

TOWN OF CLARKSTOWN

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TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/20/12

12:00 PM

Present: Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli,
George Hoehmann & Stephanie Hausner
Amy Mele, Town Attorney
Justin Sweet, Town Clerk

The Supervisor declared the Town Board meeting opened. Assemblage saluted the flag. Town Clerk read the roll call.

On motion of Co. Lasker seconded by Co. Hauser Public Hearing #1 Re: Proposed Local Law Amending Chapter 290 (Zoning) with Respect to a Text Amendment in the LO Zone was opened, time: 12:09 pm, closed 12:56 pm DECISION RESERVED.

On motion of Co. Hausner seconded by Co. Hoehmann Public Hearing #2 Re: Proposed Local Creating Chapter 41 (Planning Board) and Amending Chapters 42 and 43 of the Town Code was opened, time: 1:00 pm, closed 1:02 pm

RESOLUTION NO. 597-2012 ADOPTED

The Supervisor opened the meeting for comments on the agenda items.

Tom Nimick, New City

He had questions about the salary schedule (Item #2A). He asked about an employment agreement (Item #5), about services provided by Sylvia Welch, (Item #6) and what payments have been made in 2012 and what was the selection process regarding Mr. Savino (Item #8).

Fred Rogish, New City

He asked about Police Rules and Regulations (Item #10) and spoke about problems with lack of signage in the T turnaround on his street.

Amy Durbin, New City

She asked for clarification about retaining an outside law firm (Item #7).

Marge Hook, New City

She asked for clarification on bid awards, agreement regarding Congers Lake Trailway, Special Town Board meeting and public hearing and fund authorizations (Item #s 13, 14, 17, 18 & 21).

Frank Grandel, New City

He asked for clarification on the police firing range agreement (Item #9) and spoke about Congers walkway (Item #s 13, 14 & 21); he feels this is reckless spending. Asked for clarification on rebidding the Central Nyack Drainage project (Item#22).

Michael Hull, Bardonia

He questioned the hiring of Mr. Savino (Item #8).

Regarding the salary schedule, Supervisor Gromack explained the increases and stated it will be put up on the internet. Regarding #5, Employment Agreement, this is regarding a long term employee who is not a part of any bargaining unit. Item #6, Sylvia Welch is our grant writer who over the last 8 years helped us attract over 31 million dollars in grants. The Town Attorney stated Item #7, Wilson, Elser, etal, is a retainer to provide some occasional legal research. Regarding Item #8, Supervisor Gromack stated that Mr. Savino has done work of high caliber and has served the Town well. Item # 9, Firing Range agreement, is done at no cost to the Town. The Town Attorney explained that Item # 9, Police Rules and Regulations, has nothing to do with signage and vehicle & traffic laws. Regarding Item #13 Congers Walkway, the Supervisor stated we hope to be receiving some local, State and Federal funding and the rest will be bonded. Item #14 deals with the engineers certifying the work on the Congers Walkway that has been done. Item #17, Special Town Board Meeting, is scheduled due to matters that cannot wait until February 5th meeting, one being the potential acquisition by eminent domain of a small portion of a lot to move a sewer pump station. The Town Attorney explained that Item #18 also deals with this same matter. Item #21 is a bonding for the Congers walkway. For the record, he submitted a statement he received from Maryanne Brancatelli which states she feels these funds could be used for a truck traffic situation in the neighborhood of Doscher Avenue. Regarding Item 22, rebidding the Central Nyack drainage project, the Town felt we could rebid and bring down the price. We anticipate this price will come down approx 1 million dollars. Co. Borelli and Co. Hoehmann addressed Mr. Hull's statements about Mr. Savino. They stated that he has demonstrated that his is more than up to the task and is getting the workload done at lower cost. Co. Hausner stated that Mr. Savino has proven himself and has done a good job in this area.

RESOLUTION NO. (597-2012)
 Co. Lasker offered and Co Borelli seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW CREATING CHAPTER 41 (PLANNING BOARD) AND
 AMENDING CHAPTERS 42 AND 43 OF THE CODE OF THE TOWN OF
 CLARKSTOWN"

was introduced by Councilperson Frank Borelli at a Town Board meeting held on December 4, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 4, 2012, directed that a public hearing be held on December 20, 2012, at 12:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on December 13, 2012, 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 December 7, 2012;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. – 2012 entitled:

"A LOCAL LAW CREATING CHAPTER 41 (PLANNING BOARD) AND
 AMENDING CHAPTERS 42 AND 43 OF THE CODE OF THE TOWN OF
 CLARKSTOWN"

