

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

07/26/2005

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Lasker, Maloney, Mandia & Nowicki  
Marcia Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

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Proposed Local Law to Amend Chapter 290 (Zoning) of the Clarkstown Town Code (Senior Independent Living Housing District - "SIL") and Proposed amendment to Clarkstown Comprehensive Plan concerning the establishment of a Senior Independent Living Housing District ("SIL"), referred back to the Planning Board and public hearing left open, time 8:12 P.M.

At the owners' request, the application for the designation of the house and mill known as the Tournier-Debaun Grist Mill & Mill Tenders House, 300 Old Mill Road, Valley Cottage as an historical site is withdrawn until the restoration is finished.

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Supervisor opened the public portion of the meeting.

Austin Noone  
111 N. Little Tor Road  
New City  
Spoke regarding their problem with the storm drain since 1984 and nothing has been done. The town needs to open the drain into Lynne Drive and the county says it is a town problem.

Steven Levine  
Congers  
Spoke regarding town vehicles and asked who takes them home and if there is a list of who are eligible. He spoke regarding hybrid vehicles and said using them would amount to savings to the town.

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RESOLUTION NO. (584-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of July 19, 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 ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (585-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chief of Police Peter Noonan has recommended that the following schools and conferences be approved for the training and professional education of members of the Clarkstown Police Department;

ABE667

RESOLUTION NO. (585-2005) CONT.

NOW, therefore, it is RESOLVED, that the Supervisor is hereby authorized to approve the recommended training schools as follows:

	<u>Tuition</u>
Law Enforcement Legal Issues Update Seminar Lake Placid, New York	No Tuition
Remington Factory Armorer's School Herkimer, New York	\$625.00

BE IT FURTHER RESOLVED, that the Chief of Police is hereby authorized to select and recommend those members of the Department who shall be permitted to attend the schools and conferences as approved hereby.

On roll call the vote was as follows

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

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RESOLUTION NO. (586-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the State of New York Department of Transportation requires that every bus system in the state which receives STOA must have a person that is certified in a "comprehensive accident investigation program," and

WHEREAS, Dennis Malone, Transit Operations Supervisor, has requested permission to attend the New York State/Baitfish program, in order to comply with the State's requirements;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes attendance by Dennis Malone, Transit Operations Supervisor, to attend the New York State/Baitfish program which is being held in Watertown, New York, on September 21 and 22, 2005, and in Kingston, New York, on October 19 and 20, 2005, and be it

FURTHER RESOLVED, that any reasonable expenses for travel, food and lodging shall be charged to Account No. A 5630-414.

On roll call the vote was as follows

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

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RESOLUTION NO. (587-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Assemblyman Ryan Karben and former Assemblyman Alexander Gromack, and State Senator Thomas Morahan have advised that they have sponsored legislation which has been adopted by the Assembly and Senate and signed into law by Governor George Pataki, to provide that Head Start of Rockland, Inc. may file a retroactive application for Real Property Tax Exemption for property acquired by such not for profit corp. on or after June 4, 2003, which, if approved, shall be deemed to have been received on or before the taxable status date of March 1, 2003 with the result that Head Start of Rockland, Inc. may, with the approval of the Town Board and the concurrence of the Town Assessor, be granted exemption from real property taxation commencing on the date of

RESOLUTION NO. (587-2005) CONT.

acquisition of the property as though said application had been filed on or before the March 1, 2003 taxable status date, and

WHEREAS, said legislation has been enacted as Chapter 343 of the Laws of 2004;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby refers Chapter 343, Laws of 2004, to Cathy Conklin, Tax Assessor, for her analysis and report to the Town Board as to the fiscal implication of approving the retroactive filing of the application for tax exemption, and her recommendation with respect to any discretionary action the Town Board may take, and be it

FURTHER RESOLVED, that this report shall be provided to the Town Board on or before August 8, 2005.

