

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

4/20/10

8:00 P.M.

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

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

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Proclamation for the Boy Scouts of America – 100<sup>th</sup> Anniversary – Boy Scout Pack 2233

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Supervisor opened the meeting to public comments regarding agenda items.

Co. Hoehmann thanked Ronald A. Longo, Deputy Town Attorney, for his years of dedicated service.

Co. Lasker stated Ron Longo, an outstanding attorney, would be missed at town hall.

Co. Hausner wished Mr. Longo a happy retirement.

Co. Borelli stated it was clear that Mr. Longo is strong in his area of expertise.

Town Attorney Amy Mele stated that no one was sadder than her to see Ron leave.

Supervisor Gromack stated that Ron Longo’s retirement was bittersweet, but he knows it is best for him and his family. He said that he had helped him become a better supervisor.

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RESOLUTION NO. (220-2010)

Co. Hausner offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of April 13, 2010, 2010 is hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

Co. Lasker . . . . . Yes

Co. Hausner . . . . . Yes

Co. Hoehmann . . . . . Yes

Co. Borelli . . . . . Yes

Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (221-2010)

Co. Hoehmann offered and Co. Lasker seconded

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

BID # 18-2010 – 2010 ROADWAY RESURFACING PROGRAM

is hereby awarded to: A.J.M. CONTRACTORS, INC., 300 KULLER ROAD, CLIFTON, NJ 07011

PRINCIPAL: ANTHONY J. MARINARO, PRESIDENT

as per their proposed total project cost not to exceed \$894,239.00 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
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department.

On roll call the vote was as follows

Co. Lasker . . . . . Yes

Co. Hausner . . . . . Yes

Co. Hoehmann . . . . . Yes

Co. Borelli . . . . . Yes

Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (222-2010)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Director of the Department of Environmental Control that

BID #25-2010 – LEXINGTON ROAD/CHRISTOPHER DRIVE DRAINAGE IMPROVEMENTS

is hereby awarded to: VICTOR P. ZUGIBE, INC., 66 W. RAILROAD AVENUE, GARNERVILLE, NY 10923

RESOLUTION NO. (222-2010) continued

PRINCIPAL: VICTOR P. ZUGIBE, PRESIDENT

as per their proposed project cost not to exceed \$264,500.00 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 - 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 be under the supervision of the Department of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-85-3, and be it

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

On roll call the vote was as follows

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

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RESOLUTION NO. (223-2010)

Co. Hausner offered and Co. Borelli seconded

RESOLUTION AMENDING RESOLUTION NO. 811-2008 (STOP & SHOP SUPERMARKET COMPANY LLC SITE PLAN)

WHEREAS, by Resolution No. 811-2008, adopted by the Town Board on December 16, 2008, the Town Board accepted a stormwater control facility maintenance agreement and a pedestrian walkway easement from MAK Development Corp. in connection with the Stop & Shop Supermarket Company LLC site plan (43.11-2-38, 39, 40 & 41), and

WHEREAS, a new entity now owns the property and will be conveying the aforementioned documents;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 811-2008 is hereby amended to accept the stormwater control facility maintenance agreement and pedestrian walkway easement from H.W. Taylor, LLC.

On roll call the vote was as follows

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

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RESOLUTION NO. (224-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND, ACTING ON BEHALF OF THE YOUTH BUREAU/ROCKLAND COUNTY AMERICORPS, FOR SUMMER MEMBER PROGRAM (HIGHWAY DEPARTMENT)

WHEREAS, the County of Rockland Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to provide a litter patrol program for pickup of litter on Town roads and stream banks, and it has proposed to provide Americorps members under the direction of the Superintendent of Highways to participate in a service, educational and environmentally beneficial program which will remove litter from Town roads and streams, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which will be funded in part by the Town of Clarkstown, and

WHEREAS, the Superintendent of Highways has recommended this program for adoption in the Town of Clarkstown; 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 County of Rockland, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2010, to participate in the Rockland County Youth Bureau's litter patrol service program utilizing the service of not more than four Americorps members, for a program total not to exceed 250 service hours for each member at a cost not to exceed \$4,200.00, to be charged to Account No. DB 5110-409-0.

