



Town of Clarkstown

Town Board Meeting

~ Agenda ~

10 Maple Avenue
New City, NY 10956
www.clarkstownclerk.com

David Carlucci
(845) 639-2010

Tuesday, June, 13, 2006

8:00 PM

Town Hall Auditorium

I. Call to Order

8:00 PM Meeting called to order on June 13, 2006 at Town Hall Auditorium, 10 Maple Avenue, New City, NY.

Attendee Name	Present	Absent	Late	Arrival
Councilwoman Shirley Lasker	
Councilman John Maloney	
Councilman Ralph Mandia	
Councilwoman Catherine Nowicki	
Supervisor Alexander Gromack	

II. Public Hearings

1. RE: PROPOSED LOCAL LAW AMENDING LOCAL LAW No. 8-1979 (CHAPTER 47-PURCHASING, DEPARTMENT OF), ON MOTION OF CO. MANDIA, SECONDED BY CO. LASKER, OPENED 8:22. ON MOTION OF CO.
2. PETITION FOR EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 TO INCLUDE PHILLIPS HILL FARM SUBDIVISION. ON MOTION OF CO. NOWICKI, SECONDED BY CO. LASKER, OPENED 8:23.

III. Resolutions

**RESOLUTION 2006-378**

Item # 3.1

DOC ID: 1000

**Resolution of the Town Board Adopting Local Law No. 10 –
2006**

WHEREAS, a proposed local law entitled,
"A LOCAL LAW TO AMEND LOCAL LAW NO. 8-1979 (CHAPTER 47-PURCHASING,
DEPARTMENT OF) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"
was introduced by Councilperson Maloney, at a Town Board meeting held on May 9, 2006,
and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 9,
2006, directed that a public hearing be held on June 13, 2006, at 8:00 p.m., or as soon
thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on
June 1, 2006, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the
Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple
Avenue, New City, New York, on May 1, 2006, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June
13, 2006;

Every agenda item can have comments that may be added in the Agenda Wizard or a History can be displayed which summarizes all past actions and meetings with comments. Every agenda item can have comments that may be added in the Agenda Wizard or a History can be displayed which summarizes all past actions and meetings with comments.



RESOLUTION 2006-379

Item # 3.2

DOC ID: 1001

THE CLARKSTOWN CONSOLIDATED ORDER WATER SUPPLY DISTRICT #1 to Include: EXTENDING DISTRICT PHILLIPS HILL FARM SUBDIVISION In the Town of Clarkstown Rockland County, New York

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

In the Matter of the Petition for Extension of THE CLARKSTOWN CONSOLIDATED ORDER WATER SUPPLY DISTRICT #1 to Include: EXTENDING DISTRICT PHILLIPS HILL FARM SUBDIVISION In the Town of Clarkstown Rockland County, New York

A Petition in this matter for the EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown excluding any portion already in an existing district, having been duly adopted by the Town Board on the 23rd day of May 2006, for the hearing of all persons interested in the matter on the 13th day of June, 2006, at 8:00 PM EST, at the Board Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York and a Public Hearing by the said Town Board having been duly held at such time and place, and it having been duly resolved and determined, following such hearing, that the Petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all property and property owners within the proposed extension were benefited thereby, that all property and property owners benefited were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, that there has been and will be no cost to the Town of Clarkstown pursuant to such extension, that no state owned lands are part of the extended district, or if state owned lands are part of the extension, they consist of less than ten percent of such extended district, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby ORDERED, that the CLARKSTOWN

CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown: (Description Attached)

Attachments:

SampleAttachment



RESOLUTION 2006-380

Item # 3.3

DOC ID: 1002

Town Board Minutes of May 23, 2006

RESOLVED, that the Town Board Minutes of May 23, 2006 are hereby accepted as submitted by the Town Clerk.

**RESOLUTION 2006-381**

Item # 3.4

DOC ID: 1003

**Resolution of the Town Board of the Town of Clarkstown
Endorsing The application of Camp Venture, Inc., for a Grant
Under the Hudson River Estuary management Act, for a
Project Known As "Camp Venture Hudson River Estuary
interpretive Center"**

WHEREAS, CAMP VENTURE, INC. is applying to the Hudson River Estuary Management Program of the New York State Department of Environmental Conservation for a grant under the Environmental Protection Fund or Hudson River Estuary Management Act (ECL 11-0306) for a project to be located at the Camp Venture Academy, Rockland Lake, New York, a site located within the territorial jurisdiction of this Town Board, and WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the approval/endorsement of the governing body of the municipality in which the project will be located;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby does approve and endorse the application of CAMP VENTURE, INC. for a grant under the Hudson River Estuary Management Act, for a project known as "CAMP VENTURE HUDSON RIVER ESTUARY INTERPRETIVE CENTER," which is located within the Town of Clarkstown.

