

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/10/2013

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

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

SPECIAL PRESENTATIONS:

NANUET GIRLS 10-11 ALL-STAR SOFTBALL TEAM

The following members of the Nanuet Girls 10-11 All-Star Softball team were presented certificates in recognition for their achievements as New York State Champions:

Carina Bucci	Gena Lanoce	Ciara Saxton
Julia Considinel	Morgan Lowther	Lexie Scaccio
Juliana D'Alessandro	Madison McCarney	Olivia Strohmeier
Katie Healy	Jules McPadden	
Krystina Jorgensen	Annalise Moliterno	

Team Manager, John D'Alessandro; Coaches, Sue Lanoce, Al Lowther & Christin Reinmuth

NEW CITY GENERALS BOYS U-8 BASEBALL TEAM

The following members of the New City Generals Boys' U-8 Baseball team were presented certificates in recognition of their achievements as New York State Champions:

Kevin Blum	Colin Hackett	Andrei Risko
Ryan Cullen	Jacob Hernandez	Joseph Salerno
Owen Daly	Michael Korchinski	Zachary Selfon
Lukas Egenhauser	Melvin Matias	

Team Manager, Steve Blum; Coaches, Pat Cullen, Jim Daly, Marc Selfon

On behalf of the Town all of the children were congratulated by the Town Board.

The Town Clerk read the following letters:

- From Mr. Thomas Parliament of New City - thanking the Board for the great fireworks show at the Nanuet High School.
- From the Congers Board of Fire Commissioners - thanking the Board for their help in fixing their sidewalk.
- From Cecilia Halverson, Director, Homeaides of Rockland - complimenting the Town on the new, accessible New City streetscape.
- From resident, Prasanna Patal - thanking Mr. Epstein and Mr. Lauria for their help in resolving a trash collection problem at Capitol Court and Donna Street.
- From resident, Lesley Bornstein, - expressing appreciation for the considerate and professional response of Police Dispatcher Davidson and Officers Woolley, McTigue and Miller during a recent incident.
- From residents, Irene and Bill Ryan - complimenting the lifeguard staff for their professional and sympathetic behavior in response to a recent injury incurred by their grandson at Lake Nanuet.

- From Mary Rizzuti of Congers, complimenting Rich Westerfelt of the Environmental Department on his professionalism as the lead person on the Old Haverstraw Road project.

On motion of Co. Hoehmann, seconded by Co. Lasker the continuation of the public hearing: Re: Application of Rockland Jewish Community Center Corporation for a Special Permit for Outdoor Recreation was opened, time: 8:31 pm, closed, 8:36 pm

RESOLUTION NO.(331-2013) ADOPTED

Steven Levine, Congers
Had questions about Item 5, a diversion berm at Braemar Condominiums.

Marge Hook, New City
She asked for further explanation of Item 7c, Street Sweeper and 13, Reclassification in the Recreation Department.

Tom Nimick, New City
He asked about Item 13a, reclassification, Item 14, license agreement and Item 15, tax certiorari.

The Supervisor explained the need for the berm referred to in Item 5 and stated that Item 7c was funding for a Street Sweeper which was requested by the Highway Superintendent a few months ago. Joanne Petersen, Superintendent of Parks and Recreation, explained the reclassification. Joel Epstein, Code Enforcer, explained that Item 14 was a standard license agreement allowing for a gravel driveway installation over a town easement where the resident acknowledges that we can go in and maintain our easement if necessary. The Town Attorney explained the particulars of the tax certiorari settlement with Double H-NGW referred to in Item 15.