On roll call the vote was as follows

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

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RESOLUTION NO. (225-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB 10

RESOLUTION NO. (225-2010) continued

(Government Accounting Standards Board) for fiscal year ending December 31, 2009, and

WHEREAS, Financial Risk Analysts, 27 Hartford Turnpike, Vernon, CT, is a actuarial consulting firm providing services to public entities related to self-insurance and GASB 10 and,

WHEREAS Edward J. Duer, Comptroller, has reviewed the proposal referred to herein and recommended acceptance of same;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement for one year with Financial Risk Analysts, in a form acceptable to the Town Attorney, at a cost not to exceed \$7,000.00, plus reasonable out-of-pocket expenses, which cost shall be a proper charge to Account No. CS 1722-400-409-0.

On roll call the vote was as follows

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

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RESOLUTION NO. (226-2010)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Town Board wishes to support local restaurants and food service establishments so they can survive and thrive in our community, and

WHEREAS, the Town Board believes it is in the best interest of the Town of Clarkstown and the residents of the Town to support the local businesses that are the lifeblood of our community by utilizing local businesses for taxpayer funded events;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby mandates use of local restaurants and food service establishments located in the Town of Clarkstown for events which are paid for with taxpayer funds, except if said restaurants and establishments are unavailable or cannot accommodate the event.

On roll call the vote was as follows

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

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RESOLUTION NO. (227-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE VALLEY COTTAGE FARMERS' MARKET AT THE VALLEY COTTAGE MUNICIPAL PARKING LOT (1 NEW LAKE ROAD) IN CONJUNCTION WITH AND UNDER THE SUPERVISION OF THE VALLEY COTTAGE CIVIC ASSOCIATION

WHEREAS, the Valley Cottage Civic Association has offered to sponsor a farmers' market, to be known as the Valley Cottage Farmers' Market, at the property known as the Valley Cottage municipal parking lot, 1 New Lake Road, Valley Cottage, New York (the "Premises") (Tax Map 59.7-1-6), in the Town of Clarkstown ("Town"), and

WHEREAS, the proposed farmers' market would be a temporary, seasonal use, to be held from May 2010 to October 2010, on Sundays only, during an agreed upon four (4) hour time period, while the principal use of the property as a municipal parking lot would remain unchanged and would continue in operation, and

WHEREAS, the farmers' market would provide to the community access to farm products that are locally grown and truly fresh as well as the opportunity to interact with the people who grow, raise or process food, and

WHEREAS, the Town Board believes the farmers' market will stimulate shopping at nearby stores by providing an attraction to people from outside the immediate community;

NOW, THEREFORE, be it

RESOLVED, the sponsor of the farmers' market shall be responsible for obtaining a signed agreement from each individual vendor participating in the farmers' market whereby each agrees to be individually and severally responsible to the Town for any loss, personal injury, deaths and/or any other damage that may occur as a result of the vendor's negligence or intentional act or omission, or that of its servants, agents and employees and all vendors hereby further agree to indemnify and save the Town harmless from any loss, costs, damages, and other expenses, including attorneys fees, suffered or incurred by the Town by reason of the vendor's negligence or intentional act or omission, or that of its servants, agents and employees, and be it

FURTHER RESOLVED, the sponsor and/or the Vendors, as required by the Town shall obtain and keep in effect a liability insurance policy naming the Town as an additional insured in an amount of at least \$1,000,000.00 per person and shall file a copy of an insurance binder or declaration page with the Town Clerk prior to commencing such use in any given year, and be it.

