

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

03/20/12

8:00 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.

Supervisor Gromack invited anyone wishing to speak on any agenda items to do so.

Amy Durbin, Congers

She inquired as to the amounts of the Tax Certiorari matters in Items 18a & b and asked for an explanation of Item 27, authorizing funds and Item 30, Remove Officers from County Narcotics and Intel Units.

Town Attorney Mele explained that Item 18a, regarding Bee-Liever Realty amounted to \$1,651.02 and Item 18b, regarding Bruno Frankel amounted to \$1,211.44 for the 2007/2008 year and \$701.58 for the 2008/2009 year. She explained that Item #27 is a resolution authorizing the issuance of \$235,000 in serial bonds for various improvements throughout the Town. Regarding Item 30, the Supervisor explained that the County has been negligent in reimbursing the Town when our officers participate in certain programs, therefore, this resolution insures that if we don't receive contracts in hand from the County and payment of the first three months, officers who have been part of these units will come back and work at the Clarkstown Police Station until those contracts are awarded by the County.

Steven Levine, Congers

Asked about Item 10, authorizing refunds of building permit fees. He expressed concerns that fees are not being applied uniformly and the Town may be losing money. He also asked about Item 25, Abandonment of Portion of Rose Road and Item 25b, Signage Removal.

Town Attorney Mele responded that we have recently put together a consolidated fee schedule which can be revised from time to time by Town Board resolution. Prior to doing that we sent the fees to each department for their recommendations and some were increased as a result. On the Rose Road abandonment, the section of the road being considered is a little piece next to the Jehovah's Witness property that was intended to be part of a cloverleaf onto Rte. 59 that never materialized. We got an appraisal on it, which Jehovah's Witness has agreed to pay for since they would like to add it to their site. Regarding Item 25b, removal of sign at Snake Hill Road at Palisades Center Drive, since the opening of the mall we have had a lot of residents' comments regarding the "No Right Turn" sign and the "No Left Turn" sign onto Snake Hill from Palisades Center Drive. Many of the traffic rules related to the Palisades Center zone change were put in place to examine at a later time to see if they were necessary. The public hearing is about the possibility of removing those signs, we don't know how the Board will vote, there is a workshop scheduled on April 3 at which our Traffic Consultant will present a report and give his position in connection with those signs.

Frank Grandel, New City

He inquired about Item 26, authorizing H2M feasibility study and inquired about more disclosure of the Town Board agenda items.

Regarding the feasibility study, the Town Attorney explained that there has been a change in the law which has given the Town two options to consider: one would be to put the solar field on the landfill itself, funding with municipal bonds and offsetting our electric bills, the other would be to bring in a contractor who would construct the solar fields at their cost and we would purchase the energy from them at a lower discounted rate. This feasibility study is being done to help us in choosing the right option with regard to our return on this investment. Regarding

disclosure of agenda items, the resolutions are now being put on the Town Clerk’s website on the Friday afternoon prior to a Town Board Meeting.

Ralph Sabatini, New City
Asked about Item 15d, Town of Ramapo Poor House

The Town Attorney explained that the Town of Ramapo purchased the Henry Varnum Poor House on South Mountain Road in connection with its open space program. They have requested tax exempt status from Clarkstown because they are using it for a town recreational/open space purpose. They satisfied the criteria of tax exempt status and we are granting that status tonight.

RESOLUTION NO. (98-2012)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the Town Board Minutes of February 7, 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. (99-2012)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k)of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A.,Catherine P. Graney, 94 Lenox Avenue, Congers, New York – Clerk Typist – Office of the Town Attorney – is hereby granted a Sick Leave of Absence at one-half pay – effective and retroactive to February 24, 2012 thru March 24, 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. (100-2012)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, John F. Kolka II, has requested a leave of absence, without pay, and
WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

NOW THEREFORE BE IT RESOLVED, that John F. Kolka, 141 Dara Lane, Stony Point,New York – Laborer – Sewer Department – is hereby granted three (3) months of Sick Leave of Absence , without pay, effective and retroactive to February 19, 2012 thru May 19, 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. (101-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Elizabeth R. Noonan, 1 Kings Court, Nanuet, New York – is hereby appointed to the (promotional) (provisional) position of Senior Clerk Typist – Police Records Department – at the current 2012 annual salary of \$46,877., - . effective March 26, 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. (102-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Edward Bertolino, 65 Kings Highway, Congers, New York – is hereby reappointed to the position of Member – Traffic and Traffic Fire Safety Advisory Board – at the current 2012 annual salary of \$2,800., effective and retroactive to March 1, 2012 to February 28, 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. (103-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Frank J. Berran, 12 Gail Drive, New City, New York – is hereby appointed to the position of Member – Sanitation Commission – (to cover the unexpired term of Paul Murray) at the current 2012 annual salary of \$3,400., term effective and retroactive to March 7, 2012 and to expire on February 15, 2015.

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. (104-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Vitino Errico,

NOW, therefore, be it

RESOLVED, that Vitino F. Errico, 18 Duane Avenue, New City New York, - is hereby appointed to the position of (Permanent) Police Officer – Clarkstown Police Department - at the current 2012 annual salary \$69,537., effective and retroactive to March 19, 2012.

RESOLUTION NO. (104-2012) continued

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. (105-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Kevin D. Shea, NOW, therefore, be it

RESOLVED, that Kevin D. Shea, 10 Sandpiper Drive, West Nyack, New York, is hereby appointed to the position of (Permanent) Police Officer – Clarkstown Police Department - at the current 2012 annual salary \$69,537., effective and retroactive to March 19, 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. (106-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the resignation of Christopher Martone, 5 Briarcliff Road, New City, New York – Member-Alarm Users - Board – is hereby accepted – effective March 16, 2012 at the end of the business day.

