

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/16/08

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Shirley Lasker, Ralph Mandia & Frank Borelli
Amy Mele, Town Attorney
David Carlucci, Town Clerk

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

Public Hearing #1 re: Continuation- Proposed Local Law entitled: "A Local Law Amending Chapter 290 of the Zoning Local Law of the Town of Clarkstown." On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:00 P.M. On motion of Co. Lasker, seconded by Co. Mandia, and unanimously adopted, the public hearing was continued to February 10, 2009. RESOLUTION NO. (770-2008)

Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers

Regarding agenda item #8 (res. nos. 797-2008), asked what improvements are being done and the cost?

Supervisor Gromack

Regarding agenda item #8 (res. nos. 797-2008), stated the project entails the establishment of a production studio and renovations for archival storage, with bonding totaling \$550,000. Once the storage facility is completed, the town will save the roughly \$30,000 per year it is currently paying for storage off site. Grant applications have been filed with the state to offset some of these costs.

RESOLUTION NO. (770-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE CONTINUATION OF A PUBLIC HEARING
CONCERNING A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 OF
THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN"

WHEREAS, the Town Board held a public hearing on November 25, 2008 and continued said hearing on December 16, 2008, to consider a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN," to add the definition of Contractor Storage Yard, and to include the Contractor Storage Yard as an allowable use in the M Zone, subject to certain conditions, and WHEREAS, the County Planning Department and the Town Planning Board submitted recommendations on the proposed law that need to be reviewed by the Town Board, and

WHEREAS, the Town Board wishes to further continue said public hearing on February 10, 2009;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the continuation of the public hearing to February 10, 2009, at 8:00 p.m., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, to consider the recommendations of the County Planning Department and Town Planning Board regarding the proposed Local Law to Amend Chapter 290 of the Zoning Local Law of the Town of Clarkstown, 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. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (771-2008)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of November 25, 2008 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. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (772-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on October 30, 2008 that the position of Custodial Worker #501057 – Parks Board and Recreation Commission – can be reclassified to the position of Custodian I , NOW, therefore, be it

RESOLVED, that the position of Custodial Worker is hereby reclassified to the position of Custodian I – Parks Board and Recreation Commission - effective and retroactive to December 8, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (773-2008)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08097 (promotional) Custodian I - which contains the name of Anthony M. Capra, NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Anthony M. Capra to the position of (permanent) Custodian I – Parks Board and Recreation Commission – at the 2008 annual salary of \$39,465., effective and retroactive to December 8, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (774-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Angelo Hernandez, Municipal Bus Driver – Clarkstown Mini Transportation – is hereby accepted – effective and retroactive to November 28, 2008 – at the close of the business day.

On roll call the vote was as follows

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

RESOLUTION NO. (775-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Kevin P. Fitzpatrick to the position of Motor Equipment Operator I – Highway Department – at the 2008 annual salary of \$38,691., effective and retroactive to December 15, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (776-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of DonBosco A. Greg to the position of Motor Equipment Operator I – Highway Department – at the 2008 annual salary of \$38,691., effective and retroactive to December 15, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (777-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Robert Hyon is hereby appointed to the position of (part-time) Clerk – Town Justice Department – at the 2008 hourly rate of 10.00., - effective date pending Rockland County Personnel Office approval.

On roll call the vote was as follows

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

RESOLUTION NO. (778-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Donna M. Termini is hereby appointed to the position of (temporary) Legal Stenographer – Office of the Town Attorney – at the 2008 annual salary of \$43,038., effective date pending the Rockland County Personnel Office approval.

On roll call the vote was as follows

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

RESOLUTION NO. (779-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP
FOR ENGINEERING SERVICES CONCERNING LAKE NANUET

WHEREAS, the H2M Group has submitted a proposal dated December 5, 2008, to provide engineering services to evaluate the possible causes for the flooding conditions at Lake Nanuet Park;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the H2M Group, in a form approved by the Town Attorney, to provide engineering services to evaluate the possible cause for the flooding conditions at Lake Nanuet Park, pursuant to its proposal dated December 5, 2008, and be it FURTHER RESOLVED, that the fee for said work shall not exceed \$5,300.00, and will be charged to Account No. H 8759-409-0-83-27.

