

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/20/10

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.

Public Hearing #1 re: (Continuation) Amending the Clarkstown Comprehensive Plan to include the West Nyack Vision Plan. On motion of Co. Hoehmann, seconded by Co. Lasker, hearing opened 8:00 P.M. On motion of Co. Hausner, seconded by Co. Borelli, and unanimously adopted, hearing closed 8:05 P.M. RESOLUTION NO. (367-2010)

Public Hearing #2 re: Proposed Abandonment of Route 45 and Route 59 By-Pass in the Town of Clarkstown. On motion of Co. Hoehmann, seconded by Co. Hausner, hearing opened 8:05 P.M. On motion of Co. Hausner, seconded by Co. Borelli, hearing closed and decision reserved 8:40 P.M.

Supervisor opened the meeting to public comments regarding agenda items.

Amy Durbin- Congers
Regarding agenda items #11 (res. nos. 392-2010), asked for clarification.

Amy Mele- Town Attorney
Regarding agenda items #11 (res. nos. 392-2010), stated the New York State comptroller made new rules in January.

Mike Hirsch- Clarkstown
Regarding agenda items #11 (res. nos. 392-2010), asked who is responsible for making sure the reporting for elected officials is accurate?

Supervisor Gromack
Regarding agenda items #11 (res. nos. 392-2010), stated the department heads, the Supervisor, and the Town Board are responsible.

Steven Levine- Congers
Regarding agenda items #9 (res. nos. 388-2010), asked if Eklecco Newco LLC are the owners of the mall in West Nyack?

Amy Mele- Town Attorney
Regarding agenda items #9 (res. nos. 388-2010), stated Eklecco Newco LLC of the Palisades Center Mall filed a tax certiorari.

RESOLUTION NO. (367-2010)
Co. Hausner offered and Co. Borelli seconded

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND ADOPTING THE WEST NYACK VISION PLAN AS AN AMENDMENT TO THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN

WHEREAS, the Town of Clarkstown retained Behan Planning Associates, LLC to conduct a visioning process and to prepare a Vision Plan for the future revitalization of the downtown West Nyack Hamlet Center, and WHEREAS, the Town Board established a Vision Plan Advisory Committee comprised of Citizens, Elected Officials and Town representatives to consult with Behan Planning Associates and provide input in the Vision Plan process, and WHEREAS, the Town Board officially adopted the West Nyack Vision Plan on April 20, 2010, by Resolution No. 243-2010, which defines a town vision for community revitalization, set short term and long term goals and actions and recommends new design guidelines and zoning changes, and WHEREAS, the Town of Clarkstown Town Board has to date: declared itself lead agency as the sole agency involved in the potential adoption of the West Nyack Vision Plan; accepted a full EAF for review; determined that the plan as described was subject to the State Environmental Quality REVIEW Act ("SEQRA") as a Type I action for the purpose of an environmental review pursuant to 6 NYCRR Part 617.6(b)(3) of SEQRA; reviewed the Full EAF; and conducted a public hearing on the Vision Plan on June 15, 2010, which hearing was continued on July 20, 2010, and WHEREAS, the Town Board referred the proposed Local Law to the Town of Clarkstown Planning Board pursuant to Chapter 290-33 and to the Rockland County Department of Planning pursuant to GML Section 239-I and m, and WHEREAS, the Clarkstown Planning Board recommended approval with certain modifications by letter dated June 10, 2010, and WHEREAS, the Vision Plan has been modified in accordance with the Clarkstown Planning Department's comments, and WHEREAS, the Rockland County Planning Department recommended approval by letter dated July 9, 2010, but recommended that the Vision Plan be referred to the New York State Department of Transportation, the Rockland County Highway Department and the Rockland County Drainage Agency for their review and comment, and WHEREAS, the Town of Clarkstown Town Board has considered public comments on the Vision Plan, has

