein
New City

Spoke in favor of the appointment of Shirley Thormann as Chairperson of the Planning Board

Carol Jigarjian
New City

Spoke in favor of the appointment of Shirley Thormann as Chairperson of the Planning Board

Dennis Hausler
West Nyack

Spoke regarding the drainage problem on North Greenbush Road

Jack Schmidt
Valley Cottage

Spoke regarding the drainage problem on Birchwood Court and how he has been flooded twice and does not believe that this could not be corrected until 2005

Theresa Jung
West Nyack

Spoke regarding the sewer back-up into the homes on No. Greenbush Road

Mr. Puehl
Valley Cottage

Inquired about the possibility of the drainage work on Birchwood Court being done this year, and can the storm and sewer drains in the area be closed

George Newsome
Clarkstown

Inquired about the town having a coupon system for tree debris

Shirley Thormann
Valley Cottage

She thanked the Town Board for the honor of serving as Chairperson of the Planning Board

George Hoehmann
Nanuet

He congratulated the Town Board for appointing Shirley Thormann as Chairperson of the Planning Board

RESOLUTION NO.(705-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a public hearing was held on July 20, 2004 pursuant to Chapter 111 of the Code of the Town of Clarkstown in connection with premises located at 63 N. Second Avenue, Nanuet, New York (Tax Map Designation 57.6-1-13 f/k/a 7-E-3) and said public hearing was continued on August 17, 2004 and on September 14, 2004, and

WHEREAS, the Fire Inspector has issued an updated report to the Town Board advising that all hazards complained of in the Order and Notice dated June 22, 2004 have been corrected and the structure has been demolished at the premises located at 63 N. Second Avenue, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that this proceeding is hereby discontinued provided the property owner shall reimburse the Town the amount of \$166.85 within thirty (30) days of presentment of a statement, and be it

FURTHER RESOLVED, that in the event the property owner fails to reimburse the Town the sum of \$166.85, 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 111-8 of the Town Code.

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. (706-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

A LOCAL LAW TO CREATE CHAPTER 141 "FINGERPRINTING" OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

was introduced by Councilwoman Catherine M. Nowicki, at a Town Board meeting held on August 17, 2004, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 17, 2004, directed that a public hearing be held on September 14, 2004, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 1, 2004, 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 August 9, 2004, and

RESOLUTION NO. (706-2004) continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 14, 2004;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5 – 2004 entitled:

“A LOCAL LAW TO CREATE CHAPTER 141 “FINGERPRINTING” 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:

On roll call the vote was as follows

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

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

RESOLUTION NO. (707-2004)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of August 17, 2004 and September 7, 2004 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (708-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, in accordance with Town Board Resolution No. 633-2004, K. Luke Kalarickal, Director of the Department of Environmental Control, has requested proposals from land surveyors for their services with regard to the Red Hill Road Sidewalk Improvement Project, and

WHEREAS, Jay A. Greenwell, PLS, has submitted a proposal dated August 16, 2004, to provide the Town with survey and land planning services, and K. Luke Kalarickal, Director of the Department of Environmental Control, has recommended acceptance of this proposal;

RESOLUTION NO. (708-2004) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Jay A. Greenwell, pursuant to his proposal of August 16, 2004, in a form approved by the Town Attorney, to provide surveying services for the Red Hill Road Sidewalk Improvement Project, and be it

FURTHER RESOLVED, that the reasonable and necessary fees and expenses shall not exceed the sum of \$12,600.00 without further authorization of the Town Board, and shall be charged to Account No. H 8754-409-0-78-29.

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. (709-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the New York State Legislature has approved the Town of Clarkstown's request to site a cell tower on the Germonds Park property, West Nyack, New York, and

WHEREAS, the Town Attorney's Office has recommended and the Planning Board has proposed that special counsel, versed in all aspects of lease agreements involving municipalities and cell phone carriers, be retained to assist in negotiations with communications carrier to better protect the Town's interest;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire special counsel with expertise in cell tower leasing to provide assistance with negotiations with the communication's company wishing to locate a cell tower on Town property, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed \$5,000.00 without further authorization of the Town Board, and shall be charged to Account No. A 1420-439.

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. (710-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Government Finance Officers' Association Downstate Council is holding their regional Fall Training Seminar on Friday, October 1, 2004, at West Point, New York,

NOW, THEREFORE BE IT RESOLVED, that the following persons are hereby authorized to attend:

- Edward J. Duer, Comptroller
- Sabrina Vargas, Director of Finance
- Mary Maloney, Account Keeping Supervisor
- Doris Fogel, Administrative Assistant I, and be it

FURTHER RESOLVED, that all proper charges, including the registration fee of \$60 per person shall be charged to A 1010-414 (Schools and Conferences).

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. (711-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes Nancy Davidson, Employee Benefits Clerk – Frances Hunt, Senior Clerk, and Sabrina Vargas, Director of Finance to attend the 2004 New York State Health Insurance Program Regional Meeting for Participating Agencies, a free seminar conducted by the Department of Civil Service on September 28, 2004 at the Holiday Inn Hotel and Conference Center, 3 Executive Boulevard, Suffern, New York, and be it

FURTHER RESOLVED, that costs for mileage and travel shall be charged to Account No. A 1040-414.

On roll call the vote was as follows

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

RESOLUTION NO. (712-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by resolution adopted by the Town Board on December 31, 1998, the Town entered into an indemnification agreement on January 5, 1999, with F.B. Nanuet, L.L.C., in connection with a lawsuit entitled Fred Ernst and Diane Ernst v. F.B. Nanuet, L.L.C., et al. and

RESOLUTION NO. (712-2004) continued

WHEREAS, F.B. Nanuet, L.L.C. has requested the agreement be amended authorizing the release of cash security posted, but all other obligations and responsibilities of F.B. Nanuet shall remain in full force and effect;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Supervisor Alexander J. Gromack to execute the amended agreement, in a form approved by the Town Attorney, which shall authorize release of the security deposit but otherwise continue all other obligations of F.B. Nanuet, L.L.C. in full force and effect.

