

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/23/2004

7:30 P.M.

Present: Supervisor Alex J. Gromack
Council Members Lasker, Maloney, Mandia & Nowicki
John Costa, Town Attorney
Jessica M. Marquez, Deputy Town Clerk

Supervisor declared the Town Board Meeting open.

Administrative Sergeant Harry Baumann opened the Promotion and Induction Ceremony. Chief Peter T. Noonan led the assemblage in the Pledge of Allegiance. Police Chaplain, Rev. David Lothrop, gave the invocation. The Clarkstown Police Honor Guard, led by Detective Gary McDonald, presented the colors.

The following were promoted to the rank of:

- Chief Peter T. Noonan
- Lieutenant Daniel Weisberg
- Sergeant Michael Garvey
- Detective Robert Shine

The following were inducted as:

- Police Officer Kara Lynn
- Police Officer Kieran Dwyer

The Oath of Office was given by Co. Maloney. Clarkstown PBA President, Police Officer James Fay, acknowledged the officers on their promotion and induction. The Town Board congratulated the officers and their families. Administrative Sergeant Baumann dismissed the assemblage.

Supervisor opened the public portion of the meeting.

Greg Tobin
Nanuet

Spoke regarding item 14 and said that the grant money was received through Congresswoman Lowey

James Comer
Nanuet

Asked why Springbrook Road in Nanuet cannot be closed as a road

RESOLUTION NO. (880-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of November 9, 2004 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

ABE209

RESOLUTION NO. (881-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2004 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

THEREFORE, BE IT RESOLVED, that the 2004 budget is hereby amended.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (882-2004)

Co. Lasker offered and Co. Nowicki seconded

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

Bid #6-2005 – Janitorial & Maintenance Supplies

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by 10:30 a.m. on (date 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (883-2004)

Co. Lasker offered and Co. Nowicki seconded

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

Bid #7-2005 – Groundskeeping/Landscape Supplies

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by 10:30 a.m. on (date 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.

RESOLUTION NO. (883-2004) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (884-2004)

Co. Lasker offered and Co. Nowicki seconded

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

Bid #53-2004 – Modernization Of Lake Nanuet Park Pool Facility, Town Of Clarkstown

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 a.m. on January 11, 2005 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (885-2004)

Co. Lasker offered and Co. Nowicki seconded

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

Bid #69-2004 – Replacement of Telephone System at Town Hall

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (886-2004)

Co. Maloney offered and Co. Mandia seconded

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

Bid #61-2004 – Smithco Super Rake II

is hereby awarded to:

Wilfred MacDonald, Inc.
19 Central Blvd.
S. Hackensack, NJ 07606
Principals: James Pelrine
Michael Pelrine
Chris Hunt

as per their low bid quote of \$11,900.00.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (887-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED that the Supervisor is hereby authorized to sign a Third Party Custody Agreement with Provident Municipal Bank and Manufacturers and Traders Trust Company (M & T Bank). This agreement is to provide collateral protection for Town funds which are not otherwise insured against loss.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (888-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by resolution no. 97-2004, adopted by the Town Board on January 13, 2004, the Town awarded bid number 54-2003 to Peter Brega Inc. and World Touring Buses; and

WHEREAS, the contract documents provide the Town with the option to extend the contract for one (1) additional year for a small percentage increase in price; and

RESOLUTION NO. (888-2004) CONT.

WHEREAS, the Town is satisfied with the services of Peter Brega Inc. and World Touring Buses and believes that a one year extension of these agreements would be in the best interests of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to extend its agreements with Peter Brega, Inc. and World Touring Buses on the following terms:

Peter Brega Inc. = 2.5% increase

World Touring Buses = 5% increase

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (889-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on November 10, 2004 that the position of Principal Engineering Technician #0181 – can be reclassified to the position of Environmental Control Inspector III – Department of Environmental Control,

Now, therefore, be it RESOLVED, that the position of Principal Engineering Technician #0181 is hereby reclassified to the position of Environmental Control Inspector III – effective and retroactive to November 15, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (890-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that David Secor, 6 New Lake Road, Valley Cottage, New York, is hereby appointed to the position of (Provisional) Environmental Control Inspector III – Department of Environmental Control – at the current annual salary of \$71,873., effective and retroactive November 15, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (891-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on November 10, 2004 that the position of Principal Engineering Technician #0182 – can be reclassified to the position of Environmental Control Inspector III – Department of Environmental Control,

