

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

04/04/2006

8:03 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

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

SPECIAL PRESENTATION: to 5th grade students from St. Augustine’s Elementary School for winning the 2006 NYS Archdiocesan CYO State Championship

Michael Sweeney and Mike Major spoke about the CYO title and their performance throughout the 2005-2006 season. Players present were Vincent Lachey, Patrick Vincent, Nick Sweeney, Tyler Major and Matt Baio.

Public Hearing re: Proposed amendment to the Town’s Comprehensive Plan with respect to proposed local law to amend Chapter 290 (Zoning) of the Clarkstown Town Code to permit gasoline pumps in the CS Zoning District. On motion of Co. Lasker, seconded by Co. Mandia, opened 8:10. On motion of Co. Lasker, seconded by Co. Maloney, to be continued May 9, 2006, 8PM. RESOLUTION NO. (226-2006) adopted.

Public Hearing re: Proposed local law to amend Chapter 290 (Zoning) to permit gasoline pumps in the CS Zoning District by Special Permit, which would be issued by the Town Board. On motion of Co. Lasker, seconded by Co. Mandia, opened 8:31. On motion of Co. Maloney, seconded by Co. Lasker, to be continued May 9, 2006, 8PM. RESOLUTION NO. (226-2006) adopted.

Public Hearing re: Proposed local law to amend Local Law 3 of 2003, Chapter 151-17 of the Clarkstown Town Code known as Cottage Hamlet Center Overlay District. On motion of Co. Lasker, seconded by Co. Maloney, opened 9:12. On motion of Co. Maloney, seconded by Co. Nowicki, closed 9:24. RESOLUTION NO. (227-2006) adopted.

Public Hearing re: Petition for Extension of The Clarkstown Consolidated Water Supply District #1, Hartman Subdivision. On motion of Co. Nowicki, seconded by Co. Lasker, opened 9:25. On motion of Co. Maloney, seconded by Co. Lasker, closed 9:25. RESOLUTION NO. (228-2006) adopted.

Supervisor opened the meeting to public comments regarding agenda items, with no one wishing to be heard.

RESOLUTION NO. (226-2006)

On motion of Co. Lasker, seconded by Co. Mandia

RESOLUTION AUTHORIZING CONTINUATION OF THE PUBLIC HEARINGS ON A PROPOSED LOCAL LAW ENTITLED, “A LOCAL LAW TO AMEND CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN” AND PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN

WHEREAS, on petition of MAK Development Corp. and Stop & Shop Supermarket Company, LLC, which has been modified upon recommendation of the Clarkstown Planning Board, to amend the Zoning Local Law to allow gasoline stations in the CS District by Special Permit, the Town Board is considering such change, and may need to amend the Clarkstown Comprehensive Plan, which was adopted on June 30, 1999, and amend the Zoning Local Law of the Town of Clarkstown, and

RESOLUTION NO. (226-2006) continued

WHEREAS, the public hearings were duly held on April 4, 2006 at 8:00 p.m., and

WHEREAS, the Rockland County Commissioner of Planning has recommended certain modifications to the proposed amendment to the Zoning Local Law of the Town of Clarkstown, and, therefore, the Town Board and agencies require additional time to review the recommendations;

NOW, THEREFORE, be it

FURTHER RESOLVED, that the public hearings relative to such proposed local law and proposed amendment to the Comprehensive Plan are hereby continued to May 9, 2006, at 8:00 p.m., to be held at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, and be it

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

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. (227-2006)

On motion of Co. Lasker, seconded by Co. Maloney

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. 5 – 2006

WHEREAS, a proposed local law entitled,

“A Local Law Amending Local Law 3 of 2003, Chapter 151-17 of the Clarkstown Town Code, known as the “Valley Cottage Hamlet Center Overlay District”

was introduced by Councilman Maloney, at a Town Board meeting held on March 21, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 21, 2006, directed that a public hearing be held on April 4, 2006, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on March 25, 2006, and the proposal was referred to the Planning Board pursuant to Section 290-33, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on February 9, 2006, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 4, 2006, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the report dated February 17, 2006, prepared by Robert Geneslaw, Planning Consultant, which the Board has discussed and considered with respect to SEQRA compliance, and

WHEREAS, by resolution dated March 8, 2006, the Town of Clarkstown Planning Board found, pursuant to Town Code Section 290-33(B)(1), that the proposed law does not conflict with, or require an amendment to, the Comprehensive Plan, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code by a majority plus one vote of the Board in contravention of the recommendations of the Rockland County Department of Planning because the Board believes the changes to the Town Code were addressed and that they shall not be significant, and be it

NOW, THEREFORE, be it

RESOLVED, that based upon the February 17, 2006 report of Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that this action is an Unlisted Action, and the

RESOLUTION NO. (227-2006) continued

Town Board hereby further determines that the proposed Local Law concerning the Valley Cottage Hamlet Center Overlay District 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 Local Law No. – 2006 entitled:
“A Local Law Amending Local Law 3 of 2003, Chapter 151-17 of the Clarkstown Town Code, known as the “Valley Cottage Hamlet Center Overlay District”

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (228-2006)

Co.Maloney offered and Co. Lasker seconded

BEFORE THE TOWN BOARD OF THE
TOWN OF CLARKSTOWN, ROCKLAND
COUNTY OF ROCKLAND

In the Matter of the Petition for Extension of
THE CLARKSTOWN CONSOLIDATED
WATER SUPPLY DISTRICT #1 to Include:

ORDER
EXTENDING
DISTRICT

HARTMAN SUBDIVISION

In the Town of Clarkstown
Rockland County, New York

A Petition in this matter for the EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown excluding any portion already in an existing district, having been duly adopted by the Town Board on the 21st day of March 2006, for the hearing of all persons interested in the matter on the 4th day of April, 2006, at 8:00 PM EST, at the Board Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York and a Public Hearing by the said Town Board having been duly held at such time and place, and it having been duly resolved and determined, following such hearing, that the Petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all property and property owners within the proposed extension were benefited thereby, that all property and property owners benefited were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, that there has been and will be no cost to the Town of Clarkstown pursuant to such extension, that no state owned lands are part of the extended district, or if state owned lands are part of the extension, they consist of less than ten percent of such extended district, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby

ORDERED, that the CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown:

SCHEDULE A – DESCRIPTION

ALL that certain plot, piece or parcel of land, situate lying and being in the Town of Clarkstown, County of Rockland and State of New York, being more particularly bounded and described a follows:

BEGINNING at a point in the westerly line of premises intended to be described herein, said point being the point of intersection of said easterly line and the northerly side of Renfrew Road;

RESOLUTION NO. (228-2006) continued

running thence from said point of beginning along lands now or formerly of E & M Pallatta and F. & L Capuano and partially along lands now of formerly of Paul J. & W. Kowalski, North 19°13'42" East, 208.56 feet to point;

running thence along said lands of Kowalski and lands now or formerly of Orrin & Elaine R. Getz and lands now or formerly of Neil & Sondra Gordon, North 16°31'32" East, 312.36 feet to a point;

thence turning along lands now or formerly of Martin & Judy Small and lands now or formerly of Gunvald & I. Eidet, South 67°11'16" East, 392.95 feet to a point;

thence turning along lands now or formerly of Jerry & Linda Gershon, now or formerly of Michel A. Petrulo and now or formerly Crystal Run Village, Inc., the following courses and distances:

- 1. South 23°54'22" West, 385.57 feet to a point,
- 2. North 59°35'33" West, 11.00 feet to a point and
- 3. South 23°23'32" West, 321.02 feet to lands now or formerly of Clarkstown Central School District;

thence turning and running along said lands of Clarkstown Central School District, North 57°17'55" West, 150.39 feet to a point;

Thence continuing along said lands of Clarkstown Central School District and lands now or formerly Town of Clarkstown, North 66°25'01" West, 170.30 feet to a point;

thence turning and continuing along said lands of Town of Clarkstown and along the easterly end of Renfrew Road as it now exists, north 20°43'54" west 158.40 feet to the point and place of BEGINNING.

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. (229-2006)

Co.Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of March 21, 2006 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. (230-2006)

Co.Nowicki 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:

"No Parking Anytime" signs with arrows (see Sec. 221.5 P1-1 signs as per the NYS DOT Manual of Uniform Control Devices) at the following locations:

- 1. The sign with the arrow pointing "Right" to be erected on the northside of West Nyack Road at the property line of 134-138 West Nyack Road, Nanuet, NY (property Verizon occupies) and 108 West Nyack Road, Nanuet, NY (property Teplitz occupies).

RESOLUTION NO. (230-2006) continued

- 2. The sign with the arrow pointing "Left" to be erected on the northside of West Nyack Road at the property line of 134-138 West Nyack Road, Nanuet, NY (property Verizon occupies) and 128 West Nyack Road, Nanuet, NY (property Classic Auto Body occupies). The arrows should point to each other.
- 3. Additional signs with arrows pointing in both directions can be erected between the aforementioned locations.

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. (231-2006)

Co.Nowicki 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:

"No Standing Anytime" signs (see Sec. 221.5 a P1-5 sign as per the NYS DOT Manual of Uniform Control Devices) at the following locations:

- 1. The sign with an arrow pointing "Right" to be erected on the southside of Heather Lane, 75 ft. East from the edge of the pavement on West Nyack Road.,West Nyack, NY
- 2. The sign with an arrow pointing "Left" to be erected on the northside of West Nyack Road, 40 ft. East from the edge of pavement on Heather Lane, West Nyack, NY

NOTE: The Left and Right arrow signs must face each other.

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. (232-2006)

Co.Nowicki offered and Co. Lasker seconded

Whereas, THE Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

NEW CITY VOLUNTEER AMBULANCE CORP
 200 CONGERS ROAD
 NEW CITY, NY 10956
 77-A-28 (43.16-2-8)

RESOLUTION NO. (232-2006) continued

By the installation of fire lane designations, and

WHEREAS, Regina Jacobsen 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. (233-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town has received \$50,790 from Community Development Funds,

NOW THEREFORE BE IT,

FURTHER RESOLVED, to increase Revenue Account H-15-11-4995-0 (Federal Aid-Community Development) and Budget Account H-8757-409-81-1 (Capital Project-Purchase of Minitrans Bus) by \$50,790 and,

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease A-1420-110-0 (Town Attorney-Salaries) and increase A-1420-203-0 (Town Attorney-Motor Vehicles) by \$27,700 and be it

FURTHER RESOLVED, to decrease A-1620-110-0 (Building & Maintenance-Salaries) A-1620-203-0 (Building & Maintenance-Motor Vehicles) by \$18,890 and be it

FURTHER RESOLVED, to decrease A-8730-110-0 (Environmental Control-Salaries) and increase A-8730-203-0 (Environmental Control-Motor Vehicles) by \$25,608 and be it

FURTHER RESOLVED, to decrease B-3620-110-0 (Building Dept-Salaries) and increase B-3620-203-0 (Building Dept-Salaries) by \$25,000.