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. (713-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the County of Rockland and the Town of Clarkstown wish to coordinate bus fares as it relates to cash paying, full fare, adults on the "Transport of Rockland" (TOR) and the "Clarkstown Mini Trans" (CMT), and

WHEREAS, the Town Board of the Town of Clarkstown wishes to participate in the County of Rockland Department of Public Transportation "Super Saver" Discount Program for the Clarkstown Mini Trans;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to provide for the coordination of bus fares as it relates to cash paying, full fare, adults on the Transport of Rockland and the Clarkstown Mini Trans, and for the Town of Clarkstown to participate in the Count's "Super Saver" Discount Program.

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. (714-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved subdivision, designated on the Clarkstown tax map as Map 64.08, Block 1, Lot 53 & 49, part of the Kosenko Subdivision, and

WHEREAS, it has been recommended that one (1) of two (2) fire hydrants be installed within the said approved subdivision on a private road, for the protection of future residents, and

WHEREAS, both hydrants shall be installed at the owners' expense, with the water charges being billed to the Town of Clarkstown, provided that the property owner(s) shall reimburse the Town for the charges related to the hydrant placed on private property;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Alex Vursta and Nancy Vursta, as owners, in the form of a Declaration of Covenant, which shall run with the land, binding all the lots in the subdivision, in a form approved by the Town Attorney, whereby Alex Vursta and Nancy Vursta, or their successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the dwelling units to be located on such property presently owned by Alex Vursta and Nancy Vursta, located in the hamlet of West Nyack, for the subdivision plat known as Kosenko Subdivision, affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Alex Vursta and Nancy Vursta, or future respective owner(s) of the premises, for payment of the water service charges imposed for the privately located hydrant, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate, shall be levied against the present or future tax parcels in accordance with the applicable assessment values.

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. (715-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as part of Site Plan review for the Veterans Memorial Association premises (Tax Map 44.11-3-28), the Planning Board required that owner provide a Declaration of Covenant to the Town to the effect that a certain parking lot to be installed shall be used for parking only for activities associated with recreation and field activities of the Association and for no other purpose, and

WHEREAS, the Town Attorney has reviewed the proposed covenant and recommends acceptance and recording of said covenant;

RESOLUTION NO. (715-2004) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration of Covenant retroactive to September 2, 2004, and approves the recording of said instrument.

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. (716-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution adopted on July 2, 2004, the Town Board authorized the Supervisor to enter into a license agreement with Mark F. Rubinstein and Elsie I. Rubinstein, 3 Croyden Lane, New City, New York, subject to the owners submitting a Declaration of Covenant, to run with the land, indemnifying and saving harmless the Town of Clarkstown from any claims arising out of the partial encroachment over the Town's drainage easement which is located at 3 Croyden Lane, New City, New York, and

WHEREAS, the Town Attorney has reviewed the proposed covenant and recommends acceptance and recording;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration of Covenant and approves the recording of said instrument in the Rockland County Clerks office.

On roll call the vote was as follows

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

RESOLUTION NO. (717-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, by Town Board Resolution #876-2003, a fence was installed on Town property at the intersection of Elks Drive and Blauvelt Road, Nanuet (near 64.13-4-24 f/k/a 31-A-18.9) to provide replacement screening where overgrown shrubbery was removed, and

RESOLUTION NO. (717-2004) continued

WHEREAS, a subsequent survey of the intersection conducted by the 1st Deputy Director of the Department of Environmental Control by request of the Town Code Enforcement Officer to ensure compliance with Chapter 250-6 (Traffic Hazards at street corners) revealed a deviation from the specific conditions of the ordinance, and

WHEREAS, the most economical and expedient method for compliance has been determined to be the removal of one foot in height from the existing fence,

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes an amendment to Resolution #876-2003 to permit the original vendor, Pat Scanlan Landscaping, Inc, 14 Plains Drive, New City (Vendor#9576) to provide the necessary labor and materials to cut, restore and replace the portion of the fence causing compliance issues with Chapter 250-6 of the Town Code for the sum of \$950.- and the cost be charged to Account No. A 8511-409-0.

On roll call the vote was as follows

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

RESOLUTION NO. (718-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby amends Resolution No. 659-2004, to provide that Robert Geneslaw, Town's Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review concerning the proposed Amendment to the Town of Clarkstown Comprehensive Plan referred to in said resolution.

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. (719-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby amends Resolution No. 660-2004, with respect to the petition of TOR VALLEY INC. and DAVIES FARM INC. seeking a zone change of property known as Tax Map 51.9-1-50 and 51.9-1-51, to correct a typographical error which referred to the existing zoning as R-15 instead of R-22, for which a change to the LS District is requested, and to provide that Robert Geneslaw, Town's Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

RESOLUTION NO. (719-2004) 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. (720-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Town Board Resolution #21-2003 authorizing twenty-four hour use of Town vehicles by designated list of town employees was duly adopted on January 6, 2003 and

WHEREAS, the name of Joel J. Epstein, Zoning Enforcement Officer/Community Liaison, was not on that list and

WHEREAS, it has been demonstrated that due to the nature of Mr. Epstein's varied tasking and job duties, that the Town would be better served by his name being added to that list

NOW, THEREFORE, BE IT RESOLVED, that the list of names in Town Board Resolution 21-2003 is hereby amended to add the title Zoning Enforcement Officer/Community Liaison.

