

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

05/10/2005

7:00 P.M.

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

Captain Robert Mahon
Lieutenant Glenn Dietrich
S. O. Lieutenant Robert Donaldson
S. O. Sergeant Joseph Reiter
Sergeant Jeffrey Wanamaker
Sergeant Michael Kelly
Detective Michael Novotny
Detective Lorraine McGrath
Detective Robert McDonald
Detective Earl Lorence
Detective Frederick Parent
Detective Daniel Alvarado

The following were inducted as:

P.O. William Oliver
P.O. Christopher Kelly
P.O. Michael Baisley
P.O. John Mahoney
P.O. Robert Reilly
P.O. Frank Carbone, III
P.O. Robert Reekie
P.O. Jay Vijnoska
P.O. Dawn Fantini
P.O. Norman Peters

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.

The Supervisor opened the Public Portion of the meeting.

Karen Schmidt
Valley Cottage
She asked if bids were sent out for the drainage project on Kill Von Beaste

Chief Fire Safety Inspector Mark Papenmeyer read his progress report on the Unsafe Building located at 69 Route 59, Central Nyack. He stated that the two buildings on the site were removed, all debris carted away, site graded, and safety fencing is now in place.

RESOLUTION NO. (358-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of April 12, 2005 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (359-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Police Department has applied for a federal grant from the U.S. Department of Justice, Office of Community Policing (COPS 2005 Technology Program) (OMB#1103-0082), for the purpose of purchasing equipment necessary to provide for the exchange of data from the police computer network to and from the mobile computer units in police vehicles, and

WHEREAS, the Town of Clarkstown is eligible to apply for such funding in the amount of \$39,466.00;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all documents necessary to make application for the grant award, for the purpose of purchasing equipment necessary to provide for the exchange of data from the police computer network to and from the mobile computer units in police vehicles.

On roll call the vote was as follows:

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

RESOLUTION NO. (360-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, United Water New York, Inc. deposited road spoils from the water main repair construction activities in Rockland County on water company property, without the proper permit in accordance with the provisions of Section 290-17 of the Clarkstown Local Law, and was cited for utilizing certain locations for landfill operations, and

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, the Clarkstown Planning Board, and Daniel N. Kraushaar, Deputy Town Attorney for the Planning Board, have negotiated a proposed remediation agreement with United Water to remediate the disposal sites subject to approval of the Town Board;

RESOLUTION NO. (360-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with United Water New York, Inc., in a form approved by the Town Attorney, to provide for a restoration plan for disposal of road work spoils and to remediate those locations in the Town of Clarkstown where such spoils were disposed without proper authorization.

On roll call the vote was as follows:

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

RESOLUTION NO. (361-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Denis Malone, Transit Operations Supervisor of the Town of Clarkstown Mini-Trans system, has requested monetary assistance from the County of Rockland in order to maintain the Clarkstown Mini Trans bus fleet and to keep it in safe and workable condition, and

WHEREAS, the County of Rockland has authorized a grant to the Town of Clarkstown in the amount of \$60,000.00 to maintain the Town's bus fleet;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, Department of Public Transportation, to obtain a \$60,000.00 supplemental grant to maintain and keep the Clarkstown Mini Trans system in safe, sanitary, and proper order.

On roll call the vote was as follows:

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

RESOLUTION NO. (362-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Estate of Rosemary Greaney (the "Owner") is the current owner of certain premises located at Demarest Mill Road and Germonds Road in the Hamlet of West Nyack in the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown wishes to enter upon the aforesaid premises and perform certain improvements consisting of the replacement of an existing culvert under Demarest Mill Road and related channel bank stabilization on premises of the Owner, and

WHEREAS, the Owner has agreed to execute a right of entry onto the aforesaid premises in order to perform the above mentioned work and has agreed to execute an

RESOLUTION NO. (362-2005) CONT.

easement for the purpose of maintaining permanent structures including wing walls and end walls and channel embankment stabilization measures on the premises of the Owner;

NOW, THEREFORE, be it RESOLVED, that the Town of Clarkstown shall indemnify, defend, protect and hold harmless the Owner of the premises, his respective agents, servants, employees, heirs and assigns from and against any and all losses, liabilities, damages, claims, judgments, fines, suits, demands, settlements, costs, charges, arising from any action, omission or negligence of the Town of Clarkstown of any of its agents, contractors, sub-contractors, employees, invitees or licensees, in connection with the performance of the work and/or the maintenance of the aforesaid permanent structures, and be it

FURTHER RESOLVED, that the Supervisor is authorized to sign the agreement on behalf of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (363-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, MedbillLtd.com (formerly Shoreline Medical Billing Systems, Inc.) Acts as the service organization for the Town of Clarkstown to process insurance claims for basic and advanced life support services provided by volunteer ambulance corps and Rockland Paramedic Service, Inc. and

WHEREAS, it is necessary that the Town of Clarkstown have a limited scope audit to obtain reasonable assurance that MedbillLtd.com has the necessary controls and procedures in place to provide reliance that the billing is proper,

THEREFORE, BE IT, RESOLVED, that Supervisor Gromack is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn, Rosenbaum, Phillips & Jauntig, Certified Public Accountants, with offices at Palisades Office Park, 26 Firemen's Memorial Drive, Pomona, New York, for a cost not to exceed \$5,000, to perform the limited scope audit referred to herein, as described in a proposal dated May 2, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (364-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Robert Bowman furnished to the Town of Clarkstown a Performance Bond secured by Irrevocable Letter of Credit No.99-0330 in the amount of \$122,370.00 to secure the completion of improvements in the Stowbridge Estates subdivision, as shown on the final plat of Stowbridge Estates (21-A-8), which was filed in the Rockland County Clerk's Office on March 31, 1999, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, subject to retention of the usual maintenance bond, as the work has been completed to Town specifications;

NOW, THEREFORE, be it RESOLVED, that security in the amount of \$122,370.00 may be released to the guarantor, subject to receipt of a Maintenance Bond in the amount of \$2,000.00 cash or cash equivalent.

On roll call the vote was as follows:

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

RESOLUTION NO. (365-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the public hearing scheduled by the Town Board for June 14, 2005, concerning the application of Snake Hill Corp. for a special permit to operate a recycling and transfer facility is hereby postponed at the request of the applicant's attorney without date, and be it

FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to notify all agencies of the postponement.

On roll call the vote was as follows:

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

RESOLUTION NO. (366-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the attorney for Davies Farm LLC has requested guidance from the Town with respect to removal of certain mapped but unopened streets on property located in Congers, New York, which streets are shown on Tax Parcel designated as 35.19-1-41, 35.19-1-42, 35.19-1-43, 44.06-1-25, 44.06-1-52, 44.07-1-77, and 44.07-1-83, which if removed may permit subdivision of the various parcels, and

WHEREAS, the Town Board wishes to have the study and report of the Planning Board with its recommendation or recommendations prior to taking any action;

RESOLUTION NO. (366-2005) CONT.

NOW, THEREFORE, be it RESOLVED, the Town Board hereby refers to the Clarkstown Planning Board the request made by the attorney for Davies Farm LLC, for its study and report with recommendation to be made on or before June 30, 2005.

On roll call the vote was as follows:
Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Absent
Supervisor Gromack Yes

RESOLUTION NO. (367-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, at the request of the Police Department, has requested permission to attend the Annual Police Security Expo 2005 on June 21 & 22, 2005 at the Atlantic City Convention Center in Atlantic City, New Jersey;

NOW, THEREFORE be it RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems to attend the Annual Police Security Expo 2005 on June 21 & 22, 2005 at the Atlantic City Convention Center in Atlantic City, New Jersey and be it

FURTHER RESOLVED, that the cost of the conference, including lodging, meals, travel and parking shall not exceed \$700.00 and shall be charged to Account No. A-1680-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (368-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Section 93-2(A) and 2(B) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board that the Clarkstown Parks Board & Recreation Commission desiring to dispense alcoholic beverages on public property in the Town of Clarkstown,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby grants permission to the Clarkstown Alert Hook, Ladder and Engine Company to dispense beer and wine in accordance with and subject to section 93-2A and 2B of the Town Code for:

Preparation for the Congers Fireman's Parade
Friday, September 9, 2005
Congers Community Center - Auditorium
Gilchrest Road
Congers, NY 10920

RESOLUTION NO. (368-2005) CONT.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia. Yes
 Co. Nowicki. Absent
 Supervisor Gromack Yes

RESOLUTION NO. (369-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, M3 – Malay Inc., a production company, requested permission to film in the Town of Clarkstown, on Monday, April 18th, 2005.

NOW, THEREFORE, be it RESOLVED, that M3 – Malay Inc., of 1123 Broadway, Suite 404, New York, NY 10010, is hereby authorized to film a TV “Road Runner” Commercial in the Town of Clarkstown, as follows: road scene located at Blue Heron Road off Pascack Road between Bittern Drive and Briar Road, Nanuet, NY 10954, between 7:00 am and 12:00 Noon and, thereafter, at a private residence in Nanuet, until no later than 8:00 pm, on Monday, April 18th, 2005, upon the following conditions:

- (1) Permittee obtains permission from the property owner or tenant to film at the requested locations;
- (2) A permit fee of \$250.00 shall be paid to the Town of Clarkstown by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers’ Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; to utilize public property for any filming, or storage of equipment, or parking of vehicles; and be it

FURTHER RESOLVED, that the permit granted by this resolution shall be retroactive to 7:00 am, on Monday, April 18th, 2005.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia. Yes
 Co. Nowicki. Absent
 Supervisor Gromack Yes

RESOLUTION NO. (370-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$4,204.09 from D.A.R.E donations, \$110.00 from the Child Passenger Safety Program, \$943.08 from Donations to the Open Space Program and \$1,207.94 from New York State Division of Veterans Affairs,

NOW THEREFORE BE IT, RESOLVED, to increase Account's A-01-9-2705-0 (Gifts & Donations) and A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$4,204.09 and be it,

FURTHER RESOLVED, to increase A-01-9-2705-0 (Gifts & Donations) and A-3120-319-0 (Police-Misc Supplies) by \$110.00 and be it,

FURTHER RESOLVED, to increase H-15-9-2705-0 (Gifts & Donations) and H-8750-409-0 (Capital-Open Space Initiative) by \$943.08 and be it,

FURTHER RESOLVED, to increase H-15-10-4994-0 (State Aid-Veterans Memorial Parks) and H-8749-409-0-73-1 (Capital-Veterans Memorial Parks) by \$1,207.94 and,

WHEREAS, various departments need additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease A-1220-204-0 (Supervisor-Office Machines) by \$1,074.00 and increase A-1220-313-0 (Supervisor-Office Supplies/Printing) by \$677.00 and A-1220-328-0 (Supervisor-Books/Publications) by \$102.00 and A-1220-407-0 (Supervisor-Equipment Repairs) by \$295.

On roll call the vote was as follows:

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

RESOLUTION NO. (371-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received a donation of \$1306.00 from the Annual Senior Citizen Show,

BE IT THEREFORE RESOLVED, to increase Revenue Account No. A 01-002001 (Parks and Recreation charges) and Appropriation Account No. A 7610-301 (food) by \$306.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (372-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Rolando Ofina and Theresa Ofina have requested a refund of Building Permit fee (No. 04-1344) paid in the amount of \$608.00 for premises located at 36 Smith Road, Nanuet, New York, because they have cancelled plans to build an addition, and the Building Inspector has recommended such refund subject to retention of a processing review fee of \$80.00;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$528.00, of the total Building Permit fee paid in the amount of \$608.00, to Rolando Ofina and Theresa Ofina, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows:

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

RESOLUTION NO. (373-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, George Raboni and Margaret Raboni have requested a refund of Building Permit fee (No. 05-189) paid in the amount of \$968.00 for premises located at 17 North Lexow Avenue, Nanuet, New York, because they have cancelled plans to build an extension, and the Building Inspector has recommended a partial refund with retention of a processing review fee of \$140.00;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$828.00, of the total Building Permit fee paid in the amount of \$968.00, to George Raboni and Margaret Raboni, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows:

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

RESOLUTION NO. (374-2005)

Co. Lasker offered and Co. Maloney seconded

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

Bid #27-2005 -- Replacement Of Hvac @ Zukor Park Administration Building

RESOLUTION NO. (374-2005) CONT.

Bids to be returnable to the office of the 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:

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

RESOLUTION NO. (375-2005)

Co. Lasker offered and Co. Maloney seconded

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

Bid #28-2005 – South Mountain Road Drainage Extension

Bids to be returnable to the office of the 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:

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

RESOLUTION NO. (376-2005)

Co. Lasker offered and Co. Maloney seconded

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

Bid#29-2005 – Denver Drive Easement Improvements

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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.

