

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/11/2005

8:00 P.M.

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

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

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 8:02 p.m., closed 8:25 p.m., Resolution No. 759-2005 adopted.

RESOLUTION NO. (759-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, on the petition of Davies Farm, LLC, the Town Board of the Town of Clarkstown by resolution adopted on July 26, 2005 provided for a public hearing on August 23, 2005, at 8:00 P.M., which hearing was commenced and continued without date, and by resolution adopted on September 27, 2005 the hearing was continued to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of roads shown abutting the parcels designated as Tax Map 35.19-1-41, 35.19-1-42, 35.19-1-43, 44.06-1-25, 44.06-1-52, 44.07-1-77 and 44.07-1-83, namely, Randolph Street, Waltham Avenue, Holbrook Avenue, Central Avenue, Chester Avenue, Norfolk Avenue and Beacon Street, Congers, New York, as described in Schedule "A" attached, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it RESOLVED, that based upon the report of Robert Geneslaw, dated September 30, 2005, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that portions of the roads as described in the attached Schedule "A" are hereby declared abandoned pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom portions of roads shown abutting the parcels designated as Tax Map 35.19-1-41, 35.19-1-42, 35.19-1-43, 44.06-1-25, 44.06-1-52, 44.07-1-77, and 44.07-1-83, namely, Randolph Street, Waltham Avenue, Holbrook Avenue, Central Avenue, Chester Avenue, Norfolk Avenue and Beacon Street, Congers, New York, as more particularly described in the attached Schedule "A," and be it

FURTHER RESOLVED, that the certificate of the Superintendent of Highways of the Town of Clarkstown confirming that the highways described therein have been abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office. (Schedule "A" on file with the Office of the Town Clerk)

RESOLUTION NO. (759-2005) 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. (760-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of September 27, 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. (761-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, an action was commenced in Supreme Court, State of New York, County of Rockland, entitled Town of Clarkstown v. 18 SQ Association, AKW Holdings LLC and Squadron Land LLC, under Index No. 7010/05, to recover interest due and owing as a result of a covenant for the benefit of the Town of Clarkstown affecting premises owned by said entities, and

WHEREAS, the attorneys for the parties have proposed to settle the action on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by Paul K. Schofield, Deputy Town Attorney, and Edward J. Duer, Comptroller, who believe that the best interests of the Town are being served;

NOW, THEREFORE, be it RESOLVED, the Town of Clarkstown agrees to accept a payment in the amount of Five Thousand Six Hundred Dollars (\$5,600.00), for any claim for interest due and owing as a result of the defendant's failure to make timely payment to Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a General Release, in a form approved by the Town Attorney, subject to the terms and conditions as herein.

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. (762-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for November 9, 2005, at 7:00 p.m., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Board hereby schedules a public hearing at said time and date pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2006, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law.

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. (763-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 822-2003, adopted by the Town Board on October 28, 2003, the Town Board authorized a traffic study for property situated in the vicinity of Amber Fields Condominiums, under the jurisdiction of the Rockland County Highway Department, and

WHEREAS, the need for same appears to be questionable;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby rescinds Resolution No. 822-2003, and terminates the consulting contract, upon payment pro rata, for services rendered by Adler Consulting, with their consent, upon grounds that the project area is within the jurisdiction of the Rockland County Highway Department.

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. (764-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, the New York State Department of Conservation and as a condition to the approval of the final map by the Planning Board with regard to a site plan known as BRADLEY CORPORATE PARK, BUILDING 18 (65.13-2-10), John F. Magee has provided an Irrevocable Offer of Dedication dated May 25, 2005 and a Drainage Easement dated May 25, 2005 to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyances; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts an Irrevocable Offer of Dedication and a Drainage Easement from John F. Magee in

RESOLUTION NO. (764-2005) CONT.

connection with Bradley Corporate Park Site Plan, Building 18, and orders them recorded in the Rockland County Clerk's Office at the expense of the grantee.