On roll call the vote was as follows

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

RESOLUTION NO. (234-2006)

Co. Lasker offered and Co. Maloney seconded

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

NOW, THEREFORE, be it

RESOLUTION NO. (234-2006) continued

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Parks Board & Recreation Commission to dispense beer and wine in accordance with and subject to Section 93-2(A) and 2(B) of the Code of the Town of Clarkstown for:

ANNUAL SENIOR CITIZEN SHOW CAST PARTY
SATURDAY, APRIL 29, 2006
CONGERS COMMUNITY CENTER-AUDITORIUM
GILCHREST ROAD
CONGERS, NY 10920

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. (235-2006)

Co. Lasker offered and Co. Nowicki seconded

**RESOLUTION AUTHORIZING PRODUCTION COMPANY
TO FILM IN THE TOWN OF CLARKSTOWN**

WHEREAS, "**Michael Clayton**" **Clayton Productions, LLC**, a production company, requests permission to film in the Town of Clarkstown, on March 24th, March 27th, March 28th, March 29th and April 6th, 2006.

NOW, THEREFORE, be it

RESOLVED, that "**Michael Clayton**" **Clayton Productions, LLC**, of 176 Grand Street, New York, NY 10013, **pursuant to an Agreement**, is hereby authorized to film in the Town of Clarkstown, **on a section of Lake Road, Congers, New York 10920, near Rockland Lake State Park, between the hours of 1:00 pm to 9:00 pm, on Friday, March 24, 2006; between the hours of 4:00 pm to 7:00 pm on Monday, March 27th, Tuesday, March 28th and Wednesday, March 29th, 2006; and between the hours of 1:00 pm to 9:00 pm on Thursday, April 6, 2006, (or rain dates to be advised)**, upon the following conditions:

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

FURTHER RESOLVED, that this Resolution shall be retroactive as of March 24, 2006 and shall serve as the Filming Permit.

RESOLUTION NO. (235-2006) continued

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. (236-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on February 23, 2006 that the position of Storekeeper (Automotive) #0341 can be reclassified to the position of Senior Storekeeper (Automotive) – Highway Department,

Now, therefore be it

RESOLVED, that the position of Storekeeper (Automotive) #0341 is hereby reclassified to the position of Senior Storekeeper (Automotive) - Highway Department – effective and retroactive to March 20, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (237-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways, of Kenneth F. Rooney to the position of (provisional) Senior Storekeeper (Automotive) – Highway Department - at the current 2006 annual salary of \$59,071., – effective and retroactive to March 20, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (238-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Environmental Control Inspector I #06003 - which contains the name of Pierre R. Clervil,

Now, therefore, be it

RESOLVED, that Pierre R. Clervil is hereby appointed to the position of (permanent) Environmental Control Inspector I – Department of Environmental Control – at the current annual salary of \$45,855., effective and retroactive to March 9, 2006.

RESOLUTION NO. (238-2006) continued

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. (239-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #05113 Assistant Building Inspector, which contains the name of Scott T. Yaklofsky,

Now, therefore, be it

RESOLVED, that Scott T. Yaklofsky is hereby appointed to the position of (permanent) Assistant Building Inspector - Building Department – at the current 2006 annual salary of \$49,069., effective and retroactive to April 3, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (240-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on July 27, 2005 that the position of Street Construction Inspector – can be created,

Now therefore, be it

RESOLVED, that the position of Street Construction Inspector – Highway Department – is hereby created – effective April 5, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (241-2006)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

RESOLUTION NO. (-2412006) continued

Charles Boulevard Valley Cottage
(Install one (1) 5800 lumen sodium vapor street light on
utility pole number 61218/41106)

Fanwood Lane Valley Cottage
(Install one (1) 5800 lumen sodium vapor street light on
utility pole number 60329/40773)

Kenwood Lane New City
(Install one (1) 5800 lumen sodium vapor street light on
utility pole number 59470/41063)

and be it

FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery; which charge shall include maintenance of this street lighting equipment, will be at \$6.96 per month for each sodium vapor fixture, plus the applicable market fuel supply charge, which shall be charged to Account No.SL 5182 461.

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. (242-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH
KORN, ROSENBAUM, PHILLIPS & JAUNTIG, LLP
TO PERFORM MANAGEMENT SERVICES FOR THE
TOWN OF CLARKSTOWN

WHEREAS, the Town of Clarkstown is in the process of evaluating the finances of the Sanitation District to determine the most feasible option available to the Town for the continuing operations of the facility, and

WHEREAS, a proposal has been received from Korn, Rosenbaum, Phillips & Jauntig, LLP, certified public accounts, to perform certain agreed upon procedures to the Town's analysis of the revenues and expenditures of the Town's Sanitation Fund, in order to assist the Towns in making an optimal determination, and

WHEREAS, Edward J. Duer, Comptroller has advised that past experience with this firm has proven satisfactory, and that the proposal is reasonable in terms of price and scope,

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into agreement with Korn, Rosenbaum, Phillips & Jauntig, LLP, in a form satisfactory to the Town Attorney, for the performance of such services.