RESOLUTION NO. (376-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (377-2005)

Co. Lasker offered and Co. Maloney seconded

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

Bid#30-2005 – Refuse Pick-Up Service For Town Facilities

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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:

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

RESOLUTION NO. (378-2005)

Co. Lasker offered and Co. Maloney seconded

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

Bid#31-2005 – Crusher For Solid Waste Facility

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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:

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

RESOLUTION NO. (379-2005)

Co. Lasker offered and Co. Maloney seconded

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

Bid#23-2005 – Security Guard Services For Town Park Facilities

is hereby awarded to:

PEAK SECURITY PLUS
196 CLINTON AVENUE, SUITE B25
BROOKLYN, NY 11205
PRINCIPALS: EMMANUEL OSULA

as per their low bid proposal of \$14.50 PER GUARD PER HOUR and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

- a) Signed Contract Documents -- two sets
- b) Performance Bond - 100% of the project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation
- g) Certificate of Worker's Disability Insurance Coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

FURTHER RESOLVED, that this project shall be under the supervision of the Recreation and Parks Department.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Absent
 Supervisor Gromack Yes

RESOLUTION NO. (380-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Frederick M. Carruba, 14 Colgate Drive, Bardonia, N. Y. – Assistant Maintenance Mechanic – Sewer Department – is hereby granted a Sick Leave of Absence – at one half pay – effective and retroactive April 12, 2005 to May 13, 2005.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Absent
 Supervisor Gromack Yes

RESOLUTION NO. (381-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Josaphine Celletti, 72 Leona Avenue, New City, New York – Senior Recreation Leader – Parks Board and Recreation Commission – is hereby accepted – effective and retroactive to April 15, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (382-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, that Rockland County Personnel Office has certified on April 29, 2005 that the position of Clerk Stenographer #0975 can be reclassified to the position of Clerk,

Now, therefore, be it RESOLVED, that the position of Clerk Stenographer #0975 – Department of Environmental Control – is hereby reclassified to the position of Clerk – Department of Environmental Control – effective May 11, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (383-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 29, 2005 that the position of Real Property Data Collector II – can be created,

Now therefore, be it RESOLVED, that the position of Real Property Data Collector II – office of the Town Assessor – is hereby created – effective May 11, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (384-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 29, 2005 that the position of Recreation Supervisor – can be created,

Now therefore, be it RESOLVED, that the position of Recreation Supervisor - Parks Board and Recreation Commission – is hereby created effective May 11, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (385-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Groundskeeper II (Prom) #05011 – which contains the name of William R. Hastings,

Now, therefore, be it RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of William R. Hastings, 40 Old Schoolhouse Road, New City, New York, to the position of Groundskeeper II – Parks Board and Recreation – at the current annual salary of \$61,503., effective and retroactive to April 14, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (386-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer students effective May 23, 2005:

Year Round High School Students (Office Worker Students)
.....Salary Increase: \$1.00 per hour.

Year Round College Students (Office Worker Students) and Laborer Students
.....Salary Increase: \$1.50 per hour.

Returning Seasonal College Students:
Office Worker Students.....\$1.50 per hour.
Laborer Students.....\$1.50 per hour.

Special Studies Intern.....\$10.50 to \$12.00 hr.

RESOLUTION NO. (386-2005) CONT.

Office Worker Students Starting Salary (High School)...\$7.50 to \$8.50 hr.
Office Worker Students Starting Salary (College).....\$9.00 to \$11.00 hr.
Laborer Students (Over 18 years of age).....\$9.50 to \$11.00 hr.

On roll call the vote was as follows:

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

RESOLUTION NO. (387-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01121F Police Sergeant (Prom) which contains the name of Steven M. Chernick,

Now, therefore, be it RESOLVED, that Steven M. Chernick, 169 South Main Street, PMB 351, New City, New York, is hereby appointed to the position of (Permanent) Police Sergeant (Prom) Police Department – at the current annual salary of \$112,985., effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (388-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01121F Police Sergeant (Prom) which contains the name of Michael C. Kelly,

Now, therefore, be it RESOLVED, that Michael C. Kelly, 9 Crownlyn Court, Bardonia, New York, is hereby appointed to the position of (Contingent-Permanent) Police Sergeant (Prom) – Police Department – at the current annual salary of \$112,985., effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (389-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #00220 which contains the name of John J. Mahoney,

Now therefore be it RESOLVED, that John J. Mahoney, 211A Red Hill Road, New City, New York, is hereby appointed to the (Permanent) position of Police Officer - Clarkstown Police Department - at the current 2005 annual salary of \$44,482.,effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (390-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #00220 which contains the name of Dawn M. Fantini,

Now therefore, be it RESOLVED, that Dawn M. Fantini, 91 Wisconsin Avenue, Congers, New York, is hereby appointed to the position of (Permanent) Police Officer - Clarkstown Police Department at the current 2005 annual salary of \$53,378., effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (391-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #00220 which contains the name of Robert Reilly,

Now therefore, be it RESOLVED, that Robert Reilly, 6 Brentwood Drive, New City, New York, is hereby appointed to the (Permanent) position of Police Officer - Clarkstown Police Department - at the current 2005 annual salary of \$53,378.,effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (392-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #00220 which contains the name of Frank A. Carbone, III,

Now therefore, be it RESOLVED, that Frank A. Carbone, III, 4 Garnet Lane, Congers, New York, is hereby appointed to the (Permanent) position of Police Officer - Clarkstown Police Department at the current annual salary of \$53,378.,effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (393-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certifications of Eligibles Police Officer #00220 which contains the name of Robert Reekie,

Now therefore, be it RESOLVED, that Robert Reekie, 4 Brookside Avenue, New City, New York, is hereby appointed to the position of (Permanent) Police Officer - Clarkstown Police Department - at the current 2005 annual salary of \$53,378., effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (394-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #00220 which contains the name of Jay C. Vejnaska,

Now therefore, be it RESOLVED, that Jay C. Vejnaska, 23 Carrie Lane, Nanuet, New York, is hereby appointed to the position of (Permanent) Police Officer - Clarkstown Police Department - at the current 2005 annual salary of \$53,378.,effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (395-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Officer has furnished Certification of Eligibles Police Officer #00220 which contains the name of Norman A. Peters,

Now therefore, be it RESOLVED, that Norman A. Peters, 19 W. Palisades Ave., Nanuet, New York, is hereby appointed to the position of (Permanent) Police Officer – Clarkstown Police Department – at the current 2005 annual salary of 53,378.,effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (396-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Christopher Hughes, 616 Gateway, Valley Cottage, New York, is hereby appointed to the position of Solid Waste Facility Attendant – Solid Waste Facility – at the current 2005 annual salary of \$33,298., effective and retroactive to April 25, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (397-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Patricia Battles, 5 Woodland Road, New City, New York – Member – Board of Assessment Review – is hereby accepted – effective and retroactive to March 1, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (398-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Joan McGrath, 2 Ferndale Road, New City, New York is hereby appointed to the position of Member – Board of Assessment Review – (to fill the unexpired term of Patricia Battles) – term effective and retroactive to May 9, 2005 and to expire on September 30, 2005 – at the per diem rate of \$140., per attendance, when the Board is in session.

On roll call the vote was as follows:

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

RESOLUTION NO. (399-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Richard C. Tigue, 58 Parker Avenue, New City, New York, to the position of (provisional) Parks Maintenance Director Parks Board and Recreation Commission – at the current 2005 annual salary of \$83,209., effective and retroactive to May 9, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (400-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, M.V.E. DEVELOPMENT CORP. has petitioned the Town Board of the Town of Clarkstown, requesting amendment to the Restrictive Covenants so as to eliminate the 25 foot buffer with evergreen screening which is required pursuant to zone change approvals granted by the Town Board pursuant to Town Board Resolutions 748-1999 and 665-1981, for premises designated on the Clarkstown Tax Map as 35.19-2-5 (formerly 129-A-9.2) and 35.20-1-12 (formerly 129-A-5.5), located at 300 Route 303, Congers, New York:

NOW, THEREFORE, be it RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning

RESOLUTION NO. (400-2005) CONT.

Local Law of the Town of Clarkstown, and to the Rockland County Commissioners of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on June 14, 2005 at 8:00 p.m., and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, 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 SEQRA review, and be it

FURTHER RESOLVED, that Jose Simoes, Town Planner, shall also review and report to the Town Board whether or not the proposed action, if approved shall be consistent with the town of Clarkstown' Comprehensive Plan.

On roll call the vote was as follows:

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

RESOLUTION NO. (401-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 497-2004 the Supervisor was authorized to accept assignment of an option agreement held by The Trust for Public Land for the purchase as parklands of premises described on the Tax Map as 63.11-2-2, commonly known as 160 South Pascack Road, Nanuet, New York, consisting of approximately 10.5 acres of land, and

WHEREAS, after the contract assignment was accepted, certain allegations were made by a former tenant of the premises and another person believed to have credible information that unauthorized disposal of unacceptable waste material may have occurred on the subject property, and

WHEREAS, as a result of the above information on recommendation by the Town's consulting engineers, permission was sought from the property owner to conduct an on-site investigation to determine if there was any contamination on the premises of the type alleged, and

WHEREAS, The Trust for Public Land, as the holder of the option agreement was unable to secure the necessary right-of-entry for said examination and testing to occur, and as a result of discussions with the property owner has entered into an agreement whereby the option agreement was terminated;

RESOLUTION NO. (401-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that The Trust for Public Land having terminated its agreement for the purchase of premises designated as Tax Lot as 63.11-2-2 from Henry J. Bonnabel and Erna K. Bonnabel, Resolution No. 497-2004 referred to herein is hereby RESCINDED.

On roll call the vote was as follows:

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

RESOLUTION NO. (402-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Westchester entitled, SPRING VALLEY IMPROVEMENTS, LLC V. ASSESSOR OF THE TOWN OF CLARKSTOWN, NEW YORK, BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, NEW YORK AND THE TOWN OF CLARKSTOWN, NEW YORK, Index No(s). 12138/02, 11669/03 and 10789/04, affecting parcel(s) designated as Map 57.66, Block 1, Lots 2, 2./3, 2.1, and more commonly known as Spring Valley Marketplace, Spring Valley, New York for the year(s) 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 East Ramapo 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 57.66, Block 1, Lots 2, 2./3 be reduced for the year(s) 2002/03 from \$17,228,400.00 to \$12,921,300.00 at a cost to the Town of \$25,773.29;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.66, Block 1, Lots 2.1 be reduced for the year(s) 2003/04 from \$8,335,600.00 to \$6,889,000.00 at a cost to the Town of \$9,177.15;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.66, Block 1, Lot 2.1 will not be reduced for the year(s) 2004/05;
4. Reimbursement for the year(s) 2002/03 and 2003/04 on the parcels described as Map 57.66, Block 1, Lots 2, 2./3, 2.1, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

RESOLUTION NO. (402-2005) CONT.

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (403-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, on Petition of Tor Valley, Inc. and Davies Farm Inc., the Town Board of the Town of Clarkstown by resolution duly adopted on August 17, 2004, as amended on September 14, 2004, scheduled a public hearing on September 14, 2004 at 8:00 p.m., which public hearing was continued on various dates to October 26, 2004, January 18, 2005, February 8, 2005, and concluded on April 12, 2005, to consider the application of Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property owned by the petitioners, designated on the Clarkstown Tax Map as 51.9-1-50 and 51.9-1-51, more particularly described on Schedule "A" herein, from the R-22 District to the LS District, and

WHEREAS, notice of public hearing was duly published as required by law, said hearing was duly commenced at the time and place specified in the notice and continued on subsequent dates as described herein until April 12, 2005, when the record was closed, and

WHEREAS, by separate resolution of the Town Board, a simultaneous public hearing to hear and consider whether or not the Town of Clarkstown Comprehensive Plan should be amended was scheduled, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the public, and has received a report from its Planning Consultant, Robert Geneslaw, which advises that the proposed Zone Change is an unlisted action for environmental review purposes, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it RESOLVED, that based upon the report of Robert Geneslaw, dated April 5, 2004, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change and concurrent, but prior for record purposes, Amendment of the Comprehensive Plan shall not have any significant impact on the environment, and that no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required for the action contemplated, and be it

FURTHER RESOLVED, that based on the report of the Clarkstown Planning Board and all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

RESOLUTION NO. (403-2005) CONT.