RESOLUTION NO. (367-2010) continued

considered the proposed action and the Plan, has reviewed the Full EAF documentation and the criteria for determining environmental significance of this Type I action, thoroughly analyzed the action and has found no potentially significant adverse impacts to the environment in adopting the plan, and WHEREAS, the Town of Clarkstown’s planning advisors, Behan Planning Associates, LLC have prepared a Type I negative declaration statement under the requirements of 6 NYCRR Part §617.7(b) for the Town Board’s review; NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown Town Board hereby determines that the adoption of the West Nyack Vision Plan as an element of the Town’s Comprehensive Plan, will not result in any significant adverse impact on the environment and hereby adopts the attached negative declaration statement, and further directs that it be filed, distributed, and published under the requirements of 6 NYCRR Part §617.7(b), and be it

FURTHER RESOLVED, that the Town Board, by super- majority, hereby overrides the Rockland County Department of Planning’s recommendations No. 2 and No. 3, on the following grounds:

1. The Vision Plan is a conceptual document and no land use activity is being undertaken at this time, and
2. Any and all zoning amendments or construction plans for the West Nyack revitalization shall be referred to the Rockland County Department of Highway and the Rockland County Drainage Agency for their review and comment, and be it

FURTHER RESOLVED, that the Town of Clarkstown Town Board hereby adopts the West Nyack Vision Plan as an element of, and as a complement to, the previously adopted Town of Clarkstown Comprehensive Plan under New York State General Town Law §272a(2)(a) for incorporation as an official planning document of the Town of Clarkstown.

SEORA - Negative Declaration

Having fully considered the relevant environmental impacts, facts and conclusions disclosed in the full Environmental Assessment Form (EAF) for the proposed West Nyack Hamlet Vision Plan, and having weighed and balanced the relevant environmental impacts with social, economic and other considerations, the Town Board of Clarkstown as lead agency hereby certifies that the requirements of 6NYCRR Part 617 have been met and are consistent with social, economic and other essential considerations from among the reasonable alternatives available.
 The Town Board hereby finds that the proposed action will not have a significant adverse environmental impact and mitigates any adverse impacts to the maximum extent practicable. Further, the aforementioned proposed action is in the best interest of the Town based on the long term goals of the Town as identified in the latest Comprehensive Plan.

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

RESOLUTION NO. (368-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the Special Town Board Meeting of July 6, 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

RESOLUTION NO. (369-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID#37-2010 – Ten (10) Salt Spreader Modifications for Ground Speed Controls with Liquid Applicators
 Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York
 _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it
 FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
 Clarkstown Authorized Purchasing Agent.

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

RESOLUTION NO. (370-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID#38-2010 – SIXTEEN (16) SALT DISPENSING EQUIPMENT WITH GROUND SPEED CONTROLS
 Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York
 _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it
 FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
 Clarkstown Authorized Purchasing Agent.

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

RESOLUTION NO. (371-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID#39-2010 – PURCHASE OF A HOT ASPHALT RECYCLER
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York
_____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it
FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
Clarkstown Authorized Purchasing Agent .

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

RESOLUTION NO. (372-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN EMPLOYEE ASSISTANCE PROGRAM AGREEMENT WITH NYACK HOSPITAL

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for an Employee Assistance Program covering all employees and members of their immediate families, for the twenty-four (24) month period commencing October 1, 2010 and terminating on September 30, 2012, in a form satisfactory to the Town Attorney, and be it

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

FURTHER RESOLVED, that the fee of \$18,836.00 per year for such services shall be charged to Account No. A 8840-424, and be it

FURTHER RESOLVED, that either party may terminate the agreement on thirty (30) days written notice.

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

RESOLUTION NO. (373-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE NANUET SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2010-2011 SCHOOL TERM

WHEREAS, a School Resource Officer Program has been proposed for the Nanuet School District; and WHEREAS, the Board of Education of the Nanuet School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district on a full time basis as the School Resource Officer.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nanuet School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nanuet School District on a full time basis, for the period September 1, 2010 through June 30, 2011, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it
FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nanuet School District to the Town of Clarkstown in the amount of \$33,907.00 for the School Resource Officer.

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

RESOLUTION NO. (374-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE NYACK SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2010-2011 SCHOOL TERM

WHEREAS, a School Resource Officer Program has been proposed for the Nyack School District; and WHEREAS, the Board of Education of the Nyack School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district on a full

RESOLUTION NO. (374-2010) continued
time basis as the School Resource Officer.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nyack School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nyack School District on a full time basis, for the period September 1, 2010 through June 30, 2011, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nyack School District to the Town of Clarkstown in the amount of \$32,064.00 for the School Resource Officer.

