

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

2/9/10

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Frank Borelli, George Hoehmann & Stephanie Hausner
Amy Mele, Town Attorney
David Carlucci, Town Clerk

Absent: Council Member Shirley Lasker

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

SPECIAL PRESENTATION: Pride of Clarkstown Ceremony

Co. Hoehmann stated the Pride of Clarkstown program is based on Co. Mandia's vision, along with the Town Board, to recognize the hard work and efforts of commercial property owners who maintain and enhance their property. Co. Hoehmann introduced a video presentation featuring former Co. Mandia. Scott Milich of the Pride of Clarkstown Committee and Supervisor Gromack presented the awards to the following recipients:

Rick's Club American, Food/Hospitality	Blue Sky Landscape, Adopt-a-Spot, Community Projects
Clarkstown International Collision, Industrial	G & A Automotive, Small Business
Bee Alive, Inc., Professional Office	Joseph W. Sorce Funeral Home, Inc., Service Business
Schultz Ford Lincoln Mercury, Retail	St. Anthony's Church, Non-Profit Organization

SPECIAL PRESENTATION: Winners of the National PTA Reflections Program

Visual Arts: Liam Rigney, Jenna Ryu, Daniel Fulladosa, Francesca Mayeski, Erin O'Shea, Josh Kim, Chelsea Kanz

Music: Nina Nikpreljevic, Eli Leon Greene, Matthew Majsak

Literature: Kobe Lim, Cara Kupferman

Photography: Taylor Klink, Shannon Farrell

Dance Choreography: Reese Temple, Kyla Wardhowsky, Ava Gerstein, Alyssa Carbone

Film Production: Wyatt Mattaway, Michael Kowalski, Charlotte Hurson

Supervisor opened the meeting to public comments regarding agenda items.

Guy Gervasi- West Nyack

Regarding agenda item #8 (res. no. 81-2010) asked where he could view the codes. Regarding agenda item #3b-d (res. no. 69-2010-71-2010) asked if the promotions were based on duties or monetary.

Amy Mele- Town Attorney

Regarding agenda item #8 (res. no. 81-2010), stated the local law can be viewed on the Town Clerk's website prior to the public hearing. Regarding agenda item #3b-d (res. no. 69-2010-71-2010), stated it has been determined that the positions entail increased duties and the employees will have to take tests to keep these positions, whereupon the positions they vacated will then be abolished.

Steven Levine- Congers

Regarding agenda item #6 (res. no. 79-2010) asked for more information. Regarding agenda item #8 (res. no. 81-2010) asked what most of the changes entail. Regarding agenda item #11 (res. no. 87-2010), asked if anyone checks if they have up-to-date insurance and if there are background checks.

Amy Mele- Town Attorney

Regarding agenda item #6 (res. no. 79-2010), stated it is for a release of security for a letter of credit. Regarding agenda item #8 (res. no. 81-2010), stated that the bulk of the changes are so that the building and fire codes come into compliance with state code. Regarding agenda item #11 (res. no. 87-2010), stated we get a certificate of insurance and that we do check their status with the county.

Amy Durbin- Congers

Regarding agenda item #3a (res. no. 68 -2010), asked if the position would be replaced.

Supervisor Gromack

Regarding agenda item #3a (res. no. 36-2010), stated we will be talking with the chief to find out what the needs are of the department are and if an individual is being promoted, it would not be filled.

RESOLUTION NO. (66-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of January 19, 2010 is hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

Co. Lasker Absent

Co. Hausner Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (67-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A GRANT FROM THE STATE OF NEW YORK GOVERNOR’S TRAFFIC SAFETY COMMITTEE, DEPARTMENT OF MOTOR VEHICLES, REGARDING SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