1. That the drainage study submitted on behalf of the applicant and reviewed by the Town's engineers has determined that there will be no flood plain, stream protection, wetland, drainage or water quality issues which cannot be resolved during site plan or subdivision review which would affect the proposed layout of the R-22 or LS portions of the property;
2. That the applicants' concept plan has demonstrated that single-family homes can be built between the existing stream and the proposed revised zoning district line;
3. That the traffic study submitted by the applicants and reviewed by the Town's independent traffic engineer consultant demonstrates that the plan proposed shall result in a significant improvement of traffic operations and safety in the area of the proposed commercial development and that the additional traffic can be accommodated at the intersections of Little Tor Road, New Valley Road and Milich's land provided the comments of the Town's independent traffic consultant as set forth in his report, dated March 21, 2005, are addressed at the planning stage by the Planning Board;
4. That the uses permitted by the proposed change would be appropriate in the area because they are uses that currently exist in and around the area. The proposed zone change would extend an existing LS zoning district having several existing retail and service establishments;
5. That the adequate public school facilities and other public services already serve the existing site;
6. That the adequate water supply and sanitary sewer service currently serves the area, and that further development shall be subject to verification that adequate water supply shall continue to be available;
7. That in the vicinity of the area to be rezoned, there is approximately 3 acres of LS zoned property, most of which is currently developed and within the Town there is very little undeveloped LS zoned property, especially on the order of 6 or more acres;
8. That given the reduced amount of available LS property in the Town, the recent development and redevelopment of LS zoned property in the Town has been slow;
9. That the proposed zoning amendment will reduce the potential for residential development as envisioned by the Comprehensive Plan, and in accordance with the stated goals of the Comprehensive Plan, the proposed amendment will allow for redevelopment of a commercial area, encourage economic development opportunities, and provide goods and services to meet the needs of Town residents;
10. That the proposed zone change will result in a decrease of the total zoned residential land of the Town by 4.6 acres, thereby reducing the potential number of single-family homes that can be developed and the demand for additional public school facilities and other public services;
11. That the redevelopment of this property may encourage the investment and revitalization of the other existing LS zoned property in the vicinity;
12. That development of additional non-residential land may be needed to provide commercial services and employment in the Town, but there is such land available for development of commercial establishments in the subject area beyond what is proposed, provided, however, if there were to be further requests for similar zone changes such as redistricting may adversely impact the surrounding residential neighborhoods;

RESOLUTION NO. (403-2005) CONT.

and be it FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 51.9-1-50 and 51.9-1-51, situate in the Hamlet of New City, from the R-22 District to the LS District, which is described on the attached Schedule "A" provided, however, that such zone change shall be subject to the conditions set forth herein and that the property owner shall execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land for the entire parcel of land owned by the applicants, and which shall provide the following:

1. That the rezoned property shall be subject to site plan approval for the construction of not more than a one story 30,000 square foot shopping center with a free standing 4,000 square foot bank building;
2. That the remaining R-22 portion of applicants' land consisting of approximately 11.84 acres shall, when developed, be limited to development of single-family homes in accordance with the applicable regulations;
3. That the applicant/developer shall take into consideration the existence of federal wetlands on the site and not seek to develop same without taking into account appropriate reductions in lot area for such existing wetlands;
4. That the applicant/developer shall provide proof prior to seeking final approval for its site plan that there is sufficient public water available to meet the community's needs for water supply during peak usage periods or during drought periods;
5. That the redistricting of the subject lands should not be interpreted to guarantee to the applicant/developer the building sizes proposed or lot count suggested in the submission, but that such is properly subject to evaluation by the Planning Board during subsequent site plan and subdivision reviews;
6. That prior to submission of any portion of the rezoned property for site plan approval or subdivision of the adjacent property owned by the applicants, the property owner(s) shall execute a covenant running with the land, in a form acceptable to the Town Attorney, legally effective to restrict use of the LS zoned portion of the premises from the following uses:
 - A. "Restaurant-Fast Food" establishments as defined in the Clarkstown Zoning Local Law Section 290-3;
 - B. Supermarkets or other establishments selling packaged foods from premises in excess of 4,000 sq. ft. of gross leased area;
 - C. Department Stores or other establishments selling merchandise from premises in excess of 4,000 sq. ft. of gross leased area;
 - D. Tattoo parlor or any establishment which provides tattooing of the human body by any means which results in the placement in human tissue of any indelible design, figure, symbol or mark with the aid of any needle or other instrument which design, figure, symbol or mark is visible upon or under the skin of the person;
 - E. Massage Parlor or massage establishment, where the manipulation of human body muscle or tissue by rubbing, stroking kneading or tapping by hand or mechanical device shall occur unless same is administered by a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, osteopath, acupuncturist, or similarly licensed professional;
 - F. Bar, Tavern, Saloon or Grill, or any establishment offering for sale any alcoholic beverage for on premises consumption unless such establishment shall meet the

RESOLUTION NO. (403-2005) CONT.

criteria of a "Restaurant Standard" as defined in the Town of Clarkstown Zoning Local Law in Section 290-3; and

G. Alcohol and Substance Abuse Clinic or Treatment Center offering services for the treatment of alcohol or drug abuse where neither meals or lodging is provided,

and be it FURTHER RESOLVED, that the Zone Change described herein is deemed to be effective and subsequent to the Town Board's resolution amending the Town of Clarkstown Comprehensive Plan, adopted April 12, 2005, which clarifies the Town Board's intent with respect to provision for adequate buffering of residential districts from adjacent commercially zoned districts, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law.
RESOLUTION NO. (403-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (404-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a hydrant investigation (No. 12035) has been made by United Water New York for premises commonly known as the ARC TRAILER PARK, Nanuet, New York, designated on the Clarkstown Tax Map as 57.11-1-81 (formerly 7-A-23.1), and

WHEREAS, it has been recommended that five (5) fire hydrant(s) be installed within said premises, for the protection of future occupants, and

WHEREAS, said property is private property; and the hydrant(s) shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the owner of the premises, reputed to be AFFORDABLE RESIDENTIAL COMMUNITIES, in a form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby AFFORDABLE RESIDENTIAL COMMUNITIES, or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the use of property presently owned by AFFORDABLE RESIDENTIAL COMMUNITIES, located in the Hamlet of Nanuet, as shown on any existing site plan or as-built affecting the tax map parcel 57.11-1-81 referred to above, and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to the property owner of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

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

RESOLUTION NO. (404-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (405-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown Police Department seized money as a result of an investigation into alleged illegal activities being conducted at the Nanuet Health Center, and

WHEREAS, the Town of Clarkstown and the defendant have agreed to enter into a Pre-Commencement Forfeiture Settlement agreement (the Town of Clarkstown Police Department being the claiming agent of the proceeding), to receive monies from the proceeds of a crime committed within the Town of Clarkstown pursuant to CPLR Article 13-A;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Town Attorney, on behalf of the Town, to execute the Pre-Commencement Forefeiture Settlement agreement with the defendant, in a form approved by the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (406-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town performed sidewalk improvement work per Resolution 486-2003 and shrubs were removed adjacent to the property line of 7 Demarest Mill Court to complete the work, and

WHEREAS, it is necessary that these shrubs be replaced to maintain privacy for the owner; and,

WHEREAS, the Director of the Department of Environmental Control had solicit proposals to perform said landscaping work and, WHEREAS, the Department of Environmental Control has reviewed this proposal and found it to be reasonable;

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

Ascape Landscape Landscape and Construction Corp.
 P.O. Box 679
 New City, New York

RESOLUTION NO. (406-2005) CONT.

to perform the necessary work in accordance with the requirements of the Department of Environmental Control; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$1200.00 and shall be a proper charge of H 8752-409-0-76-10.

On roll call the vote was as follows:

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

RESOLUTION NO. (407-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 278, Sec. 13 of the Code of the Town of Clarkstown, at RESOLUTION NO. (407-2005) CONT.

Tutor Time/Child Day Care Learning Center
227 North Main Street
New City, NY 10956
(59-A-16.8) (43.07-1-29)

WHEREAS, Bartolomeo D'Andrea has requested that the Town of Clarkstown designate said fire lanes;

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

On roll call the vote was as follows:

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

RESOLUTION NO. (408-2005)

Co. Maloney offered and Co. Lasker 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:

Sign R9-4, State Law Do Not Block Side Road

RESOLUTION NO. (408-2005) CONT.

on Prospect Street at Fisher Avenue, Nanuet (entrance to the commuter parking lot) pursuant to the Manual for Uniform Traffic Control Devices Section 219.5, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (409-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, and Patrick Watson, Information Service Specialist, have requested permission to attend the 2005 NYS CYBER SECURITY CONFERENCE on June 15 and June 16, 2005, at the Empire State Plaza Convention Center, Albany, New York;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, and Patrick Watson, Information Service Specialist, to attend the 2005 NYS CYBER SECURITY CONFERENCE, for the period June 15 and June 16, 2005, and be it

FURTHER RESOLVED, that the cost of seminar, if any, lodging, and other reasonable expenses for travel, tolls, and meals shall be charged to Account No. A 1680-404.

On roll call the vote was as follows:

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

RESOLUTION NO. (410-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, certain veteran organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organizations for the year 2005:

RESOLUTION NO. (410-2005) CONT.

- Jewish War Veterans of the U.S.A. - Post 720
- Jewish War Veterans of the U.S.A. - Post 756
- Korean War Veterans - Eagle Chapter
- Military Order of the Purple Heart - Chapter 120
- Veterans of Foreign Wars of U.S. - Post 851
- Veterans of Foreign Wars - Post 3773
- Veterans of Foreign Wars of the U.S. - Post 8749
- Veterans of Foreign Wars of the U.S. - Post 2607
- Veterans of Foreign Wars of the U.S. - Post 9215
- Vietnam Veterans of America - Chapter 333

and be it FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against Account No. A 6510-401.

On roll call the vote was as follows:

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

RESOLUTION NO. (411-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a result of a paving repair and maintenance project on a Town dedicated street known as Settlers Court, the Highway Department inadvertently changed the pitch of the driveway at 2 Settlers Court, New City, which has resulted in an alleged ponding condition during rain storms occurring at the point where the driveway meets the Town right of way, and

WHEREAS, as a result of discussions between Town officials and the property owner, the damage claim is proposed to be settled by providing the property owner with materials for the installation by the property owner of 15 foot trench drain and a cash payment of \$400.00, which will be used by the property owner to partially defray the cost of installation of the trench drain and necessary repaving; NOW, THEREFORE, be it

RESOLVED, on the recommendation of the Superintendent of Highways and the Town Attorney, the Supervisor is authorized to enter into an agreement with Susan Berman and Robert Berman, 2 Settlers Court, New City, New York, to provide the property owner with materials for a 15 foot trench drain and a cash payment of \$400.00 to be used by the property owner for the installation and correction of the alleged condition subject, however, to the property owner or their authorized contractor obtaining the necessary road opening permit from the Clarkstown Highway Department and the execution of a general release for the benefit of the Town, in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (412-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Director of the Department of Environmental Control that

BID#11-2005 - DEMAREST MILL ROAD CULVERT REPLACEMENT

is hereby awarded to:

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

as per their low bid proposal of \$767,767.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of the project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation
- g) Certificate of Worker's Disability Insurance Coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (413-2005)

Co. Lasker offered and Co. Maloney seconded

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

RESOLUTION NO. (413-2005) CONT.

BID# 32-2005 JEFFERY COURT DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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:

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

RESOLUTION NO. (414-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#33-2005 – ELKS DRIVE CHANNEL IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New city, New York (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:

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

RESOLUTION NO. (415-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#34-2005 – ELLIOTS ALLEY DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New city, New York (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.

RESOLUTION NO. (415-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (416-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#35-2005 – MILL CREEK ROAD DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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:

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

RESOLUTION NO. (417-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#36-2005 – SO. MOUNTAIN AT ZUKOR RD INTERSECTION

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (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:

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

RESOLUTION NO. (418-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, the Town of Clarkstown is in the process of having drainage studies performed at various locations in the Town; and

Whereas, during the field survey work required for these studies it was discovered that existing drainage facilities are occluded with debris and sediment to the point that they must be cleaned in order to complete the survey work; and

Whereas, the Department of Environmental Control has obtained a proposal from a qualified private contractor to provide the necessary equipment and labor to perform the cleaning services;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Fred A. Cook, Jr. Inc.
P.O. Box 71
Montrose, New York 10548

To perform said cleaning services in accordance with their proposal dated May 9, 2005, at the rate of \$1,080.00; and

Be It Further Resolved that the length of said services shall not exceed ten (10) days without further Town Board resolution; and

Be It Further Resolved that this work shall be a proper charge to account # A 8730 - 409.

