

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/14/2004

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. Certificate of Award was presented to Nicholas Hastings for achieving the rank of Eagle Scout. Supervisor opened the public portion of the meeting.

Martin Bernstein
New City

Item 4 – he was in agreement on the repeal of payment on a per meeting basis of the boards and commissions; item 5 – said the zone change and the comprehensive plan are two different issues and should be heard as two separate meetings; item 6 – asked if the Town has worked out the transfer of property to the Congers-Valley Cottage Ambulance Corps

Bob Terry
New City

Item 5 – was concerned about all the money spent on the comprehensive plan and opposed to the zone change because it will cause too much traffic; he inquired as to whether the Town Board was going to televise their meetings on the local channel; spoke regarding William Street and Little Tor Road and that the group home on the corner is creating dangerous traffic conditions because the employees are parking on both sides of Williams Street

Harry O'Boyle
Congers

Spoke regarding the collection of bulk dumped behind the St. Paul's Church parking lot and getting it removed

RESOLUTION NO. (923-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 876-2004, dated November 9, 2004, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 111 of the Code of the Town of Clarkstown affecting property located at 117 Rose Road, West Nyack, New York (Tax Map designation 64.11-1-3.1 f/k/a 51-A-7.1), to secure the property and remove all combustibles which has created a serious fire hazard risk and has become unsafe and dangerous, and a threat to the health and welfare of the community, and

WHEREAS, a public hearing was scheduled and duly held on the 14th day of December 2004, after notice and opportunity to be heard at said hearing was provided to the property owners and all interested parties of record, as provided by law;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 111 of the Code of the Town of Clarkstown, dated November 17, 2004, as reported by the Fire Inspector in his previous reports which are part of the record and the updated report dated December 14, 2004, have not been corrected, and be it

RESOLUTION NO. (923-2004) CONT.

FURTHER RESOLVED, the Superintendent of Highways, or the Fire Inspector, or the Building Inspector are hereby authorized and directed to enter the subject property and to take all actions which may be reasonably necessary to remove the conditions set forth herein and to secure the premises in a safe manner, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, the Fire Inspector, the Building Inspector and the Town Attorney with respect to such corrective measures, including the removal of debris and the costs of this proceeding and all other necessary actions, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that 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, and be it

FURTHER RESOLVED, that the Town Board hereby retains jurisdiction of this matter on further notice to all interested parties to make whatever further corrective orders as may become necessary to protect the public interest.

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. (924-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, 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

was introduced by Councilman Maloney, at a Town Board meeting held on November 23, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 23, 2004, directed that a public hearing be held on December 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 December 3, 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 November 16, 2004, and

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

NOW, THEREFORE, be it RESOLVED, that Local Law No. 6 - 2004 entitled:

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

RESOLUTION NO. (924-2004) CONT.

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:

Alexander J. Gromack, Supervisor Yes
 John R. Maloney, Councilman Yes
 Ralph F. Mandia, Councilman Yes
 Shirley Lasker, Councilwoman Yes
 Catherine M. Nowicki, Councilwoman 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. (925-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of November 23, 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

RESOLUTION NO. (926-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town Board, on its own Motion, pursuant to Section 200 of the Town Law, shall schedule a further public hearing to consider a road improvement project for of all or a portion of a street known as GLEN EAGLES COURT, New City, New York, located east of Zukor Road, which improvements shall consist of pavement, curbs, gutters, catch basins and drainage facilities, benefiting properties shown on the Clarkstown Tax Map as 34.7-1-1, 34.7-1-2, 34.7-1-3, 34.7-1-4, 34.7-1-5, 34.7-1-6, being approximately 510' lineal feet, this matter having previously been heard on September 23, 2003, at which time the road improvement, in concept, was approved by the Town Board but certain information as to the project's cost was lacking which can be further considered at the additional scheduled hearing;

NOW, THEREFORE, be it ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on January 25, 2004, at 8:00 P.M., or as soon thereafter as possible, relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along Glen Eagles Court, in the time and manner required by law, and it is

RESOLUTION NO. (926-2004) CONT.

FURTHER ORDERED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (927-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2005, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

<u>TOWN BOARD MEETINGS</u> <u>8:00 P.M. - Auditorium</u>	<u>WORKSHOP MEETINGS</u> <u>7:30 P.M. - Room 311</u>
January - 4 (Reorganization)	
January - 25	January - 18*
February - 8	February - 1*
March - 8 and 22	March - 1 and 15*
April - 12	April - 5*
May - 10 and 24	May - 3 and 17*
June - 14 and 2	June - 7 and 21*
July - 26	July - 19*
August - 23	August - 16*
Sept. - 13 and 27	Sept. - 6 and 20*
October - 11	October - 25*
November - 1 and 22	November - 15*
December - 13	December - 6*
December - 30 (Friday at 12 Noon)	

* Police Department matters will be discussed at the Workshop Meeting dates that are noted with an asterisk.