WHEREAS, Clarkstown Police Chief Peter Noonan has advised that the State of New York Governor’s Traffic Safety Committee of the Department of Motor Vehicles, has approved a grant application from the Clarkstown Police Department (STEP-2010 Clarkstown PD-00322-(044), for the purpose of participating in the “Selective Traffic Enforcement Program (STEP)” for the period from October 1, 2009 through September 30, 2010, and WHEREAS, the State shall provide \$15,200.00 to the Town of Clarkstown for said purposes;
NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Peter Noonan, the Town Board hereby authorizes the acceptance of a grant award in the amount of \$15,200.00 from the State of New York, Governor’s Traffic Safety Committee, Department of Motor Vehicles, on behalf of the Clarkstown Police Department, for the purpose of participating in the “Selective Traffic Enforcement Program (STEP)” for the period from October 1, 2009 through September 30, 2010.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (68-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the resignation by (retirement) of Raymond F. Mullins–Police Sergeant – Clarkstown Police Department – is hereby accepted – effective and retroactive to January 31, 2010.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (69-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Pierre R. Clervil is hereby appointed (promotional) (provisional) to the position of Environmental Control Inspector II – Department of Environmental Control – at the current 2010 annual salary of \$65,741., - effective February 15, 2010.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (70-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Valerie A. Ashmore– is hereby appointed (promotional)(provisional) to the position of Senior Clerk Typist – Department of Environmental Control – at the current 2010 annual salary of \$46,237 – effective February 15, 2010.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (71-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Josephine A. Walsh is hereby appointed (promotional) (provisional) to the position of – Principal Clerk Stenographer –Office of the Town Supervisor – at the current 2010 annual salary of \$48,266., - effective February 15, 2010.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (72-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that George A. Nugent is hereby reappointed to the position of Member – Sanitation Commission – at the 2010 annual salary of \$3,400., term effective March 1, 2010 and to expire on February 28, 2015.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (73-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Rev. Bruce Woodcock is hereby reappointed to the position of Member – Board of Ethics – at the 2010 annual salary of \$2,225., term effective March 8, 2010 and to expire on March 7, 2015.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (74-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Jason Goldsmith is hereby reappointed to the position of - Member – Fire Board of Appeals – at the 2010 annual salary of \$1,100., - term effective to February 28, 2010 and expire on March 1, 2013.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (75-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Angela Ferrezza is hereby appointed to the position of Municipal Bus Driver (part time) – Clarkstown Municipal Transportation – at the current 2010 hourly rate of \$19.09., effective February 16, 2010.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (76-2010)

Co. Borelli offered and Co. Hausner seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID#19-2010 – PUMP STATIONS UPGRADE PROJECT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York _____ A.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 Authorized Purchasing Agent .

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (77-2010)

Co. Borelli offered and Co. Hausner seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID#20-2010 – COLLECTION SYSTEM UPGRADE PROJECT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York _____ A.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 Authorized Purchasing Agent .

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes

RESOLUTION NO. (77-2010) continued

Co. Hoehmann..... Yes
 Co. Borelli... .. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (78-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH HI-TOR ANIMAL CARE CENTER, INC.

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2010 and terminating on December 31, 2010, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$30,000.00 for year to be paid quarterly upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows
 Co. Lasker Absent
 Co. Hausner Yes
 Co. Hoehmann..... Yes
 Co. Borelli... .. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (79-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING RELEASE OF SECURITY (SOFFER STORAGE SITE PLAN – 35.20-1-6)

WHEREAS, Congers Storage, LLC furnished to the Town of Clarkstown Irrevocable Letter of Credit No. 095192050055 in the amount of \$135,000.00 dated October 28, 2005, which was subsequently reduced to \$20,000.00 by resolution dated July 25, 2006, to secure completion of paving and landscaping improvements as shown on the Soffer Storage site plan and landscaping plan (tax map 35.20-1-6), and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the security is no longer required and may be released, as the work has been completed in accordance with the Planning Board approved site plan;

NOW, THEREFORE, be it

RESOLVED, that security in the amount of \$20,000.00 may be released to the guarantor.

On roll call the vote was as follows
 Co. Lasker Absent
 Co. Hausner Yes
 Co. Hoehmann..... Yes
 Co. Borelli... .. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (80-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF AN AMENDMENT OF CONSERVATION EASEMENT REGARDING LANDMARK CORPORATE PARK SUBDIVISION/SITE PLAN (35.14-1-42)

WHEREAS, as a condition to the approval of the final map by the Planning Board with regard to the Landmark Corporate Park subdivision/site plan in Congers, New York (35.14-1-42), Long Clove Business Park Corporation has provided an amendment of an existing conservation easement which allows for limited utility work to take place in the existing conservation easement, and

WHEREAS, the Planning Board has recommended acceptance of said conveyance; and the Town Attorney has advised that the amendment of conservation easement and transfer documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the amendment of conservation easement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the amendment of conservation easement from Long Clove Business Park Corporation in connection with the Landmark Corporate Park subdivision/site plan and orders it recorded in the Rockland County Clerk's Office, at the expense of grantor.