On roll call the vote was as follows

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

RESOLUTION NO. (780-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE STATE
OF NEW YORK CONCERNING A GRANT TO THE TOWN FOR THE BUCKLE UP PROGRAM

WHEREAS, Chief of Police Peter Noonan has advised that the Governor’s Traffic Safety Committee, Department of Motor Vehicles, State of New York, (“State”) approved an agreement on October 1, 1999, which has been amended over time, and is being further amended by said agreement, grant application (Grant No. PT-4450221) submitted by the Town of Clarkstown Police Department, for the purpose of participating in the statewide “Buckle Up New York” campaign for the extended period from October 1, 2008 through September 30, 2009, by the Town of Clarkstown Police Department, and

WHEREAS, the State has advised that it shall provide additional funding for said grant in the amount of \$23,940.00 to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor’s Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$23,940.00 for the purpose of participating in the statewide “Buckle Up New York” campaign for the extended period from October 1, 2008 through September 30, 2009, by the Town of Clarkstown Police Department.

On roll call the vote was as follows

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

RESOLUTION NO. (781-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN AGREEMENT WITH THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE OF THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT A GRANT WITH RESPECT TO THE CHILD PASSENGER SAFETY 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 (Grant No. CS-4450202), for the purpose of participating in the "Child Passenger Safety Program" for the period from October 1, 2008 through September 30, 2009, and

WHEREAS, the State shall provide \$5,140.00 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 Supervisor to enter into an agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$5,140.00 for the purpose of participating in the "Child Passenger Safety Program" for the period from October 1, 2008 through September 30, 2009, by the Town of Clarkstown Police Department.

On roll call the vote was as follows

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

RESOLUTION NO. (782-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN AGREEMENT WITH THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, DEPARTMENT OF MOTOR VEHICLES, TO ACCEPT A GRANT WITH RESPECT TO THE 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 (Grant No. PT-4450212), for the purpose of participating in the "Selective Traffic Enforcement Program (STEP)" for the period from October 1, 2008 through September 30, 2009, and

WHEREAS, the State shall provide \$12,875.00 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 Supervisor to enter into an agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$12,875.00 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, 2008 through September 30, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (783-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CLARKSTOWN POLICE DEPARTMENT AND COMPUTER SOLUTIONS, INC.

WHEREAS, Lt. Steven Morgan of the Clarkstown Police Department ("CPD") has recommended that the CPD enter into an Agreement with Computer Solutions, Inc. ("CSI") in order purchase Police Office Scheduling Software to replace and automate the current paper trail and ledger books involved in daily scheduling and payroll processes and increase efficiency and productivity, and

WHEREAS, the CPD wishes to enter into an agreement in 2008 at a 15% discount and to purchase the said software in 2009, and

WHEREAS, the software cost is \$30,600.00, which cost is budgeted for in the 2009 1680-226 1 Budget Line (Data Processing PD Software), and

WHEREAS, there is a \$9,000.00 Setup, Installation and Training cost, which will be absorbed through the 2009 CPD Operating Budget, and

WHEREAS, the 1st year maintenance and support fees are at no cost and a subsequent annual maintenance and support agreement in the amount of \$7,200.00 will be budgeted for in the CPD 2010 budget;

NOW THEREFORE be it

RESOLVED that based upon the recommendation of Lt. Steven Morgan of the CPD, the Supervisor is hereby authorized to enter into an Agreement with Computer Solutions, Inc., in the amount of \$39,600.00, for Police Office

RESOLUTION NO. (783-2008) continued

Scheduling Software, such Agreement to be for a term of one (1) year, with annual extensions for five (5) years thereafter in the amount of \$7,200.00, at the option of the CPD.

On roll call the vote was as follows

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

RESOLUTION NO. (784-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUITON AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

WHEREAS, Environmental Systems Research Institute, Inc. (ESRI) has submitted a proposal dated October 17, 2008, to provide the Town with GIS data, and
WHEREAS, Robert Stritmater, Director of Automated Systems, has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Environmental Systems Research Institute, Inc., in a form satisfactory to the Town Attorney, to provide the Town with GIS data, for the period January 1, 2009 through December 31, 2011, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed the total amount of \$125,000 for the three years, plus, if found necessary, \$3,000 for an addition to the system with the Arch Pad, as authorized by the Director of Automated Systems, which fee shall be charged to Account No. A 1680—226-2.