RESOLUTION NO. (927-2004) 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. (928-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Resolution No. 166-2004 provided for the salaries for members of Boards and Commissions to be paid on a per meeting basis, and

WHEREAS, the Town Board wishes to return to the former method of payment where the annual stipend is paid in twenty-six bi-weekly installments;

NOW, THEREFORE, be it RESOLVED, that Resolution 166-2004 is hereby repealed, and be it

FURTHER RESOLVED, that the salaries for members of various Boards and Commissions shall be as provided for in the 2005 Salary Schedule when adopted.

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. (929-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 858-2004, adopted by the Town Board on October 26, 2004, which continued the public hearing on the application for a zone change of Tor Valley Inc. and Davies Farm Inc. and Amendment to the Comprehensive Plan, is hereby amended to change the continuation date of the public hearing from January 18, 2005 to February 8, 2005 because there will be no Town Board meeting January 18, 2005, and be it

FURTHER RESOLVED, that the Town Attorney shall publish notice of this change of hearing date in the Official Newspaper not less than ten days prior to such public hearing.

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. (930-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 564-2004 contained a mathematical error;

NOW, THEREFORE, BE IT RESOLVED, that Town Board Resolution No. 564-2004 is hereby amended to read as follows:

“RESOLVED, that Wayne T. Ballard, P.E., S.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$29,491.92 is hereby determined to be a proper charge to capital account # H8754-209-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.”

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. (931-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has been authorized to transfer a portion of parkland to the Congers/Valley Cottage Volunteer Ambulance Corp. to accommodate its building expansion, and

WHEREAS, the Town Board requires an appraisal of said property;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an appraisal of property known as Map No. 44.19-1-57, Congers, New York, for the purpose referred to herein, pursuant to a proposal of Sterling Appraisals, Inc. dated November 4, 2004, and be it

FURTHER RESOLVED, that the cost of said appraisal shall not exceed the sum of \$1,000.00, and shall be charged to Account No. A 1420-409, and be it

FURTHER RESOLVED, that said Resolution is retroactive to November 30, 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. (932-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. 2071 issued by Union State Bank to Ascape Landscape & Construction Corp. in the amount of \$25,000, which was provided in connection with Bid No. 24A-2004 – Site Maintenance Contract, is no longer required as all work under the bid has been completed; and said Letter of Credit may be released.

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. (933-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. S00049898 issued by Bank of New York to Pro Cut Lawns Landscaping & Contracting, Inc. in the amount of \$27,500, which was provided in connection with Bid No. 25-2004 – Commuter Parking Lot Maintenance Project, is no longer required as all work under the bid has been completed; and said Letter of Credit may be released.

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. (934-2004)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. S00049889 issued by Bank of New York to Danny Clapp Landscaping, Inc. in the amount of \$55,500, which was provided in connection with Bid No. 26-2004 – Mosquito Control Contract, is no longer required as all work under the bid has been completed; and said Letter of Credit may be released.

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. (935-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Peter Beary, Building Inspector, has advised that Mike and Tamara Vitrit have requested a refund of Building Permit fee (No. 04-751) paid in the amount of \$248.00 for premises located at 147 Sleepy Hollow Lane, Congers, New York, because they have cancelled plans to perform work on their house, and the Building Inspector has recommended retention of a review fee of \$130.00 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 \$118.00 to Mike and Tamara Vitrit, for Building Permit No. 04-751, to be charged to Account No. B 02-6-2555-0, subject, however to surrender and cancellation of said permit.

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. (936-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Peter Beary, Building Inspector, has advised that Brian Renz has requested a refund of Building Permit fee (No. 04-758) paid in the amount of \$248.00 for premises located at 31 Ludvigh Road, Nanuet, New York, because he has cancelled plans to perform work on his house, and the Building Inspector has recommended retention of a review fee of \$80.00 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 \$168.00 to Brian Renz, for Building Permit No. 04-758, to be charged to Account No. B 02-6-2555-0, subject, however, to surrender and cancellation of said permit.

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. (937-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Peter Beary, Building Inspector, has advised that B&B Pool and Spa Center (Craig Bagin, Vice President) has requested a refund of Building Permit fee (No. 04-758) paid in the amount of \$848.00 for premises located at 18 Culver Drive, New City, New York, because the property owner, Mr. Germano, has cancelled plans to install an in-ground pool, and the Building Inspector has recommended retention of a review fee of \$140.00 and refund of the balance;

RESOLUTION NO. (937-2004) CONT.

