

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/22/2005

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.

Supervisor Gromack, on behalf of the Town Board, congratulated Chief Noonan and the Clarkstown Police Department for their work and leadership regarding Clarkstown's safety record. Last year, Clarkstown rated the 5th safest town in the nation for a population over 75,000 or more people. The Town's safety record rose to the 2nd safest town in the nation with new ratings.

Co. Lasker also congratulated Chief Noonan and the Clarkstown Police Department, and hoped next year the Town of Clarkstown would achieve the top position of the safest town in the nation.

Co. Nowicki expressed her pride in the Clarkstown Police Department for their accomplishments and said this would bring positive recognition to the Town of Clarkstown.

Co. Maloney expressed his congratulations and hoped that in the future the Town of Clarkstown could rise to be the first safest town in the nation.

Co. Mandia also thanked and congratulated Chief Noonan and his department.

The Supervisor opened the public portion of the meeting.

Ed Day, New City
Item 13 - He asked about the reapplication to the New City Vision Plan, regarding filing to get money to help pay for the plan.

Frank Borelli, New City
He congratulated Co. Maloney and Co. Mandia and expressed best wishes for the next four years. Supervisor Gromack thanked him for his support & kind words. He congratulated Councilmen Mandia and Maloney on winning the elections.

Public Hearing re: Purchase of Cropsy Property as Open Space, opened 8:05p.m., closed 8:15p.m., Resolution No. 850-2005 adopted.

Public Hearing re: Purchase of Torsoe Property, Lot 5, Highview Park Subdivision, as Open Space, opened 8:16 p.m., closed 9:10 p.m., Resolution No. 851-2005 adopted.

RESOLUTION NO. (850-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that purchase of 24 acres of land known as Tax Parcel No. 51.10-3-1 as Open Space, pursuant to Section 247 General Municipal Law, is hereby approved.

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. (851-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that purchase of approximately 3.8 acres of land known as Lot No. 5 in the Highview Subdivision, as Open Space, pursuant to Section 247 General Municipal Law, is hereby approved.

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. (852-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of November 1, 2005 and November 9, 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. (853-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2006, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

TOWN BOARD MEETINGS
8:00 P.M. - Auditorium

WORKSHOP MEETINGS
7:30 P.M. - Room 311

January - 4 (Reorganization)

January - 17*

January - 24

February - 14

February - 7*

March - 21

March - 7*

April - 4

April - 25*

May - 9 and 23

May - 16*

June - 13 and 27

June - 20*

July - 25

July - 18*

August - 22

August - 8*

Sept. - 19

Sept. - 26*

October - 17

October - 24*

RESOLUTION NO. (856-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Chief of Police Peter Noonan has advised that the Governor's Traffic Safety Committee, Department of Motor Vehicles, State of New York, ("State") approved an agreement on October 1, 1999, amended said agreement on May 14, 2001, February 5, 2002, February 3, 2003, December 31, 2003, and November 24, 2004, has further amended said agreement, grant application (Grant No. PT-4450161) submitted by the Town of Clarkstown Police Department, for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2005 through September 30, 2006, by the Town of Clarkstown Police Department, and

WHEREAS, the State has advised that it shall provide additional funding for said grant in the amount of \$13,000.00 to the Town of Clarkstown;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$13,000.00 for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2005 through September 30, 2006, by the Town of Clarkstown Police 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. (857-2005)

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

ACCESS SELF-STORAGE
259 N. Rt. 9W
Congers, NY 10920
129-A-5.08 (35.02-1-6)

By the installation of fire lane designations, and

WHEREAS, WILLIAM GATES 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. (858-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Brian Keenan has requested a refund of Building Permit fee (No. 05-957) paid in the amount of \$3,446.00 for premises located at 44 New Valley Road, New City, New York, because he has cancelled plans to renovate his house due to unforeseen expenses in complying with request for studies and plans for the project, and seeks to withdraw his application for a Building Permit, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$180.00;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$3,266.00, of the total Building Permit fee paid in the amount of \$3,446.00, to Brian Keenan, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of Building Permit No. 05-959.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia..... Yes
- Co. Nowicki..... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (859-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by resolution 789-2005 the Town Board awarded Bid #71-2005 to Ascape Landscape and Construction, and

WHEREAS, on further review of the plan for the proposed work the Superintendent of Highways and the Deputy Director of Environmental Control have determined that the installation of an additional catch basin and piping is required to connect to the existing Town drainage system; and

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

WHEREAS, the Department of Environmental Control has prepared a change order for the additional work to be performed,

NOW THEREFORE, BE IT RESOLVED that change order #1 for the installation of catch basin and pipe is hereby authorized in the amount of \$5,643.00; and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H-8755-409-0-79-37, and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded through the use of serial bonds.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia..... Yes
- Co. Nowicki..... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (860-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the residential property located at #11 Jeffery Court, West Nyack, New York experience back flow of raw sewage into the residence under certain uncontrollable circumstances caused by the surcharging of municipal sewer mains, and

WHEREAS, the installation of check valves on the sanitary sewer house connection will prevent the backflow of raw sewage into the residence, and

WHEREAS, the Deputy Director of Operations of the Department of Environmental Control has requested a proposal from the contractor awarded Bid #75-2005 for Change Order No. 1, and

WHEREAS, the Deputy Director of Operations has evaluated the change order and found it to be acceptable, and

WHEREAS, all work associated with the installation of the check valves will performed either within the Town's Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to Change Order No. 1 on Bid #75-2005 for the installation of the check valve assembly at #11 Jeffery Court, West Nyack, New York in accordance with there proposal dated October 25, 2005, and

BE IT FURTHER RESOLVED, that the cost for the check valve installations shall not exceed \$6,200.00 and the total cost of the project shall not exceed \$33,672.00.

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. (861-2005)

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 November 28, 2005 to November 28, 2007, as follows:

Sponsor: Pell & Associates
P. O. Box 283
West Nyack, NY 10994

Road: .5 mile segment of Rose Road, from Route 59 to
West Nyack Road, West Nyack, NY 10994,

and WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Pell & Associates 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 November 28, 2005 to November 28, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Pell & Associates, to remove trash from the roadways.

RESOLUTION NO. (861-2005) CONT.