RESOLUTION NO. (331-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, Rockland Jewish Community Center Corporation, by its attorney Donald S. Tracy, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17T of the Zoning Local Law, to utilize additional lands known as Tax Maps 58.19-1-11 and 58.19-1-9.26 and located at 450 West Nyack Road, West Nyack, New York, which consists of the subject property and part of the adjacent property owned by the Clarkstown Central School District, for outdoor recreation, and

WHEREAS, the Clarkstown Central School District, by resolution adopted June 17, 2013, found that the application is consistent with the intent of the license agreement entered into between the parties and has no objection to the application, and

WHEREAS, after due notice was published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on August 20, 2013 and continued to September 10, 2013 to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Jose Simoes, Town Planner, which states that the proposal is an Unlisted Action that will not have the potential to adversely affect the environment, and

WHEREAS, the Town Board has discussed and considered Mr. Simoes' report in making its decision herein, and

WHEREAS, the Rockland County Planning Department recommended approval with certain modifications by letter dated July 24, 2013, and

WHEREAS, as per the Rockland County Planning Department's recommendation, the matter was referred to the New York State Thruway Authority for any required permits and the Palisades Interstate Park Commission for their comments, and

WHEREAS, the New York State Thruway Authority, by letter dated August 9, 2013, deferred this matter to the Town, and the Palisades Interstate Park Commission's comments, by letter dated August 9, 2013, have already been addressed, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated July 31, 2013, recommended approval with certain recommendations, which the Board has considered in making its determination herein;

RESOLUTION NO. (331-2013) continued

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes, Town Planner, dated August 14, 2013, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit for the Rockland Jewish Community Center Corporation will not have a significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town; and
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct Outdoor Recreation on the above described property owned by the Rockland Jewish Community Center Corporation and the Clarkstown Central School District is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-11(C) and Section 290-17(T) of the Zoning Ordinance of the Town of Clarkstown;
2. A partial site plan for the soccer field must be submitted to the Town of Clarkstown Planning Board for approval;
3. The site plan should show that there is adequate parking on the site for the proposed use along with all of the other uses on the property;
4. The Special Permit should be limited as far as the license agreement with the school. If the license agreement were to be revoked, the Special Permit shall no longer be valid, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (332-2013)

Co. Lasker offered and Co Borelli seconded

RESOLVED, that Special Town Board Minutes of July 29, 2013 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. (333-2013)
Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that Margarita A. Sandoval, 5 North Fairview, Nanuet, New York – is hereby appointed (provisional) (promotional) to the position of Senior Records Clerk Typist (Law Enforcement) – Police Department – at the current 2013 salary of \$64,974 – effective September 10, 2013.

On roll call the vote was as follows:

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

RESOLUTION NO. (334-2013)
Co. Lasker offered and Co. Hausner seconded

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

BID # 10-2013 – MAPLE ROAD DRAINAGE IMPROVEMENTS

is hereby awarded to: MARINI BROS. CONSTRUCTION CO., INC.
 9 LAFAYETTE STREET
 HACKENSACK, NJ 07601

PRINCIPAL: MIKE DANIELE, PRESIDENT

as per their proposed total project cost not to exceed \$57,455.55 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

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-8766-400-409-0-89-2, 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. (337-2013)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, certain units of the Braemar condominium complex experience flooding as a result of runoff from Virginia Street and Carolina Drive, and

WHEREAS, the Department of Environmental Control has prepared a plan for the construction of a diversion berm along the westerly property line of the condo complex to divert the runoff; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to construct the berm, and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation, and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Danny Clapp Landscaping, Inc. and has found it to be acceptable, and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Danny Clapp Landscaping, Inc. for their low proposal of \$8,795.00;

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of Danny Clapp Landscaping Inc., to perform this work in accordance with their proposal for an amount not to exceed \$8,795.00, and be it

FURTHER RESOLVED, that this amount shall be a proper charge to Account No. H 8766 409 0 89 6.

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. (338-2013)

Co. Hausner offered and Co. Hoehmann seconded

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

Cedar Grove Corners Condos
 46 Corners Road
 Congers, NY 10920
 129-A-42.10
 35.15-1-11

By the installations of fire lane designations, and

WHEREAS, Jerry W. Perry, President, H.O.A., has requested that the Town of Clarkstown designate said fire lanes:

RESOLUTION NO. (338-2013) continued

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 lane 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. (339-2013)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 10, 2013, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE WEST NYACK STORMWATER MANAGEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$450,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$450,000 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 prepare plans and specifications in connection the West Nyack Stormwater Management Project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$450,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$450,000 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 \$450,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) 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 not exceed five (5) years.