On roll call the vote was as follows

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

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RESOLUTION NO. (588-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, an application has been made by Davies Farm, LLC to the Town Board and to the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that certain portions of mapped but unopened roads known as Randolph Street, Waltham Avenue, Holbrook Avenue, Central Avenue, Chester Avenue, Norfolk Avenue and Beacon Street, Congers, New York, as more fully described herein on the attached Schedule "A," may be deemed abandoned upon the grounds that same have not ever been opened, worked or used by the public within the last six years, and

WHEREAS, portions of said roads currently appear on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly abandoned roads be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown, on the recommendation of the Clarkstown Planning Board, has determined to consider the application of Davies Farm, LLC, pursuant to Section 205 of the Highway Law, and deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, the mapped streets set forth on the attached Schedule "A;"

NOW, THEREFORE, be it RESOLVED, that a public hearing shall be held in the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on August 23, 2005, at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby requested to investigate the allegations contained in the petition of Davies Farm, LLC, and to render his report to the Town Board pursuant to Highway Law Section 205 on or before August 17, 2005, and be it

FURTHER RESOLVED, that the Town Attorney provide such notices to other municipalities as may be required by the General Municipal Law, and to 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, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Local Law of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and filing of its affidavit of compliance with the Town Clerk on or before August 23, 2005.

RESOLUTION NO. (588-2005) CONT.

RANDOLPH STREET: from its southerly terminus at the north line of Tax Lot 44.06-1-25 to its northerly terminus at Tax Lot 35.18-1-4.

WALTHAM AVENUE: from its easterly terminus at the westerly line of Tax Lot 44.07-1-77 to its westerly terminus in lands of United Water at Tax Lots 44.06-1-24 and 44.06-1-1.

HOLBROOK AVENUE: from its easterly terminus at the westerly line of Tax Lot 44.07-1-83 to its westerly terminus in lands of United Water at Tax Lots 44.06-1-1 and 35.18-1-13.

CENTRAL AVENUE: from its easterly terminus at the westerly line of Beacon Street to its westerly terminus in lands of United Water at Tax Lots 35.18-1-13 and 35.18-1-10

CHESTER AVENUE: from its easterly terminus at the westerly line of Tax Lots 35.19-1-41 and 35.19-1-42 to its westerly terminus in lands of United Water at Tax Lots 35.18-1-10 and 35.18-1-8.

NORFOLK AVENUE: from its easterly terminus at the westerly line of Tax Lots 35.19-1-42 and 35.19-1-43 to its westerly terminus in lands of United Water at Tax Lot 35.18-1-9.

BEACON STREET: (Portions of) from its southerly terminus at the northern line of Tax Lot 44.06-1-52 to its northerly terminus at the southerly line of Chester Avenue at Tax Lot 35.19-1-42.

On roll call the vote was as follows

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

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RESOLUTION NO. (589-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 619-2004 and Resolution No. 460-2005, the Town Board allocated funds to Bid #48-2003, Congers Station Restoration Project, and

WHEREAS, a change order is required to extend existing pipe to new pole locations along Burnside Avenue, which will be providing light for the safety of the residents, and

WHEREAS, the work contemplated by the change order is within the original scope of the project and the cost of such work has been determined reasonable by the Parks Board and Recreation Commission and the Project Architect, and

WHEREAS, Alberto & Associates and Charles F. Connington, Superintendent of Parks and Recreation recommend the change order be hereby approved,

RESOLUTION NO. (589-2005) CONT.

NOW, THEREFORE BE IT RESOLVED, that a change order in the amount of \$3,870.73 be approved for All Bright Electric, and be it

FURTHER RESOLVED, that all expenses be charged to Account No. H-8751-400-409-75-16.

On roll call the vote was as follows

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

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RESOLUTION NO. (590-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Rockland County Patrolmen's Benevolent Association (the PBA) for a successor to the 2001-2004 Agreement between the parties, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated June 9, 2005, and

WHEREAS, the membership of the PBA has ratified the terms of the Memorandum of Agreement, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

On roll call the vote was as follows

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

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RESOLUTION NO. (591-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning August 1, 2005 to August 1, 2007, as follows:

Sponsor: Dr. Paul M. Lentini,  
Bardonia Chiropractic  
28 Bardonia Road  
Bardonia, NY 10954

RESOLUTION NO. (591-2005) CONT.