On roll call the vote was as follows
 Co. Lasker Absent
 Co. Hausner Yes
 Co. Hoehmann..... Yes
 Co. Borelli... .. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (81-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING
CHAPTERS 18, 43, 91, 110, 111, 117, 126, 133, 136, 143, 157, 188, 202, 240, 256, & 258
OF THE CODE OF THE TOWN OF CLARKSTOWN

WHEREAS, the Town Board of the Town of Clarkstown wishes to amend, delete and/or update certain sections of the Town Code of the Town of Clarkstown, and
WHEREAS, a Local Law entitled, "A Local Law Amending Chapter 18-Code of Ethics, Chapter 43-Planning & Development Department, Chapter 91-Burglar Alarm Device Control, Chapter 110-Numbering of Buildings, Chapter 111-Unsafe Buildings, Chapter 117-Circuses & Carnivals, Chapter 126-Massage Establishments, Chapter 133-Electrical Installations, Chapter 136-Explosives, Chapter 143-Fire Prevention, Chapter 157-Housing Standards, Chapter 188-Notification of Defects, Chapter 202-Parks & Recreation Facilities, Chapter 240-Shopping Center Parking Areas, Chapter 256-Sunday Activities, and Chapter 258-Swimming Pools, of the Code of the Town of Clarkstown," has been proposed in order to implement such amendments;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on March 16, 2010, 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 Absent
- Co. Hausner Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (82-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE NORTH
ROCKLAND CENTRAL SCHOOL DISTRICT CONCERNING UNIVERSAL PRE-KINDERGARTEN PROGRAM

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and
WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the North Rockland Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to enter into an agreement with the North Rockland Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2009-2010 school year, and be it

FURTHER RESOLVED, that the North Rockland Central School District shall pay \$2,300 for each child duly enrolled in the Universal Pre-Kindergarten Program.

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Hausner Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (83-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE
CLARKSTOWN CENTRAL SCHOOL DISTRICT CONCERNING UNIVERSAL PRE-KINDERGARTEN PROGRAM

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and
WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the Clarkstown Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to enter into an agreement with the Clarkstown Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2009-2010 school year, and be it

FURTHER RESOLVED, that the Clarkstown Central School District shall pay \$2,350 for each child duly enrolled in the Universal Pre-Kindergarten Program.

On roll call the vote was as follows

- Co. Lasker Absent
- Co. Hausner Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (84-2010)
Co. Hausner offered and Co. Hoehmann 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 has previously contracted with wildlife control specialist Thomas J. Maglaras of Nuisance Wildlife Control Agents to implement a program to egg addle Canadian Geese sites throughout the Town under a License granted to the Town by the USDA Wildlife Services in order to promote control of the Canadian Geese population, and

WHEREAS, the Town has received a proposal for a 2010 Canadian Geese Program from Nuisance Wildlife Control Agents, and its past programs have been most successful, and the proposed fee is found to be reasonable along past years' proposals.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with wildlife control specialist Thomas J. Maglaras, satisfactory to the Town Attorney, to implement a Town program for the control of the Canadian Geese Population during 2010, including a License Agreement with United Water New York Inc., to enter upon its property during implementation of the program, 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 \$10,200.00 and shall be charged to Account No. A-8090-409-0.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (85-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION WITH RESPECT TO THE 2010 STORM WATER II EDUCATION PROGRAM

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

WHEREAS, Luke Kalarickal, Director of Environmental Control, has recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the Town of Clarkstown representative for the 2010 Storm Water II Education Program shall be Luke Kalarickal, Director of the Department of Environmental Control, and the alternate representative shall be Dennis Letson, Deputy Director of DEC, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 per year and shall be charged to Account No. A-8730-409.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (86-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN "ADOPT-A-ROAD" PROGRAM

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 adopt a segment of various town roads for a period of two (2) years, beginning February 14, 2010 to February 14, 2012, as follows:

Sponsor: Head Start of Rockland, 85 Depew Avenue, Box 107, Nyack NY 10960

Roads: .5 mile segment of Second Avenue between Lawrence Street and One Head Start Circle in Nanuet, NY 10954

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Head Start of Rockland organization will perform a public service in removing trash from above roadway 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 February 14, 2010 to February 14, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the Head Start of Rockland organization, to remove trash from

RESOLUTION NO. (86-2010) continued
the roadway.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (87-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION GRANTING CERTIFICATES OF REGISTRATION PURSUANT TO
SECTION 236-48 OF THE TOWN CODE

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

- Paul Bitts, 9 Germonds Road, New City, NY 10956, Paul Bitts, President
- McGannon Excavating, LLC, 127 Route 303, Valley Cottage, NY 10989, Robert McGannon, President
- Cal Mart Enterprises, Inc., 375 Kings Highway, Valley Cottage, NY 10989, Martin Wortendyke, President
- Rino Paving & Construction, 400 Route 17, Tuxedo, NY 10987, Robert Rino, President
- Phoenix Excavators Corp., 4 Ruhe Lane, West Nyack, NY 10994, Michael Mouacdie, President
- Belleville Landscaping, Inc. d/b/a Belleville Construction & Landscaping, 84 North Route 9W, Suite D, Congers,
NY 10920, Isidor Castiglia, President
- JMK Building Corp., 301 North Main Street, New City, NY 10956, John Knutsen, President
- Victor P. Zugibe, Inc., 66 Railroad Avenue, Garnerville, NY 10923, Victor P. Zugibe, President
- Edward Deleonardis Excavating, Inc., 328 Fulle Drive, Valley Cottage, NY 10989, Gerald Campitello, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 10-14	Paul Bitts	10-19	Edward Deleonardis Excavating, Inc.
10-15	Cal Mart Enterprises, Inc.	10-20	McGannon Excavating, LLC
10-16	Phoenix Excavators Corp.	10-21	Rino Paving & Construction
10-17	JMK Building Corp.	10-22	Belleville Landscaping, Inc. d/b/a Belleville Construction & Landscaping
10-18	Victor P. Zugibe, Inc.		

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (88-2010)
Co. Hausner offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO REPAIR UNDERMINED WINGWALL
FOOTINGS ON A DRAINAGE CULVERT IN THE VICINITY OF 247 ZUKOR ROAD, NEW CITY

WHEREAS, the Department of Environmental Control staff performed an inspection on a drainage culvert running
under Zukor Road in the vicinity of 247 Zukor Road and found that the existing culvert wingwall footings are
undermined; and

WHEREAS, the Department of Environmental Control has prepared plans to underpin the culvert wingwall
footings; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to
perform the work; and

WHEREAS, the Department of Environmental Control has received three (3) proposals in response to its
solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Ascape
Landscape & Construction Corp. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to
Ascape Landscape & Construction Corp. for their low proposal of \$25,621.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain
the services of Ascape Landscape & Construction Corp. to perform this work in accordance with their proposal for
an amount not to exceed \$25,621.00 and

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

FURTHER RESOLVED that this amount shall be a proper charge to account

#H-8761-409-0-85-1

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (89-2010)
Co. Hausner offered and Co. Hoehmann seconded

Resolution Waiving the Notice Requirement in Section 64 of the New York State ABC Law with Respect to Aa
Liquor License for J Developments International, Inc. (Bon Chon Chicken)

WHEREAS, J Developments International, Inc. has advised that it intends to apply for an on-premises liquor license for property located at 46 Rockland Center #6, Nanuet, New York, for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of J Developments International, Inc., for a liquor license at the premises located at 46 Rockland Center #6, Nanuet, New York.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (90-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION RESCINDING A PORTION OF RESOLUTION 550-2009, ADOPTED 11-5-09

WHEREAS, Town Board Resolution 550-2009 authorized the Superintendent of Highways to install various Dog Waste Prohibited and No Dumping signs, and

WHEREAS, a portion of the resolution was adopted due to an unforeseen error, specifically Paragraph 2.) b.)