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 to B&B Pool and Spa Center, Building Permit No. 04-1159, to be charged to Account No. B 02-6-2555-0, subject, however, to surrender and cancellation of said permit.

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. (938-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, PARTNERS IN SAFETY, INC. has submitted a proposal for the renewal of its agreement with the Town of Clarkstown to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses; and

WHEREAS John W. Coyle, Safety Manager, has recommended acceptance of said proposal, and

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into a renewal agreement, in a form satisfactory to the Town Attorney, with Partners in Safety, Inc., 800 Route 17M, Middletown, New York 10940, for the period commencing January 1, 2005 and terminating on December 31, 2005, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification of the Town and professional and other liability insurance coverage as required by the Town Attorney, and be it

FURTHER RESOLVED, that the fee for such services shall be \$4,002.00, with additional hourly fees as per the proposal, and be it

FURTHER RESOLVED, that said fees shall constitute a proper charge to Account No. A 9000-409.

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. (939-2004)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that John Coyle, Safety Manager and Robert Berdy, Insurance and Claims Manager, are hereby authorized to attend the Public Risk Management Association's Annual Conference, to be held in Milwaukee, Wisconsin from June 5 through June 9, 2005.

BE IT FURTHER RESOLVED, that the registration fee for such conference and other reasonable expenses for travel, lodging, and meals shall be charged to the Appropriate Account lines.

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. (940-2004)

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 "Liza Miele", the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Storms Road, Valley Cottage, New York, and

WHEREAS, the Deputy Director of the Department of Environmental Control and the Superintendent of Highways have 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 recommendations of the Deputy Director of Environmental Control of the Town of Clarkstown and the Superintendent of Highways, the deed dated October 22, 2004 from Liza Miele to the Town of Clarkstown is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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. (941-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Clarkstown Police Department is in possession of ten (10) surplus DATA911 computers; and

WHEREAS, the City of New London, Connecticut has offered to purchase the DATA911 units at a price of \$500.00 per unit, plus \$240.00 per unit for the assumption of the extended warranty from the manufacturer; and

RESOLUTION NO. (941-2004) CONT.

WHEREAS, the Clarkstown Police Department believes that the purchase price represents the fair market value of the units and recommends that the units be sold;

NOW, THEREFORE, BE IT RESOLVED, that the Clarkstown Police Department is hereby authorized to sell ten (10) surplus DATA911 units to the City of New London, Connecticut for a price of \$740.00 per unit, for a total sale price of \$7400.00.

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. (942-2004)

Co. Nowicki offered and Co. Maloney seconded

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

Bid #43-2004 – Residential Refuse And Bulk Collection Services For One, Two And Three Family Homes In The Unincorporated Portion Of The Town Of Clarkstown

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by 10:30 a.m. on December 21, 2004 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; and be it

FURTHER RESOLVED, that this authorization shall be retroactive to December 1, 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. (943-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that John A. Miele, 26 Tamarac Avenue, New City, New York, is hereby reappointed to the position of Member – Traffic and Traffic Safety Advisory Board – at a salary determined annually by the Town Board – term effective and retroactive to April 1, 2004 and to expire on March 31, 2009.

RESOLUTION NO. (943-2004) 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. (944-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Peter T. Conlon, 2729 Albany Post Road, Montgomery, New York – Police Officer – Town of Clarkstown Police Department – is hereby accepted – effective and retroactive to October 29, 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. (945-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04111 Information Services Specialist I (Police Dept.) which contains the name of Patrick T. Watson,

Now, therefore, be it RESOLVED, that Patrick T. Watson, 16 North Main St., #112, New City, New York, is hereby appointed to the (permanent) position of Information Services Specialist I (Police Dept.) – at the current 2004 annual salary of \$69,096., effective and retroactive to 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. (946-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Robert Alpert, 419 Maple Avenue, Upper Nyack, NY, is hereby appointed to the position of Maintenance Helper – Maintenance Department – at the current 2004 annual salary of \$42,396., effective and retroactive to December 13, 2004.

RESOLUTION NO. (946-2004) 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. (947-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Susanne T. Coleman, 5 Hansen Avenue, New City, New York, is hereby appointed to the position of (temporary) Clerk – Clarkstown Highway Department – at the current 2004 hourly rate of \$13.00 – effective December 20, 2004 for a period not to exceed 90 days.

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. (948-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04238 (NCP/T&E) Transit Operations Supervisor (Towns) which contains the Dennis Malone,

Now, therefore, be it RESOLVED, that Dennis Malone, 15 Pine Avenue, Congers, New York, is hereby appointed to the (permanent) position of Transit Operations Supervisor (Towns) – Mini Trans Department – at the current 2004 annual salary of \$60,415., effective December 14, 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. (949-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Waters Edge, Conger/Valley Cottage, be determined to be a capital improvement, and.