RESOLUTION NO. (339-2013) 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 bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (340-2013)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 10, 2013, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON MAPLE ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$66,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$66,000 TO FINANCE SAID APPROPRIATION

RESOLUTION NO (340-2013) 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 drainage improvements on Maple Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$66,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Town in the principal amount of \$66,000 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. Bonds of the Town in the principal amount of \$66,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 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,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

RESOLUTION NO. (340-2013) continued

- (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 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 September 10, 2013, 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 September 10, 2013, authorizing the construction of drainage improvements on Maple Road, stating the estimated maximum cost thereof is \$66,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$66,000 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 drainage improvements on Maple Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$66,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds of the Town in the principal amount of \$66,000 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 bonds of the Town in the principal amount of \$66,000 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 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 bonds will exceed five (5) years;

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

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

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

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

RESOLUTION NO. (340-2013) 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. (341-2013)

Co. Hoehmann offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 10, 2013, AUTHORIZING THE ACQUISITION OF A STREET SWEEPER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$200,000 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 acquire a street sweeper. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$200,000 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 \$200,000 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. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and

RESOLUTION NO. (341-2013) continued

provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (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 September 10, 2013, 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 September 10, 2013, authorizing the acquisition of a street sweeper, stating the estimated maximum cost thereof is \$200,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$200,000 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 acquire a street sweeper; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$200,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$200,000 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 \$200,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

RESOLUTION NO. (341-2013) continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$200,000 serial bonds will exceed five (5) years;

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

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

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

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

* * *

On roll call the vote was as follows:

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

RESOLUTION NO. (342-2013)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Town has received \$3,845.75 from seized property and \$2,510.54 from Simon Construction Group

NOW THEREFORE BE IT, FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (General-Seized Property) and increase Expense Account A-3120-307-0 (Police-Uniforms) by \$3,845.75 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) and increase Expense Account A-3120-293-0 by \$2,510.54 and

WHEREAS, certain accounts need additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease Expense Account A-1990-505-0 (Contingency-Other Costs) and increase Expense Account A-8511-319-0 (Community Beautification-Misc Supplies) by \$10,000.

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. (343-2013)
Co. Borelli offered and Co. Hausner seconded

WHEREAS, Town Board Resolution 384-2012 awarded bid #30-2012; Windgate Drive/Paramount C.C. Drainage Improvements to Victor P. Zugibe, Inc.; and

WHEREAS, The Country Club and adjacent property owners raised concerns about the aesthetic impact of an earthen berm which was to be constructed as part of the project; and

WHEREAS, The Department of Environmental Control has revised the plan to lower the proposed berm elevation and create a detention pond on the country club property; and

WHEREAS, a change order request for the additional work was submitted by Victor P. Zugibe, Inc. for the following:

Strip, stockpile and re-spread topsoil in location of proposed detention pond:	\$6,700.00
Excavation and disposal of ±4,000 cubic yards for the construction of a detention pond on country club property:	\$59,100.00
Underdrain pipe to be installed in new detention pond:	<u>\$5,650.00</u>
Total Change Order Cost:	\$71,450.00

WHEREAS, the change order has been reviewed by the Department of Environmental Control and found acceptable; and

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from \$80,155.00 to \$151,605.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H-8765-400-409-0-88-17

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. (344-2013)
Co. Lasker offered and Co. Hoehmann 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 continue to adopt the below segment of a town road for an additional period of two (2) years, beginning August 14, 2013 to August 14, 2015, as follows:

Sponsor: Housecraft Inc.
60 South Main Street, Suite 8
New City, NY 10956

RESOLUTION NO. (344-2013) continued

Road: 0.5 mile segment of Cairnsmuir Lane
from Congers Road to Strawtown Road,
New City, NY 10956

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning August 14, 2013 to August 14, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by the above named, to remove trash from the roadways.