On roll call the vote was as follows

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

RESOLUTION NO. (785-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH REV. DAVID LOTHROP, TO SERVE AS POLICE CHAPLAIN

WHEREAS, Chief of Police Peter Noonan has recommended renewing an agreement with Rev. David Lothrop, to provide services to the Clarkstown Police Department as Police Chaplain for the calendar year 2009;
NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Rev. David Lothrop, in a form satisfactory to the Town Attorney, for the period January 1, 2009 to December 31, 2009, and be it

FURTHER RESOLVED, that compensation for said services shall be \$10,360 per year, and compensation for mileage at the approved rate not to exceed \$5,000 for the calendar year 2009, all of which shall be charged to Account No. A 3120-409.

On roll call the vote was as follows

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

RESOLUTION NO. (786-2008)

Co. Mandia offered and Co. Maloney seconded

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH PARTNERS IN SAFETY, INC. CONCERNING THE DRUG AND ALCOHOL TESTING PROGRAM

WHEREAS, PARTNERS IN SAFETY, INC. has submitted a proposal for the renewal of an agreement with the Town of Clarkstown, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and

WHEREAS, John W. Coyle, Safety Manager, has recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form satisfactory to the Town Attorney, with Partners in Safety, Inc., 800 Route 17M, Middletown, New York, for the period commencing January 1, 2009 and terminating on December 31, 2009, to provide alcohol and drug testing

RESOLUTION NO. (786-2008) continued
of safety-sensitive employees, including transportation employees and those holding commercial driver’s licenses,
and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional
and other liability insurance coverage, as required by the Town Attorney, and be it

FURTHER RESOLVED, that the fee for the year 2009, for such services, shall be \$4,105.50, with
additional hourly fees in accordance with said proposals dated November 3 and November 15, 2008, which fees
shall be charged to Account No. A 9000-409.

On roll call the vote was as follows

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

RESOLUTION NO. (787-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH PATRICIA LYNCH ASSOCIATES, INC.,
TO PROVIDE CONSULTING SERVICES

WHEREAS, Patricia Lynch Associates, Inc. has submitted a proposal dated December 3, 2008, to provide
consulting services regarding obtaining grants for Town projects and services, monitoring legislation and assisting
with State and Federal agencies, and

WHEREAS, the Town Attorney finds said proposal to be reasonable in terms of scope and price, and recommends
the hiring of this firm;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Patricia Lynch
Associates, Inc., in a form approved by the Town Attorney, to provide consulting services pursuant to its proposal
dated December 3, 2008, for the 2009 calendar year, and be it

FURTHER RESOLVED, that the annual fee for said work shall not exceed \$30,000, plus reasonable and actual
expenses, and will be charged to Account No. A 1420-409.

On roll call the vote was as follows

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

RESOLUTION NO. (788-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION OBTAINING INSURANCE COVERAGE FROM CLG INSURANCE

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the
Supervisor is hereby authorized to purchase through CLG Insurance, insurance coverage including Commercial
General and Automobile Liability, Excess Liability, Property, and Excess Workers Compensation, for a period of
one year, commencing on January 1, 2009 and expiring December 31, 2009, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$1,035,000.00 and be it

FURTHER RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager,
the Supervisor is hereby authorized to enter into a claims-administration agreement with PMA Management
Corporation, for a period of one year, commencing on January 1, 2009 and expiring December 31, 2009, and be it

FURTHER RESOLVED, that the cost of said agreement shall not exceed \$65,000.00.

On roll call the vote was as follows

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

RESOLUTION NO. (789-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AGREEMENT WITH THE NEW YORK STATE THRUWAY AUTHORITY

WHEREAS, the New York State Thruway Authority (“Authority”) has planned work on the Mountainview
Avenue Bridge in Rockland County, and

WHEREAS, the Town of Clarkstown has requested the Authority to replace the hangers on the sewer line

RESOLUTION NO. (789-2008) continued

which are attached to the underside of the bridge, and

WHEREAS, the Authority is willing to perform the work requested by the Town, at the Town's expense, subject to the parties entering into a Municipal Betterment Agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an Agreement with the New York State Thruway Authority, in a form approved by the Town Attorney, to replace the hangers on the sewer line which are attached to the underside of the Mountainview Avenue Bridge, and be it

FURTHER RESOLVED, that reimbursement for the cost of said work by the Authority on the Town's sewer line is estimated at \$6,000.00, the final cost to be determined after the bidding process is concluded.