FURTHER RESOLVED, that the fees for such services, as outlined in its March 27, 2006 proposal, shall not exceed \$5,300 which shall be charged to Account SR 8160-409.

On roll call the vote was as follows

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

RESOLUTION NO. (243-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR IMPLEMENTING A TOWN PROGRAM THAT WILL PROMOTE CONTROL OF THE CANADIAN GEESE POPULATION

WHEREAS, the Town of Clarkstown by Resolution No. 155-2005, dated February 8, 2005, participated in a non-lethal control study with USDA Wildlife Services and Cornell University to gather data and document changes in distribution and migratory habits of resident Canadian Geese in Rockland County, New York; and

WHEREAS, the study, among other things, utilized banding of nesting and molting birds for the purpose of providing data which may be useful in efforts to promote control of the geese population; and

WHEREAS, the New York State Department of Environmental Conservation is not continuing the program for the calendar year 2006, but has granted a License to the Town of Clarkstown for implementing its own Town program which is to be in compliance with all State and Federal regulations;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, satisfactory to the Town Attorney, to implement a Town program for the control of the Canadian Geese population during 2006, including a License Agreement with United Water New York Inc., and to take all steps necessary for the Town of Clarkstown to comply with all applicable State and Federal regulations; and be it

FURTHER RESOLVED, that all reasonable expenses in connection with the use of a wildlife control specialist to carry out the Town of Clarkstown program shall not exceed \$9,600.00, and shall be charged to Account No. A-8090-409-0.

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. (244-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING EXTENSION OF LEASE WITH THE ROCKLAND COUNTY RADIO CONTROL CLUB TO UTILIZE A PORTION OF THE CAPPED CLARKSTOWN SANITARY LANDFILL SITE FOR RADIO CONTROL MODEL AIRPLANE AIRDROME

RESOLVED, that the Town Board authorizes the extension of a license agreement with the Rockland County Radio Control Club for use of the former site of the Clarkstown Sanitary Landfill, now capped, for a period of one year commencing March 27, 2006 and ending on March 26, 2007, for the nominal fee of \$1.00 per year, provided that all residents wishing to participate in club activities continue to be eligible for membership, and all the other terms and conditions in the license agreement, including providing the required proof of insurance, shall be observed, and be it

FURTHER RESOLVED, that this resolution is retroactive to March 26, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (245-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING APPOINTMENT OF AMERITRAN SERVICE CORP. D/B/A TRANSIT RESOURCE CENTER TO CONDUCT AN AUDIT FOR CLARKSTOWN MINI TRANS

WHEREAS, the Town of Clarkstown Mini-Trans is in need of one (1) new bus because one (1) bus was destroyed in an accident.

WHEREAS, the Federal Government and the County of Rockland Department of Transportation have recommended that an auditor be appointed by the Town to conduct a pre-award certification of the buses, an in-plant quality control inspection and a post delivery inspection in order to purchase the bus; and

WHEREAS, the Town received a proposal from Ameritrans Service Corp. d/b/a Transit Resource Center, 5840 Red Bug Lake Road, #165, Winter Springs, FL 32708-5011, to act as the Town's auditor per their proposal dated March 8, 2006, for \$2,944;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Ameritrans Service Corp. d/b/a Transit Resource Center for it to act as the Town's auditor with respect to the purchase of one Mini Trans bus; and be it

FURTHER RESOLVED, that the fee for such work shall not exceed the amount of \$2,944.00 which shall be charged to Account No. H 8757-409-0-81-1; and be it

FURTHER RESOLVED that this resolution shall be retroactive to March 30, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (246-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR MASS TRANSPORTATION

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2006 to March 31, 2007, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within 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. (247-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT FOR THE CREATION OF A REGULATED STORMWATER CONSORTIUM

WHEREAS, the TOWN OF CLARKSTOWN has been designated as operating a Municipal Separate Storm Sewer System regulated under the New York State Department of Environmental Conservation Phase II Stormwater Small MS4 Permit (State Pollutant Discharge Elimination System GP-02-02), and has filed a Notice of Intent for coverage under GP-02-02, and

WHEREAS, as a condition of obtaining coverage under GP-02-02, the TOWN OF CLARKSTOWN must design a stormwater management program that addresses six (6) Minimum Control Measures designated to protect the quality, and to control the quantity, of stormwater runoff, and

WHEREAS, the TOWN OF CLARKSTOWN recognizes that it is advantageous to participate in a coordinated approach to developing means to address the six Minimum Control Measures and other requirements of the Phase II Stormwater Program, and

WHEREAS, there has been proposed an inter-municipal organization entitled "the Stormwater Consortium of Rockland County," which consists of one or more of the designated MS4 jurisdictions within Rockland County, and

WHEREAS, it is the purpose of the Consortium to promote a discussion of those issues of mutual concern with regard to the implementation of the Phase II Stormwater program that face the aforementioned communities, to propose recommendations and make reports that identify mutually beneficial solutions to the concerns facing the participating communities and to seek funding sources that may help to accomplish the goals of the Consortium and the participating municipalities, and

WHEREAS, an inter-municipal organization will also provide a mechanism for coordinating the implementation of countywide and regional solutions by the municipalities, and

WHEREAS, the TOWN OF CLARKSTOWN recognizes that it is beneficial to promoting the future health, safety, and general welfare of the populace of the TOWN OF CLARKSTOWN to participate in the aforementioned inter-municipal organization, which will address the requirements of the Phase II Stormwater program, and