Now, therefore, be it RESOLVED, that the position of Principal Engineering Technician #0182 is hereby reclassified to the position of Environmental Control Inspector III – effective and retroactive to November 15, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (892-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Gary J. Landro, 6 Viohl Way, Garnerville, New York, is hereby appointed to the position of (Provisional) Environmental Control Inspector III – Department of Environmental Control – at the current annual salary of \$69,938., effective and retroactive November 15, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (893-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel has certified on November 10, 2004 that the position of Senior Clerk – Town Justice Department – can be created,

Now, therefore, be it RESOLVED, that the position of Senior Clerk – Town Justice Department – is hereby created – effective and retroactive to November 22, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (894-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #0213C Senior Clerk (Promotional) which contains the name of Theresa A. Sullivan,

Now, therefore, be it RESOLVED, that Theresa A. Sullivan, 11 Baldwin Place, New City, New York – is hereby appointed to the (permanent) position of Senior Clerk – Town Justice Department – at the current annual salary of \$35,603., effective and retroactive to November 22, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (895-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on November 11, 2004 that the position of Account Clerk Typist (Part-time) – Office of the Town Comptroller – can be created,

Now, therefore, be it RESOLVED, that the position of Account Clerk Typist (Part-time) - Office of the Town Comptroller – is hereby created – effective November 24, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (896-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Victoria L. Willows, 12 Susan Drive, New City, New York, is hereby appointed to the position of (Part-time) Account Clerk Typist – Office of the Town Comptroller – at the current hourly rate of \$14.50 – effective November 24, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (897-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. (865-2004) adopted at the Town Board Meeting of November 9, 2004 – which appointed Lia M. Wanamaker to the position of Senior Clerk Typist – Office of the Town Supervisor – is hereby rescinded – effective November 12, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (898-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03174 Assistant Fire Safety Inspector (Part-time) which contains the name of Harold W. Straut,

Now, therefore, be it RESOLVED, that Harold E. Straut, 14 West Palisades Avenue, Nanuet, New York is hereby appointed to the (permanent) position of Assistant Fire Safety Inspector (part-time) – Building Department – at the current 2004 hourly rate of \$21.73 – effective December 13, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (899-2004)

Co. Maloney offered and Co. Mandia seconded

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

A Local Law to Amend Chapter 149 “GARBAGE, RUBBISH AND REFUSE” of the Town Code of the Town of Clarkstown

And WHEREAS, the proposed local law is intended to amend Section 149-4, “Fees” to provide that the initial fee for a license to engage in the said waste collection be increased to \$500.00 to cover the additional administrative costs of initial license applications and also to provide for reimbursement of the stenographic costs when public hearings are held on such applications;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town

RESOLUTION NO. (899-2004) CONT.

Hall, 10 Maple Avenue, New City, New York on December 14, 2004, 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (900-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps, including commencing litigation, against Aquiles H. Morel and Michael J. Jones on behalf of the Town of Clarkstown to recover monies owed, as a result of an automobile accident, to cover the cost of repairs to a Clarkstown police car, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to November 22, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (901-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as "Tilcon Minerals, Inc.", the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Mill Road, Valley Cottage, 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 Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, deed dated September 9, 2004 from Tilcon, Inc. a/k/a Tilcon Minerals, Inc. a/k/a Tilcon New York, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Old Mill Road, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

RESOLUTION NO. (901-2004) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (902-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, adverse drainage conditions exist in certain municipal storm drain lines at various locations throughout the Town of Clarkstown, and

WHEREAS, video inspection of the affected storm drain lines is necessary in order to determine the required corrective action, and

WHEREAS, the Department of Environmental Control has obtained a proposal to perform the video inspection of the affected storm drain lines on a daily basis, and

WHEREAS, it is anticipated that video inspection will be completed in approximately three (3) working days

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

General Sewer Service
P.O. Box 81
Hackensack, New Jersey 07602

To perform the video inspections in accordance with their proposal dated September 30, 2004, for a daily rate of \$900.00, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$2,700.00 and shall be a proper charge to account A 8730-409.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (903-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Department of Environmental Control requested LMS to provide engineering services for the sampling and testing of the material stockpiled at the Congers Station lot,

WHEREAS, the Department of Environmental Control has reviewed said proposal and recommends the work to be completed, and

RESOLUTION NO. (903-2004) CONT.