FURTHER RESOLVED, that the Sponsor shall be responsible for ensuring that all Vendors meet the requirements for participation in farmer's markets pursuant to the applicable provisions of the N.Y.S. Agriculture and Markets Law, and be it

FURTHER RESOLVED, that the Town Board hereby approves the application of the Valley Cottage Civic Association, to hold a farmers' market at the Valley Cottage municipal parking lot, 1 New Lake Road, Valley Cottage, New York, (Tax Map 59.7-1-6) on Sundays from May 2010 to October 2010 during hours to be agreed upon, and

FURTHER RESOLVED, that the Town shall issue a license to the Valley Cottage Civic Association to occupy the Premises solely for the purpose of sponsoring the Valley Cottage Farmers' Market, which license shall be revocable at the sole discretion of the Town, and be it

FURTHER RESOLVED, that the Valley Cottage Civic Association shall abide by the recommendations of the Building Inspector, Fire Inspector and Clarkstown Police Department with respect to layout, ingress and egress, and

RESOLUTION NO. (227-2010) continued  
parking.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (228-2010)  
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, by Resolution No. 78-2008, adopted January 22, 2008, the Town Board awarded Bid No. 35-2007 for Residential Refuse and Bulk Collection to Clarkstown Carting Association, Inc., and  
WHEREAS, the original agreement contained a provision providing for an annual increase according to the Consumer Price Index (CPI), and  
WHEREAS, a dispute has arisen between the parties with respect to the current application of the CPI, and  
WHEREAS, in order to avoid a potential legal dispute, the Town Board believes it is in the best interests of the Town and the public to amend said Resolution to set a three percent (3%) increase each year for the last three years instead of adjustments according to the CPI;  
NOW, THEREFORE, be it  
RESOLVED, that Resolution No. 78-2008, adopted January 22,208, is hereby amended as follows:  
The last paragraph in the first Resolved clause is hereby amended to read:  
"Unit cost for the period January 1, 2010 through December 31, 2010, January 1, 2011 through December 31, 2011 and January 1, 2012 through December 31, 2012 will be increased in the amount of three percent (3%) per year each year"

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (229-2010)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AMENDING AGREEMENT WITH BROOKER ENGINEERING, PLLC FOR ENGINEERING SERVICES CONCERNING THE DEMAREST MILL CREEK IMPROVEMENTS PHASE III

WHEREAS, by Resolution No. 722-2007, adopted on December 10, 2007, the Town Board entered into an agreement with Brooker Engineering, PLLC for the engineering services to design and prepare specifications for The Demarest Mill Creek Improvements Phase III project, and  
WHEREAS, the plans were submitted to NYSDEC and ACOE for review and permit approval and  
WHEREAS, the Town and Brooker Engineering had field visits and meeting with NYSDEC and subsequent changes to the design were required by NYSDEC for the issuance of the permits and;  
WHEREAS, the Brooker Engineering, PLLC has submitted invoices for the additional engineering services and;  
Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown hereby authorizes an increase in the scope of work for engineering services for The Demarest Mill Creek Improvements Phase III project in accordance with the proposal submitted by Brooker Engineering, PLLC; and  
NOW, THEREFORE, be it  
RESOLVED, that the Town Board hereby authorizes the Department of Environmental Control to enter into an amended agreement with Brooker Engineering, PLLC for the additional engineering services; and be it  
FURTHER RESOLVED, that the allotment for engineering services for this project be increased to \$98,333.65 to reflect this increase in the scope of work be charged to Account No. H 8739-409-0-60-1

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (230-2010)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SYLVIA A. WELCH, Ph.D., TO PROVIDE RESEARCH FOR FUNDING SOURCES FOR SEVERAL PROJECTS

WHEREAS, Sylvia A. Welch, Ph.D., 170 Hudson Terrace, Piermont, New York, has provided research and grant application services with respect to identifying potential funding sources for various Town sponsored programs, capital projects, and other grant opportunities, and to assist in the preparation of grant applications as requested by the Town, and  
WHEREAS, Sylvia A. Welch, Ph.D. has continued to render said services since the last authorization of the Town Board by Resolution dated December 31, 2008;  
NOW, THEREFORE, be it  
RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Sylvia A. Welch, Ph.D., in a form approved by the Town Attorney, to provide research and grant application services for the