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. (107-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Christopher Martone, 5 Briarcliff Road, New City, New York – is hereby appointed to the position of Member - Traffic and Traffic Fire Safety Advisory Board – at the current 2012 annual salary of \$2,800.,effective March 20,2012 and to expire on February 20,2017.

RESOLUTION NO. (107-2012) continued

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. (108-2012)

Co. Hoehmann offered and Co. Lasker seconded

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

BID # 2-2012 – FIREWORKS DISPLAY

is hereby awarded to: PYRO ENGINEERING d/b/a BAY FIREWORKS
400 BROADHOLLOW RD, SUITE 3
FARMINGDALE, NY 11735

PRINCIPALS: SIGMUND ROSEN
as per their proposed total project cost of \$17,500.00 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
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of General Liability Insurance
- e) Certificate of Fireworks Display 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.

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. (109-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID #3-2012 – SWIMMING POOL CHEMICALS

is hereby awarded to: DUSO CHEMICAL CO., INC.
26 VAN KLEEK DRIVE
POUGHKEEPSIE, NY 12601

PRINCIPALS: DAVID LANDESMAN, PRESIDENT

RESOLUTION NO. (109-2012) continued

BEL-AQUA POOL SUPPLY INC.
 20 COMMERCE DRIVE
 NEW ROCHELLE, NY 10801
 PRINCIPALS: MARTIN SILVER
 SUSAN WISAN

COMMERCIAL CLEARWATER
 P.O. BOX 909
 PLANDOME, NY 11030
 PRINCIPALS: PAUL ROBERT MEILINK, PRESIDENT

WECHLSER POOL SUPPLY
 P.O. BOX 333
 THOMPSONVILLE, NY 12784
 PRINCIPALS: MICHAEL TAYLOR

as per the attached item/price 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. (110-2012)

Co. Hoehmann offered and Co. Lasker seconded

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

BID# 4-2012 – ATHLETIC FIELD AND TURF MAINTENANCE

is hereby awarded to: FIELD PRO ENTERPRISES, LLC
 17 WHITMAN PLACE
 MONROE, NY 10950

PRINCIPAL: NATALE NUOVO JR.

as per their proposed total cost of \$31,980.00 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 additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded

RESOLUTION NO. (110-2012) continued

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. (111-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID #5-2012 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

is hereby awarded to: JOHN DEERE LANDSCAPES
 1385 EAST 36TH STREET
 CLEVELAND, OH 44114-1849
 PRINCIPALS: A PUBLIC CORPORATION

PENNINGTON SEED, INC.
 9327 US ROUTE 1 SUITE J
 LAUREL, MD 20723
 PRINCIPALS: A PUBLIC CORPORATION

POLLACK PAINT INDUSTRIES, INC.
 119 WOODWORTH AVENUE
 YONKERS, NY 10701
 PRINCIPALS: ROBERT M POLLACK

as per the attached item/price 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. (112-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Environmental Control that

BID # 8-2012 – PUMP STATION UPGRADES
GREENBUSH/VAN DOREN/LONG CLOVE – **CONTRACT E**

is hereby awarded to: FANSHAWE d/b/a ROCKLAND ELECTRIC
 143 MAIN STREET – 1ST FLOOR
 NANUET, NY 10954
 PRINCIPAL: JOHN FANSHAWE

as per their proposed total project cost not to exceed \$515,200.00 plus 10% contingency and be it

RESOLUTION NO. (112-2012) continued

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 emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-9, and be it

FURTHER RESOLVED, that this project shall be funded through proceeds from an inter-municipal agreement with the Rockland County Sewer District #1.

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. (113-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Environmental Control that

BID # 8-2012 – PUMP STATION UPGRADES
GREENBUSH/VAN DOREN/LONG CLOVE – **CONTRACT G**

is hereby awarded to: JOGI CONSTRUCTION, INC.
355 EISENHOWER PARKWAY, SUITE 103
LIVINGSTON, NJ 07039

PRINCIPAL: GINA BECKER

as per their proposed total project cost not to exceed \$1,120,500.00 plus 10% contingency and be it

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

RESOLUTION NO. (113-2012) continued

- 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 emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-9, and be it

FURTHER RESOLVED, that this project shall be funded through proceeds from an inter-municipal agreement with the Rockland County Sewer District #1.

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. (114-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of the Department of Environmental Control that

BID # 11-2012 – 396 PLEASANT HILL DRIVE DRAINAGE IMPROVEMENTS

is hereby awarded to: GIRLS GONE GREEN, LLC
 617 NORTH BROADWAY
 UPPER NYACK, NY 10960

PRINCIPAL: JENNIFER CHAITIN, PRESIDENT

as per their proposed total project cost not to exceed \$48,754.00 plus 15% 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

RESOLUTION NO. (114-2012) continued

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-8765-400-409-0-88-1, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

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. (115-2012)

Co. Lasker offered and Co. Hausner seconded

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

BID#20-2012 –MAY PLACE STREAM CHANNEL REALIGNMENT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at _____ 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 Purchasing Department.

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. (116-2012)

Co. Hoehmann offered and Co. Lasker seconded

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 for the Mini-Trans bus system of the Town of Clarkstown, including Automobile Liability, Automobile Physical Damage Coverage, and Automobile Excess Liability Coverage, for a period of one year, commencing (retroactively) March 14, 2012 and expiring March 14, 2013, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$135,000.00 to be charged to Account No. CS 1910-420.