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. (721-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that Resolution No. 690-2004 adopted on August 17, 2004 is hereby amended to read:

RESOLVED, that based upon the recommendation of the Deputy Town Attorney – Purchasing that

BID #44-2004 – POLICE CRIME SCENE UNIT TRUCK BODY

is hereby awarded to:

KRAMMES KUSTOM BODY
 LOT #2
 ST. CLAIR BUSINESS PARK
 ST. CLAIR, PA 17970
 PRINCIPALS: JIM KRAMMES, SR. – 100%

RESOLUTION NO. (721-2004) continued

As per their low bid proposal of \$49,800.00 and be it

FURTHER RESOLVED, that said project shall be under the supervision of the Police Department; and be it

FURTHER RESOLVED, that the cost of said project shall be a proper charge to account number A3120-203, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 17, 2004.

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. (722-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that Resolution No. 692-2004 adopted on August 17, 2004 is hereby amended to read:

RESOLVED, that based upon the recommendation of the Deputy Town Attorney – Purchasing that

BID #49-2004 – NEW HAVEN AVENUE DRAINAGE IMPROVEMENTS

is hereby awarded to:

**CAL MART ENTERPRISES, INC.
 357A ROUTE 59
 WEST NYACK, NY 10994
 PRINCIPALS: CARL WORTENDYKE, MARTIN
 WORTENDYKE, PETER WORTENDYKE**

As per their low bid proposal of \$49,494.00, and be it

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

FURTHER RESOLVED, that the cost of said project shall be a proper charge to account number H8754-409-78-28; and be it

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

- a) Signed Contract Documents – two sets
- b) Performance Bond and Labor and Material Payment Bond in amount equal to 100% of bid price;
- c) Certificate of General Liability Coverage;
- d) Executed Save Harmless Agreement;
- e) Certificate of Automobile Liability Coverage;
- f) Certificate of Worker’s Compensation Insurance coverage; and Certificate of Worker’s Disability Insurance coverage; and be it

RESOLUTION NO. (722-2004) continued

FURTHER RESOLVED, that said award is subject to the issuance of a permit to proceed by the Rockland County Drainage Agency, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 17, 2004.

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. (723-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has, via Resolution No. 582-2004, previously authorized the Department of Environmental Control to retain the services of Danny Clapp Landscaping, Inc. of New City, New York to perform improvements within an existing Town drainage easement at 2 Rodeo Drive, New City adjacent to #185 Buena Vista Road (n/f Muller); and

WHEREAS, several dead ash trees located within the limits of the easement present a threat to not only the drainage system within the easement, but also to the residents at #2 Rodeo Drive and #185 Buena Vista Road; and

WHEREAS, removal of these trees was not included in the original scope of work for this project; and

WHEREAS, the Department of Environmental Control has solicited a proposal from the contractor to have the trees removed and, upon review has found said proposal to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 582-2004 is hereby amended so that the current allowance for this project can be increased by the amount of \$1,800.00 to a total of \$14,485.00 to reflect the additional cost of this change order; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8754 409 0 78-24.

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. (724-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control has received complaints of a dangerous condition existing on the Town's drainage easement located on Long Meadow Drive, New City; and

WHEREAS, the Department of Environmental Control solicited proposals to perform corrective work at said location;

NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Department of Environmental Control, the Town is hereby authorized to retain MRJ Excavating, Inc. to perform certain tree removal, excavation and repair services at the Town's drainage easement located at 39 Long Meadow Drive as per their proposed price of \$14,600; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project is to be funded through serial bonds.

On roll call the vote was as follows

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

RESOLUTION NO. (725-2004)

Co. Lasker offered and Co. Nowicki seconded

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

Two "Stop" signs and two "Stop Lines" on Forest Glen Road, Valley Cottage, NY

The first: On the south side of Abby Lane at Forest Glen Road

The second: On the eastside of Forest Glen Rd. at Lake Road

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

On roll call the vote was as follows

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

RESOLUTION NO. (726-2004)

Co. Lasker offered and Co. Nowicki seconded

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

Three "Stop" signs and three "Stop Lines" on Southward and Lakeward Roads, Congers, NY.

The first: On the southwest side of Southward Rd. at Lakeward Road.

The second: On the southeast of Southward Rd. at Lakeward Road

The third: On the northeast side of Southward Rd. at Lakeward Road.

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

On roll call the vote was as follows

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

RESOLUTION NO. (727-2004)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to remove two (2) "YIELD" signs and replace with two (2) "Stop" signs and "Stop Lines"

The first: on Second Street at Windmill Lane, New City

The second: on Primrose Lane at Windmill Lane, New City

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

On roll call the vote was as follows

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

RESOLUTION NO. (728-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$348.00 from donations to the Child Passenger Safety Program and \$6,000 from United Water New York,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. A 01 9 2705 0 (Gifts & Donations) by \$6,348.00 and increase Budgetary Account No's. A 3120-329 0 (Police-Recreational Supplies) by \$348.00 and A 3120-203 (Police-Motor Vehicles) by \$6,000 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,RESOLVED, to decrease Budgetary Account A 1330-110 (Receiver of Taxes-Salaries) and increase Budgetary Account A 1330-438 (Receiver of Taxes-Maintenance Agreements) by \$3,600 and decrease Budgetary Account A 1110-327 (Justice Ct-Courtroom Supplies) and increase Budgetary Account A 1330-438 (Justice Ct-Maintenance Agreements) by \$100 and decrease Account A 01 14 2999 0 (Unexpended Balance) and increase Budgetary Account A 1220-201 (Supervisor-Furniture & Fixtures) by \$2,000 and decrease Budgetary Account B 8010-114 (Zoning Board of Appeals-Part Time Salaries) by \$590.01 and increase Budgetary Accounts B 8010-313 (Zoning Board of Appeals-Office Supplies) by \$303.20 and B 8010-328 (Zoning Board of Appeals-Books & Publications) by \$136.81 and B 8010-404 (Zoning Board of Appeals-Travel/Meals) by \$150.

