

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/30/2004

12:00 P.M.

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

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

\*\*\*\*\*

RESOLUTION NO. (985-2004)

Co. Nowicki offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of December 14, 2004 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (986-2004)

Co. Mandia offered and Co. Lasker offered

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 "Town Speed 30 MPH" sign on Highway Avenue at Rte. 303, Congers, NY

A "Town Speed 30 MPH" sign on Highway Avenue at Lake Road, Congers, 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

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

\*\*\*\*\*

RESOLUTION NO. (987-2004)

Co. Mandia offered and Co. Lasker offered

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

- 1. A W-3 sign per Sec. 231.3 of the NYS Manual of Traffic Control Devices. Erect on the northside of Birchwood Terrace, Nanuet. Erect an Advisory panel beneath "20 MPH".
- 2. A W-4 sign per sec. 231.3 of the NYS Manual of Traffic Control Devices. Erect this sign on the eastside of Birchwood Terrace, Nanuet. Erect an Advisory panel beneath "20 MPH".

and be it

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

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (988-2004)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Clarkstown Planning has recommended that the subdivision and site fee schedules be updated;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Town Attorney to prepare a local law to implement the revised fee schedule as recommended by the Planning Board and to provided in said local law for the Town Board, to update, from time to time, such fees by resolution, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on January 25, 2005, at 8:00 p.m. or as soon there-after as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (989-2004)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the ROBERT GENESLAW CO., in a form satisfactory to the Town Attorney, to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 2005 to December 31, 2005, and be it

FURTHER RESOLVED, that the agreement shall be in a form approved by the Town Attorney, and provide for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured wherever permitted, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be \$4,174.00 for the first month of the contract and \$4,166.00 per month for the remainder of the contract period, and provide further that the total compensation shall not exceed \$50,000.00 without further resolution of the Town Board, which amount shall be charged to Account No. B-8020-409.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (990-2004)

Co. Mandia offered and Co. Lasker offered

WHEREAS, the Planning Board has recommended that its procedures for dedication of park land and requirements for money in lieu of land fee be reviewed and updated with respect to present needs and present property values, and

WHEREAS, Robert Geneslaw Co., Planning and Development Consultants, has proposed to undertake such study and to make recommendations for any needed changes pursuant to a proposal dated December 21, 2004, and

WHEREAS, Shirley Thormann, Chairperson of the Clarkstown Planning Board, and Jose Simoes, Town Planner, have recommended acceptance of said proposal,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Geneslaw Co., Planning Consultant, to conduct the study referred to herein for a fee not to exceed \$7,500.00, to be charged to Account No. B 8020-409.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (991-2004)

Co. Lasker offered and Co. Nowicki offered

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

BID #62-2004 – DESIGN AND INSTALLATION OF PATRIOT GARDENS AT WEST NYACK HAMLET GREEN

is hereby awarded to:

DANNY CLAPP LANDSCAPING, INC  
59 SCHRIEVER LANE  
NEW CITY, NY 10956  
PRINCIPALS: DANIEL R. CLAPP

as per their low bid quote of \$48,200.00

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (992-2004)

Co. Lasker offered and Co. Nowicki offered

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HSBC Bank USA v. The Assessor, the Board of Assessors and the Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Index No(s). 4130/01, 4877/02, 4686/03 and 4107/04, affecting parcel(s) designated as Map 51.7, Block 1, Lot 29, (f/k/a 57-D-19.2) and more commonly known as 219 South Main Street, New City, New York for the year(s) 2001/02, 2002/03, 2003/04 and 2004/05, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

- 1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 51.7, Block 1, Lot 29 be reduced for the year(s) 2001/02 and 2002/03 from \$306,800 to \$245,440 at a cost to the Town of \$1,780.01;

RESOLUTION NO. (992-2004) continued

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 51.7, Block 1, Lot 29 be reduced for the year(s) 2003/04 and 2004/05 from \$306,800 to \$230,100 at a cost to the Town of \$2,479.41;

3. Reimbursement for the year(s) 2001/02, 2002/03, 2003/04 and 2004/05 on the parcel described as Map 51.7, Block 1, Lot 29, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (993-2004)

Co. Lasker offered and Co. Nowicki

WHEREAS, the Town's Communications consultant had recommended the siting of the Town of Clarkstown's proposed emergency communications cellular tower on property owned by the Town of Clarkstown located in West Nyack, New York, and

WHEREAS, the Town's communications consultant has advised that it is important to determine the soil and rock conditions existing at the contemplated site for the tower, and

WHEREAS, a proposal has been received from Soil Testing, Inc., 140 Oxford Road, Oxford, Connecticut, dated December 29, 2004 to obtain the core samples on the Town's property, and

WHEREAS, Dennis M. Letson, Deputy Director of Environmental Control, has recommended acceptance of said proposal,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Soil Testing, Inc., in a form satisfactory to the Town Attorney, to provide the necessary boring and core samples with regard to the siting of the Town's emergency communications cellular tower, and be it further

RESOLVED, that the fee for such services shall not exceed Five Thousand Two-Hundred Seventy (\$5,270.00) Dollars and shall be charged to Account No. H 8754-409-0-78-41.

RESOLUTION NO. (993-2004) continued

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (994-2004)

Co. Mandia offered and Co. Lasker offered

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to purchase through CLG Financial and The Ducey Agency, insurance coverage including General Liability, Excess Liability, Property, and Excess Workers Compensation, for a period of one year, commencing on January 1, 2005 and expiring December 31, 2005, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$870,000.00 and be it

FURTHER RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to enter into a claims-administration agreement with PMA Management Corporation, for a period of one year, commencing on January 1, 2005 and expiring December 31, 2005, and be it

FURTHER RESOLVED, said agreement shall not exceed \$52,500.00.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (995-2004)

Co. Mandia offered and Co. Lasker seconded

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

A Local Law to Amend the procedure for appointment of members of the Alarm Users Review Board established by Chapter 91, Clarkstown Town Code

and

WHEREAS, the proposed local law is intended to amend Chapter 91 of the Clarkstown Town Code, to change the procedure for appointment of members of the Alarm Users Review Board, by eliminating reference to the Police Commission which has been abolished and designating the Town Board as the appointing body;

RESOLUTION NO. (995-2004) continued

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on January 25, 2005, 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

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

\*\*\*\*\*

There being no further business and no one further wishing to be heard, on motion of Co. Nowicki, seconded by Co. Lasker and unanimously adopted the Town Board Meeting was closed, time 12:05 P.M.

Respectfully submitted,

*Patricia Sheridan*

Patricia Sheridan  
Town Clerk