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. (765-2005)

Co. Maloney offered and Co. Lasker seconded

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

A sign to read, "Dead End" on Pipers Glen at Rose Road, West Nyack, N.Y.
 (See Sec. 233.7 at W3-17 sign per the NYS DOT MUTCD)

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

On roll call the vote was as follows:

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

RESOLUTION NO. (766-2005)

Co. Maloney offered and Co. Lasker seconded

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

"Deer" crossing signs (see Sec. 235.7 a W5-13B sign per the NYS DOT
 MUTCD) to be erected on Congers Road at Prides Crossing to Cairnsmuir
 Lane, New City, NY

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

On roll call the vote was as follows:

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

RESOLUTION NO. (767-2005)

Co. Maloney offered and Co. Lasker seconded

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

A "Stop" sign and a "Stop Line" on the eastside of E. Allison Avenue at April Lane and on the Westside of E. Allison Avenue at April Lane, Nanuet, NY. (See Sec. 211.3 a R1-1A sign as per the NYS DOT MUTCD)

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

On roll call the vote was as follows:

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

RESOLUTION NO. (768-2005)

Co. Maloney offered and Co. Lasker seconded

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

A sign to read, "No Standing Here to Corner" on the eastside of Kings Highway at Old Lake Road, Valley Cottage for a distance of 30 feet (see Sec. 221.5 a P1-10 sign as per the NYS DOT MUTCD)

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

On roll call the vote was as follows:

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

RESOLUTION NO. (769-2005)

Co. Maloney offered and Co. Lasker seconded

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

Signs to read, "Trucks 4 Tons Weight Limit Except for Local Delivery" (See Sec. 233.8 - W3-30 per the NYS DOT MUTCD) to be erected on Demarest Ave. at West Nyack Rd., and on Demarest Ave. at Strawtown Rd., West Nyack, NY

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

RESOLUTION NO. (769-2005) 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. (770-2005)

Co. Lasker offered and Co. Maloney 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: McDonald's- New City
 33 Cavalry Drive
 New City, NY 10956

Roads: .2 mile segment of Cavalry Drive, from
 North Main Street to Route 304
 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 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. (771-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, Bronya Tauber has requested a partial refund of Building Permit fee (No. 04-519) paid in the amount of \$1,832.00 for premises located at 104 Lakewood Drive, Congers, New York, because property owner has reduced the scope of work to be done on the house, and

WHEREAS, the Building Inspector has recommended a partial refund of \$444.00 with retention of the balance for review and inspection of the redacted project;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$444.00, of the total Building Permit fee paid in the amount of \$1,832, to Bronya Tauber, to be charged to Account No. B 02-6-2555-0, subject to receipt of altered Building Permit application and plans.

RESOLUTION NO. (771-2005) 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. (772-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#77-2005 – ASPHALT RE-PAVING AT CLARKSTOWN TRANSFER STATION

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. (773-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#78-2005 – CONCRETE FLOOR REPLACEMENT AT CLARKSTOWN TRANSFER STATION

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. (774-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#79-2005 – SANITARY SEWER MANHOLE REPAIRS

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. (775-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#80-2005 – SEWER MAIN REPLACEMENT AT ROUTE 303/BOBBY LANE, WEST NYACK

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. (776-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID#75-2005 – VARIOUS SANITARY SEWER REPAIRS

is hereby awarded to:

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

RESOLUTION NO. (776-2005) CONT.

as per their low bid proposal of \$27,472.00 and be it

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

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

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

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

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. (777-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

ENVIRONMENTAL CONSTRUCTION, INC.
 21 Kay Fries Drive
 Stony Point, NY 10980
 Susan Oelkers Ramos, President

NOW, THEREFORE, be it RESOLVED, that the following Certificate of Registration be issued:

No. 05-24 ENVIRONMENTAL CONSTRUCTION, INC.

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. (778-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Deputy Town Attorney, Purchasing, has recommended that Lawrence Stevenson, Purchaser II, attend the NIGP-LEAP Seminar entitled “The Legal Aspect of Public Procurement”

RESOLUTION NO. (778-2005) CONT.

NOW, THEREFORE, BE IT RESOLVED, that Lawrence Stevenson, Purchaser II, is hereby authorized to attend the NIGP-LEAP Seminar which is being held from October 31, 2005 to November 2, 2005 at the County of Rockland, Fire Training Center, Pomona, NY; and be it

FURTHER RESOLVED, that the \$825.00 conference attendance fee, in addition to reasonable expenses for food, shall be a proper charge to Account No. 1010-414.