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. (729-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Joe Medici and Jordana Medici have requested a refund of Building Permit fee (No. 04-71) paid in the amount of \$848.00 for premises located at 376 Phillips Hill Road, New City, New York, because they have cancelled proposed construction, and Peter Beary, Building Inspector, has recommended retaining \$140.00 as a review fee and refund of the balance;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$708.00 for Permit No. 04-71, and retention of the sum of \$140.00 for processing, to be charged to Account No. B 02-6-2555-0, subject to surrender of said permit and cancellation of same by the Building Department.

RESOLUTION NO. (729-2004) 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. (730-2004)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that Shirley J. Thormann, 604 Gateway, Valley Cottage, New York, is hereby appointed to the position of Chairman – Planning Board – with an annual salary of the year 2004 of \$9,641., - with such appointment to be effective September 8, 2004 and to expire at 12:01 A.M. on January 1, 2005, and be it,

FURTHER RESOLVED, that Shirley J. Thormann, as Chairman of the Planning Board, shall be responsible for familiarizing all Planning Board Members with the following provisions of the Town Code:

Chapter 18 – Code of Ethics and

Chapter 42 – Certification of Board of Appeals & Planning Board Members, and be it

FURTHER RESOLVED, THAT Shirley J. Thormann, as Chairman of the Planning Board, shall be responsible for approving payments to all Planning Board Members based on their attendance at official Planning Board Meetings that she schedules to serve the public in an efficient and time-sensitive manner, and be it,

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to Shirley J. Thormann at her home address.

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. (731-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Dina Eigenlaub, 88 Wisconsin Avenue, Congers, New York, is hereby appointed to the position of Clerk Typist (part-time), Office of the Receiver of Taxes, at the current hourly rate of \$12.50, effective and retroactive to September 13, 2004.

RESOLUTION NO. (731-2004) 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. (732-2004)

Co. Maloney offered and Co. Nowicki seconded

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

BID #57-2004 – COMPUTER AND WORD PROCESSING SUPPLIES

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows

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

RESOLUTION NO. (733-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, 300 ROUTE 304 MANAGEMENT CORP., V. TOWN OF CLARKSTOWN, (Municipal Corporation), Its ASSESSOR AND BOARD OF ASSESSMENT REVIEW, Index No(s). 4251/98, 4086/99, 4099/00, 4072/01, 4554/02, 4372/03 and 4252/04, affecting parcel(s) designated as Map 58.14, Block 2, Lot 2, (f/k/a 34-A-23.1) and more commonly known as 304 Route 304, Bardonia, New York 10954 for the year(s) 1998, 1999, 2000, 2001, 2002, 2003 and 2004, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

RESOLUTION NO. (733-2004) continued

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

- 1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.14, Block 2, Lot 2 be reduced for the year(s) 2001 and 2002 from \$426,600.00 to \$362,600.00 at a cost to the Town of \$1,856.58;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 58.14, Block 2, Lot 2 be reduced for the year(s) 2003 from \$426,600.00 to \$341,300.00 at a cost to the Town of \$1,278.11;
- 3. Reimbursement for the year(s) 2001, 2002 and 2003 on the parcel described as Map 58.14, Block 2, Lot 2, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
- 4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

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

RESOLUTION NO. (734-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 14, 2004, AUTHORIZING AND DIRECTING THE PRESENTATION OF A PROPOSITION AT A SPECIAL TOWN ELECTION TO BE HELD AT THE SAME TIME AND PLACE(S) AS THE GENERAL ELECTION ON NOVEMBER 2, 2004 REGARDING ACQUISITION OF A PARCEL OF REAL PROPERTY LOCATED AT 1 VAN HOUTEN STREET IN UPPER NYACK AND KNOWN AS PETERSEN'S BOATYARD, FOR RECREATIONAL, EDUCATIONAL AND OTHER TOWN PURPOSES, AT THE ESTIMATED MAXIMUM COST OF \$4,975,000

RESOLUTION NO. (734-2004) continued

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of a majority of all the members of said Town Board) AS FOLLOWS:

Recitals

WHEREAS, on July 20, 2004 the Town Board of the Town of Clarkstown (hereinafter called the "Town Board" and "Town", respectively), in the County of Rockland, New York, duly adopted a resolution, subject to a permissive referendum, approving the acquisition of a parcel of real property located at 1 Van Houten Street in Upper Nyack (Tax Map 60.18-1-3) and known as Petersen's Boatyard, such parcel of real property to be used for recreational, educational and other Town purposes; and

WHEREAS, the Town Clerk caused to be posted and published a notice setting forth the date of the adoption of the aforesaid resolution together with an abstract thereof, concisely stating the purpose and effect of such resolution, and further stating that said resolution was adopted subject to a permissive referendum; and

WHEREAS, the Town has received a petition requesting that a referendum be held for the purpose of approving or disapproving such bond resolution;

Now, therefore,

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. A Special Town Election of the Town of Clarkstown will be held on November 2, 2004, between the hours of 9:00 o'clock A.M. (Prevailing time) and 9:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes, at which Special Town Election the Proposition regarding the acquisition of a parcel of real property located at 1 Van Houten Street in Upper Nyack and known as Petersen's Boatyard, for recreational, educational and other Town purposes, as contained in the Notice hereinafter set forth, shall be submitted to the electors of the Town for the approval or disapproval of such Proposition by the electors present and voting at such election. The polling place(s) for said Special Town Election shall be the same place(s) as designated for the General Election to be held on November 2, 2004.