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

On roll call the vote was as follows:

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

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

RESOLUTION NO. (598-2012)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the Special Town Board Minutes of December 4, 2012 and the Town Board Meeting of December 11, 2012 are hereby accepted, as submitted by the Town Clerk

On roll call the vote was as follows:

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

RESOLUTION NO. (599-2012)
Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that the salaries of all Town Officials and employees be fixed as per the attached Town of Clarkstown 2013 Salary Schedule, in accordance with the Budget adopted for the Year 2013, subject only to contract negotiations, and be it

FURTHER RESOLVED, that all Town elected, appointed officials, and Town employees shall be paid on a bi-weekly basis to commence January 1, 2013, the first payroll to be paid on January 3, 2013, and be it

FURTHER RESOLVED, that all Town employees shall be paid on a biweekly basis to commence January 1, 2013 to include the remainder of year 2012, and the first full payroll for the year 2013 to be paid on January 17, 2013, and be it

FURTHER RESOLVED, that the salary schedule hereby adopted as amended may be changed in accordance with law as determined to be appropriate by the Town Board.

(See Attached Salary Schedule at the end of Town Board Minutes)

On roll call the vote was as follows:

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

RESOLUTION NO. (600-2012)
Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that the attached document in exhibit A reflects the starting salaries for the (part-time) titles in the Town of Clarkstown,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the following Exhibit A starting salary schedule for the (part-time) titles, and be it,

FURTHER RESOLVED, that the pay rate increases of \$.50 for the (part time) titles in exhibit A are effective for the fiscal year 2013.

On roll call the vote was as follows:

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

RESOLUTION NO. (601-2012)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that mileage at the current reimbursable rate as per the Internal Revenue Service, be paid to designated personnel for use of their personal automobiles in performance of their official duties:

- Members of the Town Board
- Deputy Supervisor
- Town Clerk and Deputies
- Superintendent of Highways
- Receiver of Taxes
- Building Inspector and Assistants
- Assessor and Assistants
- Town Attorney and Deputy Town Attorneys
- Zoning Enforcement Officer/Community Liaison
- Paralegal Specialists
- Legal Stenographer
- Members of the Parks Board and Recreation Comm.
- Director of Environmental Control and Aides
- Town Comptroller
- Deputy Comptroller
- Administrative Assistant I, Comptroller's Office
- Building Maintenance Mechanic
- Members of the Planning Board
- Members of the Zoning Board of Appeals
- Confidential Assistant
- Safety Manager
- Town Courier
- Director of Automated Systems
- Computer Network Specialist
- Insurance and Claims Manager

On roll call the vote was as follows:

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

RESOLUTION NO. (602-2012)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, Regulations of the Internal Revenue Service have been promulgated which require employers, including municipal employers, to include for personal income tax purposes, the value of employer owned vehicles used for private purposes or for commuting to and from work;

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized and directed for the period commencing January 1, 2013 and ending December 31, 2013 to credit as additional income the appropriate taxable fringe benefit, as per the Internal Revenue Service regulations, to those employees who have the use of Town owned vehicles for commuting to and from work, and be it

FURTHER RESOLVED, that the employer provided vehicles as set forth below shall be excluded from the taxable fringe benefit calculation:

- (a) Clearly marked police and fire vehicles;
- (b) Delivery trucks with seating only for the driver, or only for the driver plus a folding jump seat;

RESOLUTION NO. (602-2012) continued

- (c) Flatbed trucks;
- (d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds;
- (e) Passenger buses used as such with a capacity of at least twenty (20) passengers;
- (f) Ambulances used as such or hearses used as such;
- (g) Bucket trucks (cherry pickers);
- (h) Cranes and derricks;
- (i) Forklifts;
- (j) Cement Mixers;
- (k) Dump trucks (including garbage trucks);
- (l) Refrigerated trucks;
- (m) Tractors;
- (n) Combines;
- (o) School buses used as such;
- (p) Qualified moving vans;
- (q) Qualified specialized utility repair trucks;
- (r) Officially authorized use of unmarked vehicles by law enforcement officers.

On roll call the vote was as follows:

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

RESOLUTION NO. (603-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby extends the same terms and conditions of employment for Candyce Draper, as Justice Court Clerk, for the year 2013 as applied for 2012, except that her annual salary shall be at the current 2013 annual salary as set forth in the 2013 adopted salary schedule.