On roll call the vote was as follows:
 Co. LaskerYes
 Co. MaloneyYes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (862-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Lake DeForest Dev. Corp. has submitted three applications for three different special permits for adjacent properties known as Map 58.13-1-49, 58.13-1-50, 58.13-1-51, 58.13-1-52 (Trailer Camp), Map 58.13-1-22 (Auto Laundry), and Map 58.13-1-47, 58.13-1-48, 58.13-1-23 (Mini Warehouse), which are permitted uses in the M Zone, and

WHEREAS, by report dated November 7, 2005 from Jose Simoes, Town Planner, recommends that the Town Board designate the Planning Board as its agent under SEQRA for the environmental assessment of the proposed actions;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby directs the Planning Board of the Town of Clarkstown to act as agent for the Town Board for the environmental assessment of the proposed actions.

On roll call the vote was as follows:
 Co. LaskerYes
 Co. MaloneyYes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (863-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, a complaint by Mr. Angelo Liso, 14 Verona Ct, New City regarding dog walkers violating Town Code Chapter 125-4F (Nuisance by failure to clean up) in the area of the intersection of E. Phillips Hill Road and NYS Route 304, New City, was referred to Code & Zoning Enforcement Officer Joel J. Epstein on September 30, 2005 by Clarkstown Animal Control Officer Patricia Coleman, and

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

WHEREAS, Mr. Liso has requested controlling signage to better notify errant dog walkers and better protect the green space in his neighborhood,

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 two 'Dog Waste Prohibited' signs at the intersection of NYS Route 304 and East Phillips Hill Road, New City near the sidewalk in the grassy gateway area to the Verona Court neighborhood.

On roll call the vote was as follows:
 Co. LaskerYes
 Co. MaloneyYes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

ABE664

RESOLUTION NO. (864-2005)

Co. Nowicki offered and Co. Maloney seconded

Whereas, the Town Board of the Town of Clarkstown has, by resolution #276-2005, previously awarded a contract to McLaren Engineering Group to provide engineering services for the Central Nyack Storm Drain Project; and

Whereas, McLaren Engineering Group has recommended that, as a part of the overall design for the alleviation of the unacceptable drainage conditions in Central Nyack, a detention basin be constructed to aid in controlling runoff during severe storms; and

Whereas, the design of a detention basin was not included in the original scope of work as specified for this project; and

Whereas, the Department of Environmental Control has solicited and received a change order proposal from McLaren Engineering Group to provide the additional engineering and design work required; and

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

Now, Therefore, Be It Resolved that the budget for engineering services for the Central Nyack Storm Drain Project be increased from \$74,200.00 to \$94,500.00 to reflect this increase in the scope of work; and

Be It Further Resolved that this shall be a proper charge to account # H 8755 - 409 - 0 - 79 - 7.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (865-2005)

Co. Nowicki offered and Co. Maloney seconded

Whereas, the Town Board of the Town of Clarkstown has, by resolution #551-2005, previously awarded a contract to McLaren Engineering Group to provide engineering services for the Sedge Road/Mace Road Reconstruction Project; and

Whereas, McLaren Engineering Group has notified the Department of Environmental Control that construction of water quality features must be included in this project to satisfy the stormwater requirements of the New York State Department of Environmental Conservation; and

Whereas, the design of said water quality features was not included in the original scope of work for the design consultant as specified for this project; and

Whereas, the Department of Environmental Control has solicited and received a change order proposal from McLaren Engineering Group to provide the additional engineering and design work required; and

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

Now, Therefore, Be It Resolved, that the budget for engineering services for the Sedge Road/Mace Road Reconstruction Project be increased from \$23,340.00 to \$28,840.00 to reflect this increase in the scope of work; and

Be It Further Resolved that this shall be a proper charge to account #H 8755 409 0 79-26.

RESOLUTION NO. (865-2005) CONT.

On roll call the vote was as follows:

Co. LaskerYes
 Co. MaloneyYes
 Co. Mandia..... Yes
 Co. Nowicki..... Yes
 Supervisor Gromack Yes

RESOLUTION NO. (866-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that pursuant to Town Law Section 64(9) the road in Nanuet referred to variously as "Van Nostrand Street," "Van Nostrand Place" and "Van Nostrand Road" is hereby designated to be known as "Van Nostrand Place" based on historical use of that name, and be it

FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to notify the Clarkstown Highway Department to correct all existing signage, and shall within ten days from the date hereof cause a copy of this resolution to be forwarded to the Director of the Department of Environmental Control, Planning Board of the Town of Clarkstown, the Rockland County Highway Department, the Nanuet School District, Nanuet Post Office, Nanuet Fire District, Nanuet Ambulance Corps, and the Clarkstown Police Department, and that a certified copy of this resolution be filed with the Rockland County Clerk and the Rockland County Engineer and the Rockland County Director of Fire and Emergency Services, and be it

FURTHER RESOLVED, that this resolution shall take effect on December 1, 2005.

On roll call the vote was as follows:

Co. LaskerYes
 Co. MaloneyYes
 Co. Mandia..... Yes
 Co. Nowicki..... Yes
 Supervisor Gromack Yes

RESOLUTION NO. (867-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Clarkstown Town Board hereby authorizes and directs Supervisor Alexander J. Gromack, Supervisor, to file an application for funds from the New York State Department of State Quality Communities Program 2005 for Environmental Protection Funds to support the development of a "New City Vision Plan," a local collaborative planning initiative in partnership with Rockland County to provide guidance for future development and redevelopment of the New City Hamlet Center, which is both the Town of Clarkstown and Rockland County seat, and upon approval of said request to enter into and execute a project agreement, in a form approved by the Town Attorney, with the State to provide financial assistance for the project in an amount not to exceed \$75,000.00 with the Town of Clarkstown committing \$25,000.00 in matching funds and Rockland County committing \$100,000.00.

On roll call the vote was as follows:

Co. LaskerYes
 Co. MaloneyYes
 Co. Mandia..... Yes
 Co. Nowicki..... Yes
 Supervisor Gromack Yes

RESOLUTION NO. (868-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has been authorized by Chapter 533, Laws of 2004, to transfer a portion of parkland to the Congers/Valley Cottage Volunteer Ambulance Corps, Inc., to accommodate its building expansion, and

WHEREAS, Congers-Valley Cottage Ambulance Corps, Inc. has offered to purchase said premises, more fully described on Schedule "A" attached, for a cash price of \$50,000.00, which is consistent with its appraised value, and which offer is contained in a contract whose form has been found acceptable by the Town Attorney;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts the offer of Congers/Valley Cottage Volunteer Ambulance Corps, Inc., to purchase the premises fully described on Schedule "A" attached, for the sum of \$50,000.00, as described in and subject to the contract of sale, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute a contract of sale and to deliver a bargain and sale deed at closing, in a form approved by the Town Attorney, in accordance with the terms of said contract, and be it

FURTHER RESOLVED, that this sale is subject to the provision of Resolution No. 499-2004, adopted June 8, 2004, which requires the purchaser to file a covenant restricting the purchaser's use of the premises as described herein, and be it

FURTHER RESOLVED, that this resolution is subject to Permissive Referendum, pursuant to Town Law Section 62(2). (Schedule "A" on file with the Office of the Town Clerk.)