Roads: .7 mile segment of Bardonia Road,  
from Route 304 to Germonds Road  
Bardonia/West Nyack , NY

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

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning August 1, 2005 to August 1, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows

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

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RESOLUTION NO. (592-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning August 1, 2005 to August 1, 2007, as follows:

Sponsor: New City Chamber of Commerce, Inc.  
60 North Main Street  
New City, NY 10956

Roads: .9 mile segment of Main Street,  
from Route 304 to New Hempstead Road  
New City, NY 10956

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

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning August 1, 2005 to August 1, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows

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

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RESOLUTION NO. (593-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Gary T. McDonald, 49 Lindberg Lane, New City, New York, Police Officer (Detective) – Police Department – is hereby accepted – effective and retroactive to June 30, 2005.

On roll call the vote was as follows

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

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RESOLUTION NO. (594-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Gregory J. Tobin, 31 Benson Avenue, West Nyack, New York, Police Officer – Clarkstown Police Department - is hereby accepted – effective and retroactive to June 30, 2005.

On roll call the vote was as follows

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

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RESOLUTION NO. (595-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Frederick C. Hastings, 40 Old Schoolhouse Road, New City, New York, to the position of (temporary) Maintenance Supervisor (Grounds) (position encumbered by Richard Tigue) – Parks Board and Recreation Commission – at the current 2005 annual salary of \$73,756., effective and retroactive to July 25, 2005.

On roll call the vote was as follows

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

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RESOLUTION NO. (596-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Thomas M. Westervelt, 4 Pine Drive, Thiells, New York, Highway Maintenance Supervisor II – Highway Department – is hereby accepted – effective and retroactive to June 30, 2005.

RESOLUTION NO. (596-2005) CONT.

On roll call the vote was as follows

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

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RESOLUTION NO. (597-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Highway Maintenance Supervisor II #03063 (Prom) which contains the name of Michael A. Breganti,

Now, therefore be it RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Michael A. Breganti, 228 Old Mountain Road, Upper Nyack, New York, to the position of (Permanent) Highway Maintenance Supervisor II - Highway Department - at the current annual salary of \$79,911., effective and retroactive to July 4, 2005.

On roll call the vote was as follows

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

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RESOLUTION NO. (598-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, that Rockland County Personnel Office has certified on July 1, 2005 that the position of Principal Clerk Stenographer #0875 can be reclassified to the position of Principal Clerk,

Now, therefore, be it RESOLVED, that the position of Principal Clerk Stenographer #0875 - Town Justice Department - is hereby reclassified to the position of Principal Clerk - Town Justice Department - effective and retroactive to July 25, 2005.

On roll call the vote was as follows

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

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RESOLUTION NO. (599-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Carol Collura, 19 Southward Avenue, Congers, New York, is hereby appointed to the position of (provisional) Principal Clerk - Town Justice Department - at the current 2005 annual salary of \$44,091., effective and retroactive to July 25, 2005.

RESOLUTION NO. (599-2005) CONT.

On roll call the vote was as follows

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

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RESOLUTION NO. (600-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$1,768.60 from D.A.R.E donations, \$39,217 from EklecCo NewCo LLC, and \$23,475.32 from Selective Insurance,

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 \$1,768.60 and be it,

FURTHER RESOLVED, to increase Account's H-15-9-2705-0 (Capital/Gifts & Donations) and H-8755-409-79-23 (Capital-Live Scan Project) by \$39,217.00 and be it,

FURTHER RESOLVED, to increase Account's A-01-6-2680-0 (General-Insurance Recoveries) by \$23,475.32 and A-1620-111-0 (Maintenance/Overtime) by \$4,550.00 and A-1680-111-0 (Data Processing/Overtime) by \$4,550.00 and A-1680-225-0 (Data Processing/Computer Hardware) by \$14,375.32 and

