

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

08/23/2005

8:00 P.M.

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

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

**Proclamation Designating September 11
As a Day of Volunteer Service, Charity, and Compassion**

WHEREAS, across the nation and around the world, people of all ages and walks of life collectively witnessed an event of immense tragedy on September 11, 2001: and

WHEREAS, the events of that day instantly transformed many lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and

WHEREAS, an unprecedented, historic bonding of Americans arose from the collective shock, unifying the nation in a sustained outpouring of national spirit, pride, selflessness, generosity, courage and voluntary service; and

WHEREAS, on that day and the immediate days that followed, many brave people heroically, tirelessly and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in many cases voluntarily putting their own well being at risk, some dying in the process; and

WHEREAS, September 11 will never and should never be just another day in the hearts and minds of Americans; and

WHEREAS, the creation of memorials and monuments honoring the lives lost on September 11, as well as the efforts of those who participated in rescue, recovery and voluntary service efforts, are necessary, proper and fitting, but alone cannot fully capture the nation's desire to pay tribute in a meaningful way; and

WHEREAS, many citizens wish to memorialize September 11 by engaging in personal and individual acts of community service or other giving activities as part of a national day of recognition and tribute; and

WHEREAS, it is fitting and essential to establish a lasting, meaningful and positive legacy of tribute and service for future generations to come; and

WHEREAS, to lose this opportunity to bring people together for such an important endeavor would be a tragedy unto itself,

NOW, THEREFORE, BE IT RESOLVED, that I, Alexander J. Gromack, do hereby proclaim September 11 as an annually recognized day of voluntary service, charity and compassion; and urge the citizens of Clarkstown to voluntarily observe this day with appropriate and personal expressions of service, charity and compassion towards others.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND CAUSE THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 23rd DAY OF AUGUST 2005.

ALEXANDER J. GROMACK
Supervisor, Town of Clarkstown

The Town Board congratulated Boy Scout Stephen Turselli for achieving the rank of Eagle Scout.

Public Hearing: Request of Davies Farm, LLC for road abandonment and amendment to the Official Map (portions of Randolph Street, Waltham Avenue, Holbrook Avenue, Central Avenue, Chester Avenue, Norfolk Avenue and Beacon Street, Congers) – opened 8:09 p.m., the public hearing is adjourned and will be continued in October, closed 9:05 p.m.

Supervisor opened the public portion of the meeting.

Ed Day
New City

Item 2 – Said that this is good news and thanked James and Patricia Cropsey who have a singular vision for their property and supported the preservation of open space since 1999.

Betsy Saetre, on behalf of Kenneth Zebrowski
County Legislator

She said Legislator Zebrowski and the legislature fully support the purchase of the Cropsey property.

Ellen Ferretti
Nanuet

She complained about the weeds on So. Middletown Road in the median between her house and the gas station, the washboard condition of the road between Stop & Shop and Route 59, the drainage ditch behind her house, and the flow of the Naurashaun Stream.

Joe Schleimer
New City

He asked about the procedure to change code provisions in the town, specifically the provision requiring fire extinguishers to be checked every year.

Austin Noone
111 N. Little Tor Road
New City

Spoke regarding their problem with the storm drain since 1984 and nothing has been done. He said that he already contacted the County and was told that it is the responsibility of the town.

RESOLUTION NO. (623-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of July 26, 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

RESOLUTION NO. (624-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, premises shown as 230 Little Tor Road South, New City, New York known as Cropsey Farm, which lot consists of approximately 24 acres of land, owned by James W. Cropsey and Patricia D. Cropsey, designated on the Clarkstown Tax Map as 51.10-3-1 has been made available to the Town and Rockland County for purchase as open space, and

WHEREAS, said property as open space will protect adjacent properties from existing adverse drainage conditions and provide protection for existing trees and other vegetation, and

WHEREAS, negotiations with the property owner have resulted in a proposal which would permit the Town to acquire this property at a price not in excess of its appraised market value, and

RESOLUTION NO. (624-2005) CONT.