NOW, THEREFORE, BE IT RESOLVED that, based on said review, the Director of the Department of Environmental Control recommends that the Town Board retain the services of:

Lawler, Matusky and Skelly Engineers LLP
One Blue Hill Plaza
Pearl River, NY 10965

And be it RESOLVED that the current allowance for this project be increased by an amount of \$1,700.00 to cover this work; and

Be it FURTHER RESOLVED that this shall be a proper charge to account # H 8752 409 0 76 28.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (904-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the County of Rockland, through its Department of Public Transportation, and the Town of Clarkstown wish to extend agreement providing for camera surveillance at the Exit 14 Park and Ride Lot and to upgrade the existing camera monitoring system, and

WHEREAS, the County of Rockland, by Resolution No. 742 of 2002, had appropriated the necessary funds for said project for the period October 1, 2002 through December 31, 2004, and now proposes an amendment to the original agreement dated October 1, 2003 to extend the period of time to December 31, 2005, with all terms and conditions in the original agreement to remain in full force and effect;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into such amended agreement with the County of Rockland, in a form approved by the Town Attorney, for the period terminating December 31, 2005, to provide services to the County of Rockland to implement camera surveillance at the Exit 14 Park and Ride Lot and to upgrade existing camera monitoring system, and be it

FURTHER RESOLVED, the County of Rockland agrees to reimburse the Town of Clarkstown for said work in a sum not to exceed \$230,000.00.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (905-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chief of Police Peter Noonan has advised that the Governor's Traffic Safety Committee, Department of Motor Vehicles, State of New York, ("State") has awarded the Town of Clarkstown a \$10,000 grant to participate in a statewide "Buckle Up New York" program for the current fiscal period;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$10,000.00 for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2004 through September 30, 2005, by the Town of Clarkstown Police Department.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (906-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, by letter dated October 19, 2004, requested an environmental assessment and re-establishment of fisheries in the Demarest Mill Stream; and

WHEREAS, Lawler, Matusky and Skelly LLP provided a proposal dated November 10, 2004, based on the Director of Department of Environmental Control's request; and

WHEREAS, the Director of the Department of Environmental Control reviewed the proposal and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is hereby authorized to enter into an agreement with Lawler, Matusky and Skelly LLP to prepare an environmental assessment in a form acceptable to the Town Attorney; and

BE IT FURTHER RESOLVED that the set fees of \$7,000 for services shall be charged to Account No. H 8739-409-0-60-1.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (907-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Caswell International Corporation is the vendor for the Clarkstown Police Range, and provides integrated ballistic baffles, bullet trap, sidewalls and electronic targeting system; and

WHEREAS, an inspection of the range by representatives of Caswell International and subsequent report dated 12/18/03 specific to the sidewalls indicated erosion, as result of repeated bullet impacts due to the Department transitioning to a .40 caliber sidearm using a heavier round; and

WHEREAS, to prevent further erosion and compromise of the ballistic integrity of the range, Caswell has recommended an upgrade to sidewall ballistic steel reinforcement panels to insure the safety and security integrating Caswell's current engineering and design; and

WHEREAS, in the interest of range integrity and safety, and in the interest of maintaining an integrated ballistic system in our range under one vendor for the purposes of maintenance, warranty and liability, the Clarkstown Police Department has recommended that Caswell International perform the recommended upgrade;

NOW, THEREFORE, BE IT RESOLVED, that the Clarkstown Police Department is hereby authorized to enter into an agreement with Caswell International, Inc., in a form acceptable to the Town Attorney, to perform an upgrade to the firearms range as per Caswell's 9/27/04 proposal, at a total cost not to exceed \$22,950.00; and be it

FURTHER RESOLVED, that the cost of said upgrade shall constitute a proper charge to account number 3120-408.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (908-2004)

Co. Maloney offered and Co. Mandia seconded

Whereas, the Town Board of the Town of Clarkstown has previously authorized the Director of the Department of Environmental Control to retain the services of MRJ Excavating, Inc. to install an underdrain in the vicinity of #46 Gerardine Place (n/f Freeman); and

Whereas, a field change in the design prepared by the Department of Environmental Control was made to prevent damage to the root system of an existing street shade tree that would have resulted in its removal; and

Whereas, the Department of Environmental Control solicited a proposal from the contractor to perform the additional work required by the modification to the original design; and

Whereas, the proposal was reviewed and found to be acceptable and the contractor satisfactorily incorporated the modification into the work;

RESOLUTION NO. (908-2004) CONT.