RESOLUTION NO. (949-2004) CONT.

WHEREAS, Waters Edge, Conger/Valley Cottage, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Waters Edge, Conger/Valley Cottage

Paving:	3,311	tons @ \$ 62.00	=	\$205,282.00
Raising Structures	76	\$ 300.00 each	=	22,800.00
Pipe:	60'	linear ft. @ \$10.25	=	615.00
Curbing	1,203'	\$25.00 per linear foot	=	<u>30,075.00</u>
				\$258,772.00

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$258,772.00 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

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. (950-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Windsor Court, Nanuet, be determined to be a capital improvement, and.

WHEREAS, Windsor Court, Nanuet, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Windsor Court, Nanuet

Paving:	159	tons @ \$ 62.00	=	\$9,858.00
Raising Structures	2	\$ 300.00 each	=	600.00
Pipe:	250'	linear ft. @ \$10.25	=	2,562.50
Install New Catch Basins	4	\$550.00 each	=	<u>2,200.00</u>
				\$15,220.50

RESOLUTION NO. (950-2004) CONT.

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$15,220.50 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

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. (951-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Victoria Drive, Nanuet, be determined to be a capital improvement, and.

WHEREAS, Victoria Drive, Nanuet, is in such disrepair that it requires reconstruction and installation of new piping, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Victoria Drive, Nanuet

Paving:	435	tons @ \$ 62.00	=	\$26,970.00
Raising Structures	11	\$ 300.00 each	=	3,300.00
Pipe:	20'	linear ft. @ \$10.25	=	205.00
New Catch Basin	1	\$550.00 each	=	<u>\$550.00</u>
				\$31,025.00

and WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #22-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

RESOLUTION NO. (951-2004) CONT.

FURTHER RESOLVED, that the cost of \$31,025.00 is hereby determined to be a proper charge to capital account # H 8754-409-0-78-3, and it is the intent of the Board that this is to be funded by serial bonds.

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. (952-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$5,765.92 from D.A.R.E. donations,

THEREFORE BE IT RESOLVED, to increase Accounts A 01 9 2705 0 (Gifts & Donations) and A-3230-319-0 (D.A.R.E. - Misc. Supplies) by \$5,765.92.

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. (953-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is required to make annual contributions to the New York State and Local Retirement System for the Employees' Retirement System and the Police and Fire Retirement System and,

WHEREAS, the New York State and Local Retirement System has determined the total amount of the Town's contribution to be \$7,110,767 payable as of December 15, 2004 and,

WHEREAS, pursuant to Chapter 260 of the Laws of 2004 the New York State and Local Retirement System has determined that part of the bill amounting to \$2,891,243 may be amortized over a ten (10) year period at the interest rate of five (5) percent and,

WHEREAS, the Town of Clarkstown wishes to avail itself of this ten (10) year option,

THEREFORE BE IT, RESOLVED that the Supervisor and the Town Board hereby direct the Comptroller to amortize said amount as determined by the New York State and Local Retirement System, payments to be made commencing on December 15, 2005 and annually thereafter.

RESOLUTION NO. (953-2004) 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. (954-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes John A. Costa, Town Attorney, and Luke Kalarickal, Director of the Department of Environmental Control, to hire Harry Baker, traffic consultant, for report and recommendation with respect to:

1. Investigating the four way intersection of Carriage Lane and Chaparral Road, Nanuet, New York, to determine if traffic signs are necessary, and
2. Reviewing the pavement width for a road improvement project known as Dustman Lane, Bardonia,

and be it FURTHER RESOLVED, that the projects shall not exceed \$1,000.00 each 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. (955-2004)

Co. Nowicki offered and Co. Mandia seconded

Whereas, Town Board resolution #557-2001 awarded bid #38-2001 – South Cranford Road Drainage Project to Hudson Canyon Construction, Inc. of Millwood, New York; 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:

Installation of additional Geotextile Filter Fabric due to groundwater conditions encountered during the construction of the project. \$75.23

Installation of Two Concrete Piers to protect two existing sanitary sewer lines located beneath the new low flow channel. \$3,756.73

Replacement of existing asphalt driveway at 43 Dustman Lane used for access to the project site as per agreement with the property owner. \$6,543.50

RESOLUTION NO. (955-2004) CONT.

Whereas, all costs relative to Change Order No. 1 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 total approved cost for this change order on contract is \$10,375.46; and

Be It Further Resolved that the current budget allowance for this project shall be increased to \$109,363.46 to reflect the additional cost of this change order on contract; and

Be It Further Resolved that this shall be a proper charge to account # H 8749- 409 0 73-13.