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (869-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the firm of Ricki H. Berger, LLP, representing RJS Pasta Corp., Randall Pioli, James Guarasci and Scott Milich, has advised by letter dated November 17, 2005, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that said corporation intends to apply for an on-premises liquor license at 253 South Little Tor Road New City, New York, and

WHEREAS, to expedite processing the license application, Ricki H. Berger, P.C. has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon the such application;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64-2(a) of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of RJS Pasta Corp., Randall Pioli, James Guarasci and Scott Milich, for a liquor license at premises 253 South Little Tor Road, New City, New York.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (870-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that Mary J. Cestaro, 23 Beech Street, Nanuet, New York, is hereby appointed to the position of (part-time) Clerk Typist – Building Department – at the current hourly rate of \$17.00 – effective and retroactive to November 14, 2005.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia. Yes
- Co. Nowicki..... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (871-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that Denise Pacella, 56 Rose Road, West Nyack, New York is hereby appointed to the position of (part-time) Senior Account Clerk Typist – Building Department – at the current hourly rate of \$17.41 – effective and retroactive to November 21, 2005.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia. Yes
- Co. Nowicki..... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (872-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Michael G. Loeffler has requested an extension of his leave of absence, without pay, and

WHEREAS, Article XIX, Section 1(B) of the Town of Clarkstown Labor Agreement, provides for an extension of a leave of absence, without pay,

Now, therefore, be it RESOLVED, that Michael G. Loeffler, 15 Oak Road, New City, N. Y. – Engineering Technician – Department of Environmental Control – is hereby granted an extension of his leave of absence, without pay, effective November 23, 2005 to December 31, 2006.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia. Yes
- Co. Nowicki..... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (873-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Clerk Typist #05076I (PROM) which contains the name of Frances E. Hunt,

Now, therefore, be it RESOLVED, that Frances E. Hunt, 10 Jolen Drive, New City, New York, is hereby appointed to the position of (permanent) of Senior Clerk Typist (PROM) – Personnel Department – at the current annual salary of \$44,091., effective and retroactive to November 21, 2005.

On roll call the vote was as follows:

Co. LaskerYes
Co. MaloneyYes
Co. Mandia..... Yes
Co. Nowicki..... Yes
Supervisor Gromack Yes

RESOLUTION NO. (874-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Clerk Typist #05076I (PROM) which contains the name of Kathleen A. Vellardito, 10 Pelham Avenue, Nanuet, New York, is hereby appointed to the position of permanent Senior Clerk Typist (PROM) – Town Justice Department – at the current annual salary of \$35,458., effective and retroactive to November 21, 2005.

On roll call the vote was as follows:

Co. LaskerYes
Co. MaloneyYes
Co. Mandia..... Yes
Co. Nowicki..... Yes
Supervisor Gromack Yes

RESOLUTION NO. (875-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#82-2005 – HIGHWAY DEPARTMENT SALT DOME AND PLOW SHOP REPAIRS

is hereby awarded as follows:

**PART IV – ITEM #1 – SALT DOME REPAIRS (DRAWING A-101)
TOTAL PRICE – SIXTY EIGHT THOUSAND
DOLLARS (\$68,000.00)**

**TO: LORENCIN CONTRACTING CORP
17 SCHREIVER LANE
NEW CITY, NY 10956
PRINCIPAL: LORRAINE DINARDI**

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

RESOLUTION NO. (875-2005) CONT.

- 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. (876-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#27-2005 – REPLACEMENT OF HVAC @ ZUKOR PARK ADMINISTRATION BUILDING

is hereby awarded to:

**ULTRA ENTERPRISE, INC
 471 KINGS HIGHWAY
 VALLEY COTTAGE, NY 10989
 PRINCIPALS: FREDDY MASSA
 DAVE GARDNEER
 NICK MASSA**

as per their low bid proposal of \$19,800.00 and be it

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

- a) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Clause
- b) Certificate of Automobile Liability Coverage
- c) Certificate of Worker's Compensation
- d) Certificate of Worker's Disability Insurance Coverage

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

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

FURTHER RESOLVED, that said project shall be funded via money in lieu of land.

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. (877-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#81-2005 – SNOW REMOVAL – MIDDLEWOOD SENIOR HOUSING PROJECT

Issued by the Town of Clarkstown on behalf of Middlewood Senior Housing Corp, is hereby awarded to:
FRANK MILLER'S LANDSCAPING
5 NANCY DRIVE
NEW CITY, NY 10956

PRINCIPAL: FRANK MILLER, as per the price/item list below

Price for 13" Contract \$11,000.00

List cost per inch for each additional inch of accumulation over 13 inches: \$ 900.00

Price for 18" Contract \$13,000.00

List cost per inch for each additional inch of accumulation over 18 inches: \$ 900.00

Price for 24" Contract \$15,000.00

List cost per inch for each additional inch of accumulation over 24 inches: \$ 900.00

Per Storm Contract (optional pricing)

The price per inch should be broken down as follows:

2 - 4.5 Inches	<u>\$1,000.00</u>
4.6 - 6.5 Inches	<u>\$1,200.00</u>
6.6 - 8.5 Inches	<u>\$1,300.00</u>
8.6 - 10.5 Inches	<u>\$1,400.00</u>
10.6 - 12.5 Inches	<u>\$1,600.00</u>
12.6 - 14.5 Inches	<u>\$1,700.00</u>
14.6 - 16.5 Inches	<u>\$2,300.00</u>
16.6 - 18.5 Inches	<u>\$2,800.00</u>
18.6 - 20.5 Inches	<u>\$3,300.00</u>
20.6 - 22.5 Inches	<u>\$3,700.00</u>
22.6 Inches +	<u>\$4,700.00</u>

Price for Salt Application to Roads	<u>\$400.00</u>
Price for Calcium Chloride Application to Walks	<u>\$600.00</u>
Price per hour for labor and equipment needed to move snow	<u>\$175.00</u> , 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 Recreation and Parks 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. (878-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID #88-2005 – ONE 2006 FORD GLAVAL E450 BUS FOR THE CLARKSTOWN MINI-TRANS DEPARTMENT