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

RESOLUTION NO. (375-2010)

Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE CLARKSTOWN CENTRAL SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2010-2011 SCHOOL TERM

WHEREAS, a School Resource Officer Program has been proposed for the Clarkstown Central School District; and WHEREAS, the Board of Education of the Clarkstown Central School District and the Clarkstown Police Department desire to provide law enforcement services of three (3) police officers to be assigned to the school district on a full time basis as the School Resource Officers.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Clarkstown Central School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of three (3) police officers to the Clarkstown Central School District on a full time basis, for the period September 1, 2010 through June 30, 2011, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Clarkstown Central School District to the Town of Clarkstown in the amount of \$97,899.00 for the School Resource Officers.

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

RESOLUTION NO. (376-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (Public Storage, Inc. – 57.57-1-6 & 8)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Public Storage, Inc. v. the Assessor of the Town of Clarkstown, the Board of Review of the Town of Clarkstown, the Town of Clarkstown, and Clarkstown Central School District, Index Nos. 4234/03, 4413/04, 4960/05, 5508/06, 5772/07, 6856/08 and 6910/09, affecting parcels designated as Tax Map 57.57-1-6 & 8 and more commonly known as 7 South Pascack Road, Spring Valley, New York and 203 New Clarkstown Road, Spring Valley, New York, respectively, for the years 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 East Ramapo 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 57.57-1-6 be reduced for the year 2006/07 from \$2,115,000.00 to \$1,755,450.00 at a cost to the Town of \$3,110.75;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.57-1-6 be reduced for the years 2007/08, 2008/09 and 2009/10 from \$2,095,500.00 to \$1,676,400.00 at a cost to the Town of \$12,333.10;
3. There is no reduction in the assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.57-1-6 for the years 2003/04, 2004/05 and 2005/06;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.57-1-8 be reduced for the year 2005/06, 2006/07 and 2008/09 from \$2,125,200.00 to \$1,785,200.00 at a cost to the Town of \$8,878.57;

RESOLUTION NO. (376-2010) continued

- 5. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.57-1-8 be reduced for the year 2007/08 from \$2,125,200.00 to \$1,700,200.00 at a cost to the Town of \$4,128.87;
 - 6. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.57-1-8 be reduced for the year 2009/10 from \$2,125,200.00 to \$1,827,700.00 at a cost to the Town of \$3,087.41;
 - 7. There is no reduction in the assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.57-1-8 for the years 2003/04 and 2004/05;
 - 8. Reimbursement for the years 2006/07, 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 57.57-1-6 and for the years 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 57.57-1-8, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
 - 9. 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. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (377-2010)
 Co. Hoehmann offered and Co. Hausner seconded