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. (117-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, as a result of Hurricane Irene, debris was deposited in the stream and has diverted the stream flow and eroded areas along private property, within the drainage easement, in the vicinity of 306 Old Mill Road, Valley Cottage, NY; and

WHEREAS, the Department of Environmental Control included the removal of the debris in the list of projects submitted to the Federal Emergency Agency (FEMA); and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors for removal of debris out of the center of the stream channel and make necessary repairs to the disturbed areas; and, of these, the proposal from

Danny Clapp Landscaping, P.O. Box 222 West Nyack, NY 10994

was the lowest amount;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire Danny Clapp Landscaping to perform the necessary work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$3,400 and shall be a proper charge to account # H 8764-409-0-87-1

BE IT FURTHER RESOLVED that this resolution shall be retroactive to February 15, 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. (118-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, on January 24, 2012, the Town Board adopted Resolution No. 55-2012 authorizing the Supervisor to enter into an amended agreement with H2M Group with respect to the Clarkstown Police Communication Tower site on Mountainview Avenue, Nyack, New York, and

WHEREAS, the Town Attorney’s Office found said amendment to the agreement was not necessary;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby rescinds Resolution No. 55-2012, with respect to an amended agreement with H2M Group for the Clarkstown Police Communication Tower site.

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. (119-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 532-2011 adopted by the Town Board on October 4, 2011, Bid No. 54-2009 was awarded to HVS, LLC (the "Contractor") for Mountainview Emergency Communications Tower Site Improvements (Contract E) for a total contract price of \$526,019.00 plus 10% contingency, and

WHEREAS, additional work is required by the Contractor associated with the new shelters, such as site grounding, relocation of the electrical transformer, installation of the primary electrical conduit and a new permanent fence, and

WHEREAS, change orders for said work have been submitted by the Contractor in the total amount of \$44,118.03, and

WHEREAS, the change orders have been reviewed by the Town Attorney, as well as the project engineer, who have deemed them acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the allowance for this project be increased from the original bid in the amount of \$526,019.00 to the new amount of \$570,137.03, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H-8741-400-409-0-78-41 with partial reimbursement by the County of Rockland and Orange and Rockland Utilities, Inc.

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. (120-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 533-2011 adopted by the Town Board on October 4, 2011, Bid No. 54A-2009 was awarded to Lorencin Contracting Corp. (the "Contractor") for Mountainview Emergency Communications Tower Site Improvements (Contract G) for a total contract price of \$418,000.00 plus 10% contingency, and

WHEREAS, additional work is required by the Contractor associated with the placement of RCA fill and site lighting on the adjacent area to allow for delivery and installation of the engine generator set and communication shelters, and

WHEREAS, a change order for said work has been submitted by the Contractor in the total amount of \$23,622.61, and

WHEREAS, the change order has been reviewed by the Town Attorney, as well as the project engineer, who have deemed it acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the allowance for this project be increased from the original bid in the amount of \$418,000.00 to the new amount of \$441,622.61, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H-8741-400-409-0-78-41 with partial reimbursement by the County of Rockland and Orange and Rockland Utilities, Inc.

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. (121-2012)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, the Central Nyack Drainage Project has increased the intensity of commercial traffic in Central Nyack, and

WHEREAS, the intersection of Gillis Avenue and West Broadway is the nucleus of this ongoing traffic intensity and serves as both a popular pedestrian way and school bus stop, and

WHEREAS, the Town Board wishes to improve traffic and pedestrian safety at this intersection,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install STOP SIGNS and STOP LINES in all four directions at the intersection of Gillis Avenue and West Broadway in Central Nyack, and

Be it FURTHER RESOLVED, that a copy of this resolution be forwarded to the Superintendent of Highways, the Chief of Police and the Traffic & Traffic Fire Safety Advisory Board for implementation, enforcement, and information, respectively.

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. (122-2012)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, parking near the intersection of New Hempstead Road on Eberling Drive, New City by commercial occupants has caused a hazard to drivers pulling into Eberling Drive, and

WHEREAS, this condition has been exacerbated by the Rockland County Highway Department’s current New Hempstead Road Project, and

WHEREAS, the Town Board wishes to improve traffic safety at this intersection,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install “NO PARKING HERE TO CORNER” signs on both sides of Eberling Drive, New City, on both sides at a distance of thirty (30) feet from the intersection of New Hempstead Road, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Superintendent of Highways, the Chief of Police and the Traffic & Traffic Fire Safety Advisory Board for implementation, enforcement, and information, respectively.

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. (123-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, Joan McMahon has requested a refund of Building Permit Fee (No. 12-127) paid in the amount of \$208.00 for property located at 35 Pine Street, New City, New York, more particularly described as Tax Map No. 43.16-1-41, because the building permit is no longer needed, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$100.00;

RESOLUTION NO. (123-2012) continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$108.00 of the total Building Permit fee paid in the amount of \$208.00, to Joan McMahon, 35 Pine Street, New City, New York, to be charged to Account No. B-02-6-2555-0.

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. (124-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, Martin J. and Stacy E. Brennan have requested a refund of Building Permit Fee (No. 12-208) paid in the amount of \$242.00 for property located at 80 Shetland Drive, New City, New York, more particularly described as Tax Map No. 51.15-2-6, and

WHEREAS, the Building Inspector has advised that the permit application was submitted in error and recommends a full refund of \$242.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$242.00 to Martin J. and Stacy E. Brennan to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Permit.