WHEREAS, various departments need additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease A-1220-110-0 (Supervisor/Salaries) by \$2,463.00 and increase Accounts A-1220-204-0 (Supervisor/Office Machines) by \$363.00 and A-1220-301-0 (Supervisor/Food) by \$500.00 and A-1220-313-0 (Supervisor/Office Supplies) by \$600.00 and A-1220-314-0 (Supervisor/Computer Supplies) by \$900.00 and A-1220-328-0 (Supervisor/Books & Publications) by \$100.00 and be it,

FURTHER RESOLVED, to decrease A-1310-201-0 (Finance/Furniture) and increase A-1310-313-0 (Finance/Office Supplies) by \$100.00 and be it,

FURTHER RESOLVED, to decrease A-1680-110-0 (Data Processing/Salaries) and increase A-1680-111-0 (Data Processing/Overtime) by \$1,000 and be it,

FURTHER RESOLVED, to decrease A-1910-313-0 (Insurance & Claims/Office Supplies) and increase A-1910-219-0 (Insurance & Claims/Misc Equipment) by \$200.00 and be it,

FURTHER RESOLVED, to decrease A-8730-460-4 (Environmental Control-Cell Phones) and increase A-8730-230-0 (Environmental Control-Communications Equipment) by \$83.00 and be it,

FURTHER RESOLVED, to decrease B-8010-328-0 (Zoning Board of Appeals/Books & Publications) and increase B-8010-219-0 (Zoning Board of Appeals/Misc Equip) by \$29.95 and be it,

FURTHER RESOLVED, to decrease DB-5110-443-0 (Highway/Equipment Rental) and increase DB-5110-312-0 (Highway/Auto Maintenance) by \$40,000.

On roll call the vote was as follows

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

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RESOLUTION NO. (601-2005)

Co. Lasker offered and Co. Nowicki seconded

Whereas, by Resolution Nos. 582-2004 and 723-2004, the Town Board authorized the Department of Environmental Control to retain the services of Danny Clapp Landscaping, Inc. of New City, New York to perform improvements within an existing Town drainage easement at 2 Rodeo Drive, New City adjacent to #185 Buena Vista Road (n/f Muller); and

Whereas, during the performance of said work, it was determined by the Department of Environmental Control that additional grading work was required within the easement to minimize surface runoff; and

Whereas, the additional grading work is within the original scope of the project; and

Whereas, the Department of Environmental Control solicited a proposal from Danny Clapp Landscaping, Inc. to perform this additional grading and associated restoration; and

Whereas, Danny Clapp Landscaping, Inc. submitted a proposal in the amount of \$1,200.00 for said work; and

Whereas, the Department of Environmental Control has reviewed said proposal and found it to be reasonable in scope and price;

Now, Therefore, Be It Resolved that the current allowance for this project be increased by the amount of \$1,200.00 to a total of \$15,685.00 to reflect the additional cost of this change order; and

Be It Further Resolved that this shall be a proper charge to account # H 8754 409 0 78-24.

On roll call the vote was as follows

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

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RESOLUTION NO. (602-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, in response to notification by residents living within the limits of the subject project that several trees have died subsequent to the project's completion, the Department of Environmental Control has conducted a field inspection of the area with a representative of Hudson Canyon Construction, Inc., the contractor for the subject project; and

Whereas, this inspection found a total of thirteen (13) dead trees of varying diameter; and

Whereas, it was determined that six (6) of those trees died as a result of construction activities and would be removed by the contractor at no cost to the Town of Clarkstown; and

Whereas, while the remaining seven (7) dead trees could not be attributed to the contractor's activities, they do represent a potential hazard to the residents and should be removed; and

Whereas, the Department of Environmental Control has solicited a proposal from Hudson Canyon Construction, Inc. to have their tree removal sub-contractor remove these seven (7) dead trees; and

Whereas, Hudson Canyon Construction, Inc. has submitted a proposal from their sub-contractor in the amount of \$2,400.00 to have these trees removed; and

Whereas, the Department of Environmental Control has reviewed this proposal and finds it to be reasonable in scope and cost;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes the removal of the seven dead trees in accordance with said proposal at a total cost not to exceed \$2,400.00; and

RESOLUTION NO. (602-2005) CONT.