On roll call the vote was as follows

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

RESOLUTION NO. (790-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH MICHAEL S. LIPPE, M.D., TO PROVIDE SERVICES AS AN EMERGENCY HEALTH CARE PROVIDER TO THE CLARKSTOWN POLICE DEPARTMENT

WHEREAS, Chief of Police Peter T. Noonan has recommended renewing an agreement with Michael S. Lippe, M.D., to provide services to the Clarkstown Police Department as the Emergency Health Care Provider pursuant to the Public Health Law Section 3000(B), for the calendar year 2009, at the same terms and conditions as the prior agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Michael S. Lippe, M.D., as referred to herein, for the period January 1, 2009 to December 31, 2009, upon the same terms and conditions as the prior agreement, which services are provided without charge to the Town as per Section 3000(B) of the Public Health Law.

On roll call the vote was as follows

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

RESOLUTION NO. (791-2008)

Co. Mandia offered and Co. Maloney seconded

Resolution Authorizing the Supervisor to Enter Into an Agreement with the Rockland County Solid Waste Management Authority Concerning Fuel for Vehicles

WHEREAS, the Rockland County Solid Waste Management Authority has requested that the Town Board allow this agency to purchase fuel for vehicles involved in the operation of the Solid Waste Facility in West Nyack, New York, and

WHEREAS, the savings realized from the reduced cost of the fuel will allow Rockland County Solid Waste Management Authority to operate more efficiently, thereby benefitting Rockland residents;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Rockland County Solid Waste Management Authority (Authority), in a form approved by the Town Attorney, to purchase fuel from the Town of Clarkstown, subject to the Authority providing the Town with an authorized list of vehicles to be covered under this agreement.

On roll call the vote was as follows

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

RESOLUTION NO. (792-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING EXTENSION OF AGREEMENTS WITH JOHN MICKELSON, SARATOGA ASSOCIATES and CAMBRIDGE SYSTEMATICS, INC, FOR THE CALENDAR YEAR 2009

RESOLUTION NO. (792-2008) continued

WHEREAS, by Resolutions No. 150-2007, 383-2007, and 299-2008, the Town Board authorized the retention of JOHN MICKELSON, SARATOGA ASSOCIATES and CAMBRIDGE SYSTEMATICS, INC., respectively, to provide certain consulting services in connection with the Town of Clarkstown Comprehensive Plan Amendment, and

WHEREAS, the agreements contemplated that the consultants work would be performed during the Calendar Year 2008, and

WHEREAS, the comprehensive planning process is continuing through the Calendar Year 2009;

NOW, THEREFORE, be it

RESOLVED, that the Town's agreements with JOHN MICKELSON, SARATOGA ASSOCIATES and CAMBRIDGE SYSTEMATICS, INC., shall hereby be extended through the Calendar Year 2009, with no adjustment in the scope of services or cost.

On roll call the vote was as follows

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

RESOLUTION NO. (793-2008)

Co. Borelli offered and Co. Maloney seconded

WHEREAS, the Authorized Purchasing Agent by Resolution #704-2008 dated November 6, 2008 advertised for bids for Bid #49-2008 – Streetscape Lighting Fixtures/Supplies and

WHEREAS, no bids were received, now therefore, be it

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to re-advertise for bids for:

BID #11-2009 – STREETSCAPE LIGHTING FIXTURES/SUPPLIES

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by 11:00 A.M. on January 9, 2009 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	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Borelli	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (794-2008)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrant in conjunction with Hydrant Investigation No. 12797, 15 GERKE LANE & ARROW LANE, NANUET

X11289H – 15 GERKE AVE & ARROW LANE, NANUET

and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Mark Papenmeyer, Chief Fire Safety Inspector.

On roll call the vote was as follows

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

RESOLUTION NO. (795-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND (DUSTMAN LANE SUBDIVISION)

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, the Performance Bond furnished to the Town by Marsel Amona which was secured by an Assignment of a Certificate of Deposit No. 700025172231 in the amount of \$26,200.00, in connection with Dustman Lane Subdivision (Clarkstown Tax Map 58.14-1-66), is no longer required as all the work has been completed to the satisfaction of the Department of Environmental Control and the certificate of deposit may be released.