relating to a No Dumping sign at the Dead End of Dolton Street, Valley Cottage,

NOW, THEREFORE, be it RESOLVED, that the portion of Town Board Resolution 550-2009 identified as 2.) b.) is hereby rescinded and the Superintendent of Highways is authorized to remove the aforesaid sign.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (91-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Mariann Kilduff, New York – Municipal Bus Driver – Clarkstown Municipal Transportation – is hereby granted a Sick Leave of Absence - at one-half pay – effective to February 17, 2010 to March 17, 2010.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (92-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
RFP #22-2010 – LICENSE TO OPERATE MINIATURE GOLF FACILITY @ GERMONDS PARK
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York
_____ A.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 Authorized Purchasing Agent.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (93-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING STOP-DWI FUNDS FOR THE YEAR 2010

RESOLUTION NO. (93-2010) continued

WHEREAS, the County of Rockland has appropriated funds for the STOP-DWI Program to be shared by all Police Departments in the County of Rockland and the Sheriff’s Patrol, and
WHEREAS, the Town of Clarkstown has been notified by letter dated January 29, 2010, that the Town of Clarkstown’s share for the STOP-DWI Program for the calendar year 2010 is \$8,054.86;
NOW, THEREFORE, be it
RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement dated January 29, 2010, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of \$8,054.86 for the calendar year 2010, subject to the use of all those funds as provided in said agreement.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (94-2010)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING STOP-DWI FUNDS FOR THE YEAR 2010 WITH RESPECT TO THE SMART SALES PROGRAM

WHEREAS, the County of Rockland has appropriated funds to the Town of Clarkstown Police Department to be used as supplemental funding for the Town’s SMART Sales Program, to enforce compliance and educate the community in limiting access of alcoholic beverages to underage youth, and
WHEREAS, the County of Rockland has notified the Town of Clarkstown that its share for the STOP-DWI Program for the calendar year 2010 is \$5,000.00;
NOW, THEREFORE, be it
RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement with the County of Rockland, dated January 29, 2010, in a form approved by the Town Attorney, for the STOP-DWI Program for 2010, to accept funds in the amount of \$5,000.00, to be used as supplemental funding for the Town’s SMART Sales Program, subject to the use of all those funds as provided in said agreement.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (95-2010)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH THOMAS AND THERESA COLARUSSO, 12 BRITTA LANE, NEW CITY, NEW YORK, REGARDING ENCROACHMENT ON TOWN DRAINAGE EASEMENT

WHEREAS, Thomas and Theresa Colarusso, owners of premises located at 12 Britta Lane, New City, New York and more particularly described as Tax Map 51.6-1-5.14, have proposed installing/erecting a deck within a Town drainage easement, and
WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein may be installed and/or erected provided the Town retains the right to order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owners, in a recordable form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the deck to be installed/erected in the Town’s drainage easement, located at 12 Britta Lane, New City, New York and more particularly described as Tax Map 51.6-1-5.14, and be it
FURTHER RESOLVED, that such agreement shall also provide that the property owners or successors shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment or license to maintain same.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (96-2010)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING HUDSON PROPERTY ADVISORS, LLC TO PREPARE AN APPRAISAL ON AIRPORT EXECUTIVE PARK (57.11-2-24, 25; 57.12-1-47; 57.15-1-30, 32, 33)

RESOLUTION NO. (96-2010) continued

WHEREAS, Faist, G & Y A/K/A 100 Airport Executive Park, LLC and 100 Airport Executive Park, LLC, 150 Airport Exec. Park Inc., Airport Exec. Park Inc., 400 Airport Executive Park, LLC, 500 Airport Executive Park, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Tax Map 57.11-2-24, 25; 57.12-1-47; 57.15-1-30, 32, 33, and more commonly known as 400 Airport Executive Park, 515 Airport Executive Park, 100 Overlook Boulevard, 150 Airport Executive Park, 100 Airport Executive Park and 200 Airport Executive Park located in Nanuet, New York, for the years 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10, and

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

NOW, THEREFORE, be it

RESOLVED, that Hudson Property Advisors, LLC be retained for the purpose of preparing such appraisal at a fee not to exceed \$10,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (97-2010)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Town of Clarkstown has received \$865,283.47 from the State of New York