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. (956-2004)

Co. Mandia offered and Co. Lasker seconded

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

Bid #4-2005 – Paper & Plastic Supplies

Bids to be returnable to Purchasing Department, 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 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. (957-2004)

Co. Mandia offered and Co. Lasker seconded

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

Bid #9-2005 – Demolition Of Structures Located At 160 South Pascack Road, Nanuet

RESOLUTION NO. (957-2004) CONT.

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. (958-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Judge Scott Ugell and Judge Craig Johns attended the New York State Magistrates and Court Clerks Annual Conference, for mandatory judicial training, at Saratoga Springs, New York, in October 2004;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes reimbursement to the Town Justices for costs incurred for attendance at the New York State Magistrates and Court Clerks Annual Conference for the mandatory judicial training, in the total amount of \$775.81, and the cost of any reasonable expenses for travel, lodging and food, shall be charged to Account No. A 1010-414 5630-414.

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. (959-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a petition dated December 2, 2004, was received by the Town of Clarkstown from Ramazan Sevim, as owner of the property located at 160 East Route 59, Spring Valley, New York, Town of Clarkstown, more particularly described on the Clarkstown Tax Map as 57.14-1-1, seeking annexation of said property to the Village of Spring Valley, and

WHEREAS, said petition has also been presented to the Village Board of the Village of Spring Valley;

NOW, THEREFORE, be it RESOLVED, that pursuant to Article 17, Section 704 of the General Municipal Law, the Town Board of the Town of Clarkstown shall hold a joint public hearing with the Village Board of the Village of Spring Valley, in Room 311, at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 25, 2005, at 7:00 p.m., or soon thereafter as possible, and be it

RESOLUTION NO. (959-2004) CONT.

FURTHER RESOLVED, that the Town Attorney shall prepare a notice indicating the time, place and purpose of such hearing, and that the Town Clerk shall cause same to be published in the official newspaper and posted in the manner provided by law and shall file proof thereof in the Office of the Town Clerk, and be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board, Building Inspector, Superintendent of Highways, Tax Assessor, Receiver of Taxes, Police Department, Chief Fire Safety Inspector, Zoning Administrator, Director of Environmental Control, and the Rockland County Commissioner of Planning for report, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to said SEQRA review.

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. (960-2004)

Co. Nowicki offered and Co. Maloney seconded

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

Bid #3-2005 – Printing of Town Envelopes, Stationery & Business Cards

is hereby awarded to:

Newburgh Envelope Corp
 1720 Route 300
 Newburgh, NY 12550
 Principals: Carl Stillwaggon
 Stuart Stillwaggon

Manchester Technologies Inc
 50 Marcus Blvd
 Hauppauge, NY 11788
 Principals: A Public Corporation

IK Business Forms
 949 Spring Valley Road
 Maywood, NJ 07607
 Principals: Philip Iampietro Jr.

as per the attached item/price list (on file with the Town Clerk's Office).

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. (961-2004)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Resolution No. 909-2004, adopted by the Town Board on November 23, 2004, authorized a change order to Bid No. 48-2002, Valley Cottage Drainage Improvements, Phase I, in the amount of \$29,800.25; and

WHEREAS, the Superintendent of Highways has recommended that certain additional paving, milling and stripping work be performed in order to ensure the integrity of the road surface; and

WHEREAS, Tilcon, Inc. has agreed to perform such additional work pursuant to its existing paving contract with the Town, provided certain minimum tonnage requirements are met; and

WHEREAS, the Director of Department of Environmental Control and the Superintendent of Highways believe the most cost effective method to proceed is to rescind the change order and retain Tilcon, Inc. to perform the work as per its current contract price with the Town;

NOW THEREFORE, BE IT RESOLVED, that Resolution No. 909-2004, adopted by the Town Board on November 23, 2004, which authorized a change order to Bid No. 48-2002, Valley Cottage Drainage Improvements, Phase I, in the amount of \$29,800.25 is hereby rescinded; and be it

FURTHER RESOLVED, that the Town is hereby authorized to retain Tilcon, Inc. to perform paving, milling, drainage and stripping work on Brookside Drive, Brookridge Drive, and Brookridge Court as per their December 12, 2004 proposal; and be it

FURTHER RESOLVED, that such additional work shall be performed pursuant to Tilcon, Inc.'s existing paving contract with the Town; and be it

FURTHER RESOVLED, that the cost of said work shall not exceed \$82,304.20, and shall constitute a proper charge to H-8754-409-0-78-23.