On roll call the vote was as follows:

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

RESOLUTION NO. (604-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Sylvia A. Welch, Ph.D., 170 Hudson Terrace, Piermont, New York, has provided research and grant application services with respect to identifying potential funding sources for various Town sponsored programs, capital projects, and other grant opportunities, and to assist in the preparation of grant applications as requested by the Town, and

WHEREAS, Sylvia A. Welch, Ph.D. has continued to render said services since the last authorization of the Town Board by Resolution dated December 29, 2011;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Sylvia A. Welch, Ph.D., in a form approved by the Town Attorney, to provide research and grant application services for the period January 1, 2013 to December 31, 2013, and provided further, that said agreement shall require that she report directly to and work under the supervision of Sabrina Greco, Director of Operations for the Supervisor, and be it

RESOLUTION NO. (604-2012) continued

FURTHER RESOLVED, that the payment for such services shall be at the rate of \$55.00 per hour, not to exceed \$20,000.00 during the contract term without further authorization of the Town Board, which shall be charged to Account No. A 1310-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (605-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Wilson, Elser, Moskowitz, Edelman & Dicker LLP has submitted a proposal dated November 27, 2012 to provide legal and legislative representation by serving as Government Affairs Counsel in New York State on behalf of the Town of Clarkstown, 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 Wilson, Elser, Moskowitz, Edelman & Dicker LLP, in a form approved by the Town Attorney, to provide legal services pursuant to its proposal dated November 27, 2012, commencing on January 5, 2013 until January 4, 2014, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$58,500, and will be charged to Account No. A 1420-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (606-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Town Board, in its continuing effort to reduce costs, has explored whether it would be more cost effective to retain the services of an outside firm to handle tax certiorari matters; and

WHEREAS, the Town Attorney has received a proposal from the law office of Joseph J. Savino to provide said services for an annual retainer of \$88,740, which proposal is the most competitive of those received; and

WHEREAS, the Town Attorney recommends acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, to retain the Law Office of Joseph J. Savino, 399 Knollwood Road, White Plains, New York 10603, to handle all tax certiorari matters on behalf of the Town for the year 2013 for an annual retainer of \$88,740, which retainer shall be remitted on a monthly basis.

RESOLUTION NO. (606-2012) continued

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hochmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (607-2012)

Co. Lasker offered and Co. Hochmann seconded

WHEREAS, Clarkstown Chief of Police, Michael Sullivan, advised that the Town of Ramapo has authorized its Supervisor, pursuant to Resolution No. 2012-670, to extend a license agreement pursuant to the same terms and conditions for another year, with the Town of Clarkstown for use of the Town of Ramapo Firing Range Facility by the Clarkstown Police Department, and

WHEREAS, the Clarkstown Police Department wishes to extend the license agreement for the calendar year 2013;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement with the Town of Ramapo, in a form approved by the Town Attorney, for use of the Town of Ramapo's Police Range Facility by the Clarkstown Police Department for the calendar year 2013.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hochmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (608-2012)

Co. Hochmann offered and Co. Hausner seconded

WHEREAS, the Town Board of the Town of Clarkstown, pursuant to Town Law and the Rockland County Police Act has governance and control of the Clarkstown Police Department, and by this resolution intends to confirm and readopt the existing Town of Clarkstown Police Department Rules and Regulations;

NOW, THEREFORE, be it

RESOLVED, that such Rules and Regulations as may have been amended by administrative act of the Police Chief since January 6, 2009 are hereby ratified and re-adopted and such Rules and Regulations, as amended, shall remain in full force and effect until such time as the Town Board may modify or rescind same by further resolution.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hochmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (609-2012)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Philip Degaetano, 36 Sharon Drive, New City, New York – is hereby reappointed to the position of Member – Parks Board and Recreation Commission – at the current 2012 annual salary of \$3,300., term effective and retroactive to December 18, 2012 and to expire on December 17, 2019.

On roll call the vote was as follows:

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

RESOLUTION NO. (610-2012)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Matthew Maraia, 12 Randy Lane, New City, New York is hereby reappointed to the position of Member – Sanitation Commission – at the current 2013 annual salary of \$3,400., term effective and retroactive to December 18, 2012 and to expire on December 17, 2017.