WHEREAS, General Municipal Law Article 5-G and Article 5-J grants the authority to local municipalities to enter into inter-municipal agreements in the furtherance of planning for the future of the municipalities;

NOW, THEREFORE, be it

RESOLVED, that the TOWN OF CLARKSTOWN supports the creation of an inter-municipal organization of the regulated Rockland County MS4 municipal corporations, and that by adoption of this resolution acknowledges its participation in said organization; and be it

FURTHER RESOLVED, that the TOWN OF CLARKSTOWN, having expressed its desire to participate in said inter-municipal cooperative, appoints Luke Kalarickal, Director of the Department of Environmental Control, to represent the TOWN OF CLARKSTOWN on the Stormwater Consortium of Rockland County, and be it

FURTHER RESOLVED, the TOWN OF CLARKSTOWN does also hereby ratify the Bylaws of the Stormwater Consortium of Rockland County attached hereto.

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. (248-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE MUNICIPAL COMPLIANCE CERTIFICATE AND SUBMIT STORMWATER MANAGEMENT

**ANNUAL REPORT TO THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESOLUTION NO. (248-2006) continued**

WHEREAS, in accordance with the requirements of the SPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewers (MS4s), Permit No. GP-02-02, the Town of Clarkstown was authorized to discharge from its stormwater drainage system, and

WHEREAS, under the provisions of said permit the Town is required to prepare and submit an annual report of activities performed under the Stormwater Management Plan, and

WHEREAS, an annual report was prepared and reviewed at the Town Board meeting of April 4, 2006, with the public given the opportunity to provide comment on the annual report;

NOW THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to execute the Municipal Compliance Certification and submit the required annual report to the NYS Department of Environmental Conservation.

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. (249-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED THAT LORETTA RAIMONE, Receiver of Taxes and DOLORES DAUBITZ, Deputy Receiver, are hereby authorized to attend a seminar for Tax Collection Officers co-sponsored by the Association of Towns of the State of New York Associations of Tax Receivers and Collectors on June 11th through June 14th, 2006 at The Lodge at Woodcliff, Rochester, New York.

Hotel fees are \$80.00 for registration and \$539.00 per person for rooms and meals provided by Hotel.

FURTHER RESOLVED, that all other charges be charged against 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. (250-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED that Deputy Town Attorney Martus Granirer be authorized to attend the biodiversity education program sponsored by Hudsonia, Ltd., the DEC's Hudson River Estuary Program and the Institute for Ecosystem Studies in Millbrook, New York on May 16, 17 and 18, 2006; and BE IT FURTHER

RESOLVED that the Town the tuition in the amount of \$50.00 and reasonable and necessary expenses for travel, lodging, meals and miscellany shall constitute a proper charge to account no. A 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. (251-2006)

Co. Maloney offered and Co. Mandia seconded

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

BID #24-2006 – SECURITY GUARD SERVICES – TOWN PARKS

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by _____ A.M.) (P.M.) on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (252-2006)

Co. Maloney offered and Co. Mandia seconded

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

BID#25-2006 – 2006 COMMUTER PARKING LOT MAINTENANCE PROJECT

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New city, New York 11:00 A.M. on MAY 3, 2006 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. (253-2006)

Co. Maloney offered and Co. Mandia seconded

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

BID#26-2006 – 2006 SITE MAINTENANCE PROJECT

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New city, New York 11:30 A.M. on MAY 3, 2006 at which time bids will be opened and read, and be it

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

RESOLUTION NO. (253-2006) continued

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. (254-2006)

Co. Lasker offered and Co. Nowicki seconded

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

BID#13-2006 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to: MOORE MEDICAL LLC
 389 JOHN DOWNEY DRIVE
 NEW BRITAIN, CT 06050
 PRINCIPALS: A PUBLIC CORPORATION

BOUND TREE MEDICAL, LLC
 5200 RINGS ROAD, SUITE A
 DUBLIN, OH 43017
 PRINCIPALS: A PUBLIC CORPORATION

as per the attached price/item list (on file with 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. (255-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney – Purchasing and in concurrence with the Superintendent of Recreation and Parks that

BID #20-2006 – SWIMMING POOL CHEMICALS

is hereby awarded to: WECHSLER POOL SUPPLY
 P.O. BOX 333
 THOMPSONVILLE, NY 12784

PRINCIPALS: MICHAEL TAYLOR
 WALTER TAYLOR

JERSEY CHEMICALS, INC.
 775 RIVER STREET
 PATERSON, NJ 07524
 PRINCIPALS: ALAN TAUB, PRESIDENT

as per the attached item/price schedule (on file with 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. (256-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Purchasing Department that

BID #21-2006 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

is hereby awarded to:

PENNINGTON SEED, INC.
9327 US ROUTE 1, SUITE J
LAUREL, MD 20723

PRINCIPALS: A PUBLIC CORPORATION

THE TERRE CO. OF NEW JERSEY, INC.
206 DELLAWANNA AVENUE
CLIFTON, NJ 07014

PRINCIPALS: WILLIAM B. FEURY
THOMAS J. FEURY

LESCO, INC.
1301 EAST 9TH STREET, SUITE 1300
CLEVELAND, OH 44114

PRINCIPALS: A PUBLIC CORPORATION

POLLACK PAINT INDUSTRIES, INC.
119 WOODWORTH AVENUE
YONKERS, NY 10701

PRINCIPALS: ROBERT M. POLLACK

CARSO, INC.
P.O. BOX 139
CAMARGO, IL 61919

PRINCIPALS: JIM CARSO
CHERYL CARSO

as per the attached item/price list (on file with 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. (257-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING CHANGE ORDER FOR ADDITIONAL WORK REPLACEMENT OF CULVERT NUMBER 25 MOUNTAINVIEW AVENUE, CENTRAL NYACK