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. (962-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, pursuant to resolution no. 885-2004 the Town Board authorized the Town to advertise for bids for Bid #69-2004 – Replacement of Telephone System at Town Hall; and

WHEREAS, the Director of Automated Systems has requested proposals for the development of bid specifications for the project; and

WHEREAS, ShoreGroup, Inc. has submitted a proposal to conduct an inventory of the Town's telephone system and a needs analysis, as well as develop plans and specifications for an appropriate replacement system; and

RESOLUTION NO. (962-2004) CONT.

WHEREAS, ShoreGroup, Inc. has agreed to provide such services at the same prices in its IT Contract with the State of New York (Award No. S960275E.1); and

WHEREAS, the Director of Automated Systems recommends that the Town retain ShoreGroup, Inc. to perform such services;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with ShoreGroup, Inc. to provide consulting services and to prepare bid specifications for Bid No.69-2004; and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$10,010, and that such fee shall constitute a proper charge to account No. A-3020-409.

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. (963-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended that the Town Board renew its contract with Planet Media, for the purpose of providing Web Site hosting and maintenance of the Web Site to the Town of Clarkstown for the calendar year 2005, at the cost not to exceed \$800.00 per month;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into a contract with Planet Media, in a form approved by the Town Attorney, to provide Web Site Hosting and maintenance of the Web Site for the period January 1, 2005 through December 31, 2005, at a cost not to exceed \$9,600 per year or \$800 per month, and be it

FURTHER RESOLVED, that said cost of services shall be charged to Account No. A 1680-409, and be it

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

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. (964-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by resolution dated October 12, 2004 the Town Board directed the Deputy Town Attorney – Purchasing, to conduct a study and advise the Town Board so that the Town Board may make a determination as to whether renewing its contract with Rockland Paramedics without obtaining competitive proposals is in the best interest of the Town, and report her findings to the Town Board no later than November 30, 2004; and

WHEREAS, the Deputy Town Attorney - Purchasing presented her report and findings to the Town Board on November 23, 2004; and

WHEREAS, based upon said report and findings, the Town Board believes it is in the best interests of the Town to renew its contract with Rockland Paramedic Services;

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to enter into an agreement with Rockland Paramedic Services, in a form acceptable to the Town Attorney, extending the Town’s prior agreement with Rockland Paramedics for a two year term, retroactive to January 1, 2004, with annual increases of 4% in 2004 and 3% in 2005; and be it

FURTHER RESOLVED, that the Town is hereby authorized to remit the sum of \$60,479 to Rockland Paramedic Services, which sum represents a 4% retroactive increase for the 2004 fiscal year; and be it

FURTHER RESOLVED, that said contract shall be automatically renewable for successive one year terms subject to the Town’s acceptance, by resolution, of an agreed upon annual fee for such services.

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. (965-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board awarded Bid No. 48-2003 – Congers Station and Town Square Restoration Project - pursuant to resolution no. 619-2004; and

WHEREAS, due to the proximity of the project to the CSXT railway, CSXT requires that the Town enter into a Construction Agreement so that CSXT may be reimbursed for its costs to support the project;

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to enter in to a Construction Agreement with CSX Transportation, Inc., in a form acceptable to the Town Attorney; and be it

FURTHER RESOLVED, that the Town is further authorized to reimburse CSXT for costs incurred in monitoring the project (including construction, engineering and inspection costs) and for flagging services, if required, as per CSXT’s “Force Account Estimate” dated October 22, 2004; and be it

RESOLUTION NO. (965-2004) CONT.

FURTHER RESOLVED, that said reimbursement shall not exceed \$32,863 without further authorization by the Town Board.

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. (966-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, the Superintendent of Highways of the Town of Clarkstown, and the Office of the Town Attorney, the roads known as: Surrey Court, Fringe Court, Birchwood Avenue, Carriage Lane (aka Sulky Lane) and Chaparral Road, together with the public improvements on a subdivision map entitled 'Surrey Court Subdivision,' filed in the Rockland County Clerk's Office on September 15, 1994, are hereby accepted by the Town of Clarkstown for dedication, and the deeds thereto are ordered recorded in the Rockland County Clerk's Office, subject to the approval of the Town Attorney, and be it

FURTHER RESOLVED, that the K. Luke Kalarickal, Director of the Department of Environmental Control, is directed to review the condition of the roads referred to herein and to produce an analysis of the scope and costs of all remedial work required to bring said roads up to Town specifications, and be it

FURTHER RESOLVED, that the Town Attorney is authorized to commence an action to recover the costs of any and all remedial work necessary.