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. (779-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 669-2005, adopted by the Town Board on September 13, 2005, is hereby amended as follows:

WHEREAS, the Town Board authorized the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2005 Community Development Block Grant Funds to the Town of Clarkstown in an amount not to exceed \$250,000.00, and

WHEREAS, these funds will be received for funding three activities, and

WHEREAS, Activity No. 1 is for Lawrence Street Improvements; Activity No. 2 is for Valley Road/Drayton Road Improvements, and Activity No. 3 is for the purchase of a Senior Citizen Transportation Bus, and

WHEREAS, the Town Board has reviewed the report of the Town Planner and the First Deputy Director of Environmental Control dated October 3, 2005, and

WHEREAS, a Short Environmental Assessment Form (EAF) was prepared for Activity No. 1, Lawrence Street Improvements, as it is an unlisted action under SEQR regulations (6NYCRR Par 617), and the Town Board reviewed said EAF and found that the proposed action would not have a significant adverse impact on the environment, and

WHEREAS, Activity No. 2, Valley Road/Drayton Road Improvements, and Activity No. 3 Senior Citizen Transportation Bus are Type II actions under SEQR regulations, and no environmental review is necessary, and

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the report of the Town Planner and the First Deputy Director of Environmental Control dated October 3, 2005, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to take all steps necessary to insure compliance with the October 3, 2005 report in fulfillment of the FY2005 Sub-recipient Agreement with the County of Rockland.

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. (780-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Lars and Nanette Grano, owners of 74 Lindberg Lane, New City, New York, applied to the Zoning Board of Appeals ("ZBA"), for area variances to allow for the construction of proposed additions to their dwelling and to erect a deck on their property which may interfere with access to a Town sanitary sewer easement and by Decision dated September 12, 2005 (Appeal #3436), the ZBA granted variances subject to the condition that a covenant acceptable to the Town Attorney's Office to be filed in the County Clerk's Office stating that the deck will be removed at no cost to the Town if any sewer work has to be done within the easement, which was consistent with the recommendation of K. Luke Kalarickal, Director of the Department of Environmental Control, and

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has reported that the proposed encroachment will not adversely impact the Town's sanitary sewer installation provided that the Town retains the right, in the event of an emergency, to access the easement area even if such access may result in damage to the deck, and

WHEREAS, John A. Costa, Town Attorney, has recommended that if permission is granted by the Town Board that same be in the form of a revocable license agreement incorporated into a declaration of covenant executed by the property owner which, when recorded, shall run with the land and bind all successors in interest;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement and covenant with the property owners, in a form approved by the Town Attorney, granting a revocable license, terminable on ten (10) days written notice, to authorize the installation of the requested deck on or near the Town's sanitary sewer easement located at 74 Lindberg Lane, New City, New York, more particularly described as Tax Map 51.05-2-18, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owners or successors shall indemnify the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the authorized encroachment.

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. (781-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, an application has been made by Arthur Mastrolia, on behalf of St. Paul's Roman Catholic Church and Michele Gabrielson and Eric Gabrielson, 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 the mapped but unopened road known as ALLEN 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, said street currently appears on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly abandoned road 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 St. Paul's Roman Catholic Church and Michele Gabrielson and Eric Gabrielson, 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 street 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 November 1, 2005, at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of

RESOLUTION NO. (781-2005) CONT.

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 St. Paul's Roman Catholic Church and Michele Gabrielson and Eric Gabrielson and to render his report to the Town Board pursuant to Highway Law Section 205 on or before November 1, 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 November 1, 2005. (Schedule "A" on file with the Office of 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. (782-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town has received \$248,821.50 from United Water New York and \$288 from D.A.R.E. Donations,

NOW THEREFORE BE IT, RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital Projects-Misc) and Expense Account H-8754-409-0-78-8 (Capital Projects-Extension of Water District) by \$248,821.50 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$288 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease A-1330-114-0 (Receiver of Taxes-Part/Time) by \$6,000 and increase A-1330-313-0 (Receiver of Taxes-Office Supplies) by \$3,000 and A-1330-328-0 (Receiver of Taxes-Books & Publications) by \$3,000 and be it

FURTHER RESOLVED, to decrease A-1330-110-0 (Receiver of Taxes-Salaries) by and increase A-1330-460-4 (Receiver of Taxes-Cellular Phones) by \$118.61 and be it