On roll call the vote was as follows:

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

RESOLUTION NO. (419-2005)

Co. Lasker offered and Co. Maloney seconded

Whereas, Town Board resolution #106-2005 awarded bid #10-2005 Christian Herald Road Drainage Improvements to Upstate Concrete & Masonry of Monroe, 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:

Replacement of an existing asphalt swale that was buried and not visible in the field.	\$1,000.00
Replacement of a portion of the existing asphalt parking lot at 475 Christian Herald Road used for access to the project site	\$2,100.00
Repair to an existing sanitary sewer line that was in conflict with the new drain line	\$3,756.73

RESOLUTION NO. (419-2005) 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 \$6,856.73; and

Be It Further Resolved that the current budget allowance for this project shall be increased to \$48,201.73 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 8755- 409- 0 -79-3.

On roll call the vote was as follows:

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

RESOLUTION NO. (420-2005)

Co. Lasker offered and Co. Maloney seconded

Whereas; Town Board Resolution #568-2004 awarded BID #36-2004 - Calvary Drive Roadway And Drainage Improvements to Rhombus Enterprises, Inc; and

Whereas, Rhombus Enterprises, Inc submitted prices for the additional work and for work not preformed which has been reviewed by the Department of Environmental Control and be approved by the Town Board as Change Order Numbers 1 through 10.
RESOLUTION NO. (420-2005) CONT.

CO #1 Additional construction signs were required to be installed per the New York State Department of Transportation per their new guide lines The proposal was reviewed by the Department of Environmental Control and determined to be reasonable. The cost to complete these changes is \$2,155.00

CO #2 Unforeseen field conditions at the roadway: the asphalt in the proximity to Route 304 was three feet thick which the contractor had to use a specialty equipment to remove the asphalt. The work and proposal was reviewed by the Department of Environmental Control and determined to be reasonable. The cost to complete these changes is \$3,774.00.

CO #3 during the course of construction the existing material was determined by Fairway Testing to be unsuitable for structural fill for the road bed and additional suitable material (item #4) had to be installed to stabilize the road base. The work and proposal was reviewed by the Department of Environmental Control and determined to be reasonable. The cost to complete these changes is \$16,560.00.

CO #4 additional material (medium stone fill) had to be installed to stabilize the stream channel and embankments around the wing walls. The work and proposal was reviewed by the Department of Environmental Control and determined to be reasonable. The cost to complete these changes is \$8,428.00.

CO #5 unforeseen field conditions and conflicts with underground utilities required modifications to the drainage. The prices submitted for the additional work was reviewed

RESOLUTION NO. (420-2005) CONT.

by the Department of Environmental Control and determined to be reasonable. The cost to complete these changes is \$17,111.00.

CO #6 the stream channel and stream diversion measures were damaged during three major storms during the course of construction, repairs to the diversion and re-setting the pipes were necessary to complete the project The work was reviewed by the Department of Environmental Control and determined to be reasonable. The cost to complete these changes is \$9,876.00.

CO#7 Modifications to Guide Rail transitions were required for safety The work and proposal was reviewed by the Department of Environmental Control and determined to be reasonable. The cost to complete these changes is \$31,133.00.

Total increases to the Contract \$89,036.00
CREDITS for work not preformed

CO #8 the Highway Department added Cavalry Drive to the paving list for 2005 and requested the top course be eliminated from this portion to prevent a seam in the pavement. The top course for the pavement was eliminated from the contract.
Credit to the town -\$9,263.00

RESOLUTION NO. (420-2005) CONT.

CO #9 credit for no asphalt milling per CO # 8 total credit -\$5,000.00

CO#10 the proposed sidewalk on the north side of Calvary Drive was eliminated per Town's consultant. Credit to the Town -\$2,350.00

Item #1 Liquidated Damages for work not completed on time, credit to Town -\$2,500.00

Total credits to town -\$19,113.00

Now, Therefore, Be It Resolved that the total approved costs of changes for this project for Change Orders #1 through 10 and Item #1 is \$69,923.00 and,

Be It Further Resolve that the current allowance for this project be increased to \$468286.00 to reflect the additional cost of the change orders; and,

Be It Further Resolved that this shall be a proper charge to account H 8748 409 0 721.

On roll call the vote was as follows:

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

RESOLUTION NO. (421-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, pursuant to Town Board Resolution 116-2004, the Town of Clarkstown awarded Bid No. 58-2003 (Crusher for Solid Waste Facility) to Crushtek, LLC; and

WHEREAS, pursuant to the bid documents, Crushtek was to deliver the Solid Waste Impact Crusher to the Town of Clarkstown by April 14, 2004; and

WHEREAS, in September 2004, the Town of Clarkstown and Crushtek entered into an agreement which provided that the Town of Clarkstown would extend the delivery date

RESOLUTION NO. (421-2005) CONT.

of the new machine to March 31, 2005, provided that Crushtek agreed to defend and indemnify the Town against certain claims; and

WHEREAS, Crushtek failed to deliver the machine by the new delivery date, and has refused to provide the Town with a definitive delivery date;

NOW, THEREFORE, BE IT RESOLVED, the Town hereby declares Crushtek in default of its obligations under Bid No. 58-2003 and the Lease dated October 8, 2004; and be it

FURTHER RESOLVED, that the Purchasing Department is hereby directed to solicit new bids for Bid 31-2005 – Crusher for Solid Waste Facility; and be it

FURTHER RESOLVED, that the Deputy Town Attorney, Purchasing, under the direction of the Town Attorney, is hereby authorized to take any appropriate actions to recover any damages sustained by the Town as a result of Crushtek's breach.

On roll call the vote was as follows:

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

RESOLUTION NO. (422-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Langbaum Associates, Inc. loaned the Town of Clarkstown certain closed circuit camera equipment, which was installed for testing purposes at the Palisades Center Mall; and

WHEREAS, the Clarkstown Police Department wishes to purchase the equipment for permanent use; and

WHEREAS, Langbaum Associates has provided a quote for the purchase of said equipment at their cost;

NOW, THEREFORE, based upon the recommendation of the Deputy Town Attorney, Purchasing Department, it is

RESOLVED, that the Clarkstown Police Department is hereby authorized to purchase the video equipment set forth in Langbaum Associates' quote dated March 24, 2004, for a total cost not to exceed \$3320.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (423-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, an outlet channel in an existing Town drainage easement is overgrown, partially blocked by sediment, and no longer functioning to provide for proper routing of storm run-off, and

WHEREAS, the staff of the Department of Environmental Control have inspected the existing condition and determined that the channel should be cleaned of debris and sediment to improve outlet flow, and

WHEREAS, due to the current conditions and that the channel is filled with standing water, the exact extent of work cannot be determined, and

WHEREAS, proposals were solicited from three Contractors to provide labor and equipment on a per day basis to perform the necessary work, and

WHEREAS, two Contractors responded with proposals to provide said labor and equipment, and

WHEREAS, the lowest qualified proposal was received from KJS hauling and Home Improvement, in the amount of \$950.00 per day,

NOW THEREFORE, BE IT RESOLVED that 15 GREEN AVENUE EASEMENT, VALLEY COTTAGE is hereby awarded to:

KJS Hauling and Home Improvement
95 Maple Avenue
New City, New York 10956

for the proposed cost of \$ 950.00 per day, total amount not to exceed \$10,000.00, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8753-409-0-77-22.

RESOLUTION NO. (423-2005) CONT.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Absent
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 9:10 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

CLARKSTOWN TOWN BOARD & SPRNG VALLEY VILLAGE BOARD
JOINT MEETING

Town Hall

05/10/2005

7:00 P.M.

Present from the Town of Clarkstown:

Supervisor Alexander J. Gromack
Council Members Lasker, Maloney, & Mandia
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Present from the Village of Spring Valley:

Mayor George Darden
Deputy Mayor Philip Rosenthal
Trustees Desmaret and Jasmin
Bruce Levine, Village Attorney
Marilyn Vender, Deputy Village Clerk

Re: Reciprocal Annexations from the Town of Clarkstown and the Village of Spring Valley
with respect to Ben Wild Road and Second Avenue

Assemblage saluted the flag. Town Clerk, Patricia Sheridan, called the roll for Clarkstown and Deputy Village Clerk, Marilyn Vender, called the roll for Spring Valley. Town Clerk read the notice calling the Public Hearing and testified as to the proper posting and publication.

NOTICE IS HEREBY GIVEN, that a petition, pursuant to Article 17 of the General Municipal Law, has been received by the Town Board of the Town of Clarkstown, County of Rockland, New York, and the Village Board of the Village of Spring Valley, Rockland County, New York, for the annexation of the property described in the petition of Head Start of Rockland, Inc., as owner with rights to the use of a portion of Second Avenue, Spring Valley, New York, (described on attached Schedule "A" as parcel "1"), to the Village of Spring Valley, and reciprocal annexation of a portion of Ben Wild Road, located within the Village of Spring Valley, to the Town of Clarkstown (described on attached Schedule "A" as Parcel "2").

NOTICE IS FURTHER GIVEN, that on May 10, 2005, at 7:00 p.m., a joint hearing upon such petition will be held by the Town Board of the Town of Clarkstown and the Village Board of the Village of Spring Valley, in Room 311, at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York 10956. At such time and place all persons interested in the matter may be heard. Objections based on any of the grounds set forth in Paragraphs a, b, c, or d of Subdivision 1 of Section 705 of the General Municipal Law shall, in addition to oral testimony thereon, be submitted in writing.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Clarkstown will hold a public hearing on May 10, 2005 at 7:00 p.m., or as soon thereafter as possible, in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Section 273 of the Town Law, for the Clarkstown Town Board to consider Amending the Official Map of the Town of Clarkstown, by deleting that portion of Second Avenue which may be annexed to the Village of Spring Valley as a result of an annexation proceeding to be conducted simultaneously with the public hearing scheduled herein. The description of the portion of Second Avenue which appears on the Official Map and which may be deleted therefrom is annexed as Schedule "A."

All parties in interest and citizens will be heard by the Town Board at the public hearing to be held as aforesaid.

Mayor George Darden stated that this is a mutual annexation. It was slated for housing but now two-thirds of the property will be used for Head Start and one-third will be used for a park. He is a former teacher and he is committed to education and recreation for our youth.

ABE667

Scott Gdanski, attorney for Head Start, spoke about his clients' intentions.

John Costa, Clarkstown Town Attorney, stated that the Clarkstown Town Board is simultaneously hearing a proposal to amend the official map which would delete the portion of Second Avenue which is up for consideration for annexation to the Village of Spring Valley from the Town of Clarkstown's official map.

The Mayor of Spring Valley stated that the purpose is not to see if there should be a Head Start facility at this location. The purpose is to discuss an exchange. The Town of Clarkstown will not lose any property as far as footage is concerned. He has been involved in education for 35 years, and takes this project seriously.

The benefit to the Town is that Mr. Ballard could do his turn-around so he can plow. Mr. Ballard suggested that the portion of Ben Wild Road which we are asking to annex to the Town would be available to him for snow clearing. It would provide a snow storage area and this would make plowing easier on Second Avenue.

Mr. Gary Fairweather, who lives directly behind this project, said that many trees have been taken down at the site and he has a water problem and bad drainage. The mayor stated that he would not tolerate water problems at all. Clarkstown has spoken to his office and made sure that water run off from this project will be zero. Proper piping and engineers will be used. This is all part of the plan. Newspapers, flyers and radios will be used to communicate this project to everyone.

Dennis Letson, Deputy Director of the Clarkstown Department of Environmental Control, said that the Town has requested a filtration system and an underground retention system to control the runoff from the site.

Supervisor Gromack said that Mr. Letson will be glad to share the information and the study that he did on behalf the Town of Clarkstown.

Ms. Gloria Hughes, whose backyard is behind where all of the trees have been removed, said that there is water drainage problem in her backyard from this project. She wants to know, now that the trees are down, what will be done for privacy in her backyard. She is concerned about intruders coming through her fence and into her backyard. She is concerned that the children in the neighborhood will get hurt if the road is opened. People do not stop at the stop sign on the street as it is.

The mayor stated that children should not be playing on the street.

The site includes a fence so there will be no trespassing. The height of the fence will be worked out between the Village and the residents.

Gloria B. Gibson is concerned about drug traffic, flooding, and daycare in homes. The Mayor said that the drug problem is a police issue.