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

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

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia..... Yes
- Co. Nowicki..... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (879-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is required to make annual contributions to the New York State and Local Retirement System for the Employees' Retirement System and the Police and Fire Retirement System and,

WHEREAS, the New York State and Local Retirement System has determined the total amount of the Town's contribution to be \$7,108,897 payable as of December 15, 2005 and,

WHEREAS, Pursuant to Chapter 260 of the Laws of 2004 the New York State and Local Retirement System has determined that part of the bill amounting to \$1,491,482 may be amortized over a ten (10) year period at the interest rate of five (5) percent and,

WHEREAS, the Town of Clarkstown wishes to avail itself of this ten (10) year option,

THEREFORE BE IT, RESOLVED that the Supervisor and the Town Board hereby direct the Comptroller to amortize said amount as determined by the New York State and Local Retirement System, payments to be made commencing on December 15, 2006 and annually thereafter.

On roll call the vote was as follows:

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

RESOLUTION NO. (880-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Spring Valley Homes, Inc. is the owner of Highview and Lakeview Apartments located in Spring Valley, New York, in the Town of Clarkstown, and

WHEREAS, Spring Valley Associates has tendered a donation to the Town of Clarkstown in the amount of \$55,856.00;

RESOLUTION NO. (880-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts donation of \$55, 856.00 from Spring Valley Associates.

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. (881-2005)

Co. Maloney offered and Co. Mandia seconded

Resolution approving a partial exemption from real property taxes for Spring Valley Homes, a project which consists of Lakeview Apartments and Highview Apartment, two properties located on Memorial Park Drive and Fred Hecht Drive (Section 57.32-1-47 Lakeview Village and 57.32-1-24 Fred Hecht Drive Apartments) ("the Project") in the Town of Clarkstown, County of Rockland and State of New York , pursuant to Section 577 of the Private Housing Finance Law of the State of New York.

WHEREAS, Spring Valley Redevelopment, LLC, on behalf of Spring Valley-Lakehigh Housing Development Fund Company, Inc., a housing development fund company to be formed pursuant to Article XI of the Private Housing Finance Law of the State of New York to acquire and rehabilitate the Project (the "HDFC") (which HDFC will hold legal title to the Project for the benefit of Spring Valley Redevelopment, LLC, a New York limited liability company (the "Company") which will hold equitable title) submitted a request to the Town Supervisor, Alexander Gromack, of the Town of Clarkstown ,requesting that the Town Board take the following action with regard to the Project;

Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law of the State of New York ("PHFL");

and WHEREAS, the HDFC is to be a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article 11 of the PHFL; and

WHEREAS, the HDFC and the Company shall be formed for the purpose of providing residential rental accommodations for persons and families of low-income; and

WHEREAS, the HDFC's and the Company's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, pursuant to PHFL Section 577, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the current owner of the Project has proposed to sell the property to the HDFC as a part of the restructuring of the debt on the properties and in order to facilitate a mortgage loan of \$7,500,000 in new funds to rehabilitate the subject properties; and

WHEREAS, the Town of Ramapo Housing Authority ("Authority") has agreed to provide tax exempt financing to assist rehabilitating the subject properties and will hold a leasehold interest in the subject properties, and

WHEREAS, the current owner of the Project, as a limited profit housing company organized pursuant to the NYS Urban Development Corporation Act and the Private Housing Finance Law of the State of New York, enjoys the benefits of a tax exemption pursuant to Section 33 of the Private Housing Finance Law of the State of New York; and

WHEREAS, the Town Board of the Town of Clarkstown has considered the financial implications relating to the Project and finds that it is desirable and in the best interest of the residents

RESOLUTION NO. (881-2005) CONT.

and the public that a payment in lieu of taxes agreement ("Pilot Agreement") be made in order to keep and improve the stock of low income housing in the Town;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown does hereby agree to exempt the entire Project from taxes in return for a payment in lieu of taxes in the following amounts to be billed 60% in September and 40% in January of each year:

<u>Year</u>	<u>Amount</u>
2006 / 2007 -	\$18,940
2007 / 2008 -	\$18,940
2008 / 2009 -	\$19,887
2009 / 2010 -	\$20,881
2010 / 2011 -	\$36,587

and thereafter payments will increase by five percent (5%) per year over the payment required for the prior year, and shall be due and payable on the succeeding September 30th; which agreement shall be binding, pursuant to Article 11 of the said Private Housing Finance Law, on the local school district and county to accept such payments in lieu of taxes to be applied to the project known as Spring Valley Homes, a project which consists of Lakeview Apartments and Highview Apartment, two properties located on Memorial Park Drive and Fred Hecht Drive as identified above in the Town of Clarkstown, County of Rockland and State of New York which consists of a total of two hundred and twenty rental units (220); and be it

FURTHER RESOLVED, that the Town of Clarkstown shall act as agent to collect and disburse said payment, and that East Ramapo School District shall be entitled to 60% of the PILOT payments; the County of Rockland shall be entitled to 20% of the PILOT payments; the Town of Clarkstown shall be entitled to retain 20% of the PILOT payments , and be it

FURTHER RESOLVED, that the exemption and agreements referred to above shall continue for so long as the Project continues to serve as a low and middle income Family and elderly housing, it is the intent of the parties that the term of the PILOT agreement shall be in existence for an equivalent period which may extend for forty (40 Years), but in no event shall exceed more than 40 years (pursuant to Section 577 of the Private Housing Finance Law of the State of New York); and be it

FURTHER RESOLVED, that the Town Board of Clarkstown authorizes the Town Supervisor to execute the aforementioned PILOT Agreement in a form satisfactory to he Town Attorney, and be it

FURTHER RESOLVED, that this Resolution shall not be effective until the PILOT Agreement has been executed by the Spring Valley-Lakehigh Housing Development Fund Company Inc., Spring Valley Redevelopment, LLC, the Town of Ramapo Housing Authority, and the Town of Clarkstown after the transfer of title and leasehold referred to herein have been consummated, for the project described herein.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. MaloneyYes
- Co. Mandia Yes
- Co. Nowicki..... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (882-2005)

Co. Nowicki offered and Co. Mandia seconded

WHEREAS, by report dated November 2, 2005, the Code and Zoning Enforcement Officer has advised the Town Board that premises located at 3 West Clarkstown Road, New City, New York (Tax Map designation 42.16-3-12 f/k/a 20-C-94.1) has become, by reason of failure to maintain property, failure to provide landscaping maintenance and parking and storage of junk, unlicensed vehicles, a fire and safety hazard, a nuisance and a threat to the health and welfare of the community, and by report dated November 10, 2005, the Chief Fire Safety Inspector has advised that the premises is unoccupied, contains combustibles and is not secured from entry, and

RESOLUTION NO. (882-2005) CONT.