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. (125-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a segment of a Town road for a period of two (2) years, beginning March 20, 2012 to March 20, 2014, as follows:

Sponsor: Source Development Inc.
91 Ramapo Road
Garnerville, New York 10923

Road: .31 mile segment of Squadron Boulevard from
North Main Street to Route 304, New City

and

RESOLUTION NO. (125-2012) continued

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the above organization will perform a public service in removing trash from above roadway which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning March 20, 2012 to March 20, 2014, in a form approved by the Town Attorney and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the above organization, to remove trash from the roadway.

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. (126-2012)

Co. Borelli offered and Co. Lasker seconded

AUTHORIZING FIRE LANE DESIGNATIONS AT
Linsalato Property

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

632 Route 304
Nanuet, NY 10954
55-A-22.2
51.15-1-82

By the installation of fire lane designations, and

WHEREAS, Rosaura Linsalato, Owner, has requested that the Town of Clarkstown designate said fire lanes,

NOW, THEREFORE BE IT RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (127-2012)
Co. Borelli offered and Co. Lasker seconded

AUTHORIZING FIRE LANE DESIGNATIONS AT
Normandy Village Sec. VI

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

68 & 69 Normand Village
Nanuet, N 10954
13-A-10
64.09-1-8 & 11

By the installation of fire lane designations, and

WHEREAS, Kenneth Torsoe, Owner, has requested that the Town of Clarkstown designate said fire lanes,

NOW, THEREFORE BE IT RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (128-2012)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A School advance warning assembly, a S1-1 (with W16-9p) supplemental plaque beneath on both sides of Dickenson Avenue, Central Nyack. These signs as per the "Traffic Sign Handbook for Local Roads."

AND BE IT FURTHER RESOLVED, that the Town Clerk is directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (129-2012)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A Stop sign and a Stop Line on Lake Road at Christian Herald Road, Valley Cottage. A R-1 sign per the "Traffic Sign Handbook for Local Roads."

AND BE IT FURTHER RESOLVED, that the Town Clerk is directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (130-2012)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

"No Trucks" signs per sec. 215.3, signs R5-10 as per the NYS Manual of Uniform Traffic Control Devices. The Signs should be erected at the following locations:

- 1. On Brookside Avenue at Lake Road
- 2. On Brookside Avenue at Rte 303, Valley Cottage

AND BE IT FURTHER RESOLVED, that the Town Clerk is directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (131-2012)
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the West Nyack Fire engine Co. #1 Inc. has requested permission to have a licensed fireworks display on May 20, 2012 and hold a carnival on May 17, 2012 through May 20, 2012 at Germonds Park, West Nyack, NY, and

WHEREAS, Police Chief Michael Sullivan,, Clarkstown Police Department, Keith Garrabrant, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

RESOLUTION NO. (131-2012) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to West Nyack Fire Engine Co. # 1 to sponsor a fireworks display at Germonds Park on May 20, 2012 subject to the following conditions:

- 1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards, and
- 2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage, and
- 3. An onsite inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display, and
- 4. Provide a bond for the favor of the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law, and
- 5. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's March 14, 2012 memo, and
- 6. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

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. (132-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Chief of Police Michael Sullivan has advised that the Governor's Traffic Safety Committee, Department of Motor Vehicles, State of New York, has awarded \$9,315.00 to the Town of Clarkstown Police Department to participate in the statewide "Buckle Up New York" campaign, for the period October 1, 2011 through September 30, 2012;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Michael Sullivan, 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 \$9,315.00 for the purpose of participating in the statewide "Buckle Up New York" campaign for the period October 1, 2011 through September 30, 2012, by the Town of Clarkstown Police Department.

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. (133-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Clarkstown Police Chief Michael Sullivan, has advised that the State of New York Governor’s Traffic Safety Committee of the Department of Motor Vehicles, has awarded a grant to the Town of Clarkstown Police Department for the purpose of participating in the “Child Passenger Safety Program” for the period from October 1, 2011 through September 30, 2012, and

WHEREAS, the State shall provide \$2,750.00 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Michael Sullivan, 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 \$2,750.00 for the purpose of participating in the “Child Passenger Safety Program” for the period October 1, 2011 through September 30, 2012, by the Town of Clarkstown Police Department.

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. (134-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, a 2011-2012 Justice Accountability Grant has been offered to the Town of Clarkstown Police Department under Byrne/JAG funding by the New York State Division of Criminal Justice Services (DCJS #BJ11632629) for the purpose of financing the purchase of a Thermal Imaging Camera for the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$8,427.00 to the Town of Clarkstown Police Department for said camera;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Division of Criminal Justice Services to accept a grant award of \$8,427.00 to cover the financing of the purchase of a Thermal Imaging Camera for the Town of Clarkstown Police Department.