John Costa said the catch basin will take care of the drainage problem.

James Comer, President of the Home Owners Association in Spring Valley, said he knew nothing about Ben Wild Road, Second Ave., Head Start, Building, or Zoning. He can't believe they are voting on this. Security, safety and flooding are not the issues here. There was no notification about any of this except in the newspapers. He can't believe that the Mayor said children should not play in the streets. The reality is children do play in the streets. He said Spring Valley is buying back property that they have owned before. He is asking Spring Valley to give the homeowners the right to look at the property the way the Town of Clarkstown has looked at it. He said the homeowners did not get a chance.

John Costa said the Town of Clarkstown notified all residents within 500 feet of the project.

Councilman Ralph Mandia and Councilman Maloney moved to close. Deputy Mayor Rosenthal and Trustee Jasmin moved to close and adopt. Supervisor Gromack and Councilman Maloney moved to adopt.

WHEREAS, a petition dated March 17, 2005, was received by the Town of Clarkstown from Head Start of Rockland, Inc., as owner with rights to the use of a portion of mapped but unopened Second Avenue, within the Town of Clarkstown (described on attached Schedule "A" as parcel "1"), abutting other property owned by the petitioner, seeking annexation of said property to the Village of Spring Valley, and for the reciprocal annexation of a similarly sized portion of Ben Wild Road, within the Village of Spring Valley to the Town of Clarkstown, and

WHEREAS, the subject portion of Second Avenue is shown on the Official Map of the Town of Clarkstown, and is located at the terminus of the dedicated portion of Second Avenue, and

WHEREAS, a Joint Hearing of the Town Board of the Town of Clarkstown and the Village Board of Trustees of the Village of Spring Valley, was duly scheduled and held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on May 10, 2005, at 7:00 p.m., simultaneously with an additional public hearing pursuant to Town Law 273 to consider Amendment of the Official Map of the Town of Clarkstown, to delete the subject portion of Second Avenue from said Official Map, at which time all interested parties were heard, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA from its consultant Jose Simoes, Town Planner, which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered said petition and all the information presented at said public hearings;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown finds as follows:

That the aforesaid petition for annexation substantially complies in form and content with Article 17 of the General Municipal Law;

That the proposed reciprocal annexations of certain territory in the Town of Clarkstown to the Village of Spring Valley and vice versa, as described in the aforesaid petition is in the over-all public interest, because the area being transferred to the Village of Spring Valley is adjacent to and included within the area proposed to be developed by the petitioner and is subject to the Village planning process, and the said annexation will provide for more efficient delivering of municipal services of the subject property, and that the reciprocal annexation from the Village of Spring Valley to the Town of Clarkstown of the portion of Ben Wild Road will similarly provide for better road maintenance by the Town of Clarkstown;

That removal of the subject portion of mapped but unopened Second Avenue from the Official Map of the Town of Clarkstown is in the public interest as same is not needed for public road purposes and shall be within the site of the petitioner, and be it

FURTHER RESOLVED, that a copy of this resolution containing the Findings of Fact and determination of the Town Board of the Town of Clarkstown be forwarded by the Clarkstown Town Clerk to the Village Clerk of the Village of Spring Valley, and be it

FURTHER RESOLVED, that the determination be made part of the record of this proceeding on file in the office of the Town Clerk of the Town of Clarkstown upon its adoption, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby determined to be amended, as recommended by the Superintendent of Highways as described, and recommended by the Clarkstown Planning Board in its report to the Town Board dated May 5, 2005;

NOW, THEREFORE, it is ORDERED, that the consent and approval of the Town Board of the Town of Clarkstown is hereby given to the reciprocal annexation of the territory now situated in the Town of Clarkstown and the Village of Spring Valley, as described on Schedule "A" attached hereto.

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 12, 2005, provided for a public hearing on May 10, 2005, at 7:00 p.m., or as soon thereafter as possible, to consider deleting a portion of Second Avenue, within the Town of Clarkstown, as described on Schedule "A" attached, from the Official Map of the Town of Clarkstown, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Jose Simoes, Town Planner, which the Board has discussed and considered in making their decision herein;

NOW, THEREFORE, be it RESOLVED, that based upon the report of Jose Simoes, Town Planner, dated May 5, 2005, acting as staff to the Town Board as lead agency, the Town hereby determines that the Amendment to the Official Map shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting a portion of Second Avenue, within the Town of Clarkstown, described on Schedule "A" attached, and be it

FURTHER RESOLVED, that Director of the Department of Environmental Control is hereby authorized and directed to amend the Official Map as described in the petition and as recommended in the report of the Clarkstown Planning Board dated May 5, 2005.

On roll call the vote was as follows:

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

Trustee Desmaret Yes
Trustee Jasmin Yes
Dep. Mayor Rosenthal Yes
Mayor Darden Yes
Supervisor Gromack Yes

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney, the Joint Board Meeting was closed, time 7:30 P.M.

Respectfully submitted,

Patricia Sheridan
Patricia Sheridan
Town Clerk

Description

Parcel 1

Part of Ben Wild Road, Village of Spring Valley, Rockland County, NY

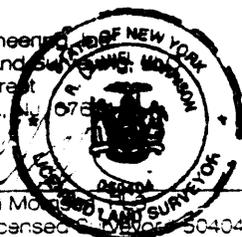
Being a portion of Ben Wild Road situate in the Village of Spring Valley, Rockland County, and State of New York and being more particularly described as follows:

BEGINNING at a point where the westerly right-of-way line of Second Avenue (50.00' wide) intersects the northerly right-of-way line of Ben Wild Road (50.00' wide); it being the northeast corner of the parcel described herein and running thence:

1. Along the westerly right-of-way line of Second Avenue, S 05° 43' 32" E, a distance of 50.50' to a point on the southerly right-of-way line of Ben Wild Road, thence.
2. Along said southerly right-of-way line, N 87° 41' 32" W, a distance of 50.50' to a point, thence.
3. Along a line 50' distant and parallel to the westerly right-of-way line of Second Avenue, N 05° 43' 32" W, a distance of 50.50' to a point on the northerly right-of-way line Ben Wild Road, thence.
4. Along the said northerly right-of-way line, S 87° 41' 32" E, a distance of 50.50' to the point of BEGINNING.

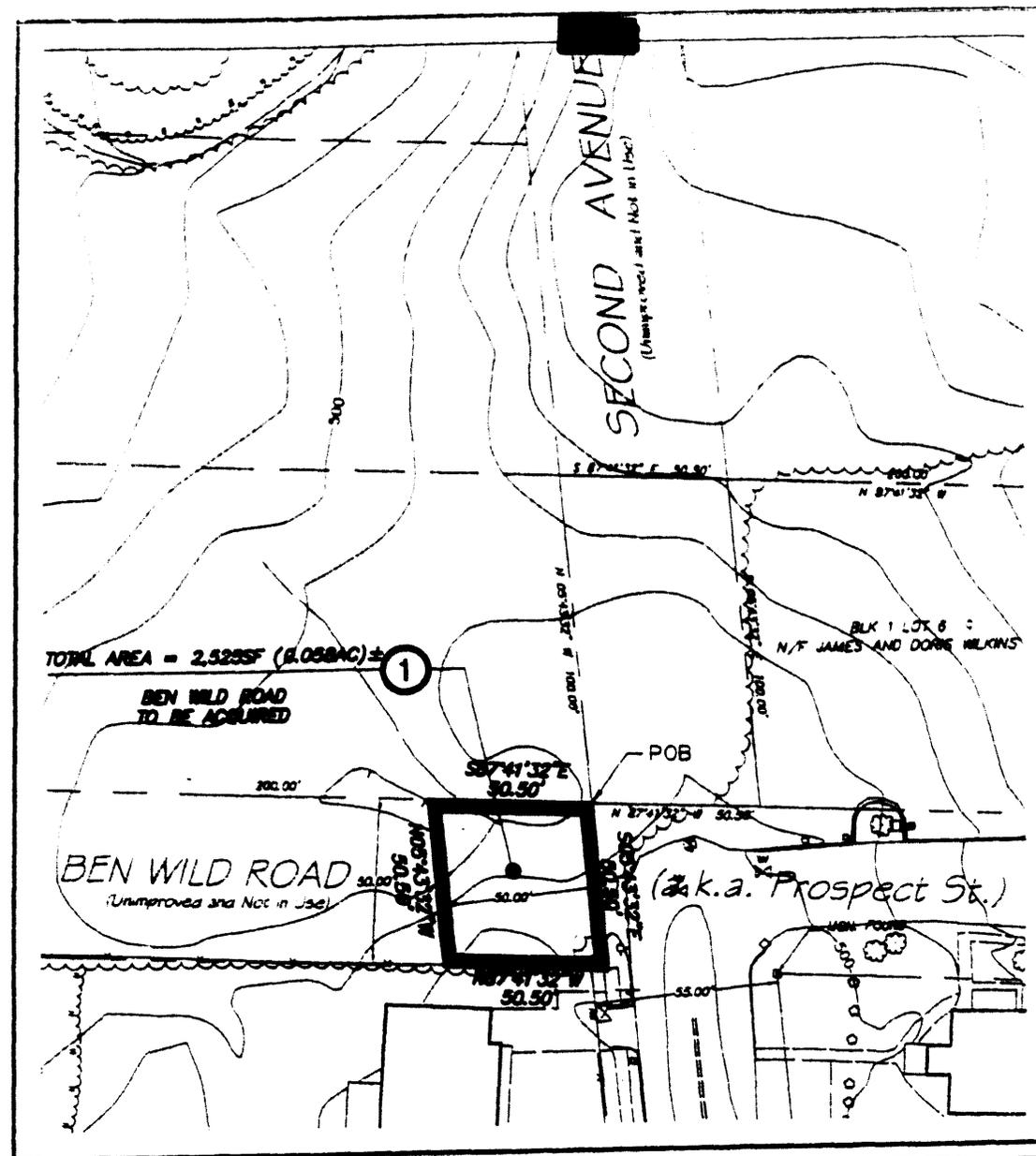
Said parcel containing 0.058 Acr / 2,525 Sq. Ft. more or less.

MEGA Engineering
Mercator Land Surveying, Inc.
139 Main Street
Hackensack, NJ 07601



J. R. Lemuel Moore
New York Licensed Surveyor No. 50404

Date



		Surveyed: SNMS Drawn: VS Checked: EP Approved: RLM Scale: 1"=40' Project No.: 2002-34 Date: 02/28/06 CAD File: BT034-02 Field Book: FS A 66-54	HEAD START - Charter School Village of Spring Valley, Rockland County, NY Parcel 1 Part of Ben Wild Road
Sheet Number 1 of 1	REVISIONS No. Date Description		