Resolution Authorizing Settlement of Tax Certiorari (Bridon Realty Co. LLC – 51.7-1-10 AND 65.7-3-49 & 49./1)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Bridon Realty Co. LLC v. the Town of Clarkstown, Its Assessor and Board of Assessment Review of the Town of Clarkstown, Index Nos. 4235/04, 4652/05, 5181/06, 5533/07, 6512/08 and 6396/09, affecting parcels designated as Tax Map 51.7-1-10 and 65.7-3-49 & 49./1 and more commonly known as 180 – 248 South Main Street, New City, New York and 302 – 388 Route 59, Central Nyack, New York, respectively, for the years 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 65.7-3-49 be reduced for the year 2004/05 from \$2,546,400.00 to \$2,251,000.00 at a cost to the Town of \$5,194.44;
- 2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 65.7-3-49 be reduced for the year 2005/06 from \$2,546,400.00 to \$2,023,500.00 at a cost to the Town of \$9,478.92;
- 3. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 65.7-3-49 be reduced for the year 2006/07 from \$2,546,400.00 to \$1,907,000.00 at a cost to the Town of \$11,907.74;
- 4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 65.7-3-49 be reduced for the year 2007/08 from \$2,546,400.00 to \$1,759,000.00 at a cost to the Town of \$16,551.05;
- 5. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 65.7-3-49 be reduced for the year 2008/09 from \$2,546,400.00 to \$1,951,800.00 at a cost to the Town of \$12,120.67;
- 6. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 65.7-3-49 be reduced for the year 2009/10 from \$2,546,400.00 to \$2,057,000.00 at a cost to the Town of \$10,902.56;
- 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 65.7-3-49, 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. The proceedings commenced by the petitioner respecting Tax Map 51.7-1-10 and 65.7-3-49./1 be discontinued for the years 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 at no cost to the Town;
- 9. 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. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (378-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (BLOCKBUSTER – 64.6-1-12.1)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Blockbuster v. the Assessor and the Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Rockland County, New York, Index Nos. 5163/03, 4812/04, 5148/05 and 5223/06, affecting parcel designated as Tax Map 64.6-1-12.1 and more commonly known as 256 East Route 59, Nanuet, New York for the years 2003/04, 2004/05, 2005/06 and 2006/07, 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 Nanuet 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. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 64.6-1-12.1 be reduced for the year 2006/07 from \$461,300.00 to \$416,250.00 at a cost to the Town of \$838.98;
2. There is no reduction in the assessment on the premises owned by the petitioner describer on the assessment roll as Tax Map 64.6-1-12.1 for the years 2003/04, 2004/05 and 2005/06;
3. Reimbursement for the year 2006/07 on the parcel described as Tax Map 64.6-1-12.1, as stated above, be made within forty-five (45) 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. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (379-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Superintendent of Recreation and Parks that

BID #38-2008 – CONGERS LAKE NORTH END BOARDWALK AND PARKING LOT

is hereby awarded to: LET IT GROW, INC., 50 ACKERSON STREET, RIVER EDGE, NJ 07661

PRINCIPAL: PAUL IMBARRATO

as per their proposed low bid price of \$995,000.00;

Add alternate #1 – Cost to change from wood deck and handrails to composite deck and handrails - \$68.57 per linear foot for a total alternate #1 price of \$48,616.13;

Total proposed project cost not to exceed \$1,043,616.13 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 the Contractor/Sub-contractor has 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 will consider the use of project labor agreements in Public Works Contracts involving multiple trades in furtherance of the Apprenticeship Policy

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 Recreation and Parks, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8741-400-409-0-23-2, 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. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (380-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Superintendent of Recreation and Parks that
BID #39-2008 – CONGERS LAKE EARHTEN DAM AND GILCHREST ROAD DIKE IMPROVEMENTS
is hereby awarded to: LET IT GROW, INC., 50 ACKERSON STREET, RIVER EDGE, NJ 07661
PRINCIPAL: PAUL IMBARRATO

as per their proposed total project cost not to exceed \$2,395,000.00 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 the Contractor/Sub-contractor has 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 will consider the use of project labor agreements in Public Works Contracts involving multiple trades in furtherance of the Apprenticeship Policy

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 Recreation and Parks, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8741-400-409-0-23-2 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. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (381-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Director of the Department of Environmental Control that
BID#34-2010 – RUTH DRIVE DRAINAGE IMPROVEMENTS
is hereby awarded to: Upstate Concrete & Masonry Contracting Inc, 449 West Mombasha Road, Monroe, NY 10950
PRINCIPAL: ANGELO TONDO, PRESIDENT

as per their proposed project cost not to exceed \$79,500.00 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-8761-400-409-0-85-9, 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

RESOLUTION NO. (382-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Superintendent of Recreation and Parks that
BID #27-2010 – ZUKOR PARK PLAYGROUND EQUIPMENT
is hereby awarded to: UNIVERSAL PLAY SYSTEMS, INC., 1 MADISON AVENUE, LARCHMONT, NY 10538
PRINCIPAL: LAUREN MARTELLI

as per their proposed project cost not to exceed \$175,000.00 and be it
FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

RESOLUTION NO. (382-2010) continued

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

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 Recreation and Parks, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8761-400-409-0-85-10, and be it

FURTHER RESOLVED, that said project shall be funded via money in lieu of land.