WHEREAS, said property shall be purchased in partnership with the County of Rockland with ownership in common in said property, and

WHEREAS, said property shall be maintained, upon closing of title, by the County of Rockland and the Town of Clarkstown as parkland for the benefit of present and future generations, and

WHEREAS, said acquisition shall be subject to a retained life estate for the benefit of James W. Cropsey and Patricia D. Cropsey, which life estate shall be limited to approximately 1.8 acres which contains the Cropsey homestead, and which shall be specifically described in the contract of sale, and

WHEREAS, the County of Rockland will pay \$4,000,000.00 toward the purchase price, and

WHEREAS, Senator Thomas P. Morahan, on behalf of the State of New York, has pledged a grant to the people of Rockland County in the amount of \$1,000,000.00, and

WHEREAS, the Town of Clarkstown will pay \$1,500,000.00 toward the total acquisition price of \$6,500,000.00;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract of sale with Rockland County, as co-purchaser, and James W. Cropsey and Patricia D. Cropsey, as seller, in a form approved by the Town Attorney, to purchase premises consisting of approximately 24 acres of land commonly known as 230 Little Tor Road South, New City, New York, (identified on the Town of Clarkstown Tax Map as 51.10-3-1), for use as open space at a price not to exceed \$6,500,000.00, plus customary and necessary closing expenses and adjustments which shall be prorated according to the parties respective interests, and be it

FURTHER RESOLVED, that this resolution is subject to completion of SEQRA review by the Town Board, as well as approval of bond counsel for the use of Town funds available as a result of the approved Town of Clarkstown Open Space Referendum, and be it

FURTHER RESOLVED, that this resolution is subject to Permissive Referendum, as provided in Section 64.2 of Town Law, and be it

FURTHER RESOLVED, that Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board for SEQRA purposes with respect to the purchase of property referred to herein.

On roll call the vote was as follows:

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

The Supervisor thanked James and Patricia Cropsey for their tremendous gift to the town and for their vision and persistence. He also thanked Sen. Morahan and said that this was accomplished with the united efforts of New York State, Rockland County, and Clarkstown. Co. Lasker congratulated the Cropseys for their persistence which they have shown since 1997. Co. Maloney expressed his admiration for and gratitude to the Cropseys. He said that great things can happen with cooperation. Co. Mandia described how valuable the property is and stated that James and Patricia Cropsey exemplify community members who have given so much to the town. Co. Nowicki said that the Cropseys have always been willing sellers and it was a glorious day when everything happened. The Supervisor also referred to a letter from Peter Vitro, President of Little Tor Neighborhood Association, showing support for the purchase of the property. (The letter is on file with the Office of the Town Clerk.)

RESOLUTION NO. (625-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has by letter dated August 5, 2005 requested permission to have a licensed fireworks display at 65 Lake Road, Congers, New York, and to host the Rockland County Volunteer Fireman's Association Parade, on September 10, 2005, and

WHEREAS, Police Chief Peter Noonan, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Mark Papenmeyer, Chief Fire Safety Inspector, have reviewed the proposal and have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and that adequate police personnel will be available, and have recommended permission be granted for such fireworks display subject to certain conditions and compliance with all necessary public safety measures provided the display is held on September 10, 2005;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company. No. 1 to sponsor a fireworks display at 65 Lake Road, Congers, on September 10, 2005, at approximately 9:00 p.m., and to host the Rockland County Volunteer Fireman's Association Parade, subject to the following conditions:

- 1. Compliance with New York State Penal Law §405 and the National Fire Protection Act, and
- 2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage, and
- 3. An on site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display, and
- 4. Provide a bond for the favor of the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law.

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. (626-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Historical Society of Rockland County is holding its annual Historic Preservation Merit Awards Program on May 15, 2005. The awards will be presented in recognition of outstanding historic preservation efforts in Rockland County, and

WHEREAS, the Town Board of the Town of Clarkstown believes that the 2005 Historic Preservation Merit Awards Program is a worthy cause which benefits the public;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the expenditure of \$1,800 to cover the partial sponsorship of the 2005 Historic Preservation Merit Awards Program by the Historical Society of Rockland County, and be it

FURTHER RESOLVED, that the fee for such program shall be charged to Account No. A 7520-419.

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. (627-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. of Rec. & Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, to apply for funding in the amount of \$21,960.00 for the period commencing January 1, 2005 through December 31, 2006.

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. (628-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organizations listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the libraries shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2005.

Nanuet Public Library \$3,000

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. (629-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, certain non-for-profit organizations that have provided services to individuals and groups in the Town of Clarkstown have submitted requests for economic assistance for the year 2005, and

WHEREAS, the applications has been reviewed by the Town Attorney, who has determined that the services provided by the organizations set forth herein is in the public interest and qualifies for expenditure of public funds:

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2005 to the following non-profit organizations in the following amount:

Holocaust Museum and Study Center	\$3,500
Together Our Unity Can Heal, Inc. (TOUCH)	\$5,000

RESOLUTION NO. (629-2005) CONT.

and be it FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2005, and shall be charged to Account No. A 8840-424.