RESOLUTION NO. (230-2010) continued

period January 1, 2010 to December 31, 2010, and provided further, that said agreement shall require that she report directly to and work under the supervision of Sabrina Vargas, Director of Operations for the Supervisor, and be it FURTHER RESOLVED, that the payment for such services shall be at the rate of \$55.00 per hour, not to exceed \$20,000.00 during the contract term without further authorization of the Town Board, which shall be charged to Account No. A 1310-409, and be it

FURTHER RESOLVED, that this Resolution is retroactive to January 1, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (231-2010)

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 adopt specified Town locations for an additional two year period beginning May 10, 2010 to May 9, 2012, as follows:

Sponsor: Blue Sky Landscape, Inc., 505 Kings Highway, Valley Cottage, NY 10989  
Location: NE Corner of Germonds Road at Little Tor Road, New City, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for an additional period of two (2) years beginning May 10, 2010 to May 9, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (232-2010)

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 adopt specified Town locations for an additional two year period beginning May 10, 2010 to May 9, 2012, as follows:

Sponsor: Majestic Lawn Care & Landscape Inc., 424 Buena Vista Road, New City, NY 10956  
Location: SW Corner of Route 304 at South Main Street, New City, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for an additional period of two (2) years beginning May 10, 2010 to May 9, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (233-2010)

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 adopt specified Town location for a two year period beginning April 1, 2010 to April 1, 2012, as follows:

RESOLUTION NO. (233-2010) continued

Sponsor: Majestic Lawn Care & Landscape Inc., 424 Buena Vista Road, New City, NY 10956  
Location: Corner of Route 303 and Lake Road, Congers, NY 10920

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for a period of two (2) years beginning April 1, 2010 to April 1, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Borelli . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (234-2010)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, a certain veteran 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 veteran organization for the year 2010:

American Legion Post 1682

and be it

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 2010 Account No. A 6510-401.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Borelli . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (235-2010)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Gisondi Family Limited Partnership v. The Town of Clarkstown, A Municipal Corporation, Its Assessor and Board of Assessment Review, Index Nos. 4706/02, 4605/03, 4180/04, 5073/05, 5552/06, 5771/07, 6868/08 and 6909/09, affecting parcel designated as Tax Map 43.11-2-5 and more commonly known as 19 Squadron Boulevard, New City, New York for the years 2002/03, 2003/04, 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 43.11-2-5 be reduced for the year 2004/05 from \$448,800.00 to \$421,900.00 at a cost to the Town of \$473.02;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 43.11-2-5 be reduced for the year 2005/06 from \$448,800.00 to \$377,000.00 at a cost to the Town of \$1,301.56;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 43.11-2-5 be reduced for the years 2006/07 and 2008/09 from \$448,800.00 to \$354,600.00 at a cost to the Town of \$3,674.55;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 43.11-2-5 be reduced for the year 2007/08 from \$448,800.00 to \$345,600.00 at a cost to the Town of \$2,169.25;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 43.11-2-5 be reduced for the year 2009/10 from \$448,800.00 to \$352,300.00 at a cost to the Town of \$2,149.77;
6. There is no reduction in the assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 43.11-2-5 for the years 2002/03 and 2003/04;
7. Reimbursement for the years 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 43.11-2-5, 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;
8. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes,

RESOLUTION NO. (235-2010) continued

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. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (236-2010)

Co. Hausner offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 20, 2010,  
 AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON LEXINGTON ROAD AND  
 CHRISTOPHER DRIVE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$265,000, APPROPRIATING  
 SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$265,000 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 on Lexington Road and Christopher Drive. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$265,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$265,000 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 \$265,000 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (237-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the resignation by (retirement) of Ronald A. Longo – Assistant Town Attorney – Office of the Town Attorney - is hereby accepted – effective May 28, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (238-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the resignation by (retirement) James R. Woodley – Custodian I – Parks Board and Recreation Commission – is hereby accepted – effective and retroactive to – April 18, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (239-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the resignation of Mauro Loperfido – Cleaner – Maintenance Department – is hereby accepted – effective and retroactive to April 14, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (240-2010)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Keith J. Cornell is hereby appointed to the position of Deputy Town Attorney – Office of the Town Attorney - at the current 2010 annual salary of \$83,000., effective – May 10, 2010.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Abstain  
Co. Borelli. . . . . Abstain  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (241-2010)