FURTHER RESOLVED, to A-1640-312-0 (Town Garage-Auto Maintenance) and increase A-1640-406-0 (Town Garage-Repairs to Vehicles) by \$15,000 and be it

FURTHER RESOLVED, to decrease Accounts A-3120-203-0 (Police-Motor Vehicles) and increase A-3120-406-0 (Police-Repairs to Vehicles) by \$14,411.92 and be it

FURTHER RESOLVED, to decrease Accounts A-7180-413-0 (Swimming Facilities-Trees) and increase A-7180-323-0 (Swimming Facilities-Chemicals) by \$2,380.

RESOLUTION NO. (782-2005) 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. (783-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, an existing groundwater condition in the vicinity of 6 & 8 Roberts Road is creating a hazardous icing condition on the Town ROW; and

WHEREAS, the Department of Environmental Control has prepared a plan to ameliorate the existing groundwater condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform said improvements in accordance with their plan; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by KJS Hauling & Home Improvements and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to KJS Hauling & Home Improvements for their low proposal of \$16,200.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of KJS Hauling & Home Improvements to perform this work in accordance with their proposal for an amount not to exceed \$16,200.00; and

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

FURTHER RESOLVED that this amount shall be a proper charge to account #H-8755-409-0-79-35.

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. (784-2005)

Co. Maloney offered and Co. Mandia seconded

Whereas, Town Board Resolution #554-2005 awarded Bid #34-2005; Elliot's Alley Drainage Improvement Valley Cottage to JMK ENTERPRISES, LLC; and

Whereas, changes to site conditions in the area by surrounding owners have altered surface runoff patterns, requiring extension of previously designed drainage system to provide sufficient inlet capacity, which necessitated changes to the original design as follows:

CO #1 The installation of a field inlet catch basin replacing an open pipe end-section. The cost to complete this change is \$2,755.00

CO #2 Installation of approximately 70 l.f. of 15" solid HDPE pipe, one (1) 30" x 48" catch basin, macadam berm, and the repaving of an existing driveway apron. The cost to complete these changes is \$17,709.00;

RESOLUTION NO. (784-2005) CONT.

and Whereas, JMK ENTERPRISES, LLC submitted prices for the additional work which have been reviewed and found to be acceptable by the Department of Environmental Control;

Now, Therefore, Be It Resolved that the current allowance for this project be increased from the original bid amount of \$39,744.00 to \$60,208.00 to reflect the additional cost of these change orders on contract; and

Be It Further Resolved that this shall be a proper charge to account #H 8755 409 0 79 25.

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. (785-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Carol Donnelly, 9 Gable Road, New City, New York - Member - Historical Review Board - is hereby accepted - effective and retroactive to September 12, 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. (786-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland Personnel Office has furnished Certification of Eligibles #05097 Code Enforcement Officer II which contains the name of John J. Cain,

Now, therefore, be it RESOLVED, that John J. Cain, 27 Waters Edge, Congers, New York, is hereby appointed to the position of (part-time) Code Enforcement Officer II - Building Department - at the current 2005 hourly rate of \$25.24 effective and retroactive to September 28, 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. (787-2005)

Co. Maloney offered and Co. Mandia seconded

Whereas, that Rockland County Personnel Office has furnished Certification of Eligibles #02109 Data Entry Operator I which contains the name of Janet A. Vaccaro,

Now, Therefore, be it RESOLVED, that Janet A Vaccaro, 15 Lyncrest Avenue, New City, New York, is hereby appointed to the position of (Contingent - Permanent) Data Entry Operator I - Police Department - at the current 2005 annual salary of \$29,279 effective November 14, 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. (788-2005)

Co. Nowicki offered and Co. Maloney seconded

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

BID#49-2005 - GUIDE RAIL REPAIR AND MAINTENANCE

is hereby awarded to:

CHEMUNG SUPPLY CORP.
 2420 CORNING ROAD
 ELMIRA, NY 14902
 PRINCIPALS: JERALD M. STEMERMAN
 MYRA S. STEMERMAN
 PHILIP WARSHAW
 MARC P. STEMERMAN

as per their low bid proposal of \$13,150.06 (Parts A & B) total and be it

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

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

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

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

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. (789-2005)

Co. Nowicki offered and Co. Maloney seconded

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

BID#71-2005 – TULIP DRIVE INLET MODIFICATIONS AND RELATED IMPROVEMENTS

is hereby awarded to:

ASCAPE LANDSCAPE AND CONSTRUCTION CORP.
634 ROUTE 303
BLAUVELT, N Y 10913
PRINCIPALS: STUART CHAITIN, PRESIDENT

as per their low bid proposal of \$27,486.00 and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental and be it

FURTHER RESOLVED, that this project shall represent a proper charge to account #H-8755-400-409-0-79-37.