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. (630-2005)

Co. Maloney 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 15, 2005 to August 15, 2007, as follows:

Sponsor: Curti's Landscaping, Inc.
 91 West Nyack Road
 Nanuet, NY 10954

Roads: .3 mile segment of Demarest Mill Road, from
 Route 304 to West Nyack Road
 Nanuet, NY 10954

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 15, 2005 to August 15, 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

RESOLUTION NO. (631-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Barbara Dardzinski who obtained Building Permit No. 05-1095 and paid a fee in the amount of \$282.00 for premises located at 70 North Conger Avenue, Congers, New York, has decided to cancel plans to renovate her house and has requested a refund of all or part of the fee paid for said Building Permit, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$50.00;

RESOLUTION NO. (631-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$232.00, of the total Building Permit fee paid in the amount of \$282.00, to Barbara Dardzinski, 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 Yes
- Supervisor Gromack Yes

RESOLUTION NO. (632-2005)

Co. Maloney offered and Co. Mandia 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

Yaboo Fence
112 West Nyack Road
West Nyack, NY 10994
89-C-40 (65.05-2-35)

By the installation of fire lane designations, and

WHEREAS, Matthew Gedeiko Sr., owner, 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 Yes
- Supervisor Gromack Yes

RESOLUTION NO. (633-2005)

Co. Nowicki offered and Co. Mandia seconded

WHEREAS, a complaint by Mr. K.G. Thomas, 28 Michigan Court, Valley Cottage, regarding dog walkers violating Town Code Chapter 125-4F (Nuisance by failure to clean up) in the area of the cul-de-sac of Michigan Court and Town Parkland at 44 Michigan Court (52.12-2-24) was referred to Code & Zoning Enforcement Officer Joel J. Epstein by Clarkstown Animal Control Officer Patricia Coleman, and

WHEREAS, an investigation by Code Officer Epstein and an interview with Mr. Thomas revealed the complaint to be substantiated, and

WHEREAS, Mr. Thomas, in addition to the warnings issued by Animal Control Officer Coleman to the resident dog owners as well as a blanket letter to the neighborhood from the Office of the Zoning Administrator, has requested controlling signage to better notify errant dog walkers.

RESOLUTION NO. (633-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that based on the recommendation of the Code & Zoning Enforcement Officer and the Animal Control Officer, that the Superintendent of Highways is hereby directed to install 'Dog Waste Prohibited' signs in the cul-de-sac of Michigan Court, Valley Cottage and along Town Parkland (Twin Ponds) on the east side of Michigan Court.

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. (634-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, to decrease Appropriation Account A-7140-323 (Chemicals) by \$6,000.00 and to increase Appropriation Account A-7140-462 (Water) by \$6,000.00.

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. (635-2005)

Co. Maloney offered and Co. Nowicki seconded

Whereas, Town Board Resolution #247-2003 awarded Bid #12-2003; Congers Downtown Improvements to WJL Equities Corporation; and

Whereas, the budget allowance for this project has been amended by Town Board resolutions 929-2003, 684-2004, 698-2004 and 126-2005 to reflect the change orders on contract approved to date by the Department of Environmental Control; and

Whereas, WJL Equities submitted prices for the additional work which has been reviewed by the Department of Environmental Control and found to be reasonable and recommends the proposal for the additional work from WJL Equities Corporation be approved by the Town Board as Change Order Number 9.

CO #9 An existing utility pole adjacent to 73-75 Lake Road is to be relocated; the Utility pole has underground service to the building and Orange Rockland Utilities installed a new pole with a junction box. According to O&R the underground connection to the box is not their responsibility, thus the work included in this change order is cutting the driveway, installing conduit, splicing the connection into the box and repairing the asphalt as necessary. The cost to complete these changes is \$7,000.00.

Now, Therefore, Be It Resolved that the total approved costs of changes for this project for Change Order #9 is \$7000.00 and,

Be It Further Resolved that the current allowance for this project be increased to \$2,152,549.22 to reflect the additional cost of the change orders; and,

Be It Further Resolved that this shall be a proper charge to account #H 8752 409 0 76 28.

RESOLUTION NO. (635-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (636-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown solicited competitive bids for the purchase of integrated work management software for the Clarkstown Highway Department; and

WHEREAS, the Town received several proposals in response to its solicitation; and

WHEREAS, the Director of Automated Systems conducted a thorough review of the proposals, and determined that only one bidder's proposal fully complied with the Town's detailed specifications;

NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing, Director of Automated Systems and the Superintendent of Highways that

BID#17-2005 – HIGHWAY DEPARTMENT INTEGRATED WORK MANAGEMENT SOFTWARE

is hereby awarded to:

GBA MASTER SERIES, INC.
 10561 BARKLEY, SUITE 500
 OVERLAND PARK, KS 66212
 PRINCIPALS: WILBER COPENHAFFER
 GEORGE SALLER
 DONALD PINKSTON, JR.

as per their proposed low bid quote of \$61,635.00 with the following conditions:

- 1) The Standard Level (Access only) software shall be configured on our existing Novell 6.5 Network using a Windows 2000 application server; and
- 2) GBA shall agree to upgrade to the Enterprise Level (SQL Server) environment after January 1, 2006 at an additional cost not to exceed \$1,500.00.