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. (135-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Town of Ramapo currently owns a house located at 92 South Mountain Road, New City, New York (more commonly referred to as the “Poor House”), which consists of approximately five (5) acres of land with a building, and

WHEREAS, the Town of Ramapo has requested a tax exemption pursuant to New York State Real Property Tax Law (RPTL) §406(2) because said property is being used as a public park, and

WHEREAS, the Town Board wishes to grant tax exempt status for the Town of Clarkstown’s portion of the taxes;

RESOLUTION NO. (135-2012) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the supervisor to enter into an agreement with the Town of Ramapo granting tax exempt status for Town of Clarkstown taxes only to the "Poor House" located at 92 South Mountain Road, New City, New York, and be it

FURTHER RESOLVED, that this resolution is retroactive to March 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. (136-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, Clarkstown Police Chief Michael Sullivan has advised that the State of New York Governor's Traffic Safety Committee of the Department of Motor Vehicles, has approved a grant application from the Clarkstown Police Department (STEP-2012 Clarkstown PD-00207-(044), for the purpose of participating in the "Selective Traffic Enforcement Program (STEP)" for the period from October 1, 2011 through September 30, 2012, and

WHEREAS, the State shall provide \$8,829.00 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Michael Sullivan, the Town Board hereby authorizes the acceptance of a grant award in the amount of \$8,829.00 from the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, on behalf of the Clarkstown Police Department, for the purpose of participating in the "Selective Traffic Enforcement Program (STEP)" for the period from October 1, 2011 through September 30, 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. (137-2012)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, a certain veterans' organization has requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility, \$250 for patriotic observance) to the following veterans' organization for the year 2012:

Jewish War Veterans – Post 720

and be it

RESOLUTION NO. (137-2012) continued

FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2012 Account No. A 6510-401.

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. (138-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Bee-Liever Realty Corp. v. The Town of Clarkstown, its Assessor and Board of Assessment Review, Index No(s). 8732/08 and 8137/09, affecting parcel designated as Tax Map 59.7-1-8 and more commonly known as 7 New Lake Road, Valley Cottage, New York for the year(s) 2008 and 2009, and

WHEREAS, the attorney for the petitioner(s) 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 Nyack Union Free 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(s) described on the assessment roll as Tax Map 59.7-1-8 be reduced for the year(s) 2008 and 2009 from \$388,700 to \$350,000 at a total cost to the Town of \$1,651.02;
2. Reimbursement for the year(s) 2008 and 2009 on the parcel described as Tax Map 59.7-1-8, as stated above, be made within sixty (60) 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;

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

RESOLUTION NO. (139-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Bruno Frankel v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and the Board of Assessment Review, Index No(s). 5929/07, 7093/08, 6786/09 and 31308/11, affecting parcel designated as Tax Map 65.35-1-12 and more commonly known as 26-28 Upper Depew Avenue, Nyack, New York for the year(s) 2007/08, 2008/09, 2009/10 and 2011/12, and

WHEREAS, the attorney for the petitioner(s) 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 Nyack 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(s) described on the assessment roll as Tax Map 65.35-1-12 be reduced for the year(s) 2007/08 from \$400,000 to \$330,000 at a cost to the Town of \$1,211.44;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.35-1-12 be reduced for the year(s) 2008/09 and 2009/10 from \$400,000 to \$380,000 at a cost to the Town of \$701.58;
3. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.35-1-12 for the year(s) 2011/12;
4. Reimbursement for the year(s) 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 65.35-1-12, as stated above, be made within sixty (60) 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;
5. 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. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (140-2012)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 20, 2012, AMENDING THE BOND RESOLUTION ADOPTED OCTOBER 18, 2011

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized the construction of drainage improvements in Central Nyack at the estimated maximum cost of \$5,330,000, which amount was appropriated for such purpose pursuant to the bond resolution adopted by the Town Board on October 18, 2011; and

RESOLUTION NO. (140-2012) continued

WHEREAS, the Town Board has determined that it is in the best interest of the Town to increase the principal amount of bonds authorized to be issued from \$5,330,000 to \$5,850,000 for the purpose of including the cost of planning in connection with such project; and

Now , therefore, be it

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

Section (A) The Bond Resolution of said Town adopted by the Town Board on October 18, 2011, entitled:

“Bond Resolution of the Town of Clarkstown, New York, adopted October 18, 2011, authorizing the construction of drainage improvements in Central Nyack, stating the estimated maximum cost thereof is \$5,330,000, appropriating said amount for such purpose, and authorizing the issuance of \$5,330,000 serial bonds of said Town to finance said appropriation,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED OCTOBER 18, 2011 AND AMENDED MARCH 20, 2012, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS IN CENTRAL NYACK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,850,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$5,850,000 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 drainage improvements in Central Nyack, including planning in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,850,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$5,850,000 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 \$5,850,000 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. 4 of the Law, is forty (40) 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.

RESOLUTION NO. (140-2012) continued

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 the issuance 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 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. The Town Clerk of said Town of Clarkstown is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "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 March 20, 2012 the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the bond resolution adopted by said Town Board on October 18, 2011, which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted October 18, 2011 and amended March 20, 2012, authorizing the construction of drainage improvements in Central Nyack, stating the estimated maximum cost thereof is \$5,850,000, appropriating said amount for such purpose, and authorizing the issuance of \$5,850,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (140-2012) continued

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

FIRST: AUTHORIZING said Town to construct drainage improvements in Central Nyack, including planning in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$5,850,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$5,850,000 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;

SECOND: AUTHORIZING the issuance of \$5,850,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) 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 \$5,850,000 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.

DATED: March 20, 2012

JUSTIN SWEET
Town Clerk

Section (B) The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution as originally adopted, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C) Said bond resolution, as herein amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval, is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted October 18, 2011, shall not be in any way affected and shall remain in full force and effect.

Section (D) After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in summary, in the newspaper hereinabove referred to in Section 7 thereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (E) This resolution shall take effect immediately.