On roll call the vote was as follows:

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

RESOLUTION NO. (611-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the U. S. Department of Justice New York-New Jersey Region Organized Crime Drug Enforcement Task Forces (OCDETF) has approved an agreement with the Town of Clarkstown Police Department for fiscal year 2013 (OCDETF Case # NY-NYS-0829) for the purpose of reimbursement for officers assigned to assist and participate in the Organized Crime Drug Enforcement Task Forces, and

WHEREAS, said agreement shall cover the period October 1, 2012 through September 30, 2013;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Chief of Police to enter into an agreement with the Organized Crime Drug Enforcement Task Forces (OCDETF), in a form approved by the Town Attorney, to accept funds in the amount of \$17,000.00, for the purpose of reimbursing the Town for officers assigned to the OCDETF for the period covering October 1, 2012 through September 30, 2013, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to October 1, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (612-2012)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Recreation and Parks that

BID # 16-2012 -- CONGERS LAKE WEST TRAIL

is hereby awarded to: CAL MART ENTERPRISES
4 BURTS ROAD
CONGERS, NY 10920
PRINCIPAL: CARL V. WORTENDYKE
MARTIN C. WORTENDYKE

as per their proposed total project cost not to exceed \$4,144,414.00 plus 10% contingency which shall include ancillary costs 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
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-23, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds which will be offset by any grant awards.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hochmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (613-2012)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Clarkstown Highways that

BID # 36-2012 – ROADWAY RECONSTRUCTION AND DRAINAGE IMPROVEMENTS
LOWERRE PLACE/STOCKTON ROAD/CYR COURT/JUNIPER COURT

is hereby awarded to: TILCON NEW YORK INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: JOHN T. COONEY, JR., VICE PRESIDENT

as per their proposed total project cost not to exceed \$137,781.00 plus 10% contingency 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 additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-87-1, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with FEMA reimbursement money

On roll call the vote was as follows:

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

RESOLUTION NO. (614-2012)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, by Resolution No. 588-2011, the Town of Clarkstown entered into an agreement with Mayo, Lynch and Associates to provide professional engineering services associated with design and Contract Document preparation with regard to the Congers Lake West Trailway, and

WHEREAS, Mayo, Lynch and Associates has submitted a proposal, dated October 8, 2012, to provide continued professional services for construction administration and construction observation services for the Congers Lake West Trailway, and the Superintendent of Recreation and Parks has reviewed the proposal and finds it reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Mayo, Lynch and Associates, in a form approved by the Town Attorney, to provide professional consulting engineering services in connection with the Congers Lake West Trailway pursuant to their proposal, and be it

RESOLUTION NO (614-2012) continued

FURTHER RESOLVED, that the fee for said services shall not exceed \$98,000.00 and shall be a proper charge to Account No. H 8765-400-409-0-88-23.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hochmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (615-2012)
Co. Lasker offered and Co. Hochmann seconded

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

RR PLUMBING SERVICES CORP.
d/b/a ROTO-ROOTER
525 Waverly Avenue
Mamaroneck, New York 10543
Terence R. O'Shea, Master Plumber

PHOENIX EXCAVATORS CORP.
3 Ruhe Lane
West Nyack, New York 10994
Michael Mouacdie, President

RONALD J. TARIGO
5 Crosscreek Lane
Stony Point, New York 10980
Ronald J. Tarigo, President

ENVIRONMENTAL CONSTRUCTION, INC.
21 Holt Drive - P.O. Box 563
Stony Point, New York 10980
Susan Oelkers-Ramos, President

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

- 13-1 RR PLUMBING SERVICES CORP. d/b/a ROTO-ROOTER
- 13-2 PHOENIX EXCAVATORS CORP.
- 13-3 RONALD J. TARIGO
- 13-4 ENVIRONMENTAL CONSTRUCTION, INC.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hochmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (616-2012)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town has received \$852,400 from the Rockland County Sewer District #1,

NOW THEREFORE BE IT RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8760-409-0-84-9 (Capital-Sewer Pump Station & Collection System Upgrade) by \$852,400.

On roll call the vote was as follows:

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

RESOLUTION NO. (617-2012)
Co. Hausner offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for January 15, 2013 immediately following the workshop meeting scheduled for 7:30 p.m. on said day in Room 301 of the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York. The purpose of said meeting is as follows:

To hold a public hearing concerning acquisition by condemnation of a permanent easement on a portion of property known as 59.18-1-22,

and any such other matter that the Town Board may wish to consider.