Description

Parcel 2
Part of Second Avenue, Town of Clarkstown, Rockland County, NY

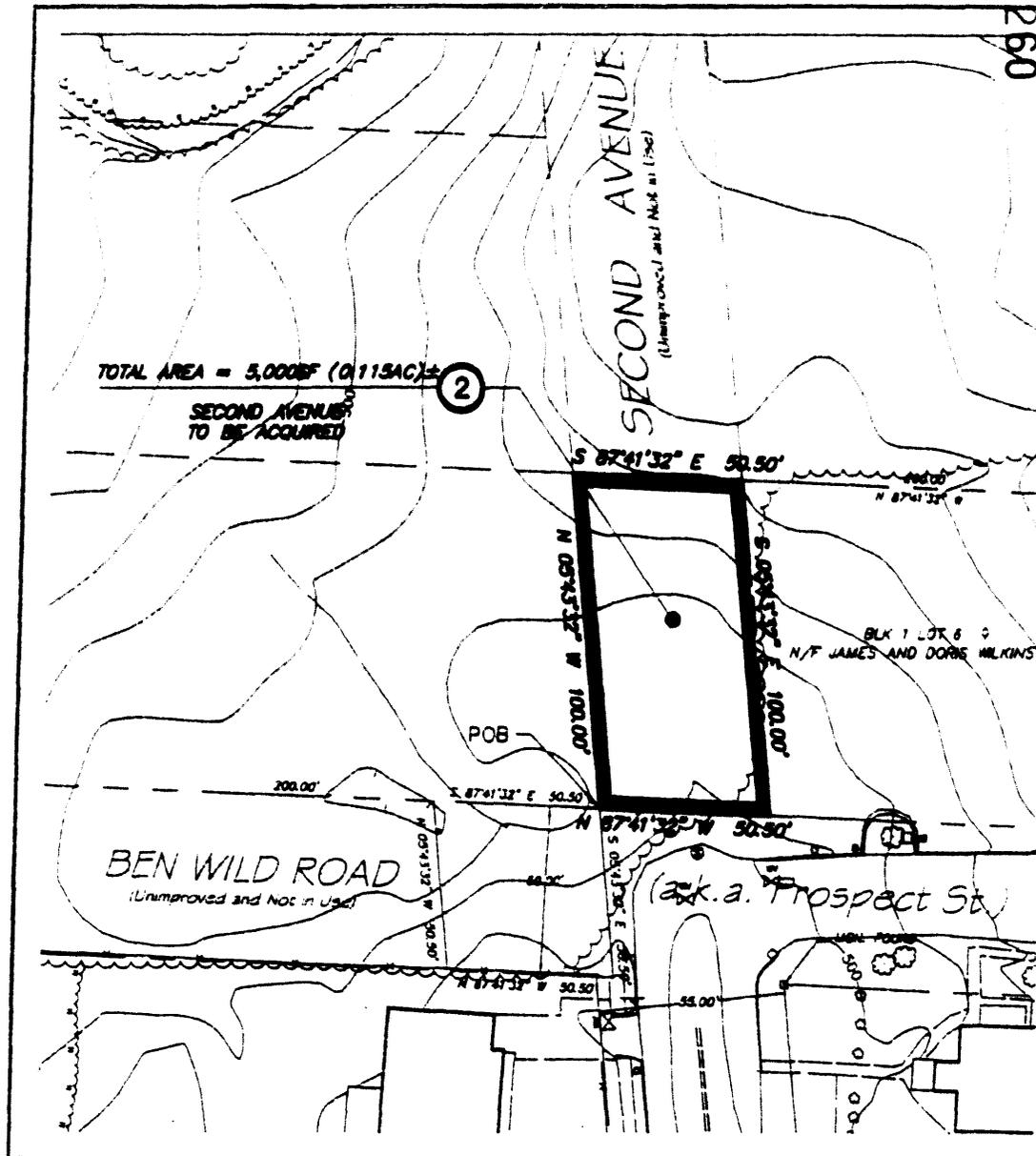
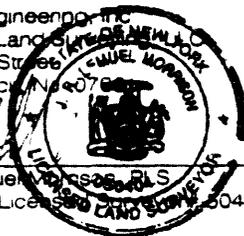
Being a portion of Second Avenue situate in the Town of Clarkstown, Rockland County, and State of New York and being more particularly described as follows:

BEGINNING at a point where the westerly right-of-way line of Second Avenue (50.00' wide) intersects the northerly right-of-way line of Ben Wild Road (50.00' wide), it being the southwest corner of the parcel described herein and running thence:

1. Along said westerly right-of-way line of Second Avenue, N 05° 43' 32" W, a distance of 100.00' to a point being the apparent intersection of the westerly right-of-way line and the extended northerly lot line of Lot 6 Block 1, thence
2. Along a line S 87° 41' 32" E, a distance of 50.50' to a point on the easterly right-of-way line, thence
3. Along said easterly right-of-way line of S 05° 43' 32" E, a distance of 100.00' to a point on the northerly right-of-way line of Ben Wild Road, thence
4. Along the northerly right-of-way line, N 87° 41' 32" W, a distance of 50.50' to the point of BEGINNING.

Said parcel containing 0.115 Ac/ 5,000 Sq. Ft. more or less.

MEGA Engineering, Inc.
Mercator Land Surveying, Inc.
139 Main Street
Hackensack, New Jersey 07601
Date: 2/26/05
J. R. Lemuel, PLS
New York License No. 040404



MERCATOR Land Surveying, Inc. 139 Main Street Hackensack, NJ 07601 (201) 343-3288 Fax (201) 343-0883 Fx		Surveyed: SNMS Drawn: VS Checked: SP Approved: RLM Scale: 1"=40' Project No.: 2002-34 Date: 02/26/05 CAD File: ST034-02 Field Book: PS A 56-54		HEAD START - Charter School Town of Clarkstown, Rockland County, NY Parcel 2 Part of Second Avenue
Sheet Number: 1 of 1		REVISIONS No. Date Description		

CLARKSTOWN TOWN BOARD & SPRNG VALLEY VILLAGE BOARD
JOINT MEETING

Town Hall

05/10/2005

7:00 P.M.

Present from the Town of Clarkstown:

- Supervisor Alexander J. Gromack
- Council Members Lasker, Maloney, & Mandia
- John Costa, Town Attorney
- Patricia Sheridan, Town Clerk

Present from the Village of Spring Valley:

- Mayor George Darden
- Deputy Mayor Philip Rosenthal
- Trustees Desmaret and Jasmin
- Bruce Levine, Village Attorney
- Marilyn Vender, Deputy Village Clerk

Re: Amendment to the Official Map regarding the Reciprocal Annexations from the Town of Clarkstown and the Village of Spring Valley with respect to Ben Wild Road and Second Avenue

ABE667

Assemblage saluted the flag. Town Clerk, Patricia Sheridan, called the roll for Clarkstown and Deputy Village Clerk, Marilyn Vender, called the roll for Spring Valley. Town Clerk read the notice calling the Public Hearing and testified as to the proper posting and publication.

NOTICE IS HEREBY GIVEN, that a petition, pursuant to Article 17 of the General Municipal Law, has been received by the Town Board of the Town of Clarkstown, County of Rockland, New York, and the Village Board of the Village of Spring Valley, Rockland County, New York, for the annexation of the property described in the petition of Head Start of Rockland, Inc., as owner with rights to the use of a portion of Second Avenue, Spring Valley, New York, (described on attached Schedule "A" as parcel "1"), to the Village of Spring Valley, and reciprocal annexation of a portion of Ben Wild Road, located within the Village of Spring Valley, to the Town of Clarkstown (described on attached Schedule "A" as Parcel "2").

NOTICE IS FURTHER GIVEN, that on May 10, 2005, at 7:00 p.m., a joint hearing upon such petition will be held by the Town Board of the Town of Clarkstown and the Village Board of the Village of Spring Valley, in Room 311, at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York 10956. At such time and place all persons interested in the matter may be heard. Objections based on any of the grounds set forth in Paragraphs a, b, c, or d of Subdivision 1 of Section 705 of the General Municipal Law shall, in addition to oral testimony thereon, be submitted in writing.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Clarkstown will hold a public hearing on May 10, 2005 at 7:00 p.m., or as soon thereafter as possible, in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Section 273 of the Town Law, for the Clarkstown Town Board to consider Amending the Official Map of the Town of Clarkstown, by deleting that portion of Second Avenue which may be annexed to the Village of Spring Valley as a result of an annexation proceeding to be conducted simultaneously with the public hearing scheduled herein. The description of the portion of Second Avenue which appears on the Official Map and which may be deleted therefrom is annexed as Schedule "A."

All parties in interest and citizens will be heard by the Town Board at the public hearing to be held as aforesaid.

Mayor George Darden stated that this is a mutual annexation. It was slated for housing but now two-thirds of the property will be used for Head Start and one-third will be used for a park. He is a former teacher and he is committed to education and recreation for our youth.

Scott Gdanski, attorney for Head Start, spoke about his clients' intentions.

John Costa, Clarkstown Town Attorney, stated that the Clarkstown Town Board is simultaneously hearing a proposal to amend the official map which would delete the portion of Second Avenue which is up for consideration for annexation to the Village of Spring Valley from the Town of Clarkstown's official map.

The Mayor of Spring Valley stated that the purpose is not to see if there should be a Head Start facility at this location. The purpose is to discuss an exchange. The Town of Clarkstown will not lose any property as far as footage is concerned. He has been involved in education for 35 years, and takes this project seriously.

The benefit to the Town is that Mr. Ballard could do his turn-around so he can plow. Mr. Ballard suggested that the portion of Ben Wild Road which we are asking to annex to the Town would be available to him for snow clearing. It would provide a snow storage area and this would make plowing easier on Second Avenue.

Mr. Gary Fairweather, who lives directly behind this project, said that many trees have been taken down at the site and he has a water problem and bad drainage. The mayor stated that he would not tolerate water problems at all. Clarkstown has spoken to his office and made sure that water run off from this project will be zero. Proper piping and engineers will be used. This is all part of the plan. Newspapers, flyers and radios will be used to communicate this project to everyone.

Dennis Letson, Deputy Director of the Clarkstown Department of Environmental Control, said that the Town has requested a filtration system and an underground retention system to control the runoff from the site.

Supervisor Gromack said that Mr. Letson will be glad to share the information and the study that he did on behalf the Town of Clarkstown.

Ms. Gloria Hughes, whose backyard is behind where all of the trees have been removed, said that there is water drainage problem in her backyard from this project. She wants to know, now that the trees are down, what will be done for privacy in her backyard. She is concerned about intruders coming through her fence and into her backyard. She is concerned that the children in the neighborhood will get hurt if the road is opened. People do not stop at the stop sign on the street as it is.

The mayor stated that children should not be playing on the street.

The site includes a fence so there will be no trespassing. The height of the fence will be worked out between the Village and the residents.

Gloria B. Gibson is concerned about drug traffic, flooding, and daycare in homes. The Mayor said that the drug problem is a police issue.

John Costa said the catch basin will take care of the drainage problem.

James Comer, President of the Home Owners Association in Spring Valley, said he knew nothing about Ben Wild Road, Second Ave., Head Start, Building, or Zoning. He can't believe they are voting on this. Security, safety and flooding are not the issues here. There was no notification about any of this except in the newspapers. He can't believe that the Mayor said children should not play in the streets. The reality is children do play in the streets. He said Spring Valley is buying back property that they have owned before. He is asking Spring Valley to give the homeowners the right to look at the property the way the Town of Clarkstown has looked at it. He said the homeowners did not get a chance.

John Costa said the Town of Clarkstown notified all residents within 500 feet of the project.

Councilman Ralph Mandia and Councilman Maloney moved to close. Deputy Mayor Rosenthal and Trustee Jasmin moved to close and adopt. Supervisor Gromack and Councilman Maloney moved to adopt.

WHEREAS, a petition dated March 17, 2005, was received by the Town of Clarkstown from Head Start of Rockland, Inc., as owner with rights to the use of a portion of mapped but unopened Second Avenue, within the Town of Clarkstown (described on attached Schedule "A" as parcel "1"), abutting other property owned by the petitioner, seeking annexation of said property to the Village of Spring Valley, and for the reciprocal annexation of a similarly sized portion of Ben Wild Road, within the Village of Spring Valley to the Town of Clarkstown, and

WHEREAS, the subject portion of Second Avenue is shown on the Official Map of the Town of Clarkstown, and is located at the terminus of the dedicated portion of Second Avenue, and

WHEREAS, a Joint Hearing of the Town Board of the Town of Clarkstown and the Village Board of Trustees of the Village of Spring Valley, was duly scheduled and held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on May 10, 2005, at 7:00 p.m., simultaneously with an additional public hearing pursuant to Town Law 273 to consider Amendment of the Official Map of the Town of Clarkstown, to delete the subject portion of Second Avenue from said Official Map, at which time all interested parties were heard, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA from its consultant Jose Simoes, Town Planner, which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered said petition and all the information presented at said public hearings;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown finds as follows:

That the aforesaid petition for annexation substantially complies in form and content with Article 17 of the General Municipal Law;

That the proposed reciprocal annexations of certain territory in the Town of Clarkstown to the Village of Spring Valley and vice versa, as described in the aforesaid petition is in the over-all public interest, because the area being transferred to the Village of Spring Valley is adjacent to and included within the area proposed to be developed by the petitioner and is subject to the Village planning process, and the said annexation will provide for more efficient delivering of municipal services of the subject property, and that the reciprocal annexation from the Village of Spring Valley to the Town of Clarkstown of the portion of Ben Wild Road will similarly provide for better road maintenance by the Town of Clarkstown;

That removal of the subject portion of mapped but unopened Second Avenue from the Official Map of the Town of Clarkstown is in the public interest as same is not needed for public road purposes and shall be within the site of the petitioner, and be it

FURTHER RESOLVED, that a copy of this resolution containing the Findings of Fact and determination of the Town Board of the Town of Clarkstown be forwarded by the Clarkstown Town Clerk to the Village Clerk of the Village of Spring Valley, and be it

FURTHER RESOLVED, that the determination be made part of the record of this proceeding on file in the office of the Town Clerk of the Town of Clarkstown upon its adoption, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby determined to be amended, as recommended by the Superintendent of Highways as described, and recommended by the Clarkstown Planning Board in its report to the Town Board dated May 5, 2005;

NOW, THEREFORE, it is ORDERED, that the consent and approval of the Town Board of the Town of Clarkstown is hereby given to the reciprocal annexation of the territory now situated in the Town of Clarkstown and the Village of Spring Valley, as described on Schedule "A" attached hereto.