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. (345-2013)

Co. Lasker offered and Co Borelli seconded

WHEREAS, complaint was recorded from the Owner at the subject parcel, and
WHEREAS, installation of trench drain at the affected parcel has been determined to be the solution to said complaint, and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform said installation of trench drain, and

WHEREAS, the lowest priced proposal was received from Cal Mart Enterprises Inc. in the amount of \$13,831.00,

NOW THEREFORE, BE IT RESOLVED that the Town Board awards the work for
INSTALLATION OF TRENCH DRAIN, 182 WEST MARY LN, VALLEY COTTAGE, NEW YORK to Cal Mart Enterprises Inc. for their proposal price of \$13,831.00, and

BE IT FURTHER RESOLVED that the for such installation shall be a proper charge to Account No. H 8755-400-409-0-79-1.

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. (346-2013)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, the existing sanitary sewer main in Lake Nanuet Park is currently being replaced,
and

WHEREAS, in the course of performing the work, additional labor and associated work was required in connection with the required work as follows:

RESOLUTION NO. (346-2013) continued

- 1. C.O. #1 - Additional labor, equipment and materials associated with the extension of the proposed storm drainage system "A" for a total cost of \$9,574.56
- 2. C.O. #2 – Additional labor, equipment and materials associated with the installation of a new access driveway from the parking lot to the new siphon chamber adjacent to the Naurashaun Brook required for routing maintenance for a total cost of \$27,100.56

WHEREAS, the Contractor for the Town has submitted the proposals for the miscellaneous additional work, and

WHEREAS, the Town’s Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work is \$36,675.12.

NOW, THEREFORE, BE IT

RESOLVED, that Change Orders #1 and #2 for Project CLKT 1203 is approved for the additional cost of \$36,675.12, and

BE IT FURTHER RESOLVED, that the total cost for Contract "G" General Construction shall not exceed \$535,173.12, and

BE IT FURTHER RESOLVED, that the cost for the project is being reimbursed by 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. (347-2013)
Co. Borelli offered and Co. Hausner seconded

WHEREAS, the existing North Greenbush Road, Van Doren Court and Long Clove Road Pump Stations are currently being replaced, and

WHEREAS, in the course of performing the work, additional labor and associated work was required in connection with the required work as follows:

- 1. C.O. #1 - Additional labor and equipment associated with the relocation of an existing storm drainage culvert adjacent to the Van Doren Court Pump Station for a total cost of \$45,621.42
- 2. C.O. #2 - Additional mobilization and equipment rental costs in connection with construction of the North Greenbush Road Pump Station for a cost of \$15,074.18
- 3. C.O. #3 – Additional labor and materials associated with the expansion of the area adjacent to the Long Clove Road Pump Station for a total cost of \$3,970.10
- 4. C.O. #4 - Additional labor and equipment associated with the removal of unsuitable soil at the Van Doren Court Pump Station for a total cost of \$7,617.60, and

WHEREAS, the Contractor for the Town has submitted the proposals for the miscellaneous additional work, and

WHEREAS, the Town’s Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

RESOLUTION NO. (347-2013) continued

WHEREAS, the cost of the additional work is \$72,283.30.

NOW, THEREFORE, BE IT

RESOLVED, that Change Orders #1, #2, #3 and #4 for Contract "G" General Construction, for Project CLKT 11-12 is approved for the additional cost of \$72,283.30, and

BE IT FURTHER RESOLVED, that the total cost for Contract "G" General Construction shall not exceed \$1,192,783.30, and

BE IT FURTHER RESOLVED, that the cost for the project is being reimbursed by 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. (348-2013)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on August 27, 2013 that the position Senior Clerk Typist #0979 has been reclassified to Recreation Information Clerk – Parks and Recreation Department,

Now, therefore, be it

RESOLVED, that the position of Recreation Information Clerk – is hereby approved – effective to September 10, 2013 and be it,

FURTHER RESOLVED, that the position of Senior Clerk Typist #500979 is hereby abolished.

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. (349-2013)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Karen M. McCombs, 1 Gerken Drive, New City, New York – is hereby reappointed to the position of Member – Assessment and Review Board – term effective October 1, 2013 and to expire on September 30, 2018.