And be it FURTHER RESOLVED, that the Highway Department is hereby further authorized to purchase associated hardware and phones, at a cost not to exceed \$13,000.00, which shall be procured in accordance with Purchasing Department procedures; and be it

FURTHER RESOLVED, that the total project cost of \$76,135.00 shall constitute a proper charge to account no. H 8755 400 409 79 29.

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. (637-2005)

Co. Maloney offered and Co. Nowicki seconded

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

BID#46-2005 – THREE DUMP BODIES WITH SALT SPREADING & LIQUID APPLICATION ATTACHMENTS

is hereby awarded to:

REED SYSTEMS LTD.
17 EDWARDS PLACE
ELLENVILLE, NY 12428
PRINCIPALS: JAMES P. REED
 JOAN E. REED

as per their low proposed quote of \$193,983.00 total (\$64,661.00 each).

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. (638-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Sawmill Construction Corp. furnished to the Town of Clarkstown a Performance Bond secured by a Letter of Credit No. 99-0702 in the amount of \$12,000.00 to secure the completion of public improvements in the Running Brook Estates Subdivision, as shown on the final plat of Running Brook Estates (43.09-1-48.4 & 48.5, f/k/a 21-B-2.04 & 2.05), which was filed in the Rockland County Clerk's Office on September 27, 2001, and

WHEREAS, the Deputy Director of Department of Environmental Control of the Town of Clarkstown, with no objection from the Superintendent of Highways, has advised that the work has been completed to Town specifications and that the security may be released;

NOW, THEREFORE, be it RESOLVED, that the Letter of Credit in the amount of \$12,000.00 may be released to the guarantor.

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. (639-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control, the security furnished to the Town by Danli Realty, Inc. in the form of an assignment of Passbook Account No. 6872584194 in the amount of \$4,000.00, in connection with D.L.W. Corp. Subdivision designated on the Clarkstown Tax Map as 36-J-10, is no longer required as that sum was intended as a maintenance guaranty and the maintenance period has expired; and be it

RESOLUTION NO. (639-2005) CONT.

FURTHER RESOLVED, that no further action is required as it appears that the depositor obtained release of the funds on or about August 10, 2001 without prior Town approval.

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. (640-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, KALEIDOSCOPE PRODUCTIONS, a production company, requested permission to film in the Town of Clarkstown, on Friday, August 5th; Saturday, August 6th; and Sunday, August 7th, 2005.

NOW, THEREFORE, be it RESOLVED, that KALEIDOSCOPE PRODUCTIONS, of 30 Irving Place, New York, NY 10003, is hereby authorized to film in the Town of Clarkstown, an industrial commercial for HP at a private residence located at 25 Denver Drive, New City, NY 10956, between the hours of 7:00 am and 9:00 pm, on Friday, August 5, 2005; Saturday, August 6, 2005; and Sunday, August 7, 2005, upon the following conditions:

- (1) Permittee obtains permission from the property owner or tenant to film at the above mentioned site;
- (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 August 5, 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. (641-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, CURIOUS PICTURES, a production company, requested permission to film in the Town of Clarkstown, on Wednesday, August 10, 2005.

NOW, THEREFORE, be it RESOLVED, that CURIOUS PICTURES, of 440 Lafayette Street, New York, NY 10003, is hereby authorized to film promotional commercials for Comedy Central in the Town of Clarkstown, at Clarkstown High School South, Demarest Mill Road, West Nyack, NY 10994, between the hours of 7:00 am and 9:00 pm, on Wednesday, August 10, 2005. upon the following conditions:

- (1) Permittee obtains permission from the school to film at the above mentioned site;
- (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 not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public parking is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and

FURTHER RESOLVED, that the permit granted by this resolution shall be retroactive to 7:00 am, on August 10, 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. (642-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, that Rockland County Personnel Office has certified on July 15, 2005 that the position of Storekeeper (Automotive) #0228 can be reclassified to the position of Senior Storekeeper (Automotive),

Now, therefore, be it RESOLVED, that the position of Storekeeper (Automotive) #0228 -- Town Garage -- is hereby reclassified to the position of Senior Storekeeper (Automotive) -- Town Garage -- effective and retroactive to August 22, 2005.