Co. Lasker offered and Co. Hausner seconded

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

BID #27-2010 – ZUKOR PARK PLAYGROUND EQUIPMENT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_\_\_\_\_ 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

RESOLUTION NO. (241-2010) continued

Clarkstown Department of Purchasing at the above address.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (242-2010)

Co. Lasker offered and Co. Hausner seconded

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

BID #29-2010 – FITNESS EQUIPMENT FOR STREET COMMUNITY CENTER

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Purchasing at the above address.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (243-2010)  
 Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by resolution dated November 23, 2007, amended on April 21, 2009, the Town Board retained Behan Planning to prepare a "Vision Plan" for the revitalization of downtown West Nyack, and  
 WHEREAS, the Town Board also established a Vision Plan Advisory Committee to assist Behan Planning in the development of the Vision Plan, and  
 WHEREAS, the final draft of the Vision Plan was presented to the Town Board at its regularly scheduled Workshop on April 13, 2010, and  
 WHEREAS, the committee recommends that the Town Board accept the Vision Plan as final;  
 NOW, THEREFORE, be it  
 RESOLVED, that the West Nyack Vision Plan, attached hereto, is hereby accepted by the Town Board, and be it  
 FURTHER RESOLVED, that, as per the Town Board's March 16, 2010 resolution, the Vision Plan shall be referred to the Clarkstown Planning Board and the Rockland County Planning Board pursuant to GML-l & m, for consideration as an amendment to the Town's Comprehensive Plan, and be it  
 FURTHER RESOLVED, that the Town Board wishes to thank the members of the West Nyack Vision Plan Advisory Committee for their hard work and dedication.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (244-2010)  
 Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney- Purchasing and the Project Engineer that

**BID # 19-2010 – PUMP STATIONS UPGRADE PROJECT**

is hereby awarded as follows:

CONTRACT G – GENERAL CONSTRUCTION/MECHANICAL CONSTRUCTION:  
 Doyle Contracting Inc., 210 GILBERT AVENUE, PEARL RIVER, NY 10965  
 PRINCIPAL: EDWARD B. DOYLE, PRESIDENT

as per their proposed total Base Bid price not to exceed \$1,344,000.00

CONTRACT E – ELECTRICAL CONSTRUCTION:  
 West-Fair Electric Contractors Inc., 200 Brady Avenue, P.O. BOX 298, HAWTHORNE, NY 10532  
 PRINCIPAL: JAMES J. FARINA, III, PRESIDENT, BRUCE KELDERHOUSE

as per their proposed total Base Bid price not to exceed \$474,000.00 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
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Department 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. Hausner . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Borelli. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (245-2010)  
 Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Director of the

RESOLUTION NO. (245-2010) continued  
Department of Environmental Control that

RFP - ELKS DRIVE FLOOD CONTROL PROJECT/LANDSCAPING ELKS DRIVE

is hereby awarded to: DANNY CLAPP LANDSCAPING INC., P.O. BOX 222, WEST NYACK, NY 10994  
PRINCIPAL: DANNY CLAPP, PRESIDENT

as per their proposed project cost not to exceed \$18,750.00 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 and be it

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8753-400-409-0-77-23, and be it

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

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (246-2010)  
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION WITH RESPECT TO SEQR FOR THE ISSUANCE OF A NEGATIVE DECLARATION FOR THE LEXINGTON ROAD/CHRISTOPHER DRIVE DRAINAGE IMPROVEMENTS PROJECT, TOWN OF CLARKSTOWN, NEW CITY, NEW YORK

WHEREAS, a Short Environmental Assessment Form has been prepared in compliance with 6NYCRR – Part 617 (SEQR) under authority of the New York State Environmental Conservation Law, to evaluate potential impacts resulting from Lexington Road/Christopher Drive Drainage Improvements Project proposed by the Town of Clarkstown in New City, New York; and