RESOLUTION NO. (795-2008) continued

On roll call the vote was as follows

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

RESOLUTION NO. (796-2008)

Co. Mandia offered and Co. Lasker seconded

RESOLUTION ALLOWING EMERGENCY SERVICE VOLUNTEERS TO PARTICIPATE IN THE TOWN OF CLARKSTOWN HEALTH INSURANCE PLAN

WHEREAS, the Town acknowledges the vital service provided to the Town by the volunteer firefighters and ambulance workers, which service is critical to the Town’s well-being, and
 WHEREAS, the N.Y.S. Legislature recently passed a bill that was signed into law by Governor David Patterson amending Section 92-a of the General Municipal Law and which becomes effective on January 17, 2009, and
 WHEREAS, Section 92-a (7) as amended provides that voluntary firefighters and ambulance workers may join the Town’s public employee health insurance plan at their own cost;

NOW THEREFORE be it

RESOLVED, that based upon the recommendation of the Town Supervisor that the voluntary firefighters and ambulance workers be allowed to participate in the Town’s public employee health insurance plan at their own cost, effective January 17, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (797-2008)

Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 16, 2008, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO TOWN HALL, INCLUDING ESTABLISHMENT OF A PRODUCTION STUDIO AND STORAGE AND HALL RENOVATIONS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$550,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$550,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the “Town”), is hereby authorized to construct improvements to Town Hall, including establishment of a production studio and storage and hall renovations. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$550,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$550,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12. (a)(2) of the Law, is fifteen (15) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such

RESOLUTION NO. (797-2008) continued

year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice.

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

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

RESOLUTION NO. (798-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that BID #51-2008 – PRINTING OF 2009 TOWN RESOURCE GUIDE is hereby awarded to: Proforma Corporate Systems, Inc., 39 S. Main Street New City, NY 10956
 PRINCIPALS: TRACY KAYE
 as per their low bid proposal of \$12,999.00

On roll call the vote was as follows

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

RESOLUTION NO. (799-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID #2-2009 – POOL CHEMICALS
 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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (800-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #3-2009 – SECURITY GUARD SERVICES – TOWN PARKS
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (801-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
RFP #4-2009 – OPERATION OF FOOD AND REFRESHMENT CONCESSION STANDS AT TOWN PARKS
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (802-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #5-2009 – ATHLETIC FIELD AND TURF MAINTENANCE
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (803-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #6-2009 – GROUNDSKEEPING AND LANDSCAPE SUPPLIES
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (804-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #7-2009 – FIRST AID SUPPLIES
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (805-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #8-2009 – 2009 ROADWAY RESURFACING PROGRM
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (806-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #9-2009 – 2009 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (807-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID #10-2009 – LANDSCAPING SERVICES – MIDDLEWOOD SENIOR HOUSING COMPLEX – 80 N.
MIDDLETOWN ROAD, NANUET
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 Purchasing Department at the above address

On roll call the vote was as follows

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

RESOLUTION NO. (808-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID#53-2008 – FENCING OF POLICE IMPOUND LOT TOWN GARAGE – SEEGER DRIVE
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 Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (809-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
RFP # 52-2008 – OPERATION OF FOOD AND REFRESHMENT STANDS TOWN POOLS
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

On roll call the vote was as follows

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

RESOLUTION NO. (810-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF A FOUR FOOT HIGH CHAIN LINK FENCE AND GATE AS PART OF THE LAUREL ROAD LOW FLOW CHANNEL PROJECT

Whereas, the Town Board of the Town of Clarkstown has previously awarded, via resolution #388-2008, a contract for Bid #57-2007 Laurel Road Low Flow Channel to Danny Clapp Landscaping, Inc. of New City, New York; and
Whereas, the resident at #129 Laurel Road, upon whose property the drainage easement exists within which the cast-in-place concrete low flow channel was constructed, has for safety reasons requested that a fence be erected adjacent to the low flow channel to limit access to it; and
Whereas, the Department of Environmental Control has reviewed said request and finds installation of the fence to be warranted; and
Whereas, the Department of Environmental Control has solicited a proposal from the contractor to install 141 linear feet of four foot high green vinyl coated chain link fence and a three foot wide green vinyl coated chain link gate with lock to permit access for maintenance purposes; and
Whereas, Danny Clapp Landscaping, Inc. has provided a proposal for said fence and gate; and
Whereas, the Department of Environmental Control has reviewed said proposal and finds it to be acceptable;
Now, Therefore, Be It Resolved that the Town Board authorizes Amendment No. 3 to the contract price for Bid No. 57-2007 Laurel Road Low Flow Channel in the amount of \$2,975.00 in accordance with said proposal; and
Be It Further Resolved that the total cost of the project shall not exceed \$54,725.72 without further Town Board resolution and shall be a proper charge to account # H 8759 - 409 – 0 – 83 – 22.