Section 2. The Town Clerk is hereby authorized and directed to give notice of submission of such Proposition at said Special Town Election (a) by publishing, at least ten (10) days prior to such Special Town Election, a Notice thereof in form and substance as hereinafter set forth, at least once in "THE JOURNAL-NEWS," a newspaper having general circulation in the Town, and hereby designated the official newspaper of the Town for such publication, and (b) by posting such notice at least ten (10) days prior to such Special Town Election on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law. Said Notice shall be in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

NOTICE OF SUBMISSION OF A PROPOSITION
AT THE SPECIAL TOWN ELECTION TO BE
HELD ON NOVEMBER 2, 2004

NOTICE IS HEREBY GIVEN that pursuant to the resolution duly adopted by the Town Board of the Town of Clarkstown, in the County of Rockland, New York on September 14, 2004, a Proposition shall be submitted to the qualified voters present and voting at a Special Town Election to be held at the same time and place(s) as the General Election on November 2, 2004 in the Town of Clarkstown. Such Special Town Election shall be conducted at the time and places and in accordance with procedures determined pursuant to applicable law and by the Rockland County Board of Elections. Such Proposition shall be in substantially the following form:

RESOLUTION NO. (734-2004) continued

PROPOSITION

SHALL THE RESOLUTION ENTITLED: "Bond Resolution of the Town of Clarkstown, New York, adopted July 20, 2004, authorizing the acquisition of a parcel of real property located at 1 Van Houten Street in Upper Nyack and known as Petersen's Boatyard, for recreational, educational and other Town purposes, stating the estimated maximum cost thereof is \$4,975,000, appropriating said amount therefor, and authorizing the issuance of \$4,975,000 serial bonds of said Town to finance said appropriation," BE APPROVED?

An abstract of said bond resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the acquisition of a parcel of real property located at 1 Van Houten Street in Upper Nyack (Tax Map 60.18-1-3) and known as Petersen's Boatyard, such parcel of real property to be used for recreational, educational and other Town purposes, and to authorize the issuance of bonds and/or land installment purchase obligations for the purpose of financing such program; STATING the estimated maximum cost thereof is \$4,975,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$4,975,000 bonds of the Town and the levy and collection of taxes upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the Town to issue bonds in the principal amount of \$4,975,000 to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued is thirty (30) years; the proceeds of the bonds may be used to reimburse the Town for expenditures made after the effective date hereof for the purpose for which said bonds are authorized; and the proposed maturity of said 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 other related powers and duties; and

SIXTH: STATING that 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; and

SEVENTH: DETERMINING that the bond resolution shall be subject to a permissive referendum Proposition for the approval or disapproval of this bond resolution shall be submitted to the qualified voters of the Town at a Special Town

RESOLUTION NO. (734-2004) continued

Election to be held at the same time and place(s) as the General Election on November 2, 2004 and that this bond resolution shall take effect upon such approval; and that the Town Clerk is authorized and directed to give appropriate notice of the presentation of said Proposition at such Special Town Election.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CLARKSTOWN

Dated: July 20, 2004
Clarkstown, New York

PATRICIA SHERIDAN
Town Clerk

Section 3. The Town Board hereby authorizes and directs the Town Clerk to take all necessary steps, with the assistance of the Town Attorney, to ensure that such Proposition is properly placed before the duly qualified Electors of the Town at the Special Town Election to be held at the same time and place(s) as the General Election on November 2, 2004.

Section 4. The persons who have been heretofore designated pursuant to the Election Law to serve as election inspectors for the General Election shall serve as election inspectors for said Special Town Election and are authorized to perform all duties and undertakings in relation thereto, as prescribed by the Town Law and the Election Law:

Section 5. This resolution shall take effect immediately.

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. (735-2004)

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 segments of various town roads for a period of two (2) years, beginning September 10, 2004 to September 10, 2006, as follows:

Sponsor: Castlton Environmental Contractors
80 West Nyack Road
Nanuet, NY 10954

Roads: .36 mile segment of West Nyack Road, Nanuet from
intersection of Sickeltown Road, New City to
intersection of Demarest Road, Nanuet;
and
.38 mile segment of Goebel Road, New City from
intersection of Congers Road, New City to
intersection of Route 304, New City;

RESOLUTION NO. (735-2004) continued

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Castlton Environmental Contractors will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning September 10, 2004 to September 10, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by Castlton Environmental Contractors, to remove trash from the roadways.

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. (736-2004)

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 segments of various town roads for a period of two (2) years, beginning September 10, 2004 to September 10, 2006, as follows:

Sponsor: Danny Clapp Landscaping, Inc.
59 Schriever Lane
New City, NY 10956

Roads: 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 perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLUTION NO. (736-2004) continued

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 beginning September 10, 2004 to September 10, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by Danny Clapp Landscaping, Inc., to remove trash from the roadways.

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. (737-2004)

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 segments of various town roads for a period of two (2) years, beginning September 10, 2004 to September 10, 2006, as follows:

Sponsor: R & M Landscaping
P. O. Box 295
Congers, NY 10920

Roads: .86 mile segment of Old Haverstraw Road, Congers from intersection of Old Haverstraw Road and Lake Road, to the intersection of Central Avenue and Old Haverstraw Road, Congers;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that R & M Landscaping, will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning September 10, 2004 to September 10, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by R & M Landscaping, to remove trash from the roadways.