RESOLUTION NO. (642-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (643-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Alfred Carlini, 31 Normandy Village, Nanuet, New York, is hereby appointed to the position of (provisional) Senior Storekeeper (Automotive) – Town Garage – at the current 2005 annual salary of \$58,631., effective and retroactive to August 22, 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. (644-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Marion B. Gionta, 75 Margaret Keahon Drive, Pearl River, New York, Senior Records Clerk (Law Enforcement) – Police Department – is hereby accepted – effective and retroactive to August 15, 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. (645-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Helena R. Nejman, 8 Banta Place, New City, New York, is hereby appointed to the position of (Provisional) Senior Records Clerk (Law Enforcement) - Police Department – at the current 2005 annual salary of \$54,342., effective and retroactive to August 22, 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. (646-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Patricia McGrogan, 1-N Church Lane, Valley Cottage, New York, is hereby appointed to the position of (temporary) Records Clerk-Typist (Law Enforcement) (position encumbered by Helena Nejman) – Police Department – at the current 2005 annual salary of \$50,094., effective and retroactive to August 22, 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. (647-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Susanne Coleman, 5 Hansen Ave, New City, New York to the position of (temporary) Laborer – Highway Department – at the current hourly rate of \$13.00 – effective and retroactive to July 5, 2005 to August 5, 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. (648-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Susanne Coleman, 5 Hansen Ave, New City, New York to the position of (permanent) Laborer – Highway Department – at the current annual salary of \$31,895., - effective and retroactive to 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

RESOLUTION NO. (649-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Sylvester Almiron, Jr. M.D., 296 Brewery Road, New City, N.Y., is hereby reappointed to the position of Member – Parks Board and Recreation Commission – at the current 2005 annual salary of \$2,900., term effective and retroactive to August 16, 2005 and to expire on August 15, 2010.

RESOLUTION NO. (649-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (650-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Orange and Rockland Utilities, Inc. v. The Assessor and the Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Index Nos. 4408/00, 4548/01, 5174/02, 5105/03, 4787/04 and 5345/05, affecting parcels designated as Tax Map 57.11-1-44, Tax Map 65.9-2-26, Tax Map 52.11-1-11, Tax Map 609.4-32, Tax Map 609.4-46 and Tax Map 609.4-51, for years 2000 through 2005 inclusive, and

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

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

NOW, THEREFORE, be it RESOLVED, that:

1. The litigation brought by petitioner seeking refunds of \$1,853,200.00 for the following parcels described on the assessment roll as Tax Map 57.11-1-44, Tax Map 65.9-2-26, Tax Map 52.11-1-11, Tax Map 609.4-32, Tax Map 609.4-46 and Tax Map 609.4-51, for years 2000 through 2004 inclusive, is settled for a total of \$400,000.00 in refunds, of which the Town's portion is approximately \$106,190.00;

2. The assessment be amended for the 2005 roll on the above mentioned parcels as follows:

<u>Tax Map</u>	<u>Assessment</u>
57.11-1-44	\$3,152,392.00
65.9-2-26	1,909,814.00
52.11-1-11	1,863,182.00
609.4-32	60,518.00
609.4-46	257,211.00
609.4-51	239,858.00

3. 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. (651-2005)

Co. Maloney offered and Co. Lasker seconded

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

“A Local Law to Amend Chapter 290 (ZONING) of the Town Code of the Town of Clarkstown,”

and WHEREAS, the proposed local law is to modify the definition of Floor Area Ratio, add provisions for determination of maximum development coverage and alteration in the method of calculation of maximum building height;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on September 27, 2005, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

FURTHER RESOLVED, 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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

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

RESOLUTION NO. (652-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$110,000 from Rockland County,

NOW THEREFORE BE IT, RESOLVED, to increase Account’s H-15-9-3620-0 (Rockland County-Municipal Transportation Aid) and H-8753-409-77-21 (Capital Projects-Purchase MiniTrans Buses) by \$110,000 and,

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease A-1220-110-0 (Supervisor-Salaries) by \$3,650 and increase A-1220-301-0 (Supervisor-Food) by \$1,000 and A-1220-313-0 (Supervisor-Office Supplies) by \$2,000 and A-1220-314-0 (Supervisor-Computer Supplies) by \$500 and A-1220-319-0 (Supervisor-Misc Supplies) by \$150 and be it,

FURTHER RESOLVED, to decrease A-1315-313-0 (Comptroller-Office Supplies) and increase A-1315-201-0 (Comptroller-Furniture & Fixtures) by \$642 and be it,

FURTHER RESOLVED, to decrease A-1640-311 (Town Garage-Gasoline) by \$10,000 and increase A-1640-406-0 (Town Garage-Repairs to Vehicles) by \$5,000 and A-1640-409-0 (Town Garage-Fees For Services) by \$5,000 and be it,

RESOLUTION NO. (652-2005) CONT.