On roll call the vote was as follows

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

RESOLUTION NO. (811-2008)
Co. Maloney offered and Co. Mandia seconded

Resolution Authorizing Execution and Acceptance of Maintenance Agreement and Easement Regarding Stop & Shop Supermarket Company LLC Site Plan (43.11-2-38, 39, 40 & 41)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Stop & Shop Supermarket Company LLC (Bradlees Shopping Center Renovation) site plan, in the vicinity of Cavalry Drive and North Main

RESOLUTION NO. (811-2008) continued

Street, New City, New York (43.11-2-38, 39, 40 & 41), MAK Development Corp. has provided a stormwater control facility maintenance agreement and pedestrian walkway easement, and

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

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement and pedestrian walkway easement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement and pedestrian walkway easement from MAK Development Corp. in connection with the Stop & Shop Supermarket Company LLC site plan and orders them recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows

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

RESOLUTION NO. (812-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (KATHY MAYER – 65.6-1-24)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Kathy Mayer v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Clarkstown and The Town of Clarkstown, Index Nos. 5053/03, 4109/04, 4836/05, 5949/06, 5686/07 and 7249/08, affecting parcel designated as Map 65.6, Block 1, Lot 24, and more commonly known as 110 North Route 303, West Nyack, New York for the years 2003/04, 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09, and WHEREAS, the attorney for the petitioner has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Map 65.6, Block 1, Lot 24 be reduced for the year 2003/04 from \$900,000.00 to \$675,000.00 at a cost to the Town of \$3,397.33;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 65.6, Block 1, Lot 24 be reduced for the year 2004/05 from \$900,000.00 to \$665,000.00 at a cost to the Town of \$4,132.34;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 65.6, Block 1, Lot 24 be reduced for the year 2005/06 from \$900,000.00 to \$645,000.00 at a cost to the Town of \$4,622.54;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 65.6, Block 1, Lot 24 be reduced for the year 2006/07 from \$900,000.00 to \$640,000.00 at a cost to the Town of \$4,842.06;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 65.6, Block 1, Lot 24 be reduced for the year 2007/08 from \$900,000.00 to \$585,000.00 at a cost to the Town of \$6,556.89;
6. The assessment on the premises owned by the petitioner described on the assessment roll as Map 65.6, Block 1, Lot 24 be reduced for the year 2008/09 from \$900,000.00 to \$620,000.00 at no cost to the Town;
7. Reimbursement for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08 on the parcel described as Map 65.6, Block 1, Lot 24, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
8. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

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

RESOLUTION NO. (813-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 597-2008 TO ACCEPT THE ADDITIONAL CONSTRUCTION OF DUSTMAN LANE

RESOLUTION NO. (813-2008) continued

WHEREAS, the Town Board , by Resolution 597-2008, dated August 26, 2008, accepted a portion of Dustman Lane, Bardonia running from NYS Route 304 west to Amanda Lane under Section 189 of New York State Highway Law, and

WHEREAS, an additional portion of Dustman Lane from Amanda Lane in a westerly direction for approximately 569 feet to and connecting with the currently dedicated portion of Dustman Lane, known as the 'Riley Subdivision', has been improved to Town specifications to the satisfaction of the Director of Environmental Control and the Superintendent of Highways,

NOW, THEREFORE, be it RESOLVED, that Resolution 597-2008 is hereby amended to include the approximately 569 feet of Dustman Lane in length and three rods in width from Amanda Lane west to the Riley subdivision as part of the Superintendent of Highway's Inventory of Roads.

On roll call the vote was as follows

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

RESOLUTION NO. (814-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION SETTING A PUBLIC HEARING WITH RESPECT TO THE PROPOSED ABANDONMENT AND/OR DEMAPPING OF A PORTION OF TERRACE AVENUE, CONGERS, NEW YORK, AND AMENDMENT TO THE OFFICIAL MAP

WHEREAS, an application has been made by S&Y Motel Realty Corp. (Moses Messinger) that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare the unimproved portion of Terrace Avenue, Congers, New York, (20' wide portion of the road), which abuts Tax Map 44.20-4-3, abandoned, upon the grounds that same has never been used by the public, and WHEREAS, the Town Board, on its own motion, wishes to consider the abandonment/and or de-mapping of the entire 40' wide portion of Terrace Avenue, Congers, New York, and