RESOLUTION NO. (737-2004) 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. (738-2004)

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 segments of various town roads for a period of two (2) years, beginning September 10, 2004 to September 10, 2006, as follows:

Sponsor: The Salvation Army
440 West Nyack Road
West Nyack, NY 10994

Roads: .46 mile segment of West Nyack Road, West Nyack
from driveway at 440 West Nyack Road to the
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 perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning September 10, 2004 to September 10, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by The Salvation Army, to remove trash from the roadways.

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. (739-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that SABRINA E. VARGAS, 16 North Main Street, #310, New City, New York, is hereby appointed to the position of member of the Town's Deferred Compensation Plan Committee (to fill the unexpired term of Penny Leonard) to serve without compensation and the term to expire on February 11, 2005.

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. (740-2004)

Co. Maloney offered and Co. Mandia seconded

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

Rt. 59 Beverage Center
733 West Nyack Road
West Nyack, NY 10994
89-C-19 (65.5-2-24)

By the installation of fire lane designations, and

WHEREAS, Philip Bosco has requested that the Town of Clarkstown designate said fire lane:

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (741-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has established a Deferred Compensation Plan for its employees, and

WHEREAS, the Rules and Regulations of the New York State Deferred Compensation Board require the Town's Deferred Compensation Plan to be audited annually by Certified Public Accountants, and

WHEREAS, the Town's Deferred Compensation Committee (DCC) has solicited Requests for Proposals to provide annual financial audit services for the Town's Deferred Compensation Plan, and

WHEREAS, the CPA firm of Bennett Kielson Storch DeSantis, the Government Services Division of O'Connor Davies Munns & Dobbins, LLP (hereafter "BKSD") has submitted a low bid of \$12,000.00 to perform the auditing services for the calendar year 2003, and

WHEREAS, the Town's current Deferred Compensation Plan Administrator, the Hartford, has offered to contribute \$5,000.00 toward the cost of the audit, and the Town's Deferred Compensation Committee recommends that the services of BKSD be engaged,

NOW THEREFORE BE IT RESOLVED, that Town Board hereby engages the services of BKSD to perform an audit of the Town's Deferred Compensation Plan for the calendar year ending December 31, 2003 at a cost not to exceed \$12,000.00 provided that the HARTFORD shall contribute \$5,000.00 toward the cost of the audit, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form acceptable to the Town Attorney, and the Town's Deferred Compensation Committee, with BKSD, and be it

FURTHER RESOLVED, that the fee for these services shall be charged to Account No. A9000-409-0.

On roll call the vote was as follows

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

RESOLUTION NO. (742-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Dennis Malone, Transit Operations Supervisor of the Clarkstown Mini Trans, has advised that the Clarkstown Mini Trans is in need of two mini buses to replace out of service equipment to adequately provide service on all Town routes, and

WHEREAS, the Rockland County Transportation Department is willing to loan the Town of Clarkstown two replacement buses on an as needed basis, at no cost to the Town, provided the Town pays all operating costs, insures the vehicles, and provides a save harmless agreement;

RESOLUTION NO. (742-2004) continued

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into an agreement with the Rockland County Transportation Department, in a form approved by the Town Attorney, for the loan of two County mini bus vehicles on terms as described herein.

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. (743-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town is undertaking major drainage improvements in connection with the Valley Cottage Downtown Hamlet Revitalization in the vicinity of Brookside Avenue and New Lake Road, Valley Cottage, New York, and

WHEREAS, existing conditions have necessitated field changes for the proper construction of the drainage improvements, and

WHEREAS, the required field changes are identified as follows:

1. Unforeseen ground conditions caused the cast in place reinforced concrete channel adjacent to Brookside Avenue to require additional excavation and additional reinforcement and concrete to complete the drainage channel. This additional work was performed on a time and materials basis in accordance with the Specifications. The additional cost for this work was \$30,332.81. (See attachment A)
2. During the reconstruction and stabilization of the stream channel between New Lake Road and Green Avenue it was discovered that the existing stone fill in the stream channel that was to remain was inadequate to properly protect the stream from erosion. This required the installation of an additional 1,265 cubic yards of stone fill in accordance with the specifications, for a total additional cost of \$120,175.00. All measurements relative to this item were verified by inspection staff of the Department of Environmental Control and are in accordance with the unit price of the contract. (See attachment B)
3. Unforeseen rock excavation was required in the vicinity of the proposed bypass storm drain crossing Brookridge Drive. This required the removal of 25 cubic yards of rock at the unit price of \$125.00 per cubic yard for a total additional cost of \$3,125.00.
4. Modifications to the stream channel grade between Brookridge Drive and New Lake Road required two existing sanitary sewer mains to be encased in concrete to maintain their integrity. This work was performed on a time and materials basis in accordance with the Specifications. The additional cost for this work was \$2,960.11. (See attachment C)

RESOLUTION NO. (743-2004) continued

- 5. Modifications to the outlet of the Brookside Avenue Culvert required the relocation of the concrete cutoff wall and the construction of a concrete apron in order to reduce the possibility of scour to the existing sanitary sewer and gas mains. This work was performed on a time and materials basis in accordance with the Specifications. The additional cost for this work was \$4,537.90. (See attachment D)
- 6. Conflicts with existing utilities in New Lake Road require the installation of additional storm drains and catch basins. This additional work has not commenced yet but is required. The estimated cost of the additional work is \$8,600.00, and
- 7. Unanticipated groundwater conditions in the area where the new cast-in-place channel walls were constructed on the east side of Brookside Avenue necessitated the installation of footing drains along both walls. This work was performed on a time and materials basis in accordance with the Specifications. The cost for this work was \$5,704.12. (See attachment E)

WHEREAS, all costs relative to Change Order No. 2 have been reviewed by the Department of Environmental Control and were found to be reasonable and in accordance with the Specifications,

NOW THEREFORE, BE IT,

RESOLVED, that the Town Board authorizes Change Order No. 2 in connection with the Valley Cottage Drainage Improvements, Phase I, Bid No. 48-2002 for the total additional cost of \$175,434.94, and

BE IT FURTHER RESOLVED that the total cost of the project shall not exceed \$803,274.94 without further Town Board resolution and shall be a proper charge to account H 5111 409 0 4 17.