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-10-3989-0 (Capital-Community Projects) and Expense Account H-8757-409-0-81-27 (Capital Projects-Commuter Lot @ Route 304) by \$586,135.75 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-11-45989-0 (Capital-Federal Stimulus Funds) and Expense Account H-8760-409-0-84-16 (Capital Projects-Roadway Resurfacing) by \$279,147.72.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (98-2010)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION DEFAULTING PERFORMANCE BOND ON THE HIGHVIEW PARK SUBDIVISION, NANUET (TAX MAP 64.13-2-48, 49 & 57)

WHEREAS, Torsoe Properties, Inc. obtained approval for the subdivision known as "Highview Park", filed in the Rockland County Clerk's Office on April 28, 2006 as Map No. 7848, and

WHEREAS, as a condition of subdivision approval Torsoe Properties, Inc., as owner and obligor, provided the Town of Clarkstown with a Letter of Credit No. 2221 in the principal amount of \$112,665.00, together with its Developer's Performance Bond, to secure completion of the public and other required improvements, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations during the three (3) year time period under the provisions of Section 254-13A of the Clarkstown Town Code, and has recommended that the developer be declared in default of its Developer's Performance Bond and that all reasonable steps be taken to secure completion of the improvements by drawing against Letter of Credit No. the full amount of \$112,665.00 to be held pending calculation by the Department of Environmental Control of the amount deemed necessary to complete the remaining items;

NOW, THEREFORE, be it

RESOLVED, that Torsoe Properties, Inc., as owner and obligor, is hereby declared in default of its Developer's Performance Bond to complete the public and other required improvements in the Highview Park Subdivision and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by drawing against Letter of Credit No. 2221 in the principal amount of \$112,665.00, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare plans and specifications for completion of the required work and to obtain a contractor or contractors in accordance with all requirements of law to complete the required improvements.

On roll call the vote was as follows
Co. Lasker Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments.

Gwenn Weiss Numeroff- President, Downtown New City Corporation

Stated they are pleased with the support of revitalization efforts and are in support of a parking lot, as long as it looks good.

Lou Marino- President, Valley Cottage Civic Association

Stated we are pleased with the new pocket park and we look forward to the new dock. Thanked the town board for all the hard work they do.

Roberta Bangs- President, Hi-Tor Animal Shelter

Thanked the town board for their support and stated she looks forward to working with them.

Steven Levine- Congers

Asked about when meetings will be shown on cable. Said there should be a resolution that the Supervisor should not be allowed to pick a Deputy Supervisor and that person needs to maintain independence.

Supervisor Gromack

Stated that we have not gotten the money from Cablevision and we are proceeding with a T.V. studio.

Barry Goldberg- Goshen

Read and submitted a letter regarding Massachusetts Avenue properties, (on file with Town Clerk).

Guy Gervasi- West Nyack

Asked what role the Deputy Supervisor has and said this is a job that the town board can do without.

On motion of Co. Hoehmann, seconded by Co. Borelli, and unanimously adopted, the Town Board Meeting was adjourned, 9:09 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN SPECIAL MEETING
CLARKSTOWN MIDDLEWOOD HOUSING
DEVELOPMENT FUND COMPANY, INC.

Town Hall

2/9/09

9:09 P.M.

- Present: Supervisor Alexander J. Gromack
- Council Members Frank Borelli, George Hoehmann & Stephanie Hausner
- Amy Mele, Town Attorney
- David Carlucci, Town Clerk
- Absent: Council Member Shirley Lasker

On motion of Co. Hoehmann, seconded by Co. Borelli the special meeting was declared open, on motion of Co. Hoehmann, seconded by Co. Borelli, and unanimously adopted, the meeting was closed, time: 9:10 P.M.

Upon Motion duly made, seconded and carried, and by the affirmative vote of all present, it was,

RESOLVED, that the policies required by IRS 990 for housing companies have been reviewed and approved; and be it

FURTHER RESOLVED, that the Chairman is authorized to sign the resolution prepared by ARCO Management Corp. accepting said policies.

Upon Motion duly made, seconded and carried, and by the affirmative vote of all present, it was resolved, that the following are the Officers and Directors of the Corporation:

- | | |
|----------------------|-----------------------------|
| Alexander J. Gromack | Director and President |
| | Director and Vice President |
| Shirley Lasker | Director and Secretary |
| Frank Borelli | Director |
| George Hoehmann | Director |
| Stephanie Hausner | Director |

Respectfully submitted,

David Carlucci
Town Clerk