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. (350-2013)
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 C.S.E.A., Anthony J. Pagliuca, 173 Massachusetts Avenue, Congers, New York – Groundskeeper – Parks and Recreation Department is hereby granted a Sick Leave of Absence at one-half pay effective and retroactive August 25, 2013 thru September 25, 2013.

On roll call the vote was as follows:

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

RESOLUTION NO. (351-2013)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Demeurant Louisthelmy, 95 Forest Glen Court, Nanuet, New York – is hereby reassigned from the position of (part-time) Municipal Bus Driver to the position of (full-time) Municipal Bus Driver - Clarkstown Mini Trans Department – effective September 10, 2013 at thecurrent 2013 annual salary of \$49,933.

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. (352-2013)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the resignation of Edward Bertolino, 65 Kings Highway, Congers, New York – Member – Traffic & Traffic Fire Safety Advisory Board – is hereby accepted – effective on September 09, 2013.

On roll call the vote was as follows:

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

RESOLUTION NO. (353-2013)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Edward Bertolino, 65 Kings Highway, Congers, New York – is hereby appointed to the position of Member – Parks Board & Recreation Commission – to fill the unexpired term of Rudy Damonti - at the current 2013annual salary of \$3,300., effective September 10, 2013 and to expire on August 15, 2014.

RESOLUTION NO. (353-2013) 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. (354-2013)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the resignation of Norman Peachey, 260 Germonds Road, West Nyack, New York – Chairman & Member – Traffic & Traffic Fire Safety Advisory Board – is hereby accepted – effective on September 10, 2013.

On roll call the vote was as follows:

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

RESOLUTION NO. (355-2013)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Andrew Kaye, 14 Tarry Hill Drive, New City, New York – is hereby appointed to the position of Member – Traffic & Traffic Fire Safety Advisory Board – (to cover the unexpired term of Edward Bertolino) at the current 2013 annual salary of \$2800., effective September 10, 2013 and to expire on 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. (356-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the owner of the premises described as Tax Map 52.14-2-38, has requested to install a driveway within a Town drainage easement, and

WHEREAS, Dennis M. Letson, P.E., First Deputy Director of the Department of Environmental Control, has advised that the proposed driveway may be installed, subject to a Revocable License Agreement in a form acceptable to the Town Attorney,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owner, of Tax Map 52.14-2-38, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owner shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment.

RESOLUTION NO. (356-2013) 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. (357-2013)

Co. Lasker offered and Co Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Double H-NGW Inc. v. The Board of Assessors and The Board of Assessment Review of The Town of Clarkstown, Index No(s). 7370/09, 6851/10, 030684/11, 34188/12 and 33490/13, affecting parcel designated as Tax Map 65.35-1-1 and more commonly known as 55 Route 59, Central Nyack, New York for the year(s) 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14, 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 for the Town of Clarkstown and the attorneys for the Nyack Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.35-1-1 be reduced for the year(s) 2009/10, 2010/11, 2011/12 and 2013/14;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.35-1-1 be reduced for the year(s) 2012/13 from \$302,300.00 to \$279,600.00 at a cost to the Town of \$494.07;

3. Reimbursement for the year(s) 2012/13 on the parcel described as Tax Map 65.35-1-1, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

4. 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. (358-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, existing force mains and gravity sewers are currently being replaced at various locations throughout the Town of Clarkstown, and

RESOLUTION NO. (358-2013) continued

WHEREAS, in the course of performing the work, additional labor and associated work was required in connection with the required work as follows:

1. C.O. #1 - Additional labor and equipment associated with the removal of an unforeseen concrete storm drainage culvert on North Greenbush Road for a total cost of \$8,176.12
2. C.O. #2 - Additional labor and equipment associated with the emergency repair of the force main on Van Doren Court for a total cost of \$12,439.33
3. C.O. #3 - Replacement of additional concrete curbing and chemical root work on New Haven Avenue for a total cost of \$2,714.00
4. C.O. #4 - Additional work associated with the repaving of disturbed roadways for a total cost of \$6,114.00
5. C.O. #5 - Additional labor and equipment associated with the replacement of the New Haven Avenue gravity sewer main caused by an unforeseen ground water condition requiring extensive dewatering necessary to complete the work for a total cost of \$60,000.00, and

WHEREAS, the Contractor for the Town has submitted the proposals for the miscellaneous additional work, and

WHEREAS, the Town’s Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work is \$89,443.45.