WHEREAS, the Clarkstown Town Board is the Lead Agency under the provisions of 6 NYCRR part 617; and  
NOW, THEREFORE, BE IT RESOLVED, that the Clarkstown Town Board, acting as lead agency, based on review of the EAF & potential environmental impacts resultant of the project, has determined that the proposed action is an unlisted action and will not have the potential for any significant environmental impact and that a Draft Environmental Statement will not be prepared.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (247-2010)  
Co. Hausner offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF TEMPORARY PARKING RESTRICTIVE SIGNAGE: DOWNTOWN NEW CITY REVITALIZATION PROJECT

WHEREAS, the Town of Clarkstown's Downtown New City Revitalization Project is designed to promote commerce, pedestrian traffic, and to benefit local merchants and the Town in general, and

WHEREAS, due to the expected disruption and inconvenience caused by the construction of the project, the availability and use of street parking has been identified as a cause for concern, and

WHEREAS, an investigation was conducted by the Public Works Administrator in concert with the Clarkstown Police Department, the results of which determined that time-limited enforceable street parking would benefit the business community and that temporary street signage be installed since permanent signage and posts would interfere with the imminent streetscape construction,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the installation of appropriately designed temporary "One Hour Parking", "Two Hour Parking" and "No Parking Here to Corner" signs in visible locations along South Main Street, New City and hereby authorizes the Clarkstown Police Department to enforce these posted restrictions via Chapter 278 (Vehicle & Traffic) of the Clarkstown Town Code.

On roll call the vote was as follows  
 Co. Lasker . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (248-2010)  
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Superintendent of Recreation and Parks has recommended that a light be installed on a pole located at Congers Station Park, Burnside Avenue, Congers and,  
WHEREAS, the town has received a proposal from Orange and Rockland Utilities to install said lights;  
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts a proposal from Orange and Rockland Utilities, Inc. dated April 16, 2010 for lighting on flag pole at the following location:

Congers Station Park, Congers, NY, Install 400-watt, sodium vapor light, on Pole #60794/41950

AND BE IT FURTHER RESOLVED, that the installation of this light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this lighting equipment, will be at \$22.967 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #A-7140-461.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (249-2010)  
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Resolution No. 533-2009, adopted October 20, 2009, authorized the Supervisor to enter into an agreement with DCAK-MSA Architecture, P.C. to provide professional architectural and engineering services regarding the Congers-Valley Cottage Volunteer Ambulance Corps project, and  
WHEREAS, DCAK-MSA Architecture, P.C. has submitted a proposal to design and prepare additional construction documents for a new 9,375 SF ambulance corps building located on the site of the existing ambulance corps building, as per their April 12, 2010 proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with DCAK-MSA Architecture, P.C., in a form approved by the Town Attorney, amending the agreement dated November 4, 2009 to provide additional architectural services with respect to architectural design, construction documents and specifications, and coordination of drawings for a new 9,375 SF ambulance corps building, pursuant to its proposal dated April 12, 2010, and be it

FURTHER RESOLVED, that the fee for said project shall not exceed \$173,000.00 without further authorization from the Town Board, and shall constitute a proper charge to Account No. H 8760-409-0-84-25, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the project, including the architectural and engineering services portion, through the issuance of serial bonds.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (250-2010)  
Co. Lasker offered and Co. Hoehmann seconded

**RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP TO PROVIDE ENGINEERING SERVICES CONCERNING THE CONGERS-VALLEY COTTAGE VOLUNTEER AMBULANCE CORPS**

WHEREAS, The H2M Group has submitted a proposal dated April 15, 2010, to provide professional engineering services for the planning and design of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the H2M Group, in a form approved by the Town Attorney, to provide professional engineering services for the planning and design of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building, and be it

FURTHER RESOLVED, that the fee for said project shall not exceed \$206,700.00 without further authorization from the Town Board, and shall constitute a proper charge to Account No. H 8760-409-0-84-25, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the project, including the professional engineering services portion, through the issuance of serial bonds.