On roll call the vote was as follows

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

RESOLUTION NO. (744-2004)

Co. Maloney offered and Co. Mandia seconded

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

BID #56-2004 – TWO ROLL-OFF CONTAINERS FOR THE SOLID WASTE FACILITY

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 (A.M.) on OCTOBER 5, 2004

at which time bids will be opened and read, and be it

RESOLUTION NO. (744-2004) continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows

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

RESOLUTION NO. (745-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the cooling system ductwork at the Police/Court building is leaking, causing damage to office areas and ceiling tiles; and

WHEREAS, the Clerk of the Works has solicited a proposal from Holzmacher, McLendon & Murrell, P.C. (H2M) to conduct a condensation study to determine the source of the leaks; and

WHEREAS, H2M's proposal, dated September 10, 2004, has been reviewed by the Clerk of the Works, and Deputy Town Attorney, Purchasing, and has been found reasonable in terms of scope and price;

NOW, THEREFORE, BE IT

RESOLVED, that the Town is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with H2M Group to provide professional engineering services as set forth in their proposal dated September 10, 2004; and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$6,500; and be it

FURTHER RESOLVED, that said fees shall constitute a proper charge to H8752-409-0-76-11; and be it

FURTHER RESOLVED, that said project shall be under the supervision of the Clerk of the Works.

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. (746-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the existing fire alarm system at the Town Hall complex is does not meet current fire protection code and requires replacement; and

WHEREAS, the Clerk of the Works has solicited a proposal from Holzmacher, McLendon & Murrell, P.C. (H2M) to prepare construction bid documents, plans and specifications in connection with the replacement of the fire alarm system; and

WHEREAS, H2M's proposal, dated September 10, 2004, has been reviewed by the Clerk of the Works, and Deputy Town Attorney, Purchasing, and has been found reasonable in terms of scope and price;

NOW, THEREFORE, BE IT

RESOLVED, that the Town is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with H2M Group to provide professional engineering services as set forth in their proposal dated September 10, 2004; and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$29,500; and be it

FURTHER RESOLVED, that said fees shall constitute a proper charge to H8752-409-0-76-11; and be it

FURTHER RESOLVED, that said project shall be under the supervision of the Clerk of the Works.

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. (747-2004)

Co .Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 1023-2001 the Town Board established a Citizens Advisory Board for Housing in the Town of Clarkstown and requested said Board to investigate and make a report with recommendations regarding housing needs for the Town, and

WHEREAS, by report dated September 2002 the Citizens Advisory Board made its report and subsequently by various resolutions. said committee was asked to investigate and report on related housing needs, and

WHEREAS, the composition of said committee had been diminished by retirements and relocation, and the function, purpose and objectives for which the committee was originally formed has been met;

RESOLUTION NO. (747-2004) continued

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby concludes the activities of the Citizens Advisory Board for Housing and directs that the Town Clerk advise each member of said committee in writing regarding this resolution and express the grateful appreciation of the Town Board for a job well done, and be it

FURTHER RESOLVED, that various proposals for changes in zoning which were referred to said committee but not acted upon, are by this resolution referred to the Town of Clarkstown Planning Board for review and report with recommendations to the Town Board at the earliest convenience of the Planning Board.

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. (748-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, an adverse sanitary sewer condition exists in the vicinity of #25, #39, #41 and #43 North Greenbush Road, West Nyack, New York, and

WHEREAS, the Town's sanitary sewer main in North Greenbush Road surcharges during periods of heavy rainfall causing the sanitary house connections to #25, #39, #41 and #43 to backup into the lower level of each of the residential dwellings, and

WHEREAS, the surcharge to the Town's sewer main occurs when the Rockland County Sewer District #1 Central Nyack Interceptor is at maximum capacity, and

WHEREAS, the installation of check valve assemblies on the affected sanitary spur connections will prohibit the backup of sewage into the dwellings, and

WHEREAS, the Deputy Director of Operations has obtained a proposal from a qualified contractor to immediately install the required check valve assemblies on the affected sanitary sewer spurs to prevent the adverse condition from occurring.

NOW, THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Enterprises, 357A Rt. 59, West Nyack, New York to install the required check valve installations on the sanitary spurs at #25, #39, #41 and #43 North Greenbush Road in accordance with their proposal dated September 14, 2004, and

BE IT FURTHER RESOLVED that the cost for the installation of the check valve assemblies shall be \$4,950.00 each for a total not to exceed \$19,800.00 and shall be a proper charge to account B 8110 407.

RESOLUTION NO. (748-2004) 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. (749-2004)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for November 3, 2004, at 7:00 p.m., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York.

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. (750-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town has installed a drainage structures in Prospect Street, Nanuet, to collect street runoff, and

WHEREAS, the trench drain installed in the vicinity of the Nanuet Firehouse requires modification due to height and soil conditions and to adequately support heavy truck loads traveling over it, and

WHEREAS, the Department of Environmental Control is preparing a plan for modification of said trench drain, and

NOW THEREFORE, BE IT RESOLVED that the Department of Environmental Control is hereby directed to solicit quotes from qualified Contractors to perform the work required to modify said trench drain and recommend to the Board a Contractor to perform said modifications

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. (751-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Matterhorn Nursery, in a form approved by the Town Attorney, to provide conceptual drawings, sketches and planning estimates for planting as part of the redevelopment plan for the Hamlet of West Nyack, and be it

FURTHER RESOLVED, that the fee for such work shall not exceed \$3,000.00 and shall be charged to Account No. A 8511-409 (Community Beautification).