NOW, THEREFORE, BE IT RESOLVED, that Change Orders #1, #2, #3, #4 and #5, Contract “S” Sewer Construction, for Project CLKT 11-12 is approved for the additional cost of \$89,443.45, and

BE IT FURTHER RESOLVED, that the total cost for Contract “S” Sewer Construction shall not exceed \$1,288,354.45, and

BE IT FURTHER RESOLVED, that the cost for the project is being reimbursed by 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. (359-2013)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town Of Clarkstown is applying to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled The Rockland Farm Alliance Farmland Expansion Program to be located in Town Of Clarkstown; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located; and

NOW, THEREFORE, be it resolved that the governing board of Town Of Clarkstown hereby does approve and endorse the application for a grant under the Greenway Communities Grant Program, for a project known as The Rockland Farm Alliance Farmland Expansion Program and located within this community.

RESOLUTION NO. (359-2013) 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. (360-2013)
Co. Borelli offered and Co. Hausner seconded

WHEREBY it is incumbent upon this Town Board to insure that the actions of all elected officials and all Town employees conform to the Town of Clarkstown’s Code of Ethics, the Town Board requests that the Board of Ethics for the Town of Clarkstown conduct a thorough investigation of the ethical behavior of the Superintendent of Highways, Wayne Ballard, Constituent Services Representative, Frank Sparaco, Fleet Manager, Dennis Malone, and myself, Councilman Frank Borelli, as to all matters pertaining to the videotapes and recordings that were secretly recorded by Frank Sparaco.

In addition, the Town Board requests that Mr. Sparaco provide a copy of all unedited video and audio tapes he recorded with an unbroken timeline to the Town Attorney to hold until such time as the video tapes are requested by the Board of Ethics of the Town of Clarkstown for their review.

On roll call the vote was as follows:

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

The Supervisor opened the meeting for general public comments.

Steve Weiss, Congers
Spoke about Dennis Malone as a decent, moral family man as opposed to what is being represented in mail flyers. Asked the Board why Mr. Sparaco has not been reviewed by the Ethics Committee.

Stan Pascoo, West Nyack
He spoke about National Hunting & Fishing day on September 28 and thanked the Town for allowing it to be held at the Congers Lake Park.

Al Maroney, New City
He thanked Co. Borelli for proposing an investigation. He spoke about the despicable behavior of Dennis Malone’s opponents’ and their efforts to make him look bad.

Beth Malone, Congers
She spoke about half-truths being said about her husband at last month’s meetings. She cited examples of money waste at the Highway Department. She spoke about numerous incidents of harassment, i.e., dead birds in her mailbox, vandalism of her daughter’s car, vandalism of campaign signs and anonymous flyers full of untruths bashing her husband. She expressed disappointment at the Board’s lack of response to this behavior.

Tom Nimick, New City

Thanked the Board for referring this matter to the Ethics Board and repeated his request for an audit of the Town Attorney's office. He spoke of conflict of interest regarding Town Attorney Millman being the attorney for the Board of Ethics.

Mary Ann Brennan, Nanuet

She read and submitted a letter to the Board of Ethics.

Michael Hull, Bardonia

Complimented the Board for referring this matter to Ethics Board and stated Mr. Millman should recuse himself. He asked that a timeline be stated for receipt of tapes.

Marge Hook, New City

She defended her right to ask for Dennis Malone's overtime as she feels he has a patronage job and is padding his salary. She spoke about the number of people in his family that work for the Town and stated she believes the allegations in the above referred-to flyers are true.