WHEREAS, said street currently appears on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown has determined to consider the application pursuant to Section 205 of the Highway Law, or alternately, deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be held in the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on January 20, 2008, at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and/or deletion of same from the Official Map, and be it

FURTHER RESOLVED, that the Town Attorney provide such notices to other municipalities as may be required by the General Municipal Law, and to prepare notice of such statutory hearing, and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that S&Y Motel Realty Corp. and the Town shall fulfill the additional requirements of Section 290-33(C) of the Zoning Local Law of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and filing of its affidavit of compliance with the Town Clerk on or before January 20, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (815-2008)

Co. Maloney offered and Co. Borelli seconded

Resolution Scheduling a Public Hearing on a Proposed Local Law Entitled, "A Local Law Amending Chapter 250 (Streets and Sidewalks) of the Code of 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 AMENDING CHAPTER 250 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF CLARKSTOWN," and

WHEREAS, the purpose of this local law is to (1) clarify when a permit is required for excavation, and (2) to adjust the permit fee;

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 January 20, 2009 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

RESOLUTION NO. (815-2008) continued

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. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (816-2008)
Co. Mandia offered and Co. Maloney seconded

Resolution Authorizing the Director of the Department of Environmental Control to Rent Paving Equipment and Operators in Connection with the Expansion of the Clarkstown Police Department Vehicle Impound Yard, Nanuet

WHEREAS, the Department of Environmental Control has been directed to construct improvements for the expansion of the Clarkstown Police Department Vehicle Impound Yard, and
WHEREAS, the Department of Environmental Control has undertaken the construction of the expansion of the impound yard utilizing Department personnel, and
WHEREAS, it is necessary to rent paving equipment and operators perform the paving new asphalt access road, and
WHEREAS, the Department of Environmental Control has obtained a proposal from Tilcon, New York, 162 Old Mill Road, Valley Cottage, New York 10994 for the rental of the required equipment and operators necessary to complete the work, and
WHEREAS, the Deputy Director of the Department of Environmental Control recommends the proposal submitted by Tilcon, New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to rent the required equipment and operators to perform the paving of the vehicle impound yard expansion from Tilcon, New York, and
BE IT FURTHER RESOLVED, that all work performed shall be under the direct supervision of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the cost for the rental of the asphalt paving equipment and operators shall not exceed \$19,500.00 and shall be a proper charge to account #H 8759-409-0-83-30.

On roll call the vote was as follows
Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (817-2008)
Co. Mandia offered and Co. Maloney seconded

WHEREAS, by letter dated December 8, 2008, Captain Thomas Purtill requested that the Town Board grant him extended sick leave pending the resolution of certain issues raised in a grievance previously filed by him;

NOW, THEREFORE, BE IT

RESOLVED, that, based on the recommendation of the Chief of Police, the request is hereby denied.

On roll call the vote was as follows
Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments.

Steven Levine- Congers

Asked about property at 139 Massachusetts Avenue that was taken over by a bank and wanted to know if the bank submitted a remediation plan to the town. Read from and submitted a copy of an article in the Journal News, dated November 8, 2008, (on file with Town Clerk).

Dennis Letson- First Deputy Director, DEC

Stated the bank has not contacted them.

Barry Goldberg- Goshen, Former owner of 139 Massachusetts Avenue, Read and submitted following letter:

In May 1999, I added fill to the back of my adjoining properties at 139 and 141 Massachusetts Avenue in Congers.
Shortly thereafter, Patrick Rocco of 147 Massachusetts Avenue began agitating for the town to take legal action against us, and was soon joined by Steve Levine of 193 Massachusetts Avenue.
From November 1999 to July 2002, the town initiated five legal actions. We prevailed against the first, a criminal case, when the jury unanimously acquitted us within 10 minutes of being sequestered.
We prevailed against the second, when State Supreme Court Judge William Nelson ruled in our favor on an Article 78 we had filed.
The Town's third and fourth legal actions, which were based on the second, were rendered moot by Judge Nelson's decision.

We also prevailed against three actions initiated by the State DEC.

In a federal action initiated by Rocco, a settlement was reached which placed all burdens of access, removal, testing, and any remedial actions of Rocco's property upon Rocco and the trucking company that brought the fill to our property. It is noted that Rocco has for years defied the federal court order to provide access, and any minute amount of allegedly hazardous fill that may have been on his property—which his survey does not show!—remains.