FURTHER RESOLVED, to decrease A-1990-505-0 (Contingency-Other Costs) by \$21,855 and increase A-1320-409-0 (Town Accounting-Fees for Services) by \$3,016 and A-1950-503-0 (Taxes & Assessments-Other Costs) by \$11,339 and A-6510-401-0 (Veterans Services-Rent/Leases) by \$500 and A-8511-409-0 (Community Beautification-Fees for Services) by \$7,000 and be it,

FURTHER RESOLVED, to decrease A-3410-204-0 (Fire Board of Appeals-Part-time Salaries) and increase A-3410-204-0 (Fire Board of Appeals-Office Machines) by \$339.00 and be it,

FURTHER RESOLVED, to decrease Accounts A-7140-409-0 (Recreation-Fees for Services) by \$1,850 and A-7140-408-0 (Recreation-Building Repairs) by \$750 and increase A-7140-329-0 (Recreation-Recreational Supplies) by \$2,600 and be it,

FURTHER RESOLVED, to decrease DB-5110-387-0 (Highway-Sidewalks) and increase DB-5110-201-0 (Highway-Furniture & Fixtures) by \$2,000.

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. (653-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, by Resolution No. 990-2004, the Town Board authorized the Planning Board to retain the services of Robert Geneslaw Co. to undertake a study pertaining to money in lieu of land fees for a total cost not to exceed \$7500.00 without further authorization from the Board; and

WHEREAS, the project was subsequently broadened in scope and length and additional services were required resulting in a fee in excess of the original estimate; and

WHEREAS, Robert Geneslaw Co. has provided detailed invoices documenting the additional hours spent, which time was billed in accordance with the fee schedule on file with the Town;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 990-2004 is hereby amended as follows:

“RESOLVED, that the Town Board hereby authorizes Robert Geneslaw Co., Planning Consultant, to conduct the study referred to herein for a fee not to exceed \$12,633.25, to be charged to Account No. B8020-409.”

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. (654-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, by Resolution No. 616-2005, the Town Board authorized the Town of Clarkstown to enter into an agreement with Cost Control Associates to Conduct and audit of utility accounts; and

WHEREAS, the resolution inadvertently failed to list cell phone services as being included in the audit;

RESOLUTION NO. (654-2005) CONT.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 616-2005 is hereby amended as follows:

"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 Associated, 310 Bay Road, Queensbury, New York, to prepare an audit and review of the Town's energy bills, water bills and cellular phone service bills;"

The remainder of Resolution No. 616-2005 shall remain unchanged.

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. (655-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, Resolution No. 165-2005, dated February 8, 2005, authorized Metropolitan Appraisal Group to prepare three preliminary appraisals affecting three parcels designated as Map 64.8, Block 3, Lots 7.1, 7.2 and 7.3 for a total fee not to exceed \$5,000, and

WHEREAS, Metropolitan Appraisal Group has changed its name to Strategic Business Services, Inc.;

NOW, THEREFORE, be it RESOLVED, that Resolution No. 165-2005 is hereby amended to change the name of the appraiser to Strategic Business Services, Inc., which will prepare said appraisals for a total fee not to exceed \$5,000.

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. (656-2005)

Co. Nowicki offered and Co. Lasker seconded

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

BID #51-2005 – 355 OLD MILL ROAD EASEMENT REPAIRS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on September 8, 2005 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control for a fee of \$15.00 per set.

RESOLUTION NO. (656-2005) CONT.

On roll call the vote was as follows:

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

RESOLUTION NO. (657-2005)

Co. Nowicki offered and Co. Lasker seconded

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

BID #52-2005 – INSTALLATION OF CULVERT ON NEW JERSEY TRANSIT RIGHT OF WAY – PROSPECT STREET, NANUET

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (658-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Town's Traffic Engineering Consultant that

BID #37-2005 - MAINTENANCE AND REPAIR OF TRAFFIC SIGNALS, PEDESTRIAN CONTROL DEVICES AND STREETScape LIGHTS

is hereby awarded to: VERDE ELECTRIC MAINTENANCE CORP.
 89 EDISON AVENUE
 MT. VERNON, NY 10550
 PRINCIPALS: GIULIO C. MONACO, JR., PRESIDENT

as per their proposed total project cost of \$149,954.00 for Parts I, II, III and IV and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

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

RESOLUTION NO. (658-2005) CONT.