WHEREAS, on September 24, 2002, by Resolution 829-2002, the Board did authorize a capital project for repairs to culvert Number 25, Mountainview Ave in Central Nyack; and

WHEREAS, due to weather conditions, certain curbs and sidewalks were not replaced as a part of the project at that time; and

WHEREAS, the subject curb and sidewalks were subsequently replaced utilizing the Contractor and the rates set forth in Bid No. 21-2005; and

NOW THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the additional expenditure of \$21,580.00 under Bid No. 21-2005 for removal of temporary pavements and installation of foundation material, concrete curb and sidewalks retroactive to November 2005; and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8752 409-0-76-27.

RESOLUTION NO. (257-2006) continued

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. (258-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment as follows:

EQUIPMENT

<u>Quantity</u>	<u>Vehicle</u>	<u>Estimated Cost Per Vehicle</u>	<u>Estimated Total Cost</u>
4	Plow Trucks	\$130,000.00	\$520,000.00
2	Mason Dump (6-man cab)	\$50,000.00	\$100,000.00
			\$620,000.00

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

FURTHER RESOLVED, that said equipment shall be procured by soliciting competitive bids, and be it

FURTHER RESOLVED, that the purchase of said equipment, in an amount not to exceed \$1,000,000.00 in the aggregate, shall be charged to Account No. H 8757-409-0-81-11.

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. (259-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placement of a full-page advertisement for the Town of Clarkstown in the "Living Here 2006" section of the Journal News on May 21, 2006, and be it

FURTHER RESOLVED, that the fee for this advertisement shall not exceed the sum of \$2,362.50, which shall be charged to Account No. 6410-405.

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. (260-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO AMEND CHAPTER 263 (TAXICABS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

"A LOCAL LAW TO AMEND CHAPTER 263 (TAXICABS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the purpose of this local law is to provide for the licensing and regulation of the transportation of persons by taxicabs and motor vehicles available for hire in the Town of Clarkstown, in order to protect the health, safety and welfare of individuals using such services;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on May 9, 2006, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

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. (261-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORMWATER SEWER SYSTEM IN THE TOWN OF CLARKSTOWN"

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

"A LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORMWATER SEWER SYSTEM IN THE TOWN OF CLARKSTOWN"

and

WHEREAS, the proposed local law is to prohibit illicit discharges, activities and connections to separate stormwater sewer system in the Town of Clarkstown, which proposed local law is on file in the Town Clerk's Office;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on May 9, 2006, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

FURTHER RESOLVED, that the proposed local law is hereby referred to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

RESOLUTION NO. (261-2006)

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows

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

RESOLUTION NO. (262-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE TOWN OF RAMAPO TO PROVIDE FOR THE USE OF SPOOK ROCK GOLF COURSE BY CLARKSTOWN RESIDENTS

WHEREAS, the Town of Ramapo operates a municipal golf course known as the Spook Rock Golf Course, and

WHEREAS, the Town of Clarkstown has requested that Clarkstown residents be granted the opportunity to use the golf course, and

WHEREAS, the Town of Ramapo has submitted an agreement to the Town of Clarkstown which provides for the use of its Spook Rock Golf Course to Clarkstown residents at discount rates;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the Town of Ramapo, in a form approved by the Town Attorney, for use of the Town of Ramapo’s Spook Rock Golf Course to Clarkstown residents at discount rates, for the period March 1, 2006 through December 31, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (263-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION REFERRING A PROPOSED LOCAL LAW CONCERNING THE ESTABLISHMENT OF A VOLUNTEER HOUSING FLOATING ZONE IN THE TOWN OF CLARKSTOWN

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

“A LOCAL LAW TO AMEND THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN TO ESTABLISH A VOLUNTEER HOUSING FLOATING ZONE”

and

WHEREAS, the purpose of this local law is to provide for a Volunteer Housing Floating Zone in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLUTION NO. (263-2006) continued

RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law 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. (264-2006)

Co. Nowicki offered and Co. Mandia seconded

RESOLUTION AMENDING RESOLUTION NO. 75-2006 AUTHORIZING
 THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
 WITH THE COUNTY OF ROCKLAND WITH REGARD TO RECONSTRUCTION
 OF MIDDLETOWN ROAD, NANUET

WHEREAS, on January 24, 2006, by Resolution No. 75-2006, the Town Board authorized the Supervisor to enter into an Inter-Municipal Agreement pursuant to General Municipal Law Article G-5 with the County of Rockland, in a form approved by the Town Attorney, authorizing the Town to reimburse the County of Rockland for the installation of certain amenities in connection with the reconstruction of Middletown Road, in the Nanuet Business District, and

WHEREAS, the total project cost exceeded the expected costs thereby requiring a greater contribution on behalf of the Town;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 75-2006, adopted by the Town Board on January 24, 2006, is hereby amended to read as follows:

“RESOLVED, that reimbursement pursuant to the agreement shall not exceed \$744,000 without further authorization from the Town Board, and shall constitute a property charge to Account No. H-8753-409-0-77-4, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the Inter-Municipal Agreement with the County of Rockland, in a form approved by the Town Attorney, reflecting the increased contribution by 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

Supervisor opened floor for general public comments 9:27 PM.