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. (967-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a flooding condition exists in the vicinity of Braemar Condominiums due to Drainage overflow on Virginia Street; and

WHEREAS, the Department of Environmental Control has prepared a plan to install an earth berm along the R.O.W. of Virginia Street in order to prevent the existing flooding condition; and

WHEREAS, the Department of Environmental Control has solicited five (5) proposals from qualified contractors to perform the required work, and

WHEREAS, the Department of Environmental Control has received two (2) proposals in response to its solicitation and after review by Department of Environmental Control

RESOLUTION NO. (967-2004) CONT.

staff, it was found that the lowest responsible proposal was provided by MRJ Excavating, Inc. in the amount of \$16, 720.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of MRJ Excavating, Inc., 7 Beaver Court, New City, New York 10956 for an amount not to exceed \$16,720.00 to install the proposed earth berm.

BE IT FURTHER RESOLVED, that this amount shall be a proper charge to account #H 8754-409-0-78-40.

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. (968-2004)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received an inquiry from an alternate provider who is interested in offering cable service to our residents, and

WHEREAS, Clarkstown residents will greatly benefit with increased competition in the cable service market place, and

WHEREAS, in the interest of expediting the franchise process and rapidly introducing competition in the provision of multi-channel video programming services, requesting a waiver of Parts 594.1 through Part 594.4 of the N.Y.S. Department of Public Service Rules will allow a new cable provider immediate access to the market place;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to request a waiver of Part 594 – Franchise Procedures of Rules of N.Y. S Department of Public Service, specifically Parts 594.1, 594.2, 594.3 and 594.4, from the N.Y.S. Department of Public Service to facilitate the franchising process.

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. Lasker, and unanimously adopted, the Town Board Meeting was closed, time 8:55 P.M.

Respectfully submitted,

Patricia Sheridan
Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/14/2004

8:10 P.M.

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

Chapter 111 Proceeding (Unsafe Buildings) for property known as 117 Rose Rd,
West Nyack

On motion of Co. Maloney seconded by Co. Mandia the public hearing was opened.

Fire Inspector, Mark Papenmeyer, read the following report.

An inspection of the above property was made on or about October 15, 2004. At the time of this inspection, it was found that the structure was unoccupied and not secured from entry. The rear basement door was broken and not secured. In addition, a visible check into the basement found a large amount of combustible garbage, debris and other material stacked immediately inside this rear entrance creating a very serious fire hazard. Not having the structure makes this structure an attractive nuisance for vagrants and trespassers and is a serious hazard. The owner of the premises is reportedly Thomas & Elizabeth Jordan of the same address. The owners were duly issued Order # 04-29 on 10/15/04 and have failed to remove all combustibles from within and secure the premises as witnessed by a re-inspection on 11/3/04. Because of these conditions, it is the recommendation of this officer that this building be cleared of all combustibles and properly secured to prevent entry in a method approved by the Chief Fire Safety Inspector.

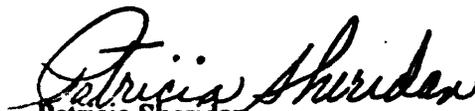
Mr. Papenmeyer added that a reinspection today finds that the conditions exist as previously reported. He submitted pictures of the site for the Board's review.

Town Attorney stated that as a result of the Town Board's resolution scheduling this public hearing, we obtained an owner's search against the premises. After reading through the materials, I believe that both of the record owners are deceased. There is an indication that Elizabeth Jordan was the surviving joint tenant and there is an indication in the public record that she is also deceased and may be survived by a relative with the same or similar name, Elizabeth Jordan. We addressed to the last known address, notices of this public hearing containing the order of the Town Board and have not received any response with the exception that we did receive a call from Asst. County Attorney, Steven Powers. There appears to be in progress a tax foreclosure proceeding against these premises. The County had not yet filed the deed but they are in the process of taking over this property for back taxes. Nonetheless, this proceeding is against the property which needs the attention that Mr. Papenmeyer is requesting.

Supervisor asked if there was anyone present who wished to be heard on this.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Nowicki and unanimously adopted the Public Hearing was closed, RESOLUTION NO. 923-2004 ADOPTED, time 8:15 P.M.

Respectfully submitted,


Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/14/2004

8:15 P.M.

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

Proposed local law to amend Chapter 149 of the Clarkstown Town Code (Garbage, Rubbish, Refuse)

On motion of Co. Nowicki seconded by Co. Mandia the public hearing was opened.

Town Clerk read the notice and testified as to its proper posting and publication.

Town Attorney stated that this proposed local law is a result of a recommendation made by our sanitation commissioners who believe that the initial fee is not sufficient to cover the actual cost of processing a new license application. With that recommendation this law was drafted for the Town Board's consideration. We do have here this evening the Chairman of our Sanitation Commission who could provide any further information that the Town Board may want.

Supervisor asked if there was anyone present who wished to speak on this matter.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Nowicki and unanimously adopted the Public Hearing was closed, RESOLUTION NO.924-2004 ADOPTED, time 8:17 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/14/2004

8:17 P.M.