WHEREAS, the Code and Zoning Enforcement Officer had duly issued his Order Nos. 05-1040, 05-1041 and 05-1042 dated November 2, 2005 to the record property owner to remove said violations and said Order has been ignored;

NOW, THEREFORE, be it RESOLVED, pursuant to Chapter 216 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises is unsafe and dangerous and said violations must be removed in accordance with the Orders of the Code and Zoning Enforcement Officer and may be subject to further determination after the public hearing as herein provided, and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned by Saul Schwartz and Manning Schwartz or the survivor, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice upon all parties in interest for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of December 2005, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice as required by Section 216-8 of the Town Code is made, at which time the property owner and all persons in interest shall be heard.

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. (883-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the County of Rockland, through its Planning Department, has received Travel Demand Management Funds from the New York State Department of Transportation (NYSDOT) for the Town of Clarkstown which is for the maintenance of Park and Ride Lots owned by NYSDOT within the Town of Clarkstown, and

WHEREAS, by Resolution No. 472 of 2005, the Legislature of the County of Rockland authorized the execution of the Municipal Cooperation agreement with the Town of Clarkstown;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Cooperation Agreement submitted by the County of Rockland for funds in the amount of \$100,000.00 from the NYSDOT, for the maintenance of Park and Ride Lots owned by NYSDOT within the Town of Clarkstown, for the period October 1, 2002 to September 30, 2005, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown has determined that the Cooperation Agreement complies with State and Town Law.

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. Mandia, and unanimously adopted the meeting was closed, time 9:50 p.m.

Respectfully submitted,

Patricia Sheridan

Patricia Sheridan
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

11/22/05

8:05 P.M.

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

Public Hearing re: Proposed Purchase of the Cropsey Farm as part of Clarkstown's Open Space Acquisition Program

On motion of Co. Maloney and seconded by Co. Lasker, the public hearing was opened. The Town Clerk read the notice calling the Public Hearing.

Ed Day, New City, Legislator-Elect

Supervisor Gromack congratulated him on his recent victory and expressed the Town Board's interests in working together with him in the future. Mr. Day expressed the public's concern on the public hearing whether Cropsey Farm was a done deal. He recognized the efforts of Jim and Pat Cropsey and hoped the Town Board would move forward on this issue with assistance possibly from the County of Rockland. He also mentioned he spoke on RCR to acknowledge the troops in Clarkstown and law enforcement, and publicly acknowledged Chief Noonan and the Clarkstown Police Department.

Supervisor Gromack referred the explanation of legal reasons to John Costa on why the public hearing is being held.

John Costa, Town Attorney

He said that the Bond Counsel believed it was appropriate to hold this meeting under General Municipal Law section 247 and the Town Board would make its determination at the end of the public hearing.

Supervisor Gromack thanked Jim and Pat Cropsey for their help, especially in keeping the price at the appraised value so the Town could purchase the property with assistance from County Executive Scott Vanderhoef and Senator Tom Morahan through a million-dollar grant and a possible December closing on the property.

Phyllis Edwards, New City, Vice-President of South Little Tor Civic Association

She reiterated the statements of Supervisor Gromack and also thanked Jim and Pat Cropsey. She said this was a big issue for the association and believed this would help alleviate congestion on Little Tor Road and not strain Link Elementary School.

Cora Bodkin, New City, President of South Little Tor Civic Association

The South Little Tor Civic Association has been campaigning for the acquisition of Cropsey Farm since January 2001. Notwithstanding the aesthetics of retaining approximately 24 acres of undeveloped land in a congested area of Clarkstown, this purchase by the Town of Clarkstown exemplifies leveraging of funds designated from the Clarkstown Open Space Funds of \$22 million total and it is enhancing the value of the investments of the Clarkstown dollars. It is my understanding that the Town of Clarkstown would be contributing \$2.5 million towards the purchase price and the County of Rockland is contributing \$4 million and due to State Senator Tom Morahan's efforts, the Town of Clarkstown is going to be reimbursed \$1 million of the \$2.5 million, so there is net cost to the Town of Clarkstown taxpayers of \$1.5 million for 24 acres of prime developmental land in the heart of Clarkstown and in the heart of Rockland County. As other people have spoken before, we give credit to Jim and Pat Cropsey. They were patient through a very long process of negotiations with the County and then with the Town. They had been offered more money by the developers for this parcel but they held out for the preservation of Open Space and we in the neighborhood are most appreciative of that. Clarkstown Supervisor Alex Gromack acted as soon after his appointment to his position as Town Supervisor to put into the motion the cooperative efforts of three levels of government to achieve this goal. The passage of this resolution brings us one step closer to accomplishing saving this parcel for a passive park. The So. Little Tor Civic Association Community appreciates you, Alex, and the whole Town Board and your efforts and we expect of course that you will be passing this resolution tonight and make this goal a reality, so we thank you so much.

Supervisor expressed his congratulations and said it is a beautiful present for the holidays for Clarkstown and the county. He also thanked Deputy Town Attorney Jeff Millman who put a lot

of hard work with the Cropseys and the County Attorney in coming together and getting all the work that is needed to do the closing and said he anxiously awaits the December closing date.

There being no further business and no one further wishing to be heard on the public hearing, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the meeting was closed, time 8:15 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk

(RESOLUTION NO. 850-2005 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/22/05

8:16 P.M.

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

Public Hearing re: Proposed Purchase of Lot. No. 5, Highview Park Subdivision as part of Clarkstown's Open Space Acquisition Program

On motion of Co. Lasker and seconded by Co. Maloney, the public hearing was opened. The Town Clerk read the notice calling the Public Hearing.

Risa Hoag, Nanuet

She asked for clarification on how the open space initiative worked and she had a few questions. According to the people she spoke to in the past few days, Highview Ave was most likely to be approved. Quoting from the minutes of June 14, 2005, she stated the purchase of this parcel was to protect adjacent properties from existing adverse drainage conditions. She asked what other criteria was used to select this parcel.