Now, Therefore, Be It Resolved that the allowance for this project be increased by the amount of \$500.00 to reflect the cost of this additional work for a total project cost of \$7,290.00; and

Be It Further Resolved that this be a proper charge to account # H 8754 409 0 78-37.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (909-2004)

Co. Lasker offered and Co. Maloney seconded

Whereas, the Town of Clarkstown is undertaking major drainage improvements as part of the Valley Cottage Downtown Hamlet Revitalization; and

Whereas, unanticipated field conditions have resulted in changes in the work being performed as part of this project; and

Whereas, the required changes made in reference to this change order are as follows:

1. Modifications to the installation of additional street drainage on New Lake Road were required due to utility relocation work performed by others. This work was performed on a time and material basis resulting in an additional cost of \$19,449.05.
2. Installation of a concrete pier at the inlet of the new culvert on New Lake Road. Installation of the pier was required to protect an existing sanitary sewer main. The additional cost for this work is \$1,865.49.
3. Construction of a concrete drop structure along the line of the new 34" x 53" storm drainpipe at the intersection of Brookridge Avenue and Brookside Avenue, replacing a portion of the existing sanitary sewer main with ductile iron pipe and the encasement of the existing sanitary sewer main in concrete, allowing for the installation of the aforementioned drainpipe. The additional cost for this work is \$6,372.32.
4. Modification to the new rustic box beam guide rail being installed on the east side of Brookside Avenue to accommodate the reconstruction of a foot bridge (to be done by others) over the new drainage channel replacing an existing foot bridge that had been removed as part of the construction project. The additional cost for this work is \$855.60.
5. Installation of concrete footing and concrete block wall at the outlet of the New Lake Road culvert to effect a tie-in to the existing retaining wall located on the west side of the Valley Cottage Fire Department Memorial. The additional cost for this work is \$1,257.79; and

WHEREAS, all costs relative to Change Order No. 4 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. 4 in connection with the Valley Cottage Drainage Improvements, Phase I, Bid No. 48-2002 for the total additional cost of \$29,800.25, and

RESOLUTION NO. (909-2004) CONT.

BE IT FURTHER RESOLVED that the total cost of the project shall not exceed \$861,595.19 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (910-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 116-2004 adopted on January 27, 2004, the Town Board awarded Bid No. 58-2003 to Crushtek, LLC; and

WHEREAS, pursuant to Bid No. 58-2003, the successful bidder was to deliver a solid waste impact crusher to the Solid Waste Facility within sixty (60) days of notification of the bid award; and

WHEREAS, pursuant to Bid No. 58-2003 the successful bidder was to provide the Town of Clarkstown with a temporary replacement solid waste impact crusher pending delivery of the new machine, and

WHEREAS, in order to fulfill its temporary replacement obligation, Crushtek, LLC agreed to lease the solid waste impact crusher already in use by the Solid Waste Facility from the Lessor, American Capital Financial Services, Inc.; and

WHEREAS, Crushtek failed to deliver the machine within sixty (60) days of the bid award; and

WHEREAS, American Capital Financial Services Inc. has alleged that the Town of Clarkstown is obligated to make past due lease payments in the approximate amount of \$60,000, which lease payments were to be made by Crushtek pursuant to its temporary replacement obligation; and

WHEREAS, Crushtek has agreed to provide the new machine no later than March 31, 2005, provide a temporary replacement machine free of charge pending delivery of the new machine, and has agreed to indemnify and defend the Town of Clarkstown for any and all claims by American Capital Financial Services for lease payments allegedly due from February 1, 2004;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarkstown is hereby authorized to enter into a rental agreement, in a form satisfactory to the Town Attorney, for a temporary solid waste impact crusher with Crushtek, LLC subject to the following conditions:

- a. the Lease shall be free of charge;
- b. the Lease shall provide for a delivery date for the new machine of no later than March 31, 2005, with liquidated damages of \$500 per day thereafter;
- c. the Lease shall provide that Crushtek, LLC shall indemnify, defend and hold harmless the Town of Clarkstown, its officers, employees and agents from any and all claims arising out of the temporary replacement obligation, including, but not limited to, any claims by American Capital

RESOLUTION NO. (910-2004) CONT.