On roll call the vote was as follows:

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

RESOLUTION NO. (618-2012)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a Town wide project is in process to upgrade certain outdated sewer pump stations in the Town, one of which is to be located on an easement at the property located at 160 N. Route 303, West Nyack, Town of Clarkstown, County of Rockland, New York, consisting of +/-3,827.58 square feet located at the northeasterly corner of a parcel of land consisting of 4.2 acres, designated on Clarkstown Tax Map as 59.18-1-22, and

WHEREAS, attempts to acquire the easement have been unsuccessful and the Town Board has determined that the acquisition of the easement is a necessary municipal purpose;

NOW, THEREFORE, be it RESOLVED, that pursuant to NYS Eminent Domain Procedure Law, the Town Board shall hold a public hearing to consider the proposed acquisition by condemnation of a permanent easement at the premises more particularly described on Schedule "A," attached hereto, on January 15, 2013 at 7:30 p.m., or as soon thereafter as possible, in Room 301 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published on

RESOLUTION NO. (619-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, by the Town Board of the Town of Clarkstown, New City, NY, that *Records Retention and Disposition Schedule MU-1*, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

- a.) Only those records will be disposed of that are described in *Records Retention and Disposition Schedule MU-1* after they have met the minimum retention periods described therein;
- b.) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

On roll call the vote was as follows:

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

RESOLUTION NO. (620-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Rockland County Patrolmen's Benevolent Association, Inc. to conform the current collective bargaining agreement with the current state of the law with respect to Discipline and Bill of Rights, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated December 20, 2012, and

WHEREAS, it is anticipated that the membership of the Rockland County Patrolmen's Benevolent Association, Inc. will ratify the terms of the Memorandum of Agreement, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute said Agreement consistent with the terms thereof.

On roll call the vote was as follows:

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

RESOLUTION NO. (621-2012)

Co. Lasker offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 20, 2012, AUTHORIZING THE CONSTRUCTION OF THE CONGERS LAKE WEST TRAIL BOARDWALK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,560,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,560,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION, AND AUTHORIZING THE EXPENDITURE OF FUNDS RECEIVED FROM GRANTS AND/OR OTHER SOURCES FOR SAID PURPOSE

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 the Congers Lake West Trail boardwalk. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,560,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of not to exceed \$4,560,000 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. Any funds received from grants and/or other sources are hereby authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Serial bonds of the Town in the principal amount of not to exceed \$4,560,000 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 Sections 11.00 a. 19(c) 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. 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. 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 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

RESOLUTION NO. (621-2012) continued

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 "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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on December 20, 2012, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted December 20, 2012, authorizing the construction of the Congers Lake West Trail boardwalk, stating the estimated maximum cost thereof is \$4,560,000, appropriating said amount for such purpose, and authorizing the issuance of not to exceed \$4,560,000 serial bonds of said Town to finance said appropriation, and authorizing the expenditure of funds received from grants and/or other sources for said purpose"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct the Congers Lake West Trail boardwalk; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$4,560,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of not to exceed \$4,560,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon; and STATING that funds received from grants and/or other sources are authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of \$4,560,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

RESOLUTION NO. (621-2012) continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$4,560,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

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

RESOLUTION NO. (622-2012)
Co. Lasker offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 20, 2012, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWN, STATING THE ESTIMATED TOTAL COST THEREOF IS \$320,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$320,000 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: (a) acquire various vehicles for use by the Town, at the estimated maximum cost of \$255,000 and (b) acquire office equipment, at the estimated maximum cost of \$65,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$320,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$320,000

RESOLUTION NO. (622-2012) continued

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 \$320,000 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 a part of 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 \$255,000 of the serial bonds are authorized to be issued is three (3) years.

(b) The period of probable usefulness applicable to the object or purpose for which said \$65,000 of the serial bonds are authorized to be issued is five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than three (3) years after the date of original issuance of said bonds or notes.

(c) 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. 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 not 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. 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 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

RESOLUTION NO. (622-2012) continued

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

* * *

On roll call the vote was as follows:

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

RESOLUTION NO. (623-2012)

Co. Lasker offered and Co. Hausner seconded

Whereas, the bids for Bid # 29-2012 - Central Nyack Drainage Improvements Project - Phase II were opened on September 13, 2011; and

Whereas, due to an irregularity in the proposal submitted by the apparent low bidder, the Town Board of the Town of Clarkstown, via resolution, decided to reject all bids and to re-bid this project; and

Whereas, at the direction of the Town of Clarkstown, McLaren Engineering Group, the design consultant for this project, was instructed to make certain design revisions resulting in a change in the scope of work for the project; and

Whereas, the Town of Clarkstown requested that McLaren Engineering Group submit a detailed proposal for the additional professional design services relating to the revised design and re-bidding of the project; and