Be It Further Resolved that this represents a proper charge to account # H 8749 409 0 73-27.

On roll call the vote was as follows

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

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RESOLUTION NO. (603-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, TIME EQUITIES has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 43.19, Block 2, Lot 59 (formerly known as 57-F-5), for the year(s) 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it RESOLVED, that Strategic Business Services, Inc. be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

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RESOLUTION NO. (604-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, REM ASSOCIATES has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 43.11, Block 2, Lot 35 for the year(s) 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it RESOLVED, that Strategic Business Services, Inc. be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

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RESOLUTION NO. (605-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID #47-2005 – CUL-DE-SAC WEED CONTROL

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

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

On roll call the vote was as follows

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

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RESOLUTION NO. (606-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#42-2005 –TRI-AXLE ROLL OFF CHASSIS WITH HOIST FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to:

GABRIELLI TRUCK SALES LTD.  
 3333 CONNER STREET  
 BRONX, NY 10475  
 PRINCIPALS: ARMONDO GABRIELLI, PRESIDENT  
 AMEDIO GABRIELLI, VICE PRESIDENT

as per their low bid proposal as follows:

TWO (2) TRI-AXLE ROLL OFF CHASSIS WITH HOIST \$143,923.00 EACH

TWO (2) PLATFORM KITS FOR POLY TANK SPRAY SYSTEMS \$2,725.00 EACH

TWO (2) 30 CUBIC YARD OPEN TOP RECTANGULAR CONTAINERS \$4,875.00 EACH, at a total cost not to exceed \$303,046.00 and be it

FURTHER RESOLVED, that said award represents a proper charge to account # H-8755-409-79-17.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (607-2005)

Co. Maloney offered and Co. Lasker seconded

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

**BID #45-2005 – WORK CLOTHING AND ACCESSORY SAFETY ITEMS**

is hereby awarded to:

**WEARGUARD, A DIVISION OF ARAMARK UNIFORM AND CAREER APPAREL GROUP  
141 LONGWATER DRIVE  
NORWELL, MA 02061  
A PUBLIC CORPORATION**

PRINCIPALS:

**STRONGWEAR GARMENT CORP.  
191 THE PLAZA  
TEANECK, NJ 07666  
WALTER POPICK, PRESIDENT**

PRINCIPALS:

**STAUFFER GLOVE & SAFETY  
361 EAST SIXTH STREET,  
P.O. BOX 45  
RED HILL, PA 18076  
W. RANDALL STAUFFER  
JEFFREY STAUFFER  
REBEKAH STAUFFER PUTERA**

PRINCIPALS:

**NORTHERN SAFETY CO., INC.  
P.O. BOX 4250  
UTICA, NY 13504  
SALVATORE LONGO, PRESIDENT**

PRINCIPALS:

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

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (608-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendation of the Office of the Town Attorney, Letter of Credit No. 1853 issued by Union State Bank in the amount of \$11,682.00, which was held by the Town of Clarkstown for security of the maintenance guaranty for the subdivision known as Clarkwest Homes, is hereby released pursuant to Court Orders dated September 27, 2002 and July 21, 2005.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (609-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Town Board Resolution No. 415-2004 authorized the Director of the Department of Environmental Control to take the necessary corrective action to restore the Dellwood Pump Station to full operation for a total cost not to exceed \$40,000.00, and

WHEREAS, the Sewer Department solicited proposals from qualified contractors to install the newly purchased pumps;

NOW, THEREFORE, BE IT RESOLVED, that, based on the recommendation of the Sewer Department and the Deputy Town Attorney, Purchasing, the Town of Clarkstown is hereby authorized to retain the services of Rapid Pump and Meter Service Co., Inc., 285 Straight Street, Paterson, New Jersey 07509 to install the new pumps and associated equipment as per their low bid proposal of \$18,980.00, and be it further