On roll call the vote was as follows  
Co. Lasker . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Borelli. . . . . Yes  
Supervisor Gromack . . . . . Yes

The Supervisor opened the meeting for general public comments.

Guy Gervasi- West Nyack

Asked if the town board considered keeping Ron Longo's position empty and if Keith Cornell, filling that position, is related to Harriet Cornell?

Amy Mele- Town Attorney

Stated that Ron Longo's position is a very specialized area of the law. The town contacted outside counsel and the hours we were looking at would have cost over a quarter of a million dollars. Stated that three individuals and two law firms were interviewed prior to the appointment of Keith Cornell as Deputy Town Attorney, but very few people do this type of work.

Ron Longo- Deputy Town Attorney

Stated that public sector labor law has a very limited amount of people doing it and a large amount of hours are given to this position, including being an advisor for personnel and union issues.

Co. Borelli

Said he abstained, because he was uncomfortable with the process, since there were no letters provided by the law firms.

Michael Sidenberg- New City, CPA

Stated that the town sold the transfer station for \$15 million, which has been put into a reserve and amounts to around 10% of the annual budget. Moody's has increased the credit rating of Clarkstown, enabling the town to borrow money at a lower rate. He agreed with the town board's position to keep this money in reserve.

Michael Hirsch- Clarkstown

Stated he thinks it is stupid to have \$15 million in short-term T-bills with less than 1% interest. It is better to keep cash to a minimum, because it forces you to run a tight ship. Asked Co. Hoehmann, as a businessman, if it were smarter to earn .1% on \$15 million or to pay for some of the town's projects outright, instead of borrowing at over 3%? Asked if the reserves would be dipped into to pay pension obligations?

Co. Hoehmann

Stated that it is important that the town has reserves, though he does not like the return on investment, regarding the transfer station sale. Spoke about an initiative he proposed, which would take a small portion of the reserves and commit them to low-interest loans to help home owners retrofit their houses to reduce their energy costs. We need to do everything to drive our budget down, like the forty-one positions that have been eliminated.

Supervisor Gromack

The town took the revenue from the sale of the landfill and passed a resolution so that we don't dip into the reserves and squander them. Based on our commitment to put that money in a lock box, when the rest of the nation was going down the tubes, Standard & Poor's increased our bond rating from AA to AAA. That was unheard of at that time, as they were downgrading all municipalities, because they were not fiscally strong. Moody's downgraded every municipality, but they decided we are a AA<sup>2</sup>. The Town of Clarkstown is probably the highest rated town in the region. We put the money in the bank as an investment. Read from a letter from Moody's, which stated it would not be in the town's best interests to get rid of its reserves and that we have one of the best credit ratings available.

Guy Gervasi- West Nyack

Asked what the reserves were before the transfer station sale? Stated that if we have \$15 million in reserves, an arbitrator wouldn't want to negotiate, knowing we have those funds. Said the reserve funds should be better invested and if we use the \$15 million reserve to recall some of our bonds, we can save money on interest.

Amy Mele- Town Attorney

Stated that prior to the transfer station sale, the reserves were at about \$5-7 million. Asked Mr. Gervasi if he was suggesting that the town do something to put us in a less strong financial situation, so that we might be in a better position in a PBA arbitration?

Supervisor Gromack

Stated that bringing the reserves down would be fiscally irresponsible.

With no one wishing to speak further, on motion of Co. Lasker, seconded by Co. Hausner, the Town Board moved into an executive session to discuss the ongoing PBA arbitration and a potential disciplinary action regarding a particular town employee, 9:07 P.M. On motion of Co. Lasker, seconded by Co. Hausner, and unanimously adopted, the executive session was closed, 10:45 P.M.

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On motion of Co. Hoehmann, seconded by Co. Lasker, and unanimously adopted, the Town Board Meeting was adjourned, 10:45 P.M.

Respectfully submitted,

David Carlucci  
Town Clerk