**RESOLUTION 2006-382**

Item # 3.5

DOC ID: 1004

Resolution Establishing Schedule for Administering Room Reservations

WHEREAS, The Clarkstown Town Hall parking spaces are limited in number and all available spaces are needed during business hours for employees and others doing business at Town Hall, and

WHEREAS, it is in the best interests of Clarkstown residents to have priority over non-residents with regard to the use of Town Hall;

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk is hereby authorized to use the following schedule for administering meeting room reservations: During the hours between 9:00 a.m. and 5:00 p.m., only in-house meetings may be held in Town Hall. The Supervisor may, in his discretion, waive this prohibition upon request. On the evenings of Monday through Thursday, during the hours between 5:30 p.m. and 11:00 p.m., the following rules apply:

1. Civic or non-profit organizations with a total membership roll comprised of at least 60% Clarkstown residents may use the Auditorium and any other available meeting room as designated by the Town Clerk, at no charge.
2. Civic or non-profit organizations with a total membership roll comprised of less than 60% Clarkstown residents may use the Auditorium for a fee of \$100.00 and any other meeting room designated by the Town Clerk, for a fee of \$50.00, payable at least 24 hours in advance.
3. Departments, committees, or agencies of the County of Rockland, the State of New York, or the Federal Government may use the Auditorium and any other meeting room designated by the Town Clerk, free of charge.
4. On Friday evenings and on weekends, custodial charges will be charged in addition to the above- mentioned rates.

**RESOLUTION 2006-383**

Item # 3.6

DOC ID: 1005

**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 continue to adopt the following segments of various town roads for an additional period of two (2) years, beginning May 14, 2006 to May 14, 2008, as follows:

Sponsor: Hiep Sanitation
P. O. Box 90
West Nyack, NY 10994
Road: .13 mile segment of Snake Hill Road from
22 Snake Hill Road to intersection of
Crusher Road, West Nyack, NY 10994

and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Hiep Sanitation, will perform a public service in removing trash from above roadways that 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 May 14, 2006 to May 14, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Hiep Sanitation, to remove trash from the roadways.

**RESOLUTION 2006-384**

Item # 3.7

DOC ID: 1006

Resolution Authorizing the Supervisor to Enter Into an Agreement Concerning The town of Clarkstown “Adopt-A-Spot” 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 specified Town locations for a period of two (2) years, beginning June 13, 2006 to June 12, 2008, as follows:

Sponsor: Carter’s Insurance Agency, LLC
22 S. Madison Avenue
P. O. Box 88
Spring Valley, NY 10977
Location: Forest Glen Court and N. Pascack Road
Nanuet, NY 10954

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying these locations, and by removing trash from these locations, 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 an agreement with the entity referred to herein, for a period of two (2) years beginning June 13, 2006 to June 12, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

**RESOLUTION 2006-386**

Item # 3.8

DOC ID: 1008

**Resolution Adjusting and Approving Additional Payment to
Alberto & Associates for the Congers Railroad Station
Restoration and Congers Hamlet Green Project**

WHEREAS, by Resolution Nos. 909-2002 and 141-2004, Alberto & Associates, Inc. were retained to provide architectural services for the design of the Congers Railroad Station Restoration and Hamlet Green Project, in Congers, New York; and

WHEREAS, Alberto & Associates, Inc. has provided additional services outside the scope of their agreement with the Town, and submitted a bill for \$900.12 for their services and reimbursable expenses;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the sum of \$900.12, as set forth on invoice dated March 31, 2006, be paid to Alberto & Associates, which sum shall be charged to Account No. H 8751-409-0-75-16.

**RESOLUTION 2006-387**

Item # 3.9

DOC ID: 1009

Bid #14-2006 - 2006 Roadway Resurfacing Program

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

BID #14-2006 - 2006 ROADWAY RESURFACING PROGRAM
is hereby awarded to: TILCON NEW YORK INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994

PRINCIPALS: A PUBLIC CORPORATION
as per their proposed total project cost of \$1,368,611.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

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

and be it

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

**RESOLUTION 2006-388**

Item # 3.10

DOC ID: 1010

Bid #15-2006 - 2006 Concrete Curb and Sidewalk Replacement Program

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

BID #15-2006 - 2006 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to: BELLVISTA CONSTRUCTION CORP.