- Financial Services for lease payments allegedly due from February 1, 2004; and
- d. the Lease shall expressly reserve all other rights and remedies available to the Town of Clarkstown.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (911-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Police Department has obtained Federal grant money to purchase radiation detectors in furtherance of the Police Department's Homeland Security initiative; and

WHEREAS, the CPD Emergency Management Coordinator has conducted extensive research in order to located radiation detectors that are portable, and which make the level of radiation present audibly discernable to first responders; and

WHEREAS, the Emergency Management Coordinator has advised that the Berkeley Nucleonics NukeAlert 951 is the only radiation detector on the market that will audibly alert first responders of a radiation "hot spot" and issue an automatic "turn back" command; and

WHEREAS, the Federal Government purchases the NukeAlert 951 pursuant to GSA contract GS-24F-1181B, Group 66;

WHEREAS, the Emergency Management Coordinator has advised that the purchase of the NukeAlert 951 from its sole source manufacturer, Berkeley Nucleonics, is essential in terms of officer safety and public safety;

NOW, THEREFORE, BE IT RESOLVED, that the Clarkstown Police Department is hereby authorized to purchase twenty five (25) Berkeley Nucleonics NukeAlert 951's at the GSA contract unit price of \$1,495, for a total cost not to exceed \$36,627.50; and be it

FURTHER RESOLVED, that the purchase shall be made with grant funds.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (912-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$86,667.38 from the New York State Governors Traffic Safety Committee,

THEREFORE BE IT, RESOLVED, to increase Account's H-15-10-3989-4 (Capital-NYS Governors Traffic Safety) and H-8754-409-0-78-7 (Capital-Electronic Ticket & Accident Report Equipment) by \$86,667.38 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT, RESOLVED, to decrease A-1315-409-0 (Comptroller-Fees for Services) by \$1,008 and increase A-1315-319-0 (Comptroller-Misc Supplies) by \$225 and A-1315-328-0 (Comptroller-Books/Publications) by \$133 and A-1315-313-0 (Comptroller-Office Supplies and Printing) by \$650 and be it,

FURTHER RESOLVED, to decrease A-5630-406-0 (MiniTrans-Repairs to Vehicles) and increase A-5630-292-0 (MiniTrans-Auto Repair Equipment) by \$7,000 and be it,

FURTHER RESOLVED, to decrease SR-8160-219-0 (Sanitation-Misc Equipment) and increase SR-8160-311-0 (Sanitation-Gasoline) by \$12,000.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (913-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland County Solid Waste Management Authority has confirmed its willingness to acquire ownership of Town of Clarkstown Solid Waste Transfer Station, and

WHEREAS, the current contract for the operation of said facility expires on April 30, 2005, and the Town Board wishes to investigate its options regarding its continued operation of said facility, or in the alternative a transfer of ownership to the Rockland County Solid Waste Management Authority, and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from H2M Group, 575 Broad Hollow Road, Melville, New York, to provide engineering and other services for the purpose of evaluating the Town's options for the long term operation of its transfer station as described in a proposal dated November 18, 2004, which the Director of Environmental Control has recommended acceptance, and

WHEREAS, the Rockland County Solid Waste Management Authority has adopted a resolution whereby said authority shall reimburse the Town for the full cost of the study referred to herein in the amount of \$38,500.00;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with H2M Group, in a form approved by the Town Attorney, and be it

RESOLUTION NO. (913-2004) CONT.

FURTHER RESOLVED, that payment for these services shall be charged to Account No. SR 8160-409, although the Town shall be reimbursed for same by the Rockland County Solid Waste Management Authority.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (914-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown, herein called the "Municipality" after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Projects; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clarkstown

1. That, the Director of Environmental Control, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation.
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation.