On roll call the vote was as follows

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

RESOLUTION NO. (383-2010)

Co. Lasker offered and Co. Hausner seconded

Resolution Accepting Drainage Easement (DeBlasio - 3 Woodvue Court, Valley Cottage – 52.19-2-64)

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, Victoria DeBlasio, residing at 3 Woodvue Court, Valley Cottage, New York, has agreed to gratuitously convey a Drainage Easement to the Town of Clarkstown affecting property identified as 52.19-2-64, and

WHEREAS, the Town Attorney recommends acceptance of said conveyance;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said Drainage Easement on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said Drainage Easement is hereby ordered recorded in the Office of the Rockland County Clerk at the Town's expense.

On roll call the vote was as follows

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

RESOLUTION NO. (384-2010)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09122 Information Services Specialist I (Networked System) which contains the name of Christopher J. Alvarado,

NOW, therefore, be it

RESOLVED, that Christopher J. Alvarado is hereby appointed to the position of (permanent) Information Services Specialist I (Networked System) – Data Processing Department – at the current 2010 annual salary of \$62,885., - effective and retroactive to July 19, 2010.

On roll call the vote was as follows

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

RESOLUTION NO. (385-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Kenneth F. Rooney - Senior Storekeeper – Highway Department – is hereby granted an extension of his Sick Leave of Absence – at one half pay effective July 19, 2010 to August 19, 2010.

On roll call the vote was as follows

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

RESOLUTION NO. (386-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that Jean Anne Tiesler – Principal Clerk Typist – Parks Board and Recreation Department – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective and retroactive to July 12, 2010 to October 3, 2010.

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

RESOLUTION NO. (387-2010)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown has received \$6,224.59 from D.A.R.E donations,
NOW THEREFORE BE IT,
RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E-Misc Supplies) by \$6,224.59 and
WHEREAS, the following accounts need additional funding,
NOW THEREFORE BE IT,
RESOLVED, to decrease Account A-7141-430-0 (Community Rec. Centers-Alarm Systems) and increase Account A-7180-430-0 (Swimming Facilities-Alarm Systems) by \$2,008 and be it,
FURTHER RESOLVED, to decrease Accounts A-7610-114-0 (Programs for the Aging-Part Time) by \$500 and A-7610-410-0 (Programs for the Aging-Photo ID’s) by \$500 and increase Account A-7610-301-0 (Programs for the Aging-Food) by \$1,000.

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

RESOLUTION NO. (388-2010)

Co. Hoehmann offered and Co. Hausner seconded

Resolution Retaining Outside Counsel Concerning Tax Certiorari Proceedings With Eklecco Newco LLC

WHEREAS, Eklecco Newco LLC has commenced tax certiorari proceedings against the Town of Clarkstown (Index No. 8065/09) affecting various parcels of property located in West Nyack, New York, more commonly known as the Palisades Mall for the year 2009/10, and
WHEREAS, the Town of Clarkstown desires to retain Kaye Scholer LLP to defend the Town in this proceeding with the concurrence of the Clarkstown Central School District;
NOW, THEREFORE, be it
RESOLVED, that Kaye Scholer LLP be retained to defend the Town of Clarkstown and the Clarkstown Central School District in the proceeding entitled "Eklecco Newco LLC v. The Assessors(s) of the Town of Clarkstown and the Town of Clarkstown, Index No. 8065/09, and be it
FURTHER RESOLVED, that the Town of Clarkstown and the Clarkstown Central School District shall enter into an agreement which provides for sharing the cost of said outside counsel on a basis of fifty percent (50%) each.

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

RESOLUTION NO. (389-2010)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 20, 2010,
AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE CONGERS LAKE DAM AND GILCHREST ROAD DIKE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,400,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$2,400,000 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 improvements to the Congers Lake Dam and Gilchrest Road Dike. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,400,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$2,400,000 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. It is expected that grant funds may be received by the Town in connection with the project described herein and any such grant funds are authorized to be applied toward the cost of said project or redemption of the

RESOLUTION NO. (389-2010) continued

Town’s bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Serial bonds of the Town in the principal amount of \$2,400,000 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. 22 of the Law, is twenty (20) 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 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

RESOLUTION NO. (390-2010)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 20, 2010, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE CONGERS LAKE NORTH END BOARDWALK AND PARKING LOT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,000,000 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 improvements to the Congers Lake North End boardwalk and parking lot. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,000,000 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 \$1,000,000 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