* * *

RESOLUTION NO. (140-2012) continued

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. (141-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown desires to provide an enhanced emergency notification system within the Town, and

WHEREAS, Everbridge, Inc. of 505 North Brand Blvd, Suite 700, Glendale, CA 91203 has the ability to provide a high speed notification system through land lines, cell phones and e-mails to residents within the Town, and

WHEREAS, Everbridge, Inc. currently has a contract with the New York State Office of General Services under New York State OGS Contract PS64719, and

WHEREAS, Clarkstown Police Captain Anthony Ovchinnikoff and Robert Berdy, Authorized Purchasing Agent, have recommended that the Town enter into a contract with Everbridge, Inc. for a five (5) year term in which the payments would be made as follows:

Year 1	\$43,816
Year 2	\$38,605
Year 3	\$38,605
Year 4	\$38,605
Year 5	\$38,605

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an contract with Everbridge, Inc. for a five (5) year term, in a form approved by the Town Attorney, to provide an emergency notification system for the amounts stated above, and be it

FURTHER RESOLVED, that such fees shall be a proper charge to the Police Operating Budget.

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. (142-2012)

Co.Hausner offered and Co. Hoehmann seconded

RESOLVED, that Kenneth M. Bernstein is hereby designated to conduct a disciplinary hearing in connection with the departmental charges dated November 28, 2011 against Police Officer .

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. (143-2012)
Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that Kenneth M. Bernstein is hereby designated to conduct a disciplinary hearing in connection with the departmental charges dated January 18, 2012 against Sergeant

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. (144-2012)
Co Lasker and Co. Hoehmann seconded

WHEREAS, Clarkstown Police Officer Rodney Picott was issued departmental disciplinary charges dated May 6, 2011, and

WHEREAS, Officer Picott was afforded a hearing before a neutral hearing officer which was conducted on November 2, 2011 and January 6, 2012, and

WHEREAS, the hearing officer issued his Findings and Advisory Recommendation dated March 12, 2012, and

WHEREAS, the Town Board examined the Findings and Advisory Recommendation of the hearing officer which sustain the charges and recommend in favor of the proposed penalty of a three (3) day unpaid suspension, and

WHEREAS, the Town Board determined that the Findings and Advisory Recommendation are fair and appropriate;

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds Officer Rodney Picott guilty of the disciplinary charges and adopts the hearing officer's recommendation that the penalty shall be a three (3) day unpaid suspension.

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. (145-2012)
Co. Hausner offered and Co. Hoehmann seconded

Whereas, the Town Board of the Town of Clarkstown has previously, via resolution #117-2005, authorized the Director of the Department of Environmental Control to retain the services of McLaren Engineering Group of West Nyack to perform engineering, surveying and design services for the Quaspeck Park Drainage Improvement Project; and

Whereas, as part of this work, McLaren Engineering Group prepared the Stormwater Pollution Prevention Plan (SWPPP) for the subject project as required by the NYSDEC SPDES permit; and

Whereas, as a condition of the NYSDEC SPDES permit, regular site inspections and assessments of the erosion and sediment controls identified in the SWPPP must be performed to ensure that they are being maintained in effective operating conditions at all times; and

RESOLUTION NO. (145-2012) continued

Whereas, the Department of Environmental Control has negotiated a proposal with McLaren Engineering Group to perform the site inspections and assessments and prepare all documents required for this work in accordance with NYSDEC SPDES General Permit #GP-0-10-000;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes an increase in the allowance for engineering services for the subject project in accordance with McLaren Engineering Group's proposal in the amount of **\$17,900.00** to cover the costs associated with this increase in the scope of work; and

Be It Further Resolved that this shall be a proper charge to account # **H 8755 – 409 – 0 – 79 – 1**.

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. (146-2012)

Co. Borelli offered and Co. Hausner seconded

Whereas, as a result of Hurricane Irene in August of 2011, a substantial amount of sediment and debris was deposited in the south side of the existing twin box culvert located on Green Avenue in Valley Cottage, at the inlet to said twin box culvert and for approximately 300 linear feet downstream of the outlet of said twin box culvert; and

Whereas, the quantity of sediment and debris limited the capacity of the culvert and improved stream channel; and

Whereas, the Department of Environmental Control included the removal of this sediment and debris in the list of projects submitted to the Federal Emergency Management Agency (FEMA); and

Whereas, the Department of Environmental Control solicited proposals from three (3) qualified contractors to remove the accumulated sediment and debris from within the culvert and at the culvert inlet and downstream from the culvert outlet and to dispose of said sediment and debris in accordance with all Federal, State and Local regulations; and

Whereas, the Department of Environmental Control received three (3) responses to its solicitation and, upon review, found them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

MRJ Excavating, Inc.
7 Beaver Court
New City, New York 10956

to perform the work as described above in accordance with their proposal in the amount of **\$13,800.00**; and

Be It Further Resolved that this shall be a proper charge to account # **H 8764-409-0-87-1**; and

Be It Further Resolved that this resolution shall be retroactive to February 15, 2012.

RESOLUTION NO. (146-2012) continued

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. (147-2012)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, an application has been made by New York Congregation of Jehovah’s Witnesses that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare that a certain improved portion of a right-of-way known as Rose Road, West Nyack, New York, as described in the metes and bounds description attached as Schedule “A,” upon the grounds that same is unnecessary for highway purposes, and therefore the portion of said road may be deemed abandoned, and

WHEREAS, said road 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 desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law, and deletion of said portion of Rose Road from the Official Map of the Town of Clarkstown, as described above, pursuant to Section 273 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on April 17, 2012, 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 deletion of same from the Official Map, and be it

FURTHER RESOLVED, that the Town Attorney 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 the applicant 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.