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 12, 2005, provided for a public hearing on May 10, 2005, at 7:00 p.m., or as soon thereafter as possible, to consider deleting a portion of Second Avenue, within the Town of Clarkstown, as described on Schedule "A" attached, from the Official Map of the Town of Clarkstown, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Jose Simoes, Town Planner, which the Board has discussed and considered in making their decision herein;

NOW, THEREFORE, be it RESOLVED, that based upon the report of Jose Simoes, Town Planner, dated May 5, 2005, acting as staff to the Town Board as lead agency, the Town hereby determines that the Amendment to the Official Map shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting a portion of Second Avenue, within the Town of Clarkstown, described on Schedule "A" attached, and be it

FURTHER RESOLVED, that Director of the Department of Environmental Control is hereby authorized and directed to amend the Official Map as described in the petition and as recommended in the report of the Clarkstown Planning Board dated May 5, 2005.

On roll call the vote was as follows:

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

Trustee Desmaret Yes
Trustee Jasmin Yes
Dep. Mayor Rosenthal Yes
Mayor Darden Yes
Supervisor Gromack Yes

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney, the Joint Board Meeting was closed, time 7:30 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

Description

Parcel 1
 Part of Ben Wild Road, Village of Spring Valley, Rockland County, NY

Being a portion of Ben Wild Road situate in the Village of Spring Valley, Rockland County, and State of New York and being more particularly described as follows:

BEGINNING at a point where the westerly right-of-way line of Second Avenue (50.00' wide) intersects the northerly right-of-way line of Ben Wild Road (50.00' wide), it being the northeast corner of the parcel described herein and running thence:

1. Along the westerly right-of-way line of Second Avenue, S 05° 43' 32" E, a distance of 50.50' to a point on the southerly right-of-way line of Ben Wild Road, thence;
2. Along said southerly right-of-way line, N 87° 41' 32" W, a distance of 50.50' to a point, thence;
3. Along a line 50' distant and parallel to the westerly right-of-way line of Second Avenue, N 05° 43' 32" W, a distance of 50.50' to a point on the northerly right-of-way line Ben Wild Road, thence;
4. Along the said northerly right-of-way line, S 87° 41' 32" E, a distance of 50.50' to the point of BEGINNING.

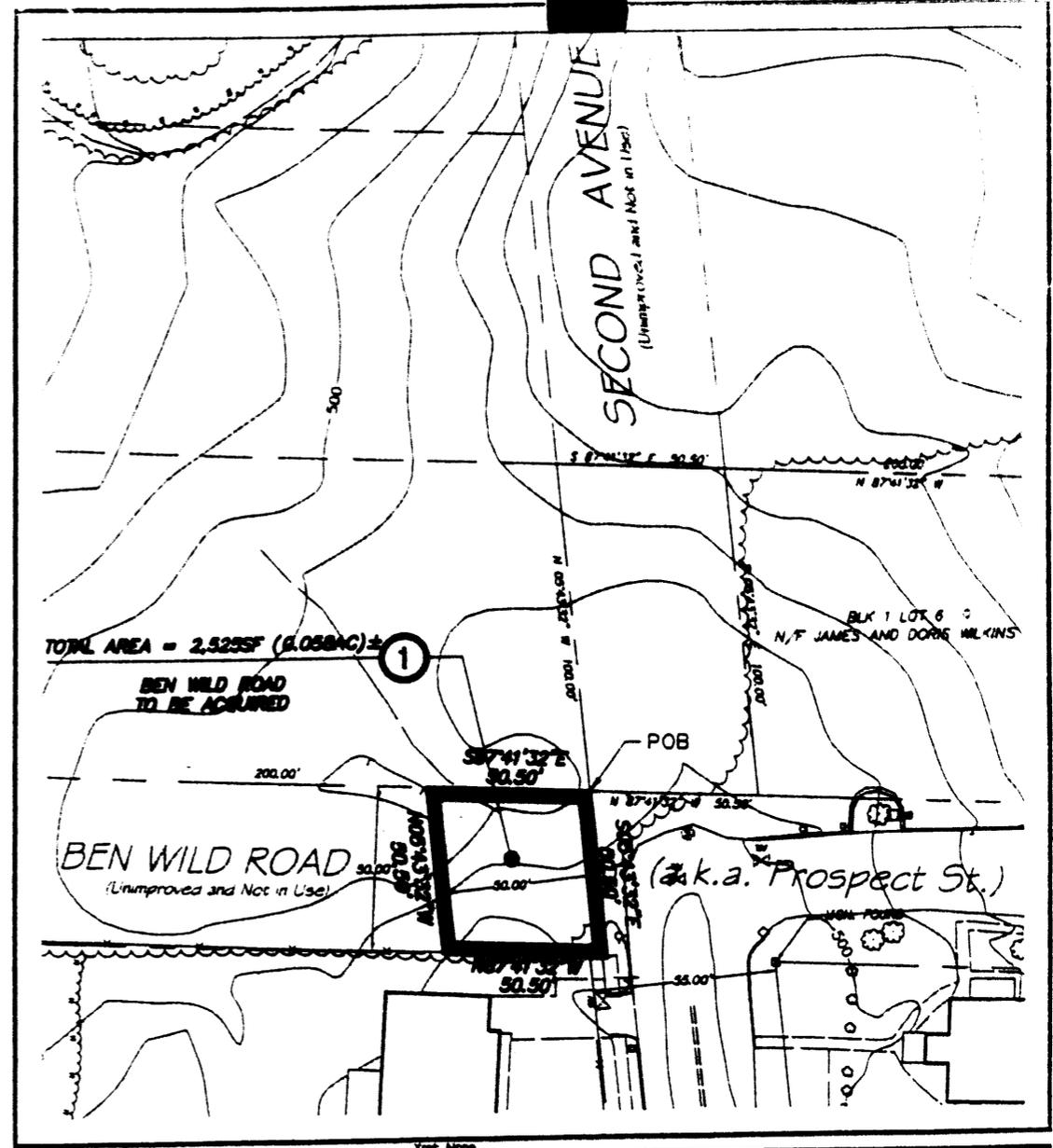
Said parcel containing 0.058 Ac/ 2,525 Sq. Ft. more or less.

MEGA Engineering
 Mercator Land Surveying, Inc.
 139 Main Street
 Hackensack, NJ 07601



J. R. Lemuel Moore
 New York Licensed Surveyor No. 50404

2/28/05
 Date



<p>MEGA MERCATOR engineering, inc. lead surveying, llc</p> <p>139 Main Street Hackensack, NJ 07601 (201) 343-5058 Ph (201) 343-4888 Fx</p> <p>176 Main Street New York, NY 10038-8888 (212) 867-0788 Ph (212) 864-3088 Fx NYE 00A4088814</p>	Surveyed Drawn Checked Approved Scale Project No. Date CAD File Field Book	BNNS VS EP RLM 1"=40' 2002-34 02/28/05 87034-02 FB A 58-34	<p>HEAD START - Charter School Village of Spring Valley, Rockland County, NY</p> <hr/> <p>Parcel 1 Part of Ben Wild Road</p>
	REVISIONS No. One Date	Sheet Number 1 of 1	Xref: None

Description

Parcel 2
Part of Second Avenue, Town of Clarkstown, Rockland County, NY

Being a portion of Second Avenue situate in the Town of Clarkstown, Rockland County and State of New York and being more particularly described as follows:

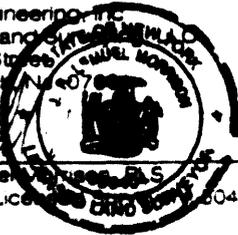
BEGINNING at a point where the westerly right-of-way line of Second Avenue (50.00' wide) intersects the northerly right-of-way line of Ben Wild Road (50.00' wide); it being the southwest corner of the parcel described herein and running thence:

- 1 Along said westerly right-of-way line of Second Avenue, N 05° 43' 32" W, a distance of 100.00' to a point being the apparent intersection of the westerly right-of-way line and the extended northerly lot line of Lot 6 Block 1 thence
- 2 Along a line S 87° 41' 32" E, a distance of 50.50' to a point on the easterly right-of-way line thence;
- 3 Along said easterly right-of-way line of S 05° 43' 32" E, a distance of 100.00' to a point on the northerly right-of-way line of Ben Wild Road, thence.
- 4 Along the northerly right-of-way line, N 87° 41' 32" W, a distance of 50.50' to the point of BEGINNING.

Said parcel containing 0.115 Ac/ 5,000 Sq. Ft. more or less

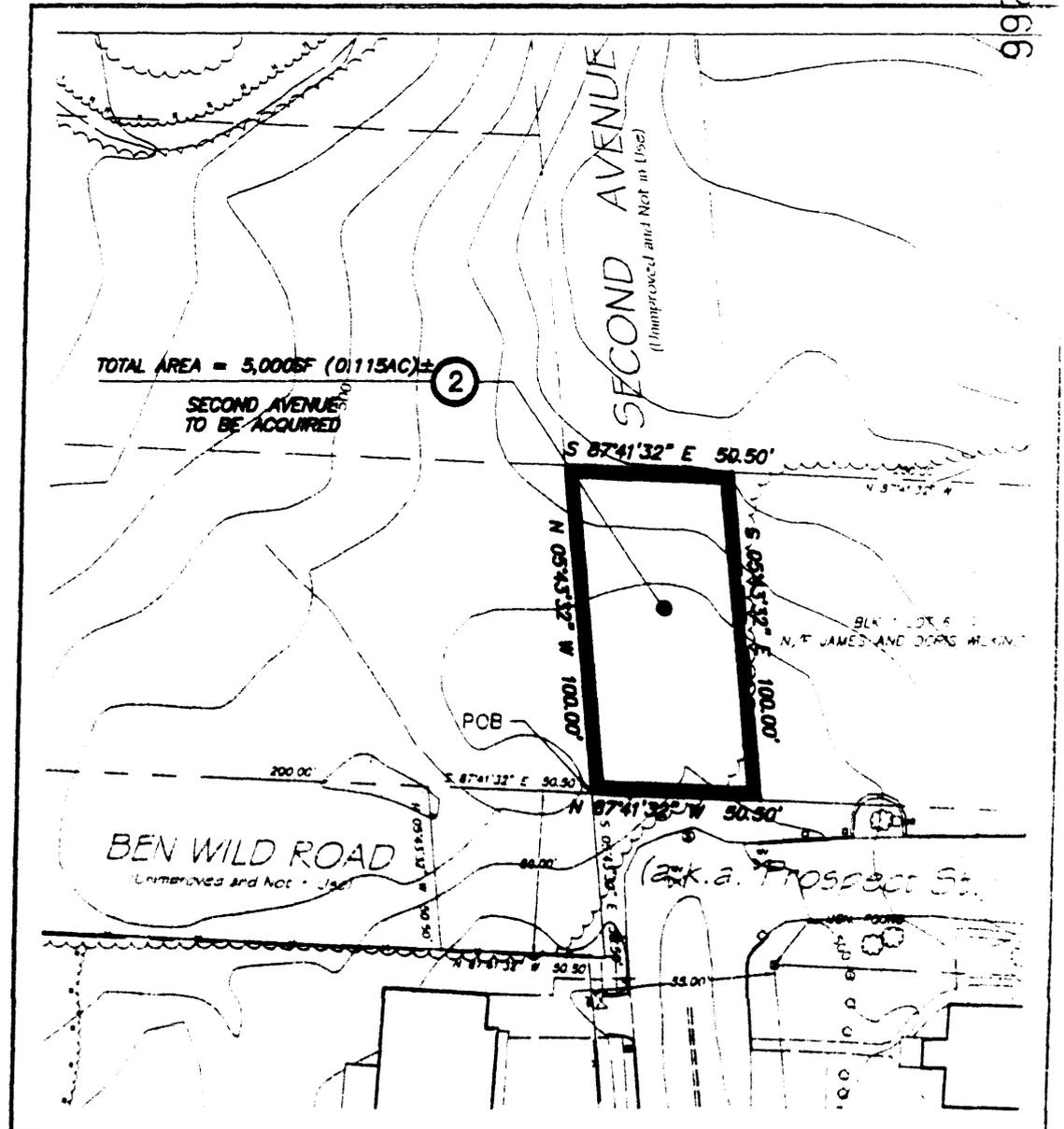
MEGA Engineering, Inc.
Mercator Land Surveyors
139 Main Street
Hackensack, New Jersey 07601

J. R. Lemuel, P.E., P.S.
New York License No. 00404



3/28/05

Date



		Surveyed Drawn Checked Approver Scale Project No. Date CAD File File Size	SHAME VS EP PLM 11-40 2002-34 02/28/05 8/20/04-02 48.5.5014
REVISIONS No. Description 1 1 2 2		HEAD START - Charter School Town of Clarkstown, Rockland County, NY <hr/> Parcel 2 Part of Second Avenue	

Description

Parcel *
Part of Ben Wild Road, Village of Spring Valley, Rockland County, NY

Being a portion of Ben Wild Road situate in the Village of Spring Valley, Rockland County, and State of New York and being more particularly described as follows:

BEGINNING at a point where the westerly right-of-way line of Second Avenue (50.00' wide) intersects the northerly right-of-way line of Ben Wild Road (50.00' wide), it being the northeast corner of the parcel described herein and running thence:

1. Along the westerly right-of-way line of Second Avenue, S 05° 43' 32" E, a distance of 50.50' to a point on the southerly right-of-way line of Ben Wild Road, thence.
2. Along said southerly right-of-way line, N 87° 41' 32" W, a distance of 50.50' to a point, thence.
3. Along a line 50' distant and parallel to the westerly right-of-way line of Second Avenue, N 05° 43' 32" W, a distance of 50.50' to a point on the northerly right-of-way line Ben Wild Road, thence.
4. Along the said northerly right-of-way line, S 87° 41' 32" E, a distance of 50.50' to the point of BEGINNING.