Despite prevailing in all these matters, we lost our homestead to foreclosure nearly a year ago, when the Town consistently refused to take us to court, modify its July 2002 suit, or even negotiate with our attorney.

Of course, the loss was ours. We spent more than \$150,000 defending ourselves against clearly fabricated charges. How fabricated? The suit of July 2002 claimed hazardous conditions—and the Town Attorney's Office continues to this day to make this claim. These claims continue, despite the Town's own consulting engineer formally, officially, and in writing acknowledging—nearly six years ago—"In the opinion of the Engineer the fill is not hazardous."

Who can defend the directive of the former Town Supervisor, who was quoted, the day after our acquittal, "If he [Goldberg] doesn't do it [clear the land himself], we'll do it for him and send him the bill"?—and then demanded, in writing, that Town officials take "whatever action is necessary"?

Who can defend the allegations of four officials—none of whom have any scientific or soil geology background—who followed up the Supervisor's directive with letters alleging that our property represents "an imminent peril to life or health"?

Who can defend the Town's continued unwillingness to take its suit to court, modify it, discontinue it, or even negotiate with us?

Virtually all Town actions that have been taken—as well as deliberate inactions—have stemmed, in our opinion, from extraordinary ongoing pressures brought to bear by Rocco and Levine. Levine, as you well know, continues to this day to pursue the matter. It is ironic indeed that he also opposes changes to Town Code 216, maintenance of property, since his own property, including his falling-down garage and unkempt lawn, are clearly in violation of code. Will the Town Board pursue this matter against Levine, now that we are formally on record as demanding, through this letter, an investigation and follow-up action?

Yes, we have lost our extremely desirable homestead of more than 30 years, which we substantially improved and in which we raised our children.

Yes, we are likely to soon lose our valuable adjoining parcel of land.

And yes, in retirement we have lost our life savings and have been humiliated by having to declare bankruptcy, lose our good name and credit, and live under less desirable circumstances.

But let it be known that the loss is not all ours. In a broader sense, the greater loss is borne by all current and future residents of the Town of Clarkstown, who have no certainty that their elected and appointed officials will deal with their issues fairly, appropriately, and in a timely manner.

The greater loss is borne by this current Town Supervisor and Board, not all of whom were sitting members from the outset, who are nonetheless culpable through their lack of political will to appropriately resolve this matter.

The greater loss is borne by the conscience of Town DEC Director K. Luke Kalarickal, who was officially apprised by LMS many years ago, in writing, that our fill was not hazardous, yet has consistently refused to advise the Town Board that its unwavering position is legally, environmentally, and ethically untenable.

The greater loss is borne by the taxpaying public, as these properties remain a potentially very expensive albatross around its neck, should the Town find itself with these properties on its hands and public pressure to remediate them utilizing federal requirements for Superfund site conditions—as demanded in its Project Manual for Debris Removal.

If there is any silver lining in this sordid affair, it is that Amy Mele, Town Attorney, has candidly acknowledged in a recent conversation that my questions concerning the legal and environmental disposition of this matter are valid. Through Ms. Mele, who had no involvement whatsoever in any of the Town's five legal actions against us, there may yet be some hope that justice will prevail. Until such time, however, the loss of democracy and moral compass—thanks largely to Rocco, Levine, and Holbrook—are losses with which we should all be gravely concerned.

With no one wishing to speak further, on motion of Co. Maloney, seconded by Co. Mandia, the Town Board moved into an executive session to discuss a personnel matter, 8:29 P.M. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the executive session was closed, 11:49 P.M. On motion of Co. Mandia, seconded by Co. Maloney, RESOLUTION NO. (817-2008) was unanimously adopted to deny request for extended sick leave to Captain Thomas Purtill, based on the recommendation of the Chief of Police.

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the Town Board Meeting was adjourned at 11:50 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

12/16/08

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Shirley Lasker, Ralph Mandia & Frank Borelli
Amy Mele, Town Attorney
David Carlucci, Town Clerk

Re: Continuation- Proposed Local Law entitled: "A Local Law Amending Chapter 290 of the Zoning Local Law of the Town of Clarkstown."

On motion of Co. Maloney, seconded by Co. Lasker, hearing opened 8:00 P.M.

There being no one wishing to be heard, on motion of Co. Lasker, seconded by Co. Mandia, and unanimously adopted, the public hearing was continued to February 10, 2009. RESOLUTION NO. (770-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (770-2008)