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

FURTHER RESOLVED, that said award represents a proper charge to account # DB 5110 400 4090.

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. (659-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, the Town Board of the Town of Clarkstown is desirous of having maintenance work performed on the concrete pavers installed along Lake Road in Congers; and

Whereas, the Department of Environmental Control has solicited proposals from qualified landscape contractors to perform said work; and

Whereas, the Department of Environmental Control has received three (3) responses to its solicitation; and

Whereas, the Department of Environmental Control has reviewed the proposals and finds them to be acceptable;

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

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

to perform said work as the provider of the lowest qualified proposal in the amount of \$3,300.00; and

Be It Further Resolved that this amount shall be a proper charge to account # H 8752 409 0 76 28.

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. (660-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an existing stream embankment located within a town drainage easement on the premises of 5 Tall Oak Lane has eroded and is creating an unstable channel in that area; and

WHEREAS, the Department of Environmental Control investigated and prepared a plan for the repair of the eroded streambank; and

WHEREAS, the Department of Environmental Control has solicited proposals from five qualified contractors to perform said improvements in accordance with the plan; and

RESOLUTION NO. (660-2005) CONT.

WHEREAS, two contractors provided proposals in response to said solicitation, and after review by Department of Environmental Control staff, it was found that the lowest responsible proposal was by Cusack Landscaping in the amount of \$9,125.00; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Cusack Landscaping, Inc. PO Box 106 New City, New York 10956 as per their low bid proposal of \$9,125.00; and

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of Cusack Landscaping, Inc. to perform this work for an amount not to exceed \$9,125.00, retroactive to May 1, 2005; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project be funded by serial bonds; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H-8755-409-0-79-16.

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. (661-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the median strip on Route 59 between Grandview Road and Smith Street in Nanuet has become inundated with weeds and is in need of maintenance;

WHEREAS, the Department of Environmental Control solicited three (3) proposals from qualified contractors to remove the weeds on the median strip and apply contact herbicide to prevent future weed growth; and

WHEREAS, the lowest proposal was submitted by Ascape Landscape & Construction Corp., for \$3,700.00; and

WHEREAS, it is the recommendation of the Department of Environmental Control that the project be awarded to:

Ascape Landscape & Construction, Inc.
P.O. Box 679
New City, New York 10956

For an amount not to exceed \$3,700.00; and

BE IT FURTHER RESOLVED, that this amount shall be a proper charge to account #A 8992-409.

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. (662-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the by resolution Nos. 828-2002, 956-2002 and 869-2003 the Town Board authorized the Director of Environmental Control to retain the services of Tectonic Engineering and Surveying Consultants, P.C. for an aggregate fee not to exceed \$9,235.79. and

WHEREAS, additional work was necessary to adequately re-evaluate the condition of roadway structures, provide recommendations and complete the report to the Town and meet with Town Officials and the Developer to clarify elements of said report, and

WHEREAS, Tectonic Engineering Consultants performed said additional services on request by the Town in the total amount of \$2,800.00, and

NOW THEREFORE, BE IT RESOLVED that Director of Environmental Control is authorized to retain Tectonic Engineering and Surveying Consultants, P.C. to provide additional consulting services at a cost not to exceed \$2,800.00, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number A 8730 409 0, and

BE IT FURTHER RESOLVED that this resolution is retroactive to and effective as of December 20, 2004.

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. (663-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS on September 21, 2004, K. Luke Kalarickal, P.E. , acting as agent for the Clarkstown Town Board distributed completed Full Environmental Assessment Form Part 1 and Part 2 declaring that the Clarkstown Town Board be the lead agency on this project to three (3) potential involved/interested agencies; and

WHEREAS no involved agency objected to the Clarkstown Town Board being lead Agency for coordinated review under the provisions of 6 NYCRR Part 617 and thereby the Clarkstown Town Board is therefore the lead agency; and

WHEREAS the Town Board considered the benefit of eliminating the frequent flooding in the area of Jeffrey Court which outweighed the minor short-term impact;

NOW, THEREFORE, BE IT RESOLVED that the Clarkstown Town Board acting as lead agency has determined that the proposed project is an unlisted action and will not have any significant environmental impact and that a Draft Environmental Impact Statement will not be prepared.