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

Proposed local law to amend Chapter 200 of the Clarkstown Town Code (Parking)

On motion of Co. Maloney seconded by Co. Lasker the public hearing was opened.

Town Clerk read the notice and testified to as to its proper posting and publication.

Code Enforcer, Joel Epstein, explained that this was initiated by complaints from residents who wanted to use our commuter lots for overnight parking. He explained and outlined some of the proposed changes.

Town Attorney stated that we still had to wait for Town and County Planning Boards before we can adopt. The Town Board did refer this to those boards although it was not 100% necessary to do that. It was done due to the nature of this type of regulation as the parking affects not only county residents but out of county residents, therefore, it was referred for their comments. Mr. Simoes was appointed to act as agent for the Town Board with respect to SECA and he has asked that this matter be held over because Seca is not yet completed and he does have it scheduled to go before the Planning Board. That is one reason why the Town Board cannot act on this tonight; it will have to be continued. There is also an updating of the enforcement sections of this code and the draft that you have before you provides that the initial fine, if someone violates the conditions of this chapter, would be not less than \$50. Chief Noonan made a suggestion that this be changed to not more than \$50 which would provide for a lesser fine depending on the Judge's discretion. That is something the Town Board should provide input on so we can get this in place before the next meeting.

Co. Mandia agrees with the Chief's suggestion. For a first offender I would like the Judge to have more flexibility. We can always bring it back to a minimum of \$50. if it becomes a problem

Co. Lasker stated she agreed with the Chief as well.

Town Attorney stated that this should be redrafted.

Supervisor asked if there was anyone present who wished to speak on this subject.

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 Public Hearing was TO BE CONTINUED ON JANUARY 25, 2005, time: 8:27 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

MINUTES OF SPECIAL MEETING OF THE BOARD
OF DIRECTORS OF THE CLARKSTOWN MIDDLEWOOD HOUSING
DEVELOPMENT FUND COMPANY, INC.

The meeting was held on December 14, 2004, at 10 Maple Avenue, New City,
New York, at 8:00 P.M. The following were present:

Alexander J. Gromack
John R. Maloney
Ralph F. Mandia
Shirley Lasker
Catherine M. Nowicki

Upon Motion duly made and carried, Alexander J. Gromack was duly elected
Chairman of the meeting and John R. Maloney was duly elected as Secretary thereof.

The Chairman stated that the election of the Directors was the next item of
business.

The following were nominated as Directors:

Alexander J. Gromack
John R. Maloney
Ralph F. Mandia
Shirley Lasker
Catherine M. Nowicki

Upon Motion duly made, seconded and carried, and by the affirmative vote of all
present, it was,

RESOLVED, that each of the above named nominees be and hereby is elected as
Director of the Corporation.

John R. Maloney,
Secretary

Dated: December 14, 2004

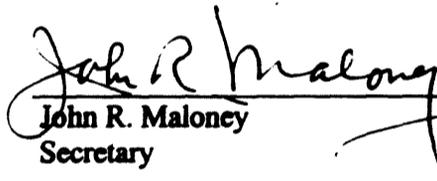
The undersigned, the Secretary of CLARKSTOWN MIDDLEWOOD HOUSING DEVELOPMENT FUND COMPANY, INC., a New York Corporation, does hereby certify:

That the following are the Officers and Directors of the Corporation:

Alexander J. Gromack	Director and President
	Director and Vice President
John R. Maloney	Director and Secretary
Ralph F. Mandia	Director
Shirley Lasker	Director
Catherine M. Nowicki	Director

IN WITNESS WHEREOF, the undersigned has hereto affixed his hand and seal of the above mentioned Corporation this 14th day of December, 2004.

Dated: December 14, 2004


John R. Maloney
Secretary

Middlewood Bd. Meeting - av

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO ASCAPE
LANDSCAPE & CONSTRUCTION CORP. FOR THE MIDDLEWOOD SENIOR
CITIZEN HOUSING PROJECT

WHEREAS, Arco Management has solicited bids for snow removal at the
Middlewood Senior Citizen Housing Project owned by the Clarkstown Middlewood
Housing Development Fund Company, Inc., and

WHEREAS, Ascape Landscape & Construction Corp. has submitted a low bid to
do the aforementioned work, and

WHEREAS, Arco has recommended that the Board accept this bid;

NOW, THEREFORE, be it

RESOLVED, subject to review and approval of the contract by John A. Costa,
Esq., or Paul K. Schofield, Esq., that Ascape Landscape & Construction Corp. is hereby
authorized to perform the aforementioned work.

Dated: December 14, 2004

Middlewood snow removal bid - av

ABF810