Whereas, McLaren Engineering Group (MEG) submitted a proposal listing the additional fee for McLaren Engineering Group as \$38,000.00, the additional fee for Behan Planning Associates, LLC (streetscape and landscape sub-contractor) as \$35,000.00 and reimbursable expenses as \$2,500.00 for a total of \$75,500.00; 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 of the Town of Clarkstown authorizes an increase in the allotment for engineering services for the Central Nyack Drainage Improvements Project - Phase II in accordance with the proposal submitted by McLaren Engineering Group for an amount not to exceed \$75,500.00 without further Town Board resolution; and

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

On roll call the vote was as follows:

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

RESOLUTION NO. (624-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the following departments and/or boards within the Town of Clarkstown charge fees for various permits, rentals and/or applications to cover the costs of processing and approving said permits, rentals and/or applications:

- Assessor
- Town Attorney
- Building Department
- Town Clerk
- Department of Environmental Control
- Highway Department
- Planning Department/Board
- Parks Board & Recreation Commission,

and

WHEREAS, the above referenced departments and/or boards recommend adopting the fees outlined in the attached Exhibit "A" for their respective departments and/or boards;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby establishes and adopts the fee schedules for 2013 for the above referenced departments and/or boards, which are attached as Exhibit "A."

(on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION NO. (625-2012)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK,
 ADOPTED DECEMBER 20, 2012 RESCINDING THE BOND RESOLUTION
 ADOPTED ON NOVEMBER 20, 2012, WHICH AUTHORIZED THE
 ISSUANCE OF \$90,000 BONDS FOR THE INSTALLATION OF SOLAR
 PANELS AT THE CLARKSTOWN LANDFILL

Recitals

WHEREAS, on November 20, 2012 the Town Board of the Town of Clarkstown, in the County of Rockland, New York (the "Town") has adopted a bond resolution authorizing the issuance of \$90,000 bonds to finance the installation of solar panels at the Clarkstown Landfill; and

WHEREAS, it has now been determined that sufficient grant funds shall be received by the Town to fund the cost of such project and it will therefore not be necessary to issue bonds to finance such cost;

NOW, THEREFORE,

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES, AS FOLLOWS:

Section 1. The resolution heretofore duly adopted by the Town Board of the Town of Clarkstown, in the County of Rockland, New York (the "Town"), entitled:

RESOLUTION NO. (625-2012) continued

“Bond Resolution of the Town of Clarkstown, New York, adopted November 20, 2012, authorizing the installation of solar panels at the Clarkstown landfill, stating the estimated maximum cost thereof is \$90,000, appropriating said amount for such purpose, and authorizing the issuance of \$90,000 serial bonds of said Town to finance said appropriation,”

is hereby rescinded, no bonds or bond anticipation notes having been heretofore issued pursuant thereto.

Section 2. This resolution shall take effect immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (626-2012)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown is the owner of a certain parcel of municipal land located at 131 Germonds Road, West Nyack, New York and designated on the Clarkstown Tax Map as 58.07-1-86, and

WHEREAS, by Town Board Resolution #245-2012, subdivision work was authorized, and

WHEREAS, by proposed subdivision plat dated 7-26-2012 and designated #3982 as prepared by Atzl, Scatassa & Zigler, P.C., Engineers-Surveyors-Planners, a portion of the above mentioned parcel has been designated as “Lot 1” and is comprised of 36,986 square feet out of the original parcel of 364,951 square feet, and

WHEREAS, additional work by Atzl, Scatassa and Zigler, LLC Land Surveyors and Engineers was required to perfect the subdivision, and

WHEREAS, in addition the Town Attorney requested that an appraisal of the new parcel be ordered, and

WHEREAS, the subdivision plat, when completed is to be filed in the County Clerk’s Office,

NOW THEREFORE be it RESOLVED, that the Town Board hereby authorizes the Town Attorney to retain the additional services of Atzl, Scatassa and Zigler, LLC for subdivision work and CMS Realty Advisors Corporation and that an additional amount not to exceed \$5000.00 be charged to Account No. H 8762-409-0-86-9, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the filing of the Subdivision Plat when perfected.

On roll call the vote was as follows:

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

RESOLUTION NO. (627-2012)
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09066/76-219 Police Sergeant which contains the name of Kieran G. Dwyer,
NOW, therefore, be it

RESOLVED, that Kieran G. Dwyer, 1 Renfrew Road, New City, New York, is hereby appointed to the (promotional) (permanent) position of Police Sergeant – Clarkstown Police Department – at the current 2013 annual salary of \$141,362., – effective January 7, 2013.