On roll call the vote was as follows

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

There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted the Town Board Meeting closed, time 9:30 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/14/04

8:03 PM

Present: Supervisor Gromack
Council Members Lasker, Maloney, Mandia & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Re: Continuation: Chapter 111 Proceeding (Unsafe Buildings) : Martin
Wesel D/B/A Affordable Community Group, 63 N. Second Avenue,
Nanuet (57.6-1-13)

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was continued.

Asst. Fire Inspector Stephen Ungerleider briefly explained why the proceeding started. He said that the property was inspected and the owner has taken steps to secure the site and installed hazard fencing completely enclosing the old structure area. The loose debris outside of the structure area was removed. The owner appeared at a Zoning Board of Appeals meeting on Aug. 9, 2004 and was granted variances to construct a new single-family dwelling. The owner indicated that they intend to begin construction as soon as the Board of Appeals paperwork is complete. The owner applied for a building permit and has begun the process to replace the structure and limited the access to the site. He recommended that the action be discontinued.

The Town Attorney requested that the proceeding be discontinued provided the owner reimburses the disbursements the town incurred.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing was closed, time 8:05 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. (705-2004) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/14/04

8:06 PM

Present: Supervisor Gromack
Council Members Lasker, Maloney, Mandia & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Re: 1) Proposed Amendment to the Comprehensive Plan; and
2) Petition for Zone Change by Tor Valley Inc. and Davies Farm Inc.
(R-22 to LS)

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was opened. Town Clerk read the notice of public hearing and testified to its proper posting and publication.

Donald S. Tracy, Esq.
Counsel for Applicant

He submitted the posting affidavit and affidavit of mailing. This is an example of private revitalization without taxpayers' fund. The zone change involves a portion of R-22 that will be added to an existing LS land, demolish an existing shopping center, and construct a one-level shopping center and bank. The project has already been presented before the Town and County Planning Boards and local civic associations. The petition has a series of restrictive covenants. The property to the rear will be constructed according to the existing zone classification. The amendment to the comprehensive plan is needed for the requested zone change. After presenting pictures and model of the project, he said that they have addressed the basic questions pertaining to a zone change from the Planning Board regarding the effect on school population and the neighborhood.

Mr. Millich
Applicant

He said that he agreed to the restrictive covenants as read by Mr. Tracy.

Co. Nowicki said that Mr. Geneslaw requested that the long EAF form be filled out.

Town Attorney read Mr. Geneslaw's September 14, 2001 requesting the long EAF form.

James Komar
Spring Valley

He suggested that there be a traffic study for New Valley Road.

Martin Bernstein
New City

He disagreed with having both the zone change petition and the amendment to the comprehensive plan being held simultaneously.

Town Attorney corrected Mr. Bernstein and said that he never said that the comprehensive plan can be disregarded by the Town Board with respect to zone changes. My position has always been that any zone change must be consistent with the comprehensive plan.

Peter Rosario
New City

He requested assurances that the zoning will not be changed on the rest of the Davies property.

Co. Mandia said that there is no request for a zone change with respect to the rest of the Davies property.

PH: 9/14/2004

Page 2

Amendment of the Comprehensive Plan, Zone Change (Tor and Davies)

Jo Schleimer

New City

He said he thought this is a fine project and an improvement in the area.

Cora Bodkin

President, South Little Tor Civic Association

Said that the Town Board should wait to vote until they receive the recommendation from the county and town planning boards.

Kathy Morrissette

New City

She expressed her concern about the traffic on New Valley Road and suggested sidewalks for safety reasons.

Tim Farrell

New City

He said he lives across the street from the property and that it has been zoned to fit in with the neighborhood and is the best project to come forward. He wanted to see houses built in the back in the R-22 property and sidewalks on New Valley Road.

Jim Cropsey

New City

He said he likes what he sees and applauded what Mr. Millich has done.

John Noto

New City

He was in favor of the improvement.

David Fink

New City

He requested that the Town Board consider sidewalks on New Valley Road.

Victor Bucaj

New City

He is familiar with the plans and in favor of the changes.

Rudy Yacyshyn

Planning Board

He would like to see this plan implemented and asked the Town Board to reserve decision.

Don Tracy, Esq,

He said the zone change cannot be granted until the County and Town Planning Board reports are in and he agreed that they will put sidewalks on New Valley Road and adhere to the restrictive covenants.

Town Attorney

The public hearing will be continued on October 26

There being no further business and no one further wishing to be heard, on motion of Co. Nowicki, seconded by Co. Lasker and unanimously adopted the Public Hearing will be continued on October 26, time 8:55 P.M.

Respectfully submitted,



Patricia Sheridan

Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/14/04

8:55 PM

Present: Supervisor Gromack
Council Members Lasker, Maloney, Mandia & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Re: Proposed Local Law to Create Chapter 141 "Fingerprinting"

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was opened. Town Clerk read the notice of public hearing and testified to its proper posting and publication.

Carol Jigarjian
New City

Inquired as to under what circumstances would someone request to have fingerprints taken.

Co. Mandia cited the circumstances and also stated that people who need to get fingerprinted go somewhere and they are charged a \$10.00 fee.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Public Hearing was closed, time 9:00 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. (706-2004) ADOPTED