John Costa, Town Attorney

He said that this public hearing was held also under the same consultation as the Bond Counsel, under General Municipal Law Section 247, as a requirement to make the Bond Counsel comfortable in issuing in any opinion needed to support the bond. This property was previously identified by the Open Space Committee as on the list and a property believed necessary to prevent exacerbation of drainage problems in the neighborhood. The Town Engineer and the Town Planners participated in the decision-making process. He stated that a contract had been signed and that they proposed that the Town buy Lot 5, the proposed Highview Subdivision and the low-line property they wanted to protect from future development.

Supervisor Gromack

He clarified that this parcel was on the master list that was developed when Co. Nowicki chaired a committee of over 50 to 60 residents and a book over a hundred parcels. This parcel was on the original report as an advantageous parcel if it was to be acquired. Under the open space criteria the Town would not condemn property but would consider acquiring the parcel at market price or appraised price if the sellers were willing.

Co. Nowicki

She read part of the criteria used to determine the properties appearing on the open space final report, which was dated March 22, 2000. Relevant to this issue, in preserving open space, the Town's policy is to protect land and water that safeguards environmentally sensitive resources, maintains or improves all rivers and streams in the Town of Clarkstown, and conserves its watersheds. Preference would be given to land or water which connects open space. There was more detail under each subheading of environmental sensitive resources, under rivers and streams. The property was designated in the year 2000 as interesting to the committee and to the Town Board because of the above criteria.

Risa Hoag, Nanuet

She asked how and when the purchase would be finalized.

John Costa, Town Attorney

He said the contract was subject to the completion of the subdivision. Mr. Torsoe's company owned the property and was processing the subdivision through the Planning Board and was believed to be close to completion. He stated that Miss Thorman could provide an estimated date. After the process was complete and the maps were filed, the Town would close on the property.

Rita Hoag, Nanuet

She asked several questions, including how soon this process would take place; whether the purchase price was \$950,000; and whether it was paid in installments. She asked if the length of time needed to acquire this piece of open space was normal.

John Costa, Town Attorney

In response to Rita Hoag's questions, he stated that this process was fairly eminent and confirmed the purchase price of \$950,000, which was a closing within the appraised value. He said each negotiation varied in the length of time and if the Town was able to acquire the property. Several

criteria include whether the sellers were willing to sell and if the price was above the appraised price, which would knock it out of contention. This parcel was on the list and the developer was willing to appraise it and sell it at below the appraised value. He stated there was no definite timetable. A number of factors include the Town's review, the time when individuals brought it to the Town's attention, and when the review was done.

Rita Hoag, Nanuet

She asked for an explanation how the land value for this property, which was on the tax rolls at \$93,481, was related to the purchase price.

John Costa, Town Attorney

He explained that the assessed value represented a value back in time and did not represent true market value. This property was purchased by Torsoe's company from a person named Smith and they filed for a 5-lot subdivision, which added value to the property. Mr. Torsoe was not interested in selling the entire parcel. During the time in which the Town negotiated with Mr. Torsoe to acquire a portion of the property, the Town had the property appraised, and eventually agreed to purchase the property at an amount which was slightly below the price the Town's appraisers established. He suggested she speak to Cathy Conklin, the Town Assessor, to explain how the assessed value equated to the purchase price.

Rita Hoag, Nanuet

She questioned if the issue of back taxes impacted the decision to purchase the property and she stated that Torsoe Properties, Inc. owed approximately \$14,000 in back taxes.

John Costa, Town Attorney

He stated that, the back taxes would have to be paid in full when the subdivision map is approved and the property map is filed by the owner. The subdivision map then would be accepted for filing.

Rita Hoag, Nanuet

She asked how many other parcels in Nanuet the Town was also considering to purchase.

Co. Lasker

For three or four years they worked on purchasing the Bonnabel property, a property of 10.5 acres, which was on the open space list. After that property was evaluated, the Town found it may have had contamination and wanted to perform an environmental assessment on the property before purchase. Mr. Bonnabel refused to permit an evaluation and the property was dropped for consideration.

Co. Mandia

After Rita Hoag asked if there were other properties in Nanuet, he stated there were properties owned by the Sisters of Charity and a large property of seventy-five acres owned by Wyeth.

Supervisor Gromack

Responding to Rita Hoag's statement, he stated that there was no set amount of monies for any area. He stated that a majority of properties the Town had purchased was in the hamlet of Valley Cottage, about seventy-five to eighty acres. The contributing factors include the availability of properties in the Town and what portions of the property the individuals were willing to sell.

Rita Hoag, Nanuet

She stated that the Highview subdivision could not be determined to fit within the open space guidelines from this meeting.

Co. Lasker

The Open Space Committee studied this issue extensively and it had members from Nanuet, including Robert Jackson, Jim Comer and Catherine Nowicki. She clarified to Rita Hoag that the Planning Consultants reviewed the property and that the Highview subdivision did fit within the open space guidelines.

Rita Hoag, Nanuet

She stated she was using the Rockland County guidelines on open space. Her concerns were that Nanuet residents were concerned in preserving the lands from additional house building developments. She addressed issues on regarding how the taxpayers' money was being spent and what local politicians were doing to preserve open space for the residents. She then read from the Rockland County guidelines on what she believed the Town used for open space guidelines. The Supervisor clarified to her that federal and state guidelines were used. She voiced general concerns that the public was not informed on: (1) the qualifications used to evaluate the properties, (2) the individuals involved in judging and approving, (3) how and when the approval

process occurs, and (4) what is the public's role in this process. According to the Clarkstown website, there was not any information regarding open space. She asked for more accountability on how the process occurred and an explanation why the Highview subdivision, a 3.8 acre property, was the only one considered for the open space initiative. This issue was discussed at a Nanuet School Board meeting with St. Agatha's and a subsequent meeting. She questioned why it was necessary for Nanuet residents to approve a bond to purchase St. Agatha's instead of this property being purchased through the open space guidelines. If not approved by Nanuet residents, developers would then purchase the property to build homes and condominiums. She explained at length reasons why the St. Agatha property should be considered for open space and how residents could gain a better understanding on the open space process. She stated that the Town of Clarkstown was considering purchasing a portion of the property at \$2 million dollars and through a ten-year period, and wanted to know why this could not be accomplished through the open space initiative without increasing more taxes.