On roll call the vote was as follows:

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

RESOLUTION NO. (628-2012)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Department of Environmental Control has performed stream channel stabilization in the vicinity of Nancy Drive, New City, New York, and

WHEREAS, in the course of performing the work, it was determined that the existing sanitary sewer main was in conflict with the stream channel improvements, and

WHEREAS, the sanitary sewer main must be replaced and an additional sewer manhole installed in order to maintain the function of the sanitary sewer, and

WHEREAS, the Contractor's costs for the additional work performed have been reviewed and found them to be acceptable, and

NOW, THEREFORE, BE IT

RESOLVED, that Town Board Resolution 339-2012 is hereby amended to reflect the cost for the emergency replacement of the sanitary sewer main, and

BE IT FURTHER RESOLVED, that the total cost for the emergency replacement of the sanitary sewer main shall not exceed \$25,717.00, and be it

FURTHER RESOLVED, that this project shall be a proper charge to Account No. H 8765 409-0-88-11.

On roll call the vote was as follows:

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

The Supervisor opened the Town Board Meeting for general public comments.

Tom Nimick, New City

He asked if anyone wanted to comment on the Board giving themselves a 2% raise. He also questioned the need for security improvements in this building.

Fred Rogish New City

Voiced concerns about an alleged illegal apartment on Tall Oaks Drive.

Marge Hook, New City

Voiced some concerns about Town Board liaisons with various Town departments. Also inquired about the extra money paid to the new fleet manager if the courts decide against this position; would he have to give it all back?

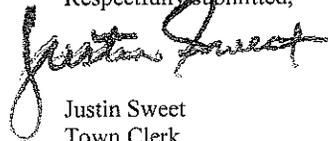
Frank Grandel, New City

Spoke against the amount of money being bonded by the Town and he asked for clarification on Item 21b.

Regarding security improvements in this building the Supervisor outlined some planned improvements including employee notification systems, additional cameras and improved lock systems. Police Chief Sullivan explained after a review they are not satisfied with the security in Town Hall and would like to bring it up to modern industry standards. Regarding alleged illegal apartment on Tall Oaks, Code Enforcer Epstein stated that the referred to resident is being prosecuted in Justice Court and is entitled to due process; this is not the appropriate forum to discuss this. Regarding Town Board liaisons, the Supervisor explained how that interaction works. As far as the fleet manager lawsuit, if that position goes away, that individual would not have to reimburse the Town as they did the work, but they may fall back in salary. Regarding Item 21b, money for vehicles & equipment, this is authorization for money for highway vehicles, minibus vehicles, office copiers, furniture, etc. This is just a number that is authorized so we can accommodate those needs if necessary; all of this may not be needed or used. As far as bonding indebtedness, these are the best of times to get the best rates and the lowest rates on Town projects. Co. Hoehmann stated that all of the Board members are concerned about the financial health of our Town and County. He hears from many residents that the Congers walkway is an investment in our Town as is the Central Nyack Drainage project. Co. Borelli stated that he has not taken a raise, and will return this year's raise. Town Clerk Justin Sweet suggested taking a look at having a School Resource Officer at every school.

Supervisor Gromack wished everyone a Happy Holiday Season and a Happy New Year. On motion of Co. Hausner, seconded by Co. Hoehmann, the Town Board Meeting was closed, time: 1:51 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Justin Sweet". The signature is written in black ink and is positioned above the printed name and title.

Justin Sweet
Town Clerk

Town Attorney Mele addressed some issues of timing and existing rights. The applicant had approached the Town about the possibility of added shipping hours and the comments that were received were that the Town Board was not likely to consider any change to the special permit requirement unless there was some demonstrable benefit to the neighborhood. With the connection of Center Rock Road the thought was if the access point from Brookhill Drive was permanently closed to all traffic and all that traffic through the neighborhood was eliminated that the residents might embrace this. As far as the timing when we get an application we refer it out at a regularly scheduled Board meeting. There is a 30 day comment period for the County and it just happened that this particular public hearing fell on this end of the year meeting. Because the Town Board felt that this would be something that could positively impact the community, we took the extra step that we weren't required to do and in addition to the notice sent to you by the applicant we sent out our own explanatory letter to explain what was happening and invite questions to be directed to Mr. Simoes. The Planning Board reviewed it at its regularly scheduled evening meeting on the 12th. This public hearing just fell on this date by virtue of timing and the next opportunity for a regularly scheduled board meeting wasn't until sometime in February. There have also been a few questions about just closing off that access and not giving the expanded hours and the answer is that just as a resident has a right to the existing layout of their home, where their driveway is, etc., we can't unilaterally turn around and change that, it can become a nonconforming use but you could continue that use. There is no mechanism for just unilaterally coming in and changing an already approved site plan which has this mode of egress there. Finally, regarding the County comments, we referred this matter to Rockland County Planning and they responded in a letter dated December 18. Comment #1 recommended that the Town monitor the LO sites adjacent to residential areas to insure that the trucks do not traverse on the local roads and we certainly will monitor this site to insure compliance. Comment #2 asked if there were there any other LO locations that abut another municipality with access from that municipality and requested clarification as to what criteria would be used to determine the type of roads since different towns may define their roads differently. Our response was that the only site was Pfizer. Access could be obtained from Middletown Road in Orangetown which is a County road classified as a major roadway and Clarkstown observed the same function within the area of the Pfizer property in Orangetown. Any road leading to the Clarkstown portion of Pfizer from Orangetown would be private and wouldn't affect local roads in Orangetown irrespective of how they are classified. Comment #s 3, 4 and 5 were just pointing out typographical errors which have been corrected in this latest version of the local law.