RESOLVED, that Town Board Resolution No. 415-2004 is hereby amended as follows:

BE IT FURTHER RESOLVED, that the total cost for the corrective work shall not exceed \$54,144.15 and shall be a proper charge to account #H 8754 409 0 78 12.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (610-2005)

Co. Lasker offered and Co. Mandia seconded

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

**BID#48-2005 – 2005 GUIDERAIL & CULVERT RAIL INSTALLATION**

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 . . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (611-2005)

Co. Lasker offered and Co. Mandia seconded

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

**BID#49-2005 – 2005 GUIDERAIL MAINTENANCE & REPAIR**

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

RESOLUTION NO. (611-2005) CONT.

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 . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (612-2005)

Co. Lasker offered and Co. Mandia seconded

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

**BID#50-2005 – MULTI-PURPOSE LIQUID APPLICATION SYSTEMS FOR ROLL OFF TRUCKS**

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 . . . . .	Yes
Supervisor Gromack . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (613-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, as a result of the severe thunderstorms experienced on Monday July 18, 2005, extensive damage occurred within existing Town drainage easements associated with the Strathmore Creek Remediation Project site; and

Whereas, the resulting conditions represent a potential imminent hazard to residents living in the immediate area; and

Whereas, the Department of Environmental Control has obtained proposals from qualified contractors to provide the necessary labor and equipment to make emergency repairs to the damaged areas on a per day basis; and

Whereas, this work shall be performed under the direct supervision of the Department of Environmental Control;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes the Director of the Department of Environmental Control to retain the services of

Danny Clapp Landscaping, Inc.  
59 Schriever Lane  
New City, New York 10956

to provide said labor and equipment in accordance with their low bid proposal rate of \$1,450.00/day; and

RESOLUTION NO. (613-2005) CONT.

Be It Further Resolved that this work shall not exceed \$14,500.00 without further resolution of the Town Board; and

Be It Further Resolved that this represents a proper charge to account # H 8749 409 0 73-27.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (614-2005)

Co. Maloney offered and Co. Nowicki seconded

Whereas, the Town Board of the Town of Clarkstown has previously via resolution awarded a contract for Bid #39-2001 - Stream NJ 1-12-3-1 Improvements to Danny Clapp Landscaping, Inc. of 59 Schriever Lane, New City; and

Whereas, during the course of said project, it was discovered that a portion of the stream embankment at #20 Courtney Drive, New City was damaged and in need of repair; and

Whereas, the restoration work is within the scope of the original project and is required to prevent further deterioration; and

Whereas, the Department of Environmental Control solicited a proposal from Danny Clapp Landscaping, Inc. to perform said restoration work as a change order to the original contract; and

Whereas, the Department of Environmental Control has reviewed the proposal and found it to be acceptable;

Now, Therefore, Be It Resolved that Danny Clapp Landscaping, Inc. is hereby authorized to perform the work in accordance with their proposal in the amount of \$2,770.00; and

Be It Further Resolved that this shall be a proper charge to account # H 8751 409 0 75-15.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (615-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Sisters of Charity of St. Vincent DePaul of New York furnished to the Town of Clarkstown a Performance Bond secured by an assignment of Passbook No. 14070077 in the amount of \$728,006.00 to cover the improvements and other facilities as shown on the final plat of Sisters of Charity New York, which was filed in the Rockland County Clerk's Office on July 29, 1998, and

WHEREAS, the Performance Bond was reduced pursuant to resolution dated March 27, 2001 to \$403,960.00, and

WHEREAS, the Deputy Director of Environmental Control and the Superintendent of Highway have recommended that Performance Bond be further reduced to \$52,400.00 (\$16,000 for

RESOLUTION NO. (615-2005) CONT.

value of work remaining and \$36,400 for a maintenance bond), as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it RESOLVED, that subject to written approval by the Town Attorney's Office regarding the Sisters of Charity Subdivision and written recommendation of the Superintendent of Highways, the Town Board will hereby authorize the Performance Bond in the amount of \$403,960.00 to be reduced to \$52,400.00.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (616-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Consolidated Lighting Department has recommended that the Town of Clarkstown conduct an audit and inventory of Town utility accounts; and