RESOLUTION NO. (390-2010) continued

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. 24 of the Law, is ten (10) 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 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

RESOLUTION NO. (391-2010)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 20, 2010, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON RUTH DRIVE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$80,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$80,000 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 Ruth Drive. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$80,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$80,000 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 \$80,000 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

RESOLUTION NO. (391-2010) continued

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 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

RESOLUTION NO. (392-2010)

Co. Borelli offered and Co. Hausner seconded

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Clarkstown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)
ELECTED OFFICIALS							
Supervisor	Alexander J. Gromack	On File	On File	7	01/01/10 - 12/31/11	N	20
Town Clerk	David Carlucci	"	"	7	01/01/10 - 12/31/11	N	20
Receiver of Taxes	Loretta Raimone	"	"	7	01/01/10 - 12/31/11	N	20
Town Justice	Scott B. Ugell	"	"	7	01/01/10 - 12/31/13	N	20
Town Justice	Craig E. Johns	"	"	7	01/01/10 - 12/31/13	N	20
Town Justice	Rolf Thorsen	"	"	7	01/01/10 - 12/31/12	N	20
Board Member	George Hoehmann	"	"	7	01/01/10 - 12/31/14	N	20
Board Member	Stephanie Hausner	"	"	7	01/01/10 - 12/31/14	N	20
Supt. of Highways	Wayne T. Ballard	"	"	7	01/01/10 - 12/31/11	N	20
APPOINTED OFFICIALS							
Town Attorney	Amy Mele	"	"	7	01/01/10 - 12/31/11	Y	20
First Deputy Town Attorney	Marsha F. Coopersmith	"	"	7	01/01/10 - 12/31/11	Y	20
Assistant Town Attorney	Ronald A. Longo	"	"	7	01/01/10 - 12/31/11	Y	20
Deputy Town Attorney/Zoning Administrator	Jeffrey T. Millman	"	"	7	01/01/10 - 12/31/11	Y	20
Deputy Town Attorney	Richard A. Glickel	"	"	7	01/01/10 - 12/31/11	Y	20
Deputy Town Attorney	Jessica A. Hauser	"	"	7	01/01/10 - 12/31/11	Y	20
Deputy Town Attorney	Daniel N. Kraushaar	"	"	7	01/01/10 - 12/31/11	Y	20
Deputy Town Attorney	Paul K. Schofield	"	"	7	01/01/10 - 12/31/11	Y	20
Assessor	Cathy Conklin	"	"	7	01/01/10 - 12/31/11	Y	20
Deputy Town Clerk	Pamela Sitomer	"	"	7	01/01/10 - 12/31/11	Y	20

RESOLUTION NO. (392-2010) continued

Court Clerk	Candyce Draper	"	"	7	01/10/10 – 12/31/11	Y	20
Comptroller	Edward J. Duer	"	"	7	01/10/10 – 12/31/11	Y	20
Director of Finance	Aimee Vargas	"	"	7	01/10/10 – 12/31/11	Y	20
Director of Operations	Sabrina Greco	"	"	7	01/01/10 – 12/31/11	Y	20
Confidential Sec'y to Supt. of Highways	Nancy Willen	"	"	7	01/01/10 – 12/31/11	Y	20
Deputy Receiver of Taxes	Dolores Daubitz	"	"	7	01/01/10 – 12/31/11	Y	20
Member, Sanitation Commission	Keith Braunfotel	"	"	7	01/01/07 – 12/31/11	N	.7
Member, Sanitation Commission	Paul Murray	"	"	7	02/06/10 – 02/05/15	N	4.4
Member, Zoning Bd. of Appeals	Gaetano Massa	"	"	7	07/13/08 – 07/12/13	N	1.0
Member, Zoning Bd. of Appeals	Justin Sweet	"	"	7	12/18/07 – 12/31/10	N	1.8