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. (148-2012)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, based on requests from residents, the Town Board wishes to review the turn restrictions signage at the intersection of Snake Hill Road and Palisades Center Drive North, West Nyack, New York, and to allow for public input on removing the signage restrictions at said intersection;

RESOLUTION NO. (148-2012) continued

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on April 17, 2012, at 8:00 p.m., or as soon thereafter as possible, to consider removing the signage restrictions at the intersection of Snake Hill Road and Palisades Center Drive North, West Nyack, and be it

FURTHER RESOLVED, that the Town Attorney shall prepare notice of such hearing and that the Town Clerk shall 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.

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. (149-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town Board has requested H2M Group to perform a feasibility study regarding the installation of solar panels at the Clarkstown Landfill, and

WEHREAS, the Town Board has received a proposal from H2M Group, dated March 13, 2012, to prepare a feasibility study with regard to issues, such as, initiatives available, construction, installation, funding and approvals of said project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to retain H2M Group, 254 South Main Street, Suite 400, New City, New York, to conduct a feasibility study for the installation solar panels at the Clarkstown Landfill, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$38,600.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that Sylvia Welch, Town Grant Writer, is hereby directed to apply for grant funding from NYSERDA and any other entity to cover the cost of said study.

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. (150-2012)

Co. Lasker offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 20, 2012, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$235,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$235,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

RESOLUTION NO (150-2012) continued

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 various drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$235,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$235,000 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 \$235,000 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. 4 of the Law, is forty (40) 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 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,

RESOLUTION NO. (150-2012) continued

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 March 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 March 20, 2012, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$235,000, appropriating said amount for such purpose, and authorizing the issuance of \$235,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various drainage improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$235,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$235,000 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;

SECOND: AUTHORIZING the issuance of \$235,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) 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 \$235,000 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.

DATED: March 20, 2012

Justin Sweet
Town Clerk

RESOLUTION NO. (150-2012) continued

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. (151-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town Board, on its own motion, wishes to consider removing Blauvelt Avenue, Hamlet of Nanuet from the Town’s Official Map, pursuant to §273 of Town Law, and

WHEREAS, the unimproved mapped Blauvelt Avenue runs south from 25 Highview Avenue (64.9-3-3) to 31 Highview Avenue (64.9-3-6) for approximately 350 feet and is a 50 foot wide unimproved mapped street;

NOW, THEREFORE, be it

RESOLVED, that a copy of this resolution be referred to the Clarkstown Planning Board for their report and recommendation, and be it

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

FURTHER 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, New York, on May 15, 2012, at 8:00 P.M., or as soon thereafter as possible, pursuant to §273 of the Town Law, to consider this amendment to the Official Map, and be it

FURTHER RESOLVED, that the Town Attorney provide such notice 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

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. (152-2012)
Co. Hoehmann offered and Co. Lasker 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:

WALSH CONTRACTING d/b/a VALUE SEWER & DRAIN SERVICES
124 Maple Avenue
New City, NY 10956
William Walsh, President

CARMELO SCAFFIDI & SONS BLACKTOPPING, INC.
26 Dickens Street
Stony Point, New York 10980
Danny Scaffidi, Vice-President

DeSIMONE & SONS
35 Madison Avenue
Garnerville, New York 10923
Maurizio DeSimone, Treasurer

NOW, THEREFORE, be it

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

- 12-31 WALSH CONTRACTING d/b/a VALUE SEWER & DRAIN SERVICES
- 12-32 CARMELO SCAFFIDI & SONS BLACKTOPPING, INC.
- 12-33 DeSIMONE & SONS

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. (153-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the shared narcotics and intel programs have been largely successful, enabling the Town of Clarkstown to leverage resources to prevent crime, and

WHEREAS, the County has in years past reimbursed the Town for the full cost of four (4) police officers assigned to these units, and

WHEREAS, the County has provided the Town with neither payment for the first quarter of 2012, nor any sort of contract for 2012, and by all appearances is in deep financial trouble, and

WHEREAS, the County has also eliminated or threatened to eliminate funding for numerous Countywide programs that have traditionally, and correctly, been fully funded by the County, including, but not limited to

- 1. the Countywide mosquito control program;
- 2. the Board of Elections costs; and
- 3. the County-owned animal shelter

and

WHEREAS, the Towns cannot, and should not, assume these costs, and

RESOLUTION NO. (153-2012) continued

WHEREAS, it is possible that if the county fails to get Albany to allow a sales tax increase, the County could cut the narcotics/intel programs and any other budget items it is legally entitled to cut, so the continuation of this and other programs are in doubt for 2013, and

WHEREAS, the Town Supervisors have attempted to negotiate with the District Attorney and the County for full reimbursement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown joins the other four Towns in the following proposition to the County/DA's Office:

The Town of Clarkstown will remove its police officers from full participation in the joint taskforces on narcotics and intel on April 15th if the County does not provide 1) a contract for 2012 which provides for 100% reimbursement of the Town's cost, and 2) reimbursement for the first quarter of 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. (154-2012)

Co. Hausner offered and Co. Borelli seconded

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 shops at Nanuet site plan/subdivision (63.8-3-2, 3, 6, 7, 8, 9.1 and 57.20-2-59), Retail Property Trust has provided a stormwater control facility maintenance agreement and an intersection monitoring agreement, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyances; and the Town Attorney has advised that the 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 intersection monitoring agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the aforementioned documents from Retail Property Trust in connection with The Shops at Nanuet site plan/subdivision and orders the stormwater control facility maintenance agreement 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. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (155-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, pursuant to Resolution No. 433-2010 adopted by the Town Board on August 24, 2010, the Normandy Village Company gratuitously conveyed Unit 8 in Building 20 in Normandy Village Section II to the Town of Clarkstown for rental to emergency service volunteers, and