Steve Levine- Congers

Talked about the problems of Massachusetts Avenue and its effects on the health of everyone. Special interest #1- Five-six years ago, the special interest brought in hazardous materials without a permit. There were no violations given. Finally a good test was done and found all types of carcinogens and toxins. The Town dropped the ball. Where is the town? This is six years and nothing is done. Special interests #2- Built house behind house on Massachusetts Avenue. The house got built. Special interests #3- Massachusetts Ave., brought in and filled in property 6-9 months, all complained, nothing done. Special interests #4- Does same thing his neighbor, lack of enforcement, when is town going to get toxins out of Massachusetts Ave?

Amy Mele- Town Attorney

The first case was dismissed. We did file at least three actions against him. One is still pending. We are looking at what we can do with the action left. Second idea- She was not aware of. Third item- DEC could enforce, but it's taking a lot of time, looking on special permit.

Bob Terri- New City

The Town of Clarkstown cannot afford any more taxes. They are still pushing to tax for the shopping center. A lot of literature has been passed out that is the same literature from 1976.

Supervisor said this is an opportunity to improve New City, but that it will not happen overnight. As businesses leave and new ones come in, we will work with owners to upgrade for a new look. The partnership will be with the Town and the businesses, like the Bradlees Shopping Center and CVS and La Terrazza. It's long range. We want a classier and better look for New City. We don't want people to think we will knock down buildings.

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, Town Board Meeting was closed, time: 9:45 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

04/04/2006

8:10 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

RE: Proposed amendment to the Town's Comprehensive Plan with respect to proposed local law to amend Chapter 290 (Zoning) of the Clarkstown Town Code to permit gasoline pumps in the CS Zoning District.

On motion of Co. Lasker, seconded by Co. Mandia, opened 8:10. On motion of Co. Nowicki, seconded by Co. Maloney, closed 8:30, to be continued May 9, 2006, 8PM. RESOLUTION NO. (226-2006) adopted.

The Supervisor opened the floor for comments. (Please refer to Public Hearing #2, as some comments overlap due to resolution number being the same.)

Henry Hockerman, Larry Wagner (Engineer)- Representing Stop & Shop

Spoke in support of the zone change. Presented the site plan regarding gas pumps. This is a 16% reduction in square footage. This zone change has a minimal effect on environment and traffic.

Joe Simoes- Town Planner

Planning Board reviewed the plan at the March 22nd meeting. The amendment allows a gas station. The Planning Board voted unanimously regarding Mr. Geneslaw memo. The County Department of Planning concurred with a Comprehensive Plan amendment would not be needed, not if 4 double-sided pumps would be a limit on amendment.

Phil Quinn- New City, small business owner of New City garage for 22 years

Stated he works hard to make ends meet. You say businesses and families flourish, but maybe only at the Palisades Mall. The old gas stations would have plywood if not for the hurricanes down south. The proposed gas station is in the flood zone. I saw the map. This project stinks! Friday, I heard a Stop & Shop commercial on the radio. It said if you spend a certain amount, you get a discount on gas. I bet you they will charge 50 cents for one minute of air. Friendly Phil does it for free. Maybe Friendly Phil can work at Stop & Shop, but will not work in the nail salon or massage parlor. Vote no, because it is the right thing to do.

Michael Kaufman- New City

Stated the Comprehensive Plan will benefit everyone in town. Why are we changing plan regarding public hearing #1 and #2?

Larry Gilborley- New City

Wanted to know if we don't speak out for Public Hearing #1, will we get in trouble for #2? Town Attorney, Amy Mele, said no, you are not hurting yourself in #2.

Joe Simoes-Town Planner

The comprehensive plan does not need to be amended for the proposed law to be passed. The Planning Board and County Planning Board do not see a conflict.

Respectfully submitted,

David Carlucci
Town Clerk

(RESOLUTION NO. (226-2006) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

04/04/2006

8:31 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

RE: Proposed local law to amend Chapter 290 (Zoning) to permit gasoline pumps in the CS Zoning District by Special Permit, which would be issued by the Town Board.

On motion of Co. Lasker, seconded by Co. Mandia, opened 8:31. On motion of Co. Maloney, seconded by Co. Lasker, closed 9:11, to be continued May 9, 2006, 8PM. RESOLUTION NO. (226-2006) adopted.

The Supervisor opened the floor for comments. (Please refer to Public Hearing #1, as some comments overlap due to resolution number being the same.)

Mr. Marino- New City

Getting out of Concord, you are risking your life. The traffic the gas stations will bring will be huge. I'm not objecting to building, but gas pumps will hurt the local community and drive business out of town. All you have to do is stand on 303 and see people going to New Jersey to get gas. There's no reason to put in gas stations. What we need is a moratorium on gas stations. I'm totally opposed to this. According to a letter from the Rockland County Planning Department, gas station could be put on a corner. Joe Simoes- Regarding comment #3 in letter, certain parcel will be a corner lot. This site is a corner lot. It meets the Town Code definition of a corner lot. Mr. Marino replied that it is not a corner lot.