Laurie Doherty,

She defended Dennis Malone and his family with regard to their jobs at the Town and stated that these types of mailings have to stop.

Joanna Galdone, New City

Addressed environmental issues of the Town and submitted a wish list that she would like to see addressed including signs where roads cross over streams, conversion of lawn to meadow, green infrastructure practices, increased setback protection of vital wetland, shielding of outdoor lighting, impact of deer overpopulation, invasive plants task force, encourage native plants for municipal plantings and creation of a position for a manager of Open Space properties.

Joel Epstein, Bardonia (Town Board Liaison to Traffic Advisory Board)

He spoke about Norman Peachy and the fact that he is retiring from the Traffic and Traffic Fire Safety Board. Mr. Peachy was appointed in 1964 by Supervisor Paul Mundt and served on the Traffic Advisory Board for more than 49 years. His resignation and retirement should be memorialized and recognized tonight.

Scott Goldstein, West Nyack

He asked if the resolution for Item 18 which was passed tonight could be amended so that party leaders cannot use their influence on Town employees.

Steve Levine, Congers

He thanked the Board for passing the resolution for Item 18 and spoke about considering strengthening the Ethics Law. He said the types of campaign activities that were going on are uncalled for and these cowards should be prosecuted to the full extent of the law. He asked for clarification of parts of a recently adopted tax agreement with the Palisades Mall.

The Supervisor stated that behavior like slashing tires, defacing signs and dead birds are something we all find disgusting and it goes without saying that no one on this Board has any sympathy for an individual that acts like that. The police know about it and hopefully whoever is responsible will be apprehended and punished. Regarding Mr. Hull and Mr. Nimick's statements, he stated that this can be researched by the Town Attorney's office. He said they would look into Ms. Galdone's comments and set up a meeting. He echoed Mr. Epstein's sentiments regarding Mr. Peachy; after 49 years, it's a remarkable service that he has performed and certainly we wish him well.

Regarding Mr. Levine's questions about the Mall agreement, the Town Attorney suggested he call her with his questions as she did not have the documents in front of her.

Regarding the behavior discussed here tonight in relation to the campaigns, Co. Hausner stated that it is disgusting, we have to react and we should not allow this to go on. She agreed that anonymous campaign mailings should not be allowed. Co. Hoehmann commented on these behaviors as well and hoped these tactics will stop on all sides.

The Supervisor reminded everyone that tomorrow is September 11 and welcomed all to the annual 9/11 Remembrance Ceremony at Town Hall tomorrow.

On motion of Co. Hausner seconded Co. Hoehmann, the Town Board went into Executive Session to discuss a personnel matter relating to the consolidation of Receiver and Town Clerk's office. 9:23pm

On motion of Co. Hausner seconded by Co. Hoehmann, the Town Board returned from Executive Session, time: 10:35 pm.

On motion of Co. Hoehmann seconded by Co. Hausner, the Town Board meeting was closed, time: 10:35 pm

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/10/13

8:20 pm

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

Re: *CONTINUATION* – Application of Rockland Jewish Community Center Corporation for a Special Permit for Outdoor Recreation.

Town Clerk, Justin Sweet, read the notice of public hearing. On motion of Co. Hoehmann seconded by Co. Lasker the public hearing was opened.

The Town Attorney explained that this was a continuation of a public hearing for a special permit to operate a soccer field on approximately one acre of property. About half of that property is licensed to the Jewish Community Center by the Clarkstown School District. The school district passed a resolution stating that they have no objection to the application and that it was consistent to the license agreement between the two parties. She explained that the Planning Board had reviewed the Special Permit application and recommends approval with certain modifications.

Joe Simoes, Clarkstown Planner, explained that pursuant to the provisions of SEQRA, the Town Board declared itself Lead Agency and in his opinion, the granting of this Special Permit is an unlisted action that will not have the potential to adversely affect the environment.

There being no one further wishing to be heard, on motion of Co. Lasker seconded by Co. Hoehmann, the Public Hearing was closed, time: 8:36 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

(RESOLUTION NO. (331-2013) ADOPTED)