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

RESOLUTION NO. (393-2010)
 Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING LAKE NANUET PARK DRAINAGE STUDY

WHEREAS, at the request of the Superintendent of Recreation and Parks, H2M, Architects and Engineers, prepared the "Lake Nanuet Park Drainage Study," which study identified long-term drainage improvements in the area of the tributary stream at its confluence with the Nauraushaun Brook in Lake Nanuet Park and the sanitary sewer line, and WHEREAS, H2M Group has submitted a proposal to the Town dated July 20, 2010, to perform engineering services for the Sanitary Sewer Line Relocation and Environmental Permitting regarding the Lake Nanuet Park, and WHEREAS, the design and construction of the relocated sanitary sewer line is eligible for funding from the Rockland County Sewer District No 1, under the existing Inter-municipal agreement dated March 3, 2010, for Pump Station and Collection System Upgrade Project, and

WHEREAS, the Superintendent of Recreation and Parks has reviewed the proposal and finds it reasonable in scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to perform engineering services regarding the Lake Nanuet Park, and FURTHER RESOLVED, that the fee for said work shall not exceed \$45,700.00 and will be charged to Account No. H 8760-400-409-0-84-9, and shall be reimbursed by the Rockland County Sewer District No. 1 in accordance with the Intermunicipal agreement.

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

RESOLUTION NO. (394-2010)
 Co. Lasker offered and Co. Borelli seconded

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF MAINTENANCE AGREEMENT AND EASEMENTS REGARDING ST. FRANCIS OF ASSISI SITE PLAN (51.16-3-1)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the St. Francis of Assisi site plan in West Nyack, New York (51.16-3-1), the Roman Catholic Church of St. Francis of Assisi has provided a stormwater control facility maintenance agreement and conservation easement, drainage easement and irrevocable offer of dedication for road widening and deed and transfer documents for road widening, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyances; and the Town Attorney has advised that the documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement and conservation easement, drainage easement, irrevocable offer of dedication, and deed, and transfer documents from the Roman Catholic Church of St. Francis of Assisi in connection with the St. Francis of Assisi site plan and orders them recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

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

RESOLUTION NO. (395-2010)

Co. Hoehmann offered and Co. Hausner seconded

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

BID#40-2010 – SPEED CUSHIONS FOR THE TRAFFIC CALMING PROGRAM

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York
_____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
Clarkstown Authorized Purchasing Agent.

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.

Theodore Von Zwehl- Bardonia

Stated he heard a rumor that Stop & Shop was renegeing on their commitment to relocate the New City Train Station to use the railroad motif. Asked if the commitment enabled them to get six or eight gas pumps, and they renege, are they still going to be able to get the gas pumps?

Supervisor Gromack

Stated Mr. Weissman, the owner of the property, originally said during site development that he would be willing to bring over the old train station at Vanderbilt Lumber and renovate it. Stop & Shop, who is now developing the property, did not renege, but the Building Department assessed the train station, and it cannot be relocated.

Theodore Von Zwehl- Bardonia

Asked shouldn't the train station have been checked to see if it no longer could be relocated and rehabilitated before the gas pumps were allowed?

Joe Simoes- Town Planner

Stated the requirement in the permit for the gas pumps was that the owner would provide a commuter lot, not the train station.

Co. Hausner

Stated the Historical Review Board has been talking with people who may have other uses for the train station.

Barry Goldberg- Goshen

Read and submitted a letter regarding Massachusetts Avenue properties.

Pete Drower- New City

Asked for clarification regarding the Early Retirement Plan.

Supervisor Gromack

Stated, at a minimum, there has to be a 50% savings over two years for the town, but we will not know the savings until the employees take the package. Some employees will not need to be replaced at all, others not immediately. Even those employees that need to be hired to fill positions will be hired at a much lower rate.

Steven Levine- Congers

Read and submitted a letter regarding proposing a law on land disturbance and photos of a Massachusetts Avenue property.

Mike Hirsch- Clarkstown

Asked how term limits can be enacted in Clarkstown?

With no one wishing to speak further, Supervisor Gromack asked that the meeting be adjourned in the memory of State Senator Thomas Morahan.

Co. Hoehmann

Stated Senator Morahan had a tremendous impact, both statewide and on a national level, in regards to mental health and developmental disability issues.

Co. Lasker

Stated Senator Morahan was a dedicated public servant and did so much for the Town of Clarkstown.

Co. Borelli

Stated Senator Morahan worked to get things done.