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. (664-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, MC CORP. OF STONY POINT, Index No(s). 4546/02, 4364/03 and 4242/04, affecting parcels designated as Map 65.35, Block 1, Lot 8 (more commonly known as 47 Route 59, Central Nyack, New York) for the years 2002/03, 2003/04 and 2004/05 and Map 51.18, Block 2, Lot 50 (more commonly known as 720 South Main Street, New City, New York) for the years 2003/04 and 2004/05, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District and 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 65.35, Block 1, Lot 8 be reduced for the year(s) 2003/04 from \$177,000 to \$163,100 at a cost to the Town of \$172.55;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 8 be reduced for the year(s) 2004/05 from \$177,000 to \$149,000 at a cost to the Town of \$401.10;
- 3. There is no assessment reduction on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 8 for the year(s) 2002/03;
- 4. Reimbursement for the year(s) 2003/04 and 2004/05 on the parcel described as Map 65.35, Block 1, Lot 8 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;
- 5. The proceedings commenced by the petitioner respecting Map 51.18, Block 2, Lot 50 be discontinued for the year(s) 2003/04 and 2004/05;
- 6. 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

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 9:19 p.m.

Respectfully submitted,

Jessica M. Marquez
 Jessica M. Marquez
 Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

08/23/2005

8:09 P.M.

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

Request of Davies Farm, LLC for road abandonment to the Official Map (portions of Randolph Street, Waltham Avenue, Holbrook Avenue, Central Avenue, Chester Avenue, Norfolk Avenue and Beacon Street, Congers)

On motion of Co. Mandia and seconded by Co. Maloney, the public hearing was opened. The Deputy Town Clerk read the notice calling the Public Hearing and testified as to the proper posting and publication.

The Town Attorney briefly explained the request for the removal of mapped but unopened streets and said that the Town Planning Board gave positive recommendations on deleting the streets from the map.

Atty. for applicant, Donald Tirschwell, said that the roads are neither traveled on nor used for six years and the Town does not maintain them.

Fred Turk
Beacon Street, Congers
Asked why the Davies Family wants the roads closed.

Atty. Tirschwell said that the roads will be closed but new roads will be opened for the new subdivision.

The Town Attorney read the report from the Town Planning Board dated August 22, 2005 and the report from the Rockland County Planning Board dated August 23, 2005. The Town Planning Board report respectfully requests the Town Board to abandon the roads. The County Planning Board states that the matter has no adverse impacts on any county-wide interests and remands it for local determination. (The reports are on file with the Office of the Town Clerk.)

Charles Koebler
Michelle Avenue, Congers
He said that if the streets are removed from the map, there will be no access to Old Haverstraw Road. The request will close off a lot of roads and most people will have limited access.

The Supervisor said that the residents of the streets affected by the request and the residents from Esther Avenue, Meriwether Trail, Michelle Avenue, and Sleepy Hollow Lane should attend a meeting with the Planning Board.

Tom Heuffel
Esther Avenue, Congers
He said that trucks destroyed the streets during the construction of Phase I so the streets will again be damaged during the construction of the new subdivision.

Stratos Nicolaidis
Old Haverstraw Road, Congers
He said that he heard they will build 23 new homes. He asked if a traffic study was made with the proposal of the new subdivision. He said he is concerned because construction trucks go fast and many kids live in the area.

The Town Attorney said that the Town Board has authority to delete paper streets and create new streets.

Michael Ball

Beacon Street, Congers

He said that the streets should be retained and maintained. He said it will not be giving due consideration to the people's interests and safety if the streets are closed and new streets are opened and it will only serve the purpose of Davies Farm.

Steve Kanterman

Congers

He said that former Supervisor Holbrook promised that the streets will not be opened.

Co. Mandia said that the site plan should be reviewed to see which roads will be opened.

Sandy Arenson

Norfolk Avenue, Congers

She said she attended the Town Planning Board meeting and her only concern is who will plow the roads if the streets are abandoned because they live in a T and she usually has problems with the plowing of her street.

The Supervisor said that the town will remain responsible for plowing the streets in the area.

Henry Kwartler

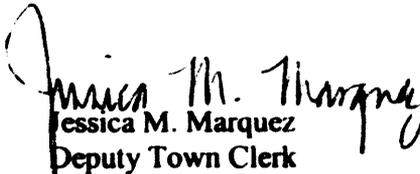
Meriwether Trail, Congers

He said he is concerned with the traffic because there are a lot of kids in the area and speeding is already a problem.

The Supervisor confirmed with Atty. Tirschwell that they will submit a traffic study as required by the Town Planning Board.

There being no further business and no one further wishing to be heard, on motion of Co. Nowicki, seconded by Co. Mandia and unanimously adopted, the public hearing is adjourned and will be continued in October, closed, time 9:05 P.M.

Respectfully submitted,


Jessica M. Marquez
Deputy Town Clerk