That this Resolution take effect immediately.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (915-2004)

Co. Lasker offered and Co. Maloney seconded

Resolved, that the Purchasing Department of the Town of Clarkstown is hereby authorized to advertise bids for:

Bid # 63-2004 - Green Avenue Culvert And Stream Channel Modifications Project

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York at a date and time to be determined.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (916-2004)

Co. Lasker offered and Co. Nowicki seconded

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

Bid #65-2004 – One (1) 2005 Ford Expedition For The Clarkstown Police Department

is hereby awarded to:

Mahwah Ford
 55 Franklin Tnpke
 Mahwah, NJ 07430
 Principals: Don Oberle
 Dennis Oberle
 Herbert Oberle

as per their low bid quote of \$30,418.88 and be it

FURTHER RESOLVED that said purchase shall constitute a proper charge to Account No. A 3989 200 203 0.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (917-2004)

Co. Lasker offered and Co. Mandia seconded

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

A "No Parking Here to Corner" sign 25 ft. from the corner. Erect the sign on the southside of Gillis Avenue at Schuyler Road, Central Nyack, NY.

RESOLUTION NO. (917-2004) CONT.

Replace the "No Parking Anytime" sign with a "No Parking Here to Corner" 25 ft. from the corner. Erect the sign on the northside of Gillis Avenue and Schuyler Road, Central, NY.

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

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (918-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Luke Kalarickal, Director of the Department of Environmental Control, has recommended that a traffic consultant be hired to investigate the four way intersection of Carriage Lane and Chaparral Road, Nanuet, New York, to determine if traffic signs are necessary;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes Luke Kalarickal, Director of the Department of Environmental Control, to hire a traffic consultant with respect to the intersection of Carriage Lane and Chaparral Road, Nanuet, New York, and be it

FURTHER RESOLVED, that the project shall not exceed \$1,000.00 and shall be charged to Account No. A 3320-409.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (919-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, John Costa, Town Attorney, has recommended that a traffic consultant be hired to review the pavement width for a road improvement project known as Dustman Lane;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes John Costa, Town Attorney, in consultation with Jose Simoes, Town Planner, to hire a traffic consultant to advise on the appropriate width of Dustman Lane, Bardonia, New York, for the pending road improvement project, and be it

FURTHER RESOLVED, that the project shall not exceed \$1,000.00, without further authorization of the Town Board, and shall be charged to Account No. A 1420-409.

RESOLUTION NO. (919-2004) CONT.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (920-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of final approval of the Valley Cottage Animal Hospital Site Plan, Russell Petro has tendered a Declaration of Buffer Area to the Town of Clarkstown, which requires him or his successors in interest to maintain an undisturbed buffer area on his property at 202 Route 303, Congers, New York (52.15-1-55), and

WHEREAS, the Town Attorney has recommended acceptance of said Declaration and has advised that the Declaration is in recordable form and meets the requirements of the Planning Board and Zoning Board of Appeals;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration from Russell Petro referred to herein and orders same recorded in the Rockland County Clerk's Office at the expense of the declarant.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (921-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02089 Senior Clerk Typist which contains the name of Patti Moroni,

Now, therefore, be it Resolved, Patti Moroni, 125 Ridge Road, New City, New York, is hereby appointed to the position of Senior Clerk Typist – Office of the Town Supervisor – at the current 2004 annual salary of \$29,378., effective December 6, 2004.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (922-2004)

Co. Nowicki offered and Co. Lasker seconded

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

A LOCAL LAW TO AMEND CHAPTER 200 "PARKING" OF THE CODE OF THE TOWN OF CLARKSTOWN RELATING TO COMMUTER AND MUNICIPAL PARKING LOTS, and

WHEREAS, the proposed local law is to amend and replace portions of Chapter 200 to expand and clarify the use of Commuter and Municipal Parking Lots in the Town;

NOW, THEREFORE, be it RESOLVED, that a public hearing, pursuant to Section 20 of the Municipal Home Rule Law, be had in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on December 14, 2004 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 Town Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Chapter 290-33(A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and any other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

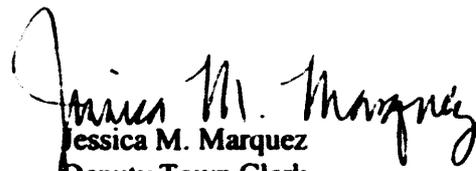
FURTHER RESOLVED, that the Town Board determines that it shall act as lead agency and that Jose Simoes, Town Planner is directed to act as agent, for the purpose of review under the New York State Environmental Quality Review Act.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Nowicki Yes
- Supervisor Gromack Yes

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 Town Board Meeting was closed, time 8:10 P.M.

Respectfully submitted,


 Jessica M. Marquez
 Deputy Town Clerk