P.O. BOX 753

ARDSLEY, NY 10502

PRINCIPALS: YOLANDA DE SANTIS

JOSEPH DE SANTIS

as per their proposed total project cost of \$382,610.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

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

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

**RESOLUTION 2006-393**

Item # 3.11

DOC ID: 1015

**Resolution Waiving the Notice Requirement In Section 64 of
the New York State Abc law with Respect to a Liquor License
for “Cafe Tu Tu Tango”**

WHEREAS, Gerard Daly, General Manager of “Cafe Tu Tu Tango,” 4532 Palisades Center Drive, Space G-40I, West Nyack, New York, has advised that he intends to apply for an on-premises liquor license 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 Gerard Daly, General Manager of “Cafe Tu Tu Tango,” for a liquor license at the premises referred to herein.

IV. Amendments

**RESOLUTION 2006-385**

Item # 4.1

DOC ID: 1007

Amending Resolution No. 373-2006 Authorizing the Supervisor to Enter Into An agreement Concerning the Town of Clarkstown "Adopt-A-Spot" Program

AMENDING RESOLUTION NO. 373-2006 AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT CONCERNING THE TOWN OF CLARKSTOWN "ADOPT-A-SPOT" PROGRAM

WHEREAS, Resolution No. 373-2006 adopted May 23, 2006, naming Aldan Press as a Sponsor, is hereby amended as follows, and

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 groups wishes to adopt specified Town locations for a period of two (2) years, beginning May 10, 2006 to May 9, 2008, as follows:

Sponsor: Clarkstown Sunrise Rotary
P. O. 9292
Bardonia, NY 10954
Location: West Nyack Road and corner of West Nyack Way
West Nyack, NY 10994

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying these locations, and by removing trash from these locations, 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 an agreement with the entity referred to herein, for a period of two (2) years beginning May 10, 2006 to May 9, 2008, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

**RESOLUTION 2006-389**

Item # 4.2

DOC ID: 1011

**Amendment to Resolution No. 210-2006 Resolution
Authorizing the Cost Of reconstruction of Zukor Road, New
City to be Treated As a Capital Project**

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Zukor Road, New City of Town Board Resolution No. 210-2006 be increased from \$184,721.25 to \$241,297.25, to reflect the increase in the bid price of asphalt

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the increased cost of \$56,576.00 for asphalt is hereby determined to be a proper charge to Capital Account No. H-8757-409-81-8, and it is the intent of the Board that this is to be funded by serial bonds.

**RESOLUTION 2006-390**

Item # 4.3

DOC ID: 1012

**Amendment to Resolution No. 211-2006 Resolution
Authorizing the Cost of Reconstruction Of burnside Avenue,
Congers to be Treated As a Capital Project**

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Burnside Avenue, Congers of Town Board Resolution No. 211-2006 be increased from \$95,852.50 to \$106,868.50, to reflect the increase in the bid price of asphalt

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the increased cost of \$11,016.00 for asphalt is hereby determined to be a proper charge to Capital Account No. H-8757-409-81-8, and it is the intent of the Board that this is to be funded by serial bonds.

**RESOLUTION 2006-391**

Item # 4.4

DOC ID: 1013

**Amendment to Resolution No. 212-2006 Resolution
Authorizing the Cost of Reconstruction Of cottage Lane,
Valley Cottage to be Treated As a Capital Project**

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Cottage Lane, Valley Cottage of Town Board Resolution No. 212-2006 be increased from \$39,812.50 to \$52,052.50, to reflect the increase in the bid price of asphalt

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the increased cost of \$12,240.00 for asphalt is hereby determined to be a proper charge to Capital Account No. H-8757-409-81-8, and it is the intent of the Board that this is to be funded by serial bonds.

**RESOLUTION 2006-392**

Item # 4.5

DOC ID: 1014

**Amendment to Resolution No. 213-2006 Resolution
Authorizing the Cost of Reconstruction of Boxberger Lane,
Valley Cottage to be Treated As a Capital Project**

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage project on Boxberger Lane, Valley Cottage of Town Board Resolution No. 213-2006 be increased from \$38,487.50 to \$50,727.50, to reflect the increase in the bid price of asphalt

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the increased cost of \$12,240.00 for asphalt is hereby determined to be a proper charge to Capital Account No. H-8757-409-81-8, and it is the intent of the Board that this is to be funded by serial bonds.