Co. Hausner

Stated Senator Morahan was known for bipartisanship and she remembered him on the little league field.

Supervisor Gromack

Stated Senator Morahan was the best State Senator anyone could have. He went out of his way to help others. All residents lost more than a senator, but a dear friend.

With a unanimous decision, the Town Board Meeting was adjourned with a moment of silence in the memory of State Senator Thomas Morahan, 9:30 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

7/20/2010

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

Re: (Continuation) Amending the Clarkstown Comprehensive Plan to include the West Nyack Vision Plan.

On motion of Co. Hoehmann, seconded by Co. Lasker, hearing opened 8:00 P.M.

Amy Mele- Town Attorney
Gave an overview of the proposal and said the town board was in a position to adopt if they chose to.

There being no one wishing to be heard, on motion of Co. Hausner, seconded by Co. Borelli, and unanimously adopted, hearing closed 8:05 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

7/20/2010

8:05 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

Re: Proposed Abandonment of Route 45 and Route 59 By-Pass in the Town of Clarkstown.

On motion of Co. Hoehmann, seconded by Co. Hausner, hearing opened 8:05 P.M.

Supervisor Gromack
Stated the decision would be reserved until the August 24, 2010 meeting.

Amy Mele- Town Attorney
Gave an overview of the proposal and said that more research is needed on the Rockland County Planning Department's recommendation to abandon the entire road.

Joseph Haspell- represents Joy Builders
Asked if we can move forward with the petition for the smaller portion of the road without addressing the county's recommendation for the larger section. Stated that the required parties in Clarkstown and Ramapo have been noticed and the property was purchased from the state over fifteen years ago.

Amy Mele- Town Attorney
Stated the town needs the meets and bounds of the entire road in order to move forward.

Eliot Markowitz- Clarkstown
Stated he does not want the road abandoned, but deeded to the Town of Clarkstown.

John Webb- Clarkstown
Stated he moved to the area because of the woods, does not want the road abandoned, and asked why he was not given the opportunity to purchase the property.

Amy Mele- Town Attorney
Stated the state sold the property and the town did not have the opportunity to purchase it.

Norm Lichenstein- Spring Valley
Stated he was never advised of the property being bought and asked for its zoning.

Amy Mele- Town Attorney
Stated the zoning is R-15.

George Thomas- Spring Valley
Spoke against the road abandonment.

Supervisor Gromack
Stated the state was not required to notify the town or anyone in the deeding of the property.

Robert Farm- New City
Stated he is against passing along property to a high density builder and it should be bought for parkland.

Amy Mele- Town Attorney
Stated the road abandonment has nothing to do with the deeding of property. The issue we are addressing is whether or not it's a road, and if it isn't, it shouldn't be on our official map. There have been other cases in town, where a paper road in a subdivision was never made into a road and that has to be taken care of.

Judy Lichenstein- Spring Valley
Asked about how purchase of property in 1997 was made, when no one had knowledge of the sale.

Amy Mele- Town Attorney
Stated that was a question for the state.

Eliot Markowitz- Clarkstown
Stated there needs to be a study of the property to see what can be done.

John Webb- Clarkstown
Stated there are a lot of wetlands, which should be taken into consideration.

Joe Simoes- Town Planner
Stated that the wetlands make it very difficult to put a roadway through.

Paul Skarbowski- Spring Valley
Spoke against the road abandonment, as it will make it easier to create the subdivision.

Joe Simoes- Town Planner

Stated that the Planning Board cannot meet about the subdivision until the road is demapped.

Supervisor Gromack

Stated that decision is being reserved now, because we want to make sure of everything and all the comments from tonight will be taken into consideration.

Robert Farm- New City

Asked if it can be reviewed if the state properly advertised the bid for the property.

Mike Spina

Asked what is proposed for the subdivision.

Joe Simoes- Town Planner

Stated that six single family homes and a road built out to West Clarkstown Road are proposed.

Supervisor Gromack

Stated the property is owned by Joy Builders.

There being no one wishing to be further heard, on motion of Co. Hausner, seconded by Co. Borelli, hearing closed and decision reserved 8:40 P.M.

Respectfully submitted,

David Carlucci
Town Clerk