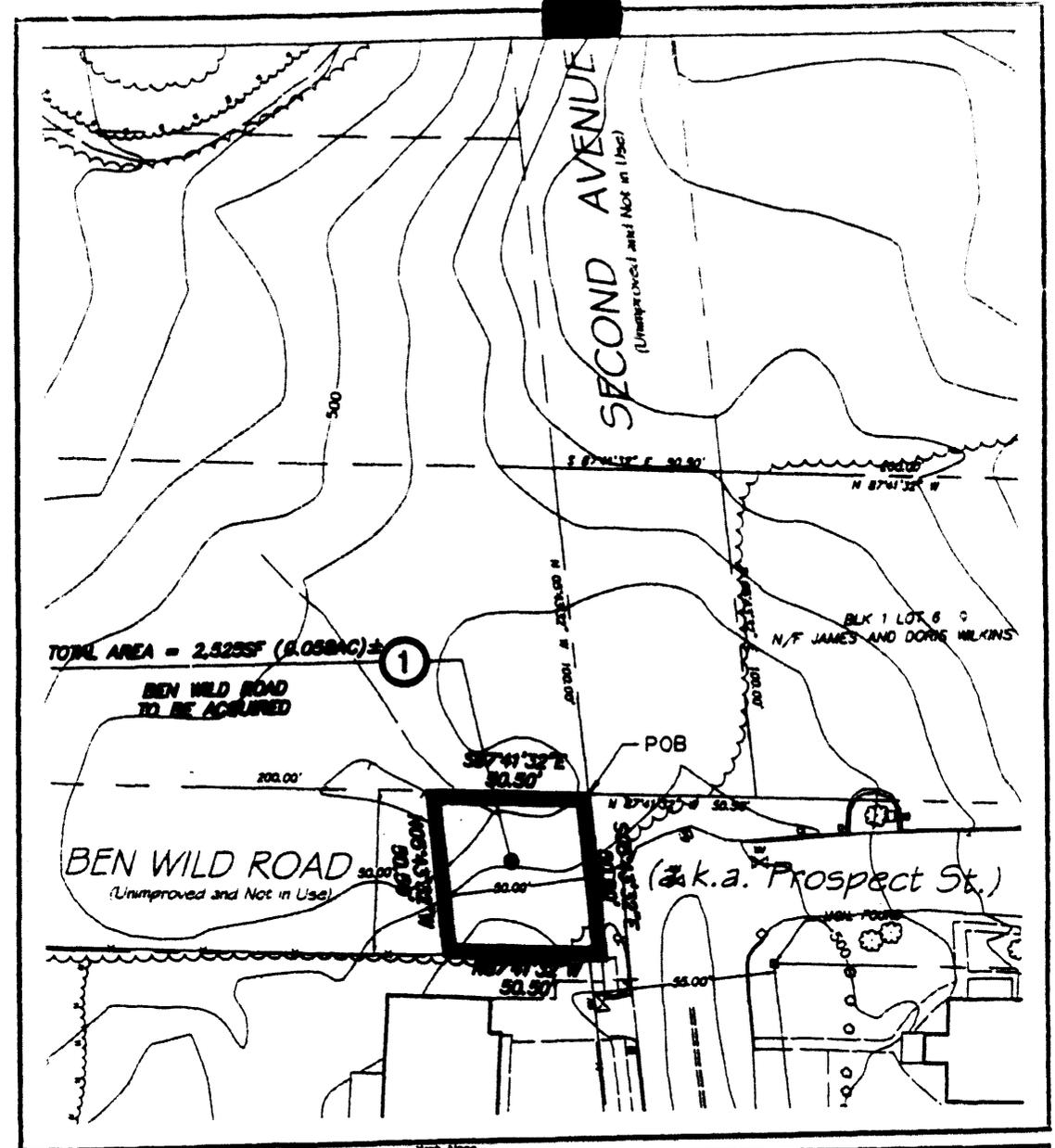
Said parcel containing 0.058 Ac/ 2,525 Sq. Ft. more or less.

MEGA Engineering, Inc.
 Mercator Land Surveying, Inc.
 139 Main Street
 Hackensack, NJ 07601



J. R. Lemuel Moore
 New York Licensed Professional Surveyor No. 1050

2/28/05
 Date



MERCATOR lead surveying, inc.		Surveyed Drawn Checked Approved Scale Project No. Date CAD File Field Book	BNAG VE BP RLM 1"=40' 2002-34 02/28/05 BT034-02 FB A-56-54
139 Main Street Hackensack, NJ 07601 (801) 343-6888 Fx (801) 343-6882 Fx		178 West 89th Street New York, NY 10024-6929 (212) 257-0900 Fx (212) 254-3222 Fx NYE 00462822-4	
Sheet Number 1 of 1		REVISIONS No. Date Description	

HEAD START - Charter School
 Village of Spring Valley, Rockland County, NY
 Parcel 1 Part of Ben Wild Road

Description

Parcel 2
Part of Second Avenue, Town of Clarkstown, Rockland County, NY

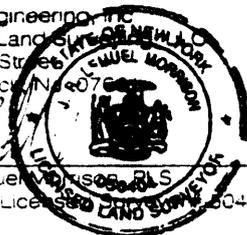
Being a portion of Second Avenue situate in the Town of Clarkstown, Rockland County, and State of New York and being more particularly described as follows:

BEGINNING at a point where the westerly right-of-way line of Second Avenue (50.00' wide) intersects the northerly right-of-way line of Ben Wild Road (50.00' wide) it being the southwest corner of the parcel described herein and running thence:

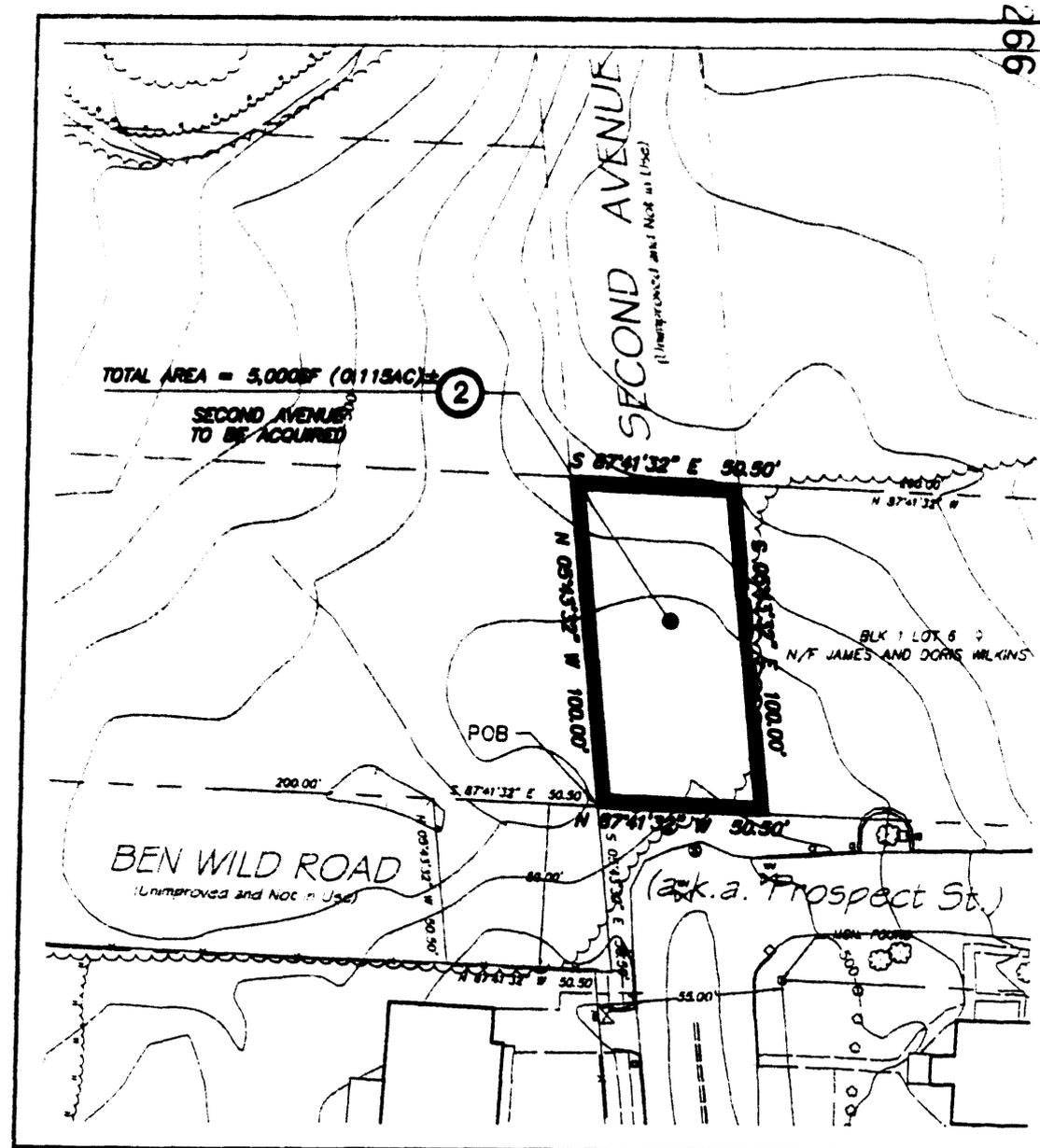
1. Along said westerly right-of-way line of Second Avenue, N 05° 43' 32" W, a distance of 100.00' to a point being the apparent intersection of the westerly right-of-way line and the extended northerly lot line of Lot 6 Block 1, thence
2. Along a line S 87° 41' 32" E, a distance of 50.50' to a point on the easterly right-of-way line, thence,
3. Along said easterly right-of-way line of S 05° 43' 32" E, a distance of 100.00' to a point on the northerly right-of-way line of Ben Wild Road, thence
4. Along the northerly right-of-way line, N 87° 41' 32" W, a distance of 50.50' to the point of BEGINNING.

Said parcel containing 0.115 Ac; 5,000 Sq. Ft. more or less.

MEGA Engineering, Inc.
Mercator Land Surveyors, Inc.
139 Main Street
Hackensack, NJ 07601
New York License No. 00404



D. Morone
Date



<p>MEGA engineering, inc.</p> <p>139 Main Street Hackensack, NJ 07601 (201) 343-5060 Fax (201) 343-4882 Fax</p>	<p>MERCATOR land surveyors, inc.</p> <p>178 West 53rd Street New York, NY 10019-6626 (212) 504-2888 Fax NYS COMPASSION</p>	Surveyed Drawn Checked Approved Scale Project No. Date CAD File Field Book	BNMB VS EP RLM 1"=40' 2002-34 02/28/06 87034-02 PB A. 53-54
		<p>HEAD START - Charter School Town of Clarkstown, Rockland County, NY</p> <p>Parcel 2 Part of Second Avenue</p>	
<p>Sheet Number 1 of 1</p>		<p>REVISIONS No. Date Description</p>	