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. (790-2005)

Co. Maloney offered and Co. Mandia seconded

Whereas, Town Board Resolution #412-2005 awarded Bid #11-2005; Demarest Mill Road Culvert Replacement to Cal-Mart Enterprises, Inc; and

Whereas, unforeseen field conditions (encounter with rock) conflicted with installation of the required concrete footings and stream alignment for the culvert installation; and

Whereas, the additional work required by said field conditions, while unforeseeable, is within the scope of the original bid; and

Whereas, Cal-Mart Enterprises, Inc. submitted prices for the additional necessary work which have been reviewed by the Department of Environmental Control (DEC) and found to be reasonable and in accordance with the low bid unit prices set forth in the bid proposal; and

RESOLUTION NO. (790-2005) CONT.

Whereas, the DEC recommends the proposal for the additional work from Cal-Mart Enterprises, Inc be approved by the Town Board as Change Order Number 1.

CO #1 Drill, Blast and Hammer for the removal of rock within the stream channel and areas for the concrete footings.

Now, Therefore, Be It Resolved that the total approved costs of changes for this project for Change Order #1 is \$270,000.00 and,

Be It Further Resolve that the current allowance for this project be increased to \$1,037,767.00 to reflect the additional cost of the change order; and,

Be It Further Resolved that this shall be a proper charge to account #H 8752 409 0 72 1.

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. (791-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 246-2005, adopted by the Town Board on March 22, 2005, the Town Board granted permission pursuant to Town Law 280-a(2) for the applicant to use mapped but undedicated streets as ingress and egress to the nearest public highway in the Green Star Subdivision, identified as 35.19-1-38, subject to certain conditions, and

WHEREAS, as a condition of the aforementioned Town Law 280-a(2) approval, the petitioner or applicant was to provide the Clarkstown Planning Board, prior to final approval of the subdivision map, the written approval of the Board of Fire Commissioners of the Congers Fire District stating that its emergency equipment may safely utilize the travel way as proposed to be improved, should any emergency need arise, and

WHEREAS, the Congers Fire District has indicated to the Town that it is not the function of the Fire District to approve proposed plans, and

WHEREAS, a traffic safety engineer is in a better position to evaluate whether emergency equipment may safely utilize the travel way as proposed should any emergency need arise;

NOW, THEREFORE, be it RESOLVED, that Resolution No. 246-2005 is hereby amended to delete the condition of approval being obtained from the Congers Fire District prior to the Clarkstown Planning Board granting final approval, and be it

FURTHER RESOLVED, as a condition of the aforementioned Town Law 280-a(2) approval, the petitioner or applicant was to provide the Clarkstown Planning Board, prior to final approval of the subdivision map, the written approval from a traffic safety engineer stating that the emergency equipment may safely utilize the travel way as proposed to be improved, should any emergency need arise.

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 8:40 p.m.

Respectfully submitted,


Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/11/2005

8:02 P.M.

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

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)

The Supervisor said that during the first public hearing, the Planning Board was requested to convene an informational meeting where Town Planner Jose Simoes and the applicants can meet with residents to explain exactly what it means to abandon a street. This development will be built and it is probably to the best interest of the residents to abandon the streets because then the Planning Board can work with the residents on a certain traffic pattern. The Supervisor asked Mr. Simoes to give an update on what the informational meeting accomplished.