WHEREAS, the Purchasing Department solicited proposals from qualified firms to perform such services;

NOW, THEREFORE, BE IT RESOLVED, that, based upon the recommendation of the Consolidated Lighting Department and the Purchasing Department, the Town is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with Cost Control Associates, 310 Bay Road, Queensbury, New York, to prepare an audit and review of the Town's energy and water bills; and be it

FURTHER RESOLVED, that the fee for said services shall be as follows:

<u>Cumulative Refunds/Credits Recovered</u>	<u>Fee</u>
First \$100,000	45% of refund/credit
Next \$100,000	40% of refund/credit
Next \$200,000 - \$500,000	35% of refund/credit
Over \$500,000	25% of refund/credit

And be it FURTHER RESOLVED, that no fees shall be payable unless and until a refund/credit is received by the Town, and no fees shall be payable on any future cost savings resulting from the audit.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (617-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, Town Board Resolution #900-1996 which authorized alternate side of the street parking prohibition on Spring Brook Road, Nanuet is hereby rescinded, and be it

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

RESOLUTION NO. (617-2005) CONT.

Install "No Parking Anytime" signs along the entire length of the easterly and northerly sides of Spring Brook Road, Nanuet, (See Sec. 221.5 Pl-1 signs per the Manual of Uniform Traffic Control Devices), which signs shall be erected per Sec. 221.4, Paragraph (2) Page 2116 of the Manual, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne Ballard, Superintendent of Highways, for implementation and to Peter Noonan, Chief of Police for enforcement purposes.

On roll call the vote was as follows

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

\*\*\*\*\*

RESOLUTION NO. (618-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Suga Development, LLC v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 4648/00, 4794/01, 5251/02, 5277/03 and 4973/04, affecting parcel(s) designated as Map 52.11, Block 3, Lot 2, (f/k/a 124-C-42) and more commonly known as 711 Executive Boulevard, Valley Cottage, New York for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack 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 52.11, Block 3, Lot 2 be reduced for the year(s) 2000/01 from \$1,833,900 to \$1,137,000 at a cost to the Town of \$10,062.51;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.11, Block 3, Lot 2 be reduced for the year(s) 2004/05 from \$3,326,000 to \$2,727,300 at a cost to the Town of \$10,382.85;
3. There is no assessment reduction on the premises owned by the petitioner(s) described on the assessment roll as Map 52.11, Block 3, Lot 2 for the year(s) 2001/02, 2002/03 and 2003/04;
4. Reimbursement for the year(s) 2000/01 and 2004/05 on the parcel described as Map 52.11, Block 3, Lot 2, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
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.

RESOLUTION NO. (618-2005) CONT.

On roll call the vote was as follows

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

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RESOLUTION NO. (619-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Associates of Rockland, LLC v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 4641/00, 4793/01, 5243/02, 5286/03 and 4977/04, affecting parcel(s) designated as Map 52.15, Block 1, Lot 2, (f/k/a 124-C-41.01) and more commonly known as 706 Executive Boulevard, Valley Cottage, New York for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack 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 52.15, Block 1, Lot 2 be reduced for the year(s) 2000/01 from \$913,520 to \$566,400 at a cost to the Town of \$5,012.05;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 2 be reduced for the year(s) 2004/05 from \$913,520 to \$749,100 at a cost to the Town of \$2,851.42;
3. There is no assessment reduction on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 2 for the year(s) 2001/02, 2002/03 and 2003/04;
4. Reimbursement for the year(s) 2000/01 and 2004/05 on the parcel described as Map 52.15, Block 1, Lot 2, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
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 .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (620-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Associates of Rockland, LLC v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 4650/00, 4791/01, 5244/02, 5283/03 and 4974/04, affecting parcel(s) designated as Map 52.15, Block 1, Lot 3, (f/k/a 124-C-41) and more commonly known as 704 Executive Boulevard, Valley Cottage, New York for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack 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 52.15, Block 1, Lot 3 be reduced for the year(s) 2000/01 from \$1,065,280 to \$660,500 at a cost to the Town of \$5,844.60;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 3 be reduced for the year(s) 2004/05 from \$1,065,280 to \$873,500 at a cost to the Town of \$3,325.91;
- 3. There is no assessment reduction on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 3 for the year(s) 2001/02, 2002/03 and 2003/04;
- 4. Reimbursement for the year(s) 2000/01 and 2004/05 on the parcel described as Map 52.15, Block 1, Lot 3, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
- 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 ..... Yes  
 Supervisor Gromack ..... Yes