Supervisor Gromack

He responded to clarify certain misunderstandings and flawed information in Rita Hoag's statements. He suggested that town, county and state government work on better notification and clearing up misinformation the public may have. The Open Space Committee was started in 1999-2000 and developed a report which included an ongoing partial list of parcels being considered for open space. The report continues to be a work in progress. Many citizens contributed their input towards this report, which was developed over several years. He mentioned that the Town was interested in considering other properties for the open space list depending on the Town guidelines, including availability, appraised value, remaining funds, authorization and equity in purchasing land in all the hamlets. He then proceeded to set the record straight to Nanuet residents regarding St. Agatha's. The Town of Clarkstown held a meeting at the Town Board to request a discussion of this issue. Superintendent McNeil of the Nanuet Public School District had heard the property was available for sale. However, this occurred a week just before the pending contract of sale to the Tor Brothers. About forty people attended this meeting including Mr. Beckereli from St. Agatha's, the Nanuet School Board, the Town Board, Terry Grosselfinger from County Executive's Office, Carol Ash's department, the Palisades Interstate Park Commission, and representatives from the offices of Congresswoman Lowey, Senator Engel, Senator Morahan and Senator Zebrowski. He mentioned there may have been an opportunity to partner to organize \$15 to \$20 million of the asking price and that St. Agatha's would consider having a public entity working with them, but they wanted to perform the closing within several weeks, which could not be done. According to Terry Grosselfinger, who represented the County Executive's Office for the County of Rockland, the St. Agatha's property was not a high priority property under the Rockland County's criteria for open space unless housing was done on the property. Superintendent Mark McNeil of the Nanuet Public School District stated the school's strong interest in the property to prevent additional housing development, which would increase school enrollment. The Nanuet School District had already reached the maximum enrollment and did not have enough space for expansion. St. Agatha's was suggested possibly for future use for expansion. In 1997 the Nanuet School District had owned approximately 37 acres in Nanuet called Pelham West. The Nanuet School District did not see a need for expansion at that time and sold the property before or around 1997 to Sid Schultzen, who later sold it to Mr. Herschowitz, and he built sixty-one homes on the property. After further discussion concerning the timetable and work involved for all interested parties, Superintendent McNeil requested that all other meeting participants leave the meeting so that the Nanuet School District could continue private negotiations with St. Agatha's to acquire control of the land for school purposes. The Nanuet School District did not want to partner with the Town of Clarkstown or other entities to acquire St. Agatha's, and declined any other assistance. The Nanuet School District did approach the Town of Clarkstown later in late September or October 2005 regarding purchasing and knocking down one of the buildings, and cleaning up the asbestos, and John Costa, Town Attorney, responded stating the difficulty of accomplishing this. The Town of Clarkstown offered an alternative solution to the Nanuet School District. The Town of Clarkstown would make \$2 million dollars available from the open space program to the Nanuet School District to create a natural buffer using portions of the property the Nanuet School District did not need or want for school purposes. The Nanuet School District was developing a master plan, and would consider the Town Board's offer. The Town Board did not set a ten-year period timetable mentioned earlier by Rita Hoag. Supervisor Gromack restated the Town's open commitment to supporting the Nanuet School District. The Town Board meeting was initially a public meeting until Superintendent McNeil and the Nanuet School District Board requested a private discussion with St. Agatha's for property negotiations, and that they did not want any assistance or partnership with other parties. Supervisor Gromack asked those participating in that meeting to clarify any inaccurate information or misconceptions.

John Costa, Town Attorney

He stated that he was asked for an opinion regarding open space monies during a meeting in the fall. Dr. McNeil had come to the Town Hall to offer the Town of Clarkstown a building for purchase. Mr. Costa's opinion was that the Town of Clarkstown could not use open space monies to purchase that building, which was contaminated with asbestos and it did not have any open space purpose. The counteroffer for using open space monies to create a natural land buffer was repeated by Supervisor Gromack with no set timeline.

Co. Mandia

He discussed the issue of the Highview Property. The Town was interested in protecting hillside properties as those found in Valley Cottage. He mentioned an interest in the property on Schriever Lane. One of the concerns of the Town Board was regarding the Naurashuan system in Nanuet because of drainage issues. He mentioned that the developers needed to address this issue and prevent future drainage problems before more housing developments occurred. Another major issue was the Nanuet pool problem. Chlorine leaks, old equipment, and overflow leakage into streams (which concerned the Board of Health) made it necessary for the pool to be redone. The initial plan was to rebuild the pool for \$3.5 million dollars. It was determined afterwards pool construction would cost around \$7 million dollars. The resulting park would be beautiful and the Pascack Community Center would upgrade the whole neighborhood.

Co. Lasker

She noted that Co. Mandia did not mention the Little League fields on which millions of dollars were spent.

Supervisor Gromack

He repeated that the Open Space Committee met in many months in different communities to discuss the Highview issue.

Rita Hoag, Nanuet

She brought up again her concern that nothing regarding open space was listed on the website and asked questions regarding the public Town Board meetings.

Co. Nowicki

She replied that the Town Board meetings were published and were public meetings.

Supervisor Gromack

He suggested that the Town could do better in notification and stated the Town Board sets the workshop meetings schedule every year so residents know when the meetings are held. The Town tries to get the information through the newspapers and publications about our agendas and is available at the Town Hall. Residents are encouraged to call the Town for the meeting times, and he mentioned a resolution was passed previously to provide such information, including minutes, on the website and in town informational brochures, noting that one brochure had a section devoted to open space. He thanked Rita Hoag for the opportunity to clarify incorrect information received by individuals concerning the discussions at the Town Board meetings. When he spoke of the Town's commitment to Nanuet, he noted he had served seven years in the County Legislature and fourteen years in the Assembly representing Clarkstown, Haverstraw and part of Ramapo. He grew up in Nanuet and his parents moved to New City because New York State condemned the property to construct the Clover Leaf on Smith Street. He currently lives in Congers. Supervisor Gromack accepted the responsibility as Town Supervisor when given the opportunity to serve the community. He spoke of the \$7 million commitment for Lake Nanuet improvements, over \$4 million for drainage in Nanuet over the next 1.5 years, \$950,000 for a piece of property highly ranked by the Open Space Committee, approximately \$1 million dollars in partnership with the County of Rockland to redevelopment of Nanuet's downtown. This is a County of Rockland project in which the Town of Clarkstown would assist with enhancements similar to the enhancements done in Congers. He repeated the Town's commitment to Nanuet.