RESOLUTION NO. (155-2012) continued

WHEREAS, the Rockland Housing Action Coalition, Inc. submitted a proposal to act as the Town's Affordable Housing Administrative Consultant to market and rent Unit 8 in Building 20;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby accepts the proposal from the Rockland Housing Action Coalition, Inc., dated March 20, 2012, to act as the Town's Affordable Housing Administrative Consultant with respect to Unit 8 in Building 20 in Normandy Village Section II, and be it

FURTHER RESOLVED, that said proposal submitted by the Rockland Housing Action Coalition, Inc. shall serve as the basis for the preparation of an agreement, in a form approved by the Town Attorney, and the Supervisor is hereby authorized to execute same on behalf of the Town, and be it

FURTHER RESOLVED, that the fee for such service shall not exceed \$500.00 and shall be a proper charge 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

The Supervisor opened up the meeting for general public comments.

Tom Nimick, New City

He spoke about Resolution #38-2012 regarding the hiring of Mr. Savino. He stated that he felt there were contradictions about whether or not the decision to hire Mr. Savino was made at an Executive Session and spoke about the possibility of an open meetings law violation.

Steven Levine, Congers

Submitted 2 photos of property 139 & 141 Massachusetts Ave and gave a brief history of problems with those properties and spoke of his frustration in getting answers regarding the status of same.

Michael Hall, Bardonia

He asked for clarification of Executive Sessions with regard to the Open Meetings Law and suggested that Resolution #38-2012 is vulnerable to being voided in Court for violating the open meetings law.

Benson Blake, Nyack

He stated that the Central Nyack retention dam project has gone forward regardless of public outcry. He complained about environmental habitat destruction, clear cutting and stripping the area. He stated there was no environmental impact study done and non-compliance as far as public announcements and notification to Town of Orangetown.

Ralph Sabatini, New City

Regarding the Central Nyack Retention basin, he asked for clarification as it appeared that 3 acres of the property was taken for use, however, if you look at the conversion and alienation document they talk about 9.74 acres.

The Town Attorney Mele clarified that the decision to eliminate Ms. Coopersmith's position and the decision to hire Mr. Savino were both done at regularly scheduled public meetings and were voted on by this Board in the presence of the public. She disagreed with Mr. Nimick's argument and respectfully submitted that to take that argument to its most logical conclusion would bring government to a standstill. As the administrative head of the Town of Clarkstown, Supervisor Gromack does things every day that have to do with the operations of the Town. He need not get permission from the Town Board to do everything that he does as part of his job. She also

clarified that the Town of Clarkstown is very good at complying with the open meetings law and cited numerous examples. She clarified that in addition to being able to discuss personnel matters in Executive Session, advice of counsel is exempt from the open meetings process. She stated that the matters discussed in Executive Sessions are discussed there for a reason and she is confident and comfortable in the manner in which Ms Coopersmith was terminated and Mr. Savino was retained.

She responded to Mr. Levine that with everything going on with Massachusetts Avenue, it is not in anyone's best interest to discuss this matter in an open public meeting. She stated they have been working to resolve this issue and invited Mr. Levine to call her to discuss it.

Regarding the project in Central Nyack, Supervisor Gromack stated that the citizens asked the Town to do something to alleviate flooding problems in this area. There have been 12 to 14 public meetings in Central Nyack and Town Hall where various options were discussed. Use of this property is consistent with the Town's open space policy. Residents are very supportive and when the project is done there will be over 500 trees and plantings and a walking path and it will do the job it was intended to do.

The Town Attorney added that Orangetown was notified properly and this is documented. It has been the topic of at least a dozen meetings that were published in the press; it was also discussed at civic association meetings. She stated there was an environmental impact statement done, this was not done nefariously and they chose the plans that had the least environmental impact. The only reason we sought alienation legislation was because the former Town Attorney put the word "parkland" in the deed. We could have put a baseball field with lights and clear cut for that purpose but we knew it wasn't supposed to be that so we sought the alienation legislation in an effort to be as careful as possible, which was the subject of a public hearing. Regarding Mr. Sabatini's question about 3 acres versus the 9.74 acres, they were two separate issues. The 3 acres was for wetland mitigation and that was an agreement with United Water; the 9.47 acres were the offset for the parkland alienation.

There being no one further wishing to be heard, the Supervisor made the following statement:

Tonight the Town Board and I would like to close the meeting in remembrance of the 40th anniversary of the March 24, 1972 Congers train/school bus accident. The Congers bus crash is known as the worst school bus accident in New York State history killing 5 Nyack High School students and injuring 44 children and the bus driver.

Many new State laws were created as a result of the accident including bus driver qualifications and training, school bus construction specifications, safety protocols for buses at rail crossings, and child safety on buses with a no standing law and required seatbelts.

Emergency response also changed as a result of the accident. Police and emergency workers in Rockland now have radios that work independently of police headquarters. Schools buses are equipped with radios, and drivers are expected to keep in constant touch with their dispatchers. Local hospitals are now better prepared to handle mass emergencies such as this and trauma counseling is now part of emergency response.

For those we lost in this tragic accident and their families we close this meeting in remembrance of them.

On motion of Co. Hoehmann seconded by Co. Hausner, the Town Board meeting was adjourned, time: 8:59 pm.

Respectfully submitted,

Justin Sweet
Town Clerk