**RESOLUTION 2006-394**

Item # 4.6

DOC ID: 1016

Amending Resolution No. 163-2006

WHEREAS, Resolution No. 163-2006 adopted on March 21, 2006 authorized the installation of "No Parking" signs on Strawtown Road between Wendover Lane and Oxford Court, New City, and

WHEREAS, this parking restriction is only needed during school hours,

Now Therefore Be It

RESOLVED, that Resolution No. 163-2006 is hereby amended to read:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install: "No Parking From 8:00 a.m. to 4:00 p.m. Monday - Friday" signs with directional arrows on Strawtown Road between Wendover Lane and Oxford Court, New City, New York (see §221.5 P1-4 signs as per the NYS DOT Manual of Uniform Devices), and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways and to Clarkstown Police Chief Peter Noonan for enforcement purposes.

**RESOLUTION 2006-395**

Item # 4.7

DOC ID: 1017

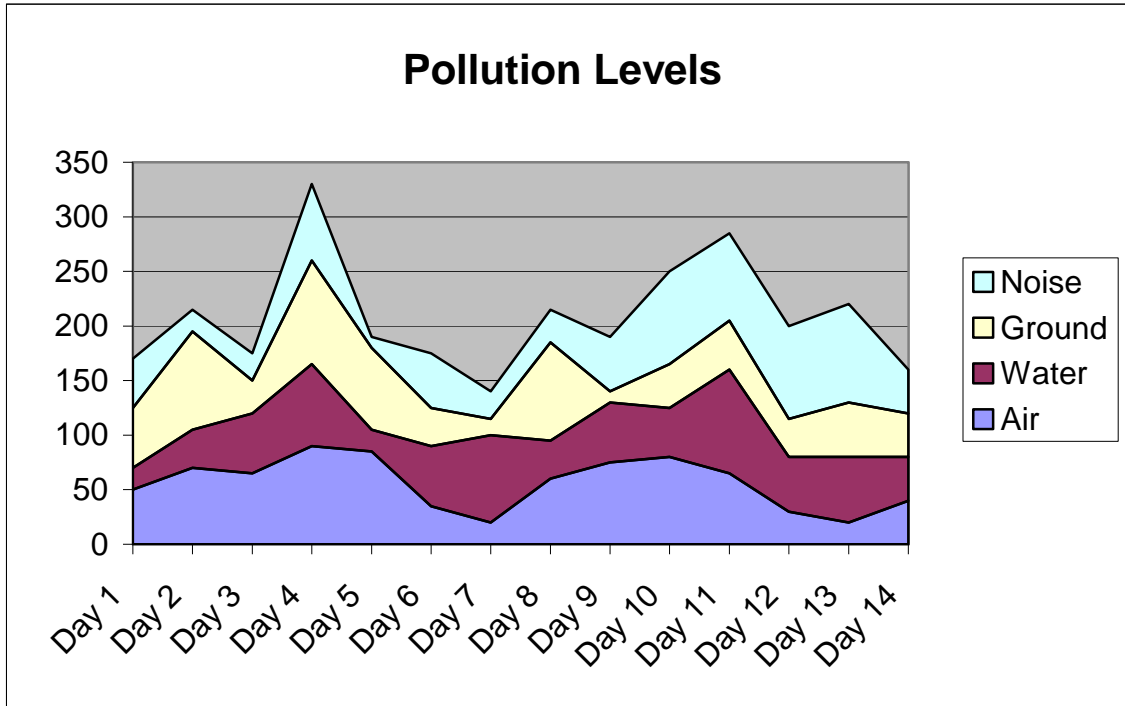
**Resolution Amending Resolution No. 93, Authorizing
Amendment to Solid Waste Disposal Services Agreement
and Site Lease Agreement Between the Town of Clarkstown
and Clarkstown Recycling Center, Inc.**

WHEREAS, Resolution No. 93 adopted by the Town Board on January 24, 2006, is hereby amended as follows:

"RESOLVED, that the Town Attorney is hereby authorized and directed to prepare an amendment to the Agreement which shall take effect on May 1, 2006 and shall terminate on December 31, 2006 (the "Extension Period"), and which shall further provide that the Contractor shall be paid the current service fee of \$67.00 per ton of municipal solid waste for the month of May, \$68.00 per ton for the months of June, July, August, September and October, and \$68.50 per ton for the months of November and December 2006, and be it

FURTHER RESOLVED, that all other provisions of the Agreement shall remain in full force and effect."

Pollution Analysis - May 2006



	Pollution Levels			
	Air	Water	Ground	Noise
Day 1	50	20	55	45
Day 2	70	35	90	20
Day 3	65	55	30	25
Day 4	90	75	95	70
Day 5	85	20	75	10
Day 6	35	55	35	50
Day 7	20	80	15	25
Day 8	60	35	90	30
Day 9	75	55	10	50
Day 10	80	45	40	85
Day 11	65	95	45	80
Day 12	30	50	35	85
Day 13	20	60	50	90
Day 14	40	40	40	40