Robert Spiegel- SOS Fuels

I handle Mr. Quinn and I agree with him. This will affect all the gas stations in the town. It is clear that the gas station at Stop & Shop is not a make or break deal. It will take 20-30 years for them to make a profit on the amount of infrastructure they are investing. We have not heard about environmental impact. Regarding water supply, what kind of environmental safeguards are there? This has not been approved by the DEC. Why are we changing the Comprehensive Plan? Is it for the benefit of the town?

Joe Simoes-Town Planner

Gas filling pumps are not in the 100 year flood plan. It is on the site, but not in the flood plan. The DEC looked into the details and they will have to meet the requirements. We do not have a site plan yet, so they cannot approve it yet.

Co. Mandia- We have a Comprehensive Plan and they have to amend on the Local Law. We did this to have more impact from the public. We are not making a decision tonight. The second part concerns a law to allow a special permit. The issue you are concerned with will be addressed when an application is brought up.

Nicholas Miele- auto parts business, supplies dealers all over the the county for the last 18 years

This will have a direct impact to local business. I have seen 40% of the business go out. Most of us go to New Jersey for gas because of taxes. This will put the lid on the coffin. Names like Vanderbilt disappear and Miele Auto Parts will be put out of business.

George Remult-New City

The last time we talked about this project, I asked the attorney representing Stop & Shop if it would not be economically viable without the pumps. I buy my gas in New Jersey. It's 40 cents less. We have a number of gas stations closed in town. Like Mr. Marino said, we have difficulty making a left off Concord onto Main Street. It's tough to get out onto Main. This will increase traffic. Tutor Time added fuel to the fire as far as traffic. Spoke against the traffic and the destruction of local business. Is it really economically feasible without the gas pumps? I urge the Board not to approve gas pumps.

Bob Terry- New City

The difference between the gas at Stop & Shop and other stations is 10 cents a gallon. If you spend \$50.00, you get 5 cents off, plus 3 cents off if you use their card, so it makes it 18 cents off gas. It makes it impossible to compete. Do not approve the gas stations.

Robert Dylan- 50 year resident in Clarkstown, 30 years in gas business

Supports the shopping center plan, but is dissatisfied with the project itself. Presented Board (on file with Town Clerk) with copy of Rockland Law, Article I, adopted 6-19-79, regarding deceptive practices, points E, F, and G, which deal with the sale of fuel. Said they will have to treat everyone equally and take all business. He complimented the Board and Planning Board for the work they have done. Wanted to know what the other site was? Co. Mandia replied it was the Lake Ridge Shopping Center in Valley Cottage.

Mike Spano- New City

Has a friend who was trying to get a car wash. They said it would never happen. To do this it would make or break plan, 4 pumps to make or break this deal. New City gas stations are going out of business.

Rick Scofield- Garnerville,

Pumps gas for Phil Quinn. I know what the gas price does. I have seen people leave for a one cent difference. We will be out of business. What kind of facilities are they going to have there? Is there a bathroom in the facility for the gas attendant? Larry Wagner answered as follows: A kiosk with 60 sq. ft, with an attendant at all times it is open; no restroom in the facility, but it is in store. Rick-“So what if they have to go to the bathroom? Is there a bucket?” Larry- The attendant will call to get replaced to use the bathroom.

Mitchell Kaufmann-New City

Questions regarding application for environmental impact study. We should have one before acting. What are the hours of operation? If it is open till 11pm, will we need additional police. Larry- Not open 24 hours, but from 6am-11pm, 7 days a week. Mr. Kaufman said kids can't afford to live here. I say we give them a tax credit and build affordable housing. Asked about security. Will it be manned or only self-service? Larry- Someone will be in kiosk, if they need service, someone will come from the store.

Respectfully submitted,

David Carlucci
Town Clerk

(RESOLUTION NO. (226-2006) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

04/04/2006

9:12 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

RE: Proposed local law to amend Local Law 3 of 2003, Chapter 151-17 of the Clarkstown Town Code known as Valley Cottage Hamlet Center Overlay District.

On motion of Co. Lasker, seconded by Co. Maloney, opened 9:12. On motion of Co. Maloney, seconded by Co. Nowicki, closed 9:24. RESOLUTION NO. (227-2006) adopted.

The Supervisor opened the floor for comments.

Joe Schimer- New City

I'm concerned about Clarksville Corners in West Nyack. Applauded the amendment. I think every apartment will be rented. I get as much as 100 calls for rentals above Clarksville Corners when I put a sign out. It's time you do something in West Nyack.

Peter Vitro- New City

How do we enforce zoning? How will we inspect apartments? Concerned we have illegal conversions in town. Peter Beary (Building Department)- NYS Building Codes will apply. If there are any complaints, we will inspect. Is it for volunteers or seniors? Supervisor advised it's preferably for volunteers.

Respectfully submitted,

David Carlucci
Town Clerk

(RESOLUTION NO. (227-2006) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING #4

Town Hall

04/04/2006

9:25 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

RE: Petition for Extension of The Clarkstown Consolidated Water Supply District #1, Hartman Subdivision.

On motion of Co. Nowicki, seconded by Co. Lasker, opened 9:25. On motion of Co. Maloney, seconded by Co. Lasker, closed 9:25. RESOLUTION NO. (228-2006) adopted.

The Supervisor opened the floor for comments, but there being no one wishing to be heard, the hearing was closed.

Respectfully submitted,

David Carlucci
Town Clerk

(RESOLUTION NO. (228-2006) ADOPTED)