Dale Sanburg, Nanuet

He said he a Nanuet resident since 1973. His concern was that there was little discussion about Nanuet Homes, which was built in 1964. It is the land directly below the slope of Highview Park and nothing can be built on that property. Any significant storms caused drainage problems to resident's homes and properties. Mr. Torsoe wanted to build thirteen houses in 2003 on that unbuildable slope of Highview Park. As a result, the residents organized together to share information and experiences. They also met with the Planning Board, the Highway Department, the planners, the Department of Environmental Control, County representatives and Town Council members. He mentioned a twenty-five hundred page report available regarding the problems of Nanuet Homes and he mentioned the properties on May Place, East Allison, areas near the Elks, and Nanuet Lakes as several of the problems. He stated that the Supervisor made a deal with the builder to help the residents in and around the area by adding additional pipes in the

open space area to catch and remove water runoff and flooding from the area, and he listed a few properties affected by this. He stressed the need to for the public to work together with the Town for improvements to Nanuet.

Kevin Lyons, 24 Blauvelt Street, Nanuet, NY

This resident, who also had a wet basement, stated he lived on the other side of Nanuet and he wanted to know why the Town could not purchase more than one property and said that they may need to go back to the school board to resolve these issues.

Co. Mandia

In the response to the complaint that information was not made public, Co. Mandia made the suggestion that the Nanuet residents may prefer a townwide referendum concerning the purchase of St. Agatha's.

Kevin Lyons, Nanuet

He said that John Costa, Town Attorney, mentioned earlier that the purchase of the building did not fit the parameters of the open space guidelines and asked why there was an open space initiative to purchase the Petersen's Boatyard. The Town Board members clarified that was a referendum, not an open space initiative.

Co. Mandia

He stated that there would need to be a new referendum to purchase St. Agatha's, otherwise it would violate the \$22 million referendum for open space. Co. Mandia noted problems with purchasing St. Agatha's: (1) not all of St. Agatha's property is open space, (2) acquiring monies for this purchase of \$18 million dollars would be difficult as well as insufficient money in the budget, (3) general public opposition on the property selection, (4) not enough support to successfully pass a vote in the Town of Clarkstown, and (4) the desire of Dr. McNeil and the Nanuet School District to protect the St. Agatha's property for their own uses. He stated that Nanuet School District would bring this issue as a bond vote to the Nanuet residents, and expressed his hope that the Town Board insures that any development is done with Planning Board guidelines if the bond was defeated.

Martin Bell, 15 Sommerset Drive, Nanuet

He stated he understood the concern with water in open space. He did not understand what Mr. Sandburg's problems was related to the guidelines for the monies for open space and believed it was the responsibility of the resident homeowners and not the Town.

Co. Lasker

She stated this issue was addressed in #2 from the referendum list regarding open space guidelines developed by the Planning Board. She mentioned her involvement as an initial proponent for the open space referendum and worked hard to get it passed. She noted the problem of overdevelopment in the Town of Clarkstown, especially building on wetlands, environmental sensitive areas, tree destruction and house building on slopes, which led to increased costs to the Town of Clarkstown due to drainage problems. This was put into the open space guidelines to address these issues.

Supervisor Gromack noted there was an interest in this property as green space, to prevent overdevelopment of houses and hillside preservation.

Jerry DiColandrea , 124 East Allison Avenue, Nanuet

He said he lived in Nanuet for thirty-six years and thanked the Town Board for considering buying the property and had personal experience with the problems in the area. He stated that the houses were built along these two streams. The smaller stream came down below Highview Park, meeting the Naurashaun, and the residents had problems with flooding when there were heavy rains. He stated that the development should not have been built in the 1960's and appreciated the Town Board for taking action to prevent future problems. Mr. DiColandrea said that his neighbor, Dr. Kiran Khandke, had recorded video on July 17 of the flooding in the area and offered to show the public the video.

Dr. Kiran Khandke, 120 E. Allison Avenue, Nanuet

He added that the flooding on July 17 was relatively minor and stated that cars were stopped on East Allison Avenue because they could not pass. One of his neighbors had knee-deep water in the basement; the other neighbor had flooding through his property. Dr. Khandke accounted on one day his lawn mover sank into a sink hole below East Allison and again offered to show pictures detailing the problems.

Rita Hoag, Nanuet

She understood there were flooding issues but still not comprehend why it had to be addressed under open space. She questioned why the Town continued to allow building on the properties and why the problems could not be fixed in other ways.

Supervisor Gromack

This was a multi-faceted issue and that creating open space is believed to benefit the community. It would protect the land, and possibly allow for future development. He then referred the discussion to Joe Simoes, Town Planner, on zoning issues.

Joe Simoes, Town Planner

He stated this property had 8.12 acres and explained that the developer had to conform to the zoning requirements of the zoning district, #15, which required 15,000 sq. ft. for a single family home. He said that eleven to twelve lots could be built as an eleven lot subdivision on the property, including deducting from wetlands and the layout of the road, in addition to environmental and engineering reviews. The Town would purchase 3.9 (approximately four) acres and reducing the development potential of the property by half of the property.

Eileen Wamsley, Highview Avenue, Nanuet

She asked if using open space to address these problems would be a quick fix.

Supervisor Gromack

He addressed several benefits of open space: (1) open space would help the Town to protect the woods, (2) it would decrease the number of houses, and (3) the properties may be considered environmentally sensitive. He listed the purchase of the Cropsey property as an example to decrease housing development. He restated that the Town was purchasing the land through open space to protect the land and the trees.

Madeline Gonzalez, 16 Blauvelt Street, Nanuet, NY

Her question addressed at what point in the decision-making process regarding open space does the Town take into consideration how many people would be affected or would benefit from open space, and the importance of the properties to the Town.

Supervisor Gromack

The Town Attorney through an in-house committee does a review addressing the importance to the Town and the community and there would be recreational purposes. Several committee members include Mr. Costa (Town Attorney), Mr. Connington (Recreation), Mr. Granier (Deputy Town Attorney), and a representative from the Department of Environmental Control. The committee started to review parcels that individuals brought to the Town's attention that they were willing to sell.

John Costa, Town Attorney

He mentioned a workshop to be held in the area after the holidays by Joe Simoes and the chairwoman of the in-house committee to explain the process to the public. He said the committee was close to issuing a report with recommendations to the Town Board using the existing guidelines with adjustments, allowing for recommendations from engineering, environmental and legal and to develop a scoring mechanism to help the Town Board in making a decision on the properties.

John Antonelli, May Place, Nanuet

He thanked Supervisor Gromack and the Town Board for considering to purchase the Highview property and said the Town did a great job in helping Nanuet.

There being no further business and no one further wishing to be heard on the public hearing, on motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the meeting was closed, time 9:10 p.m.

Respectfully submitted,

Patricia Sheridan

Patricia Sheridan
Town Clerk