\*\*\*\*\*

RESOLUTION NO. (621-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Associates of Rockland, LLC v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 4645/00, 4790/01, 5241/02, 5284/03 and 4975/04, affecting parcel(s) designated as Map 52.15, Block 1, Lot 85, (f/k/a 124-C-46) and more commonly known as 614 Corporate Way, Valley Cottage, New York for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

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

RESOLUTION NO. (621-2005) CONT.

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack 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 52.15, Block 1, Lot 85 be reduced for the year(s) 2000/01 from \$2,214,400 to \$1,372,900 at a cost to the Town of \$12,150.39;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 85 be reduced for the year(s) 2004/05 from \$2,214,400 to \$1,815,800 at a cost to the Town of \$6,912.65;
- 3. There is no assessment reduction on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 85 for the year(s) 2001/02, 2002/03 and 2003/04;
- 4. Reimbursement for the year(s) 2000/01 and 2004/05 on the parcel described as Map 52.15, Block 1, Lot 85, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
- 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 ..... Yes  
 Supervisor Gromack ..... Yes

\*\*\*\*\*

RESOLUTION NO. (622-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Associates of Rockland, LLC v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 4651/00, 4792/01, 5242/02, 5285/03 and 4976/04, affecting parcel(s) designated as Map 52.15, Block 1, Lot 86, (f/k/a 124-C-45) and more commonly known as 612 Corporate Way, Valley Cottage, New York for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack 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 52.15, Block 1, Lot 86 be reduced for the year(s) 2000/01 from \$2,313,200 to \$1,434,200 at a cost to the Town of \$12,691.85;

RESOLUTION NO. (622-2005) CONT.

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 86 be reduced for the year(s) 2004/05 from \$2,313,200 to \$1,896,800 at a cost to the Town of \$7,221.34;

3. There is no assessment reduction on the premises owned by the petitioner(s) described on the assessment roll as Map 52.15, Block 1, Lot 86 for the year(s) 2001/02, 2002/03 and 2003/04;

4. Reimbursement for the year(s) 2000/01 and 2004/05 on the parcel described as Map 52.15, Block 1, Lot 86, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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 ..... Yes
- Supervisor Gromack ..... Yes

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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 meeting was closed, time 8:25 p.m.

Respectfully submitted,

*Patricia Sheridan*  
 Patricia Sheridan  
 Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

07/26/2005

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Lasker, Maloney, Mandia, & Nowicki  
Marcia Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Proposed Local Law to Amend Chapter 290 (Zoning) of the Clarkstown Town Code  
(Senior Independent Living Housing District - "SIL")

Proposed amendment to Clarkstown Comprehensive Plan) concerning the establishment  
of a Senior Independent Living Housing District ("SIL")

---

The public hearing was continued.

Steven Levine  
Congers

He said he has a problem with the floating zone and that it should be used elsewhere besides R-10 and R-15. He believes it should be in a commercial zone because it will put the seniors in contact with providers of their accessory needs. He does not believe that accessory living belongs in a residential zone. He asked if there will be a housing authority to administer senior housing.

The Town Board said there will be no housing authority.

The Supervisor said this is a work in progress.

Co. Lasker said the matter has gone back to the Planning Board to the drawing board.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the matter is referred back to the Planning Board and the public hearing is left open, time 8:12 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

ABE667