Antoinette Butler, adjacent property owner

She submitted a petition to the Town Clerk. She stated there would be more of her neighbors at this meeting had it not been at 12 noon the week before Christmas. She feels that Brookhill Drive should have been closed to truck traffic as soon as Center Rock Road access became available. She is opposed to this amendment due to noise at night and she is concerned about compliance by the truck drivers.

Jim Finn, West Nyack

He was initially in favor of this but now wondered if it is a worthwhile trade off for the residents. Expressed concern about noise and crime increasing. Suggested the Board listen to the families living nearby.

Frank Casterelli, Brookhill Drive

He is against this 24 hour operation due to the noise problems.

Ira Emanuel, Attorney for the Applicant

He stated that 24 hour truck access would only be if Brookhill Drive is closed and all trucks and employee cars would be using Center Rock Road. He stated this is a trade off but believes it will be worth it to continue to provide additional revenue to the tax base and create employment opportunities. They can already operate 24/7; this just gives them the ability for some deliveries late at night or early in the morning. This is not a truck terminal. Without this amendment, this refrigeration company may go to New Jersey.

In response to an audience member's suggestion of more plantings behind the building, Co. Hoehmann said some additional screening around the loading docks could help deflect noise and the Wolf Landing site should be cleared up too. He understands there will not be a lot of truck traffic, but by closing Brookhill there will be no more mingling with people from the building.

Ed Lettre, Chairman ALC

If this board deems this appropriate, he recommends this applicant should have to return to Planning Board and the ALC to review many of the issues brought up here tonight.

Renata Alinger, Spruce Lane

Spoke against this amendment due to 24/7 noise and employees walking through her neighborhood.

Garrett Goodwin, lives nearby

He complained about a typographical error on posted notices.

The Town Attorney stated that the notice to the newspaper, notices to all of the residents and the notice on the website were all correct.

Tom Nimick, New City

He complained about members of the Board talking amongst themselves in a public meeting.

Gerald Henryoe, nearby resident

He is opposed to this amendment but if it goes through he would like to see plantings for sound barriers. If this road is going to be closed it should be permanently closed, not closed with a gate.

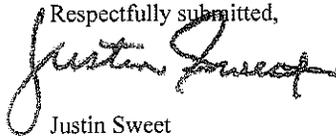
Meagan Washington, nearby resident

She is opposed to this amendment due to noise problems.

Supervisor Gromack stated that the purpose of these public meetings and Planning Board meetings are to get people's input. We have heard concerns raised and we will continue the process to get them addressed and to see if we can bridge some agreement. Therefore we will take no action tonight.

There being no one further wishing to be heard on motion of Co. Hoehmann seconded by Co. Borelli the public hearing was closed, decision reserved, time: 1:56 pm

Respectfully submitted,



Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

12/20/12

01:00 PM

Present:

Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli,
George Hoehmann & Stephanie Hausner
Amy Mele, Town Attorney
Justin Sweet, Town Clerk

Proposed Local Law Entitled: "A Local Law Creating Chapter 41 (Planning Board and Amending Chapters 42 and 43)

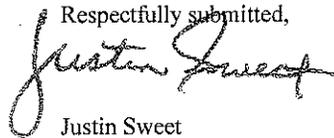
The Town Clerk read the notice of public hearing. On motion of Co. Hausner seconded by Co. Hoehmann the public hearing was opened.

The Supervisor opened the hearing for public comment. No one appeared.

There being no one wishing to speak, on motion of Co. Lasker seconded by Co. Borelli the public hearing was closed, time; 1:02 p.m.

RESOLUTION NO. (597-2012) ADOPTED

Respectfully submitted,



Justin Sweet
Town Clerk