Jose Simoes
Town Planner

He said that an informational meeting was held on September 19 and Wayne Ballard, Robert Geneslaw, Shirley Thormann were there. The first part was spent explaining the idea of paper streets with the presentation of maps. The roads proposed for abandonment were created in the 1950's by United Water. It was discussed how these roads have not made sense since then. The meeting was opened to the audience to listen to some of their issues. One particular concern is the opening of Beacon Street. The proposed abandonment of the specific roads would allow for a road pattern that would make sense in the neighborhood. The idea of connecting Beacon still has to be worked out in the planning process and in the road layout. The Planning Board will decide on whether or not Beacon has to be connected. Norfolk and Beacon both empty out onto Old Haverstraw Road so there will be distribution of traffic. One other issue is about construction vehicles. The idea which still needs to be decided upon is whether or not to have access from Route 304 through the orchard. Some of the issues raised are really planning issues. What the developers are proposing have some pros and cons which the Planning Board has to work out. One of the pros is not connecting a lot of the existing roads (like Chester) and other private roads that have basically become dead ends. The other issue the Planning Board has to look at is the increase in impervious surface. Mr. Geneslaw determined that this is a type 2 SEQRA and there is no environmental analysis required. The whole project will have extensive environmental analysis before the Planning Board, everything from erosion control, drainage, and even the use of property for farming purposes.

The Supervisor stated that this action of abandoning the roads allows the Planning Board to work with the residents and the developer on a road pattern that everyone will agree to. If no action is taken, the development will be built and there will be very little say on the flexibility of doing the road pattern.

Mr. Simoes said the developer would have to be forced to try to create a road pattern existing on the official map and there will be additional impervious surface however that will be done.

The Supervisor said that if the roads are not abandoned, the Planning Board would have no flexibility in working with the residents on a road pattern.

Co. Maloney said that if the roads are abandoned, there will be more flexibility for the Planning Board to work with the residents and to look at all different possibilities.

Mr. Simoes said that the road pattern will be decided upon with the subdivision plot. The Planning Board will approve the subdivision plot and the road pattern will be fixed according to that instead of the official map.

The Supervisor said that the informational meeting hopefully answered a lot of questions. The Supervisor asked if there are still questions, but questions regarding site plan and road patterns are to be addressed by the Planning Board.

Jan Heuffel

14 Esther Avenue, Congers

She asked if any of the roads are taken off, can they get put back on.

The Town Attorney said that the Planning Board could in fact develop a road pattern similar to what was there in the first instance but there is no guarantee that if a road is taken off that it will be put back on.

Dave Herman

12 Norfolk Avenue, Congers

He said that Park, Esther, and Norfolk run into Merriweather and that there is no logical reason to open Beacon Street. He asked which portion of Beacon will be abandoned.

The Town Attorney said that the Notice of Public Hearing indicates that portion of Beacon Street under consideration.

Co. Mandia asked Mr. Simoes if all the other roads are dedicated. Mr. Simoes said they are not. Co. Mandia said that some residents are interested in buying some portions of the roads being abandoned to square off their lots. He asked if the streets become the property of the developer once they are abandoned.

The Town Attorney said that if paper streets have not been opened or used by the public for 6 years or longer, the Supt. of Highways may file a certificate indicating that the rights of the public have been deemed abandoned. The Town Board will confirm that certificate by signing off on it. The other issue is whether or not the Town Board would change the official map by removing these proposed streets from the map and thereby freeing up the area involved for reconfiguration through the planning process. The Town Board does not take any position with respect to the ownership of the land. The title is a question that would depend on the records with the County Clerk's Office. The town will not be involved in the sale unless it has title to the land and it will be a private matter for the owners of the land abutting those streets to make a determination themselves.

Nadine McGarry-Smith

26 Esther Avenue, Congers

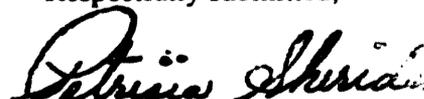
She asked if there will still be input from the residents into the future planning of the development. She also asked if the residents will have input once the builder submits its plan.

The Town Board said the residents will have more input in the planning stage if the roads are abandoned.

The Town Attorney noted the report from the Rockland County Planning Department dated August 23, 2005 which indicated that this is a matter for local determination. He also noted that the Supt. of Highways provided the Town Board with a Certificate of Abandonment dated August 19, 2005 in which he certifies that the streets have not been opened or used within the last five years.

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 public hearing is closed, time 8:25 P.M.

Respectfully submitted,



Pat Sheridan
Town Clerk

(RESOLUTION NO. 759-2005 ADOPTED)