

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/20/09

8:00 P.M.

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

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

SPECIAL PRESENTATION: Girl Scouts recognized for participation in Food Drive

Public Hearing #1 re: Proposed Local Law entitled "Amendment to Chapter 262 (Taxation) of the Town Code of the Town of Clarkstown. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:05 P.M. On motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, hearing was closed 8:06 P.M. RESOLUTION NO. (499-2009)

Supervisor opened the meeting to public comments regarding agenda items, with no one wishing to be heard.

RESOLUTION NO. (499-2009)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO.6 – 2009

WHEREAS, a proposed local law entitled,

"Amendment to Chapter 262 (Taxation) of the Town Code of the Town of Clarkstown"

was introduced by Councilman George Hoehmann, at a Town Board meeting held on September 22, 2009, and WHEREAS, the purpose of this local law is to increase the income limits for eligibility for low income senior citizens and low income disabled persons in accordance with the maximum income limits permitted by New York State Law, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 22, 2009, directed that a public hearing be held on October 20, 2009, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 7, 2009, and WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 16, 2009, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 20, 2009;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6 – 2008 entitled:

"Amendment to Chapter 262 (Taxation) of the Town Code of the Town of Clarkstown"

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

- Alexander J. Gromack, Supervisor . . .aye
- John R. Maloney, Councilman aye
- Shirley Lasker, Councilwoman . . . aye
- Frank Borelli, Councilman aye
- George Hoehmann, Councilmanaye

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

RESOLUTION NO. (500-2009)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of September 22, 2009 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (501-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Mark R. Papenmeyer, Chief Fire Safety Inspector II – Building Department – is hereby accepted – effective and retroactive to September 27, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (502-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of George L. Cebisch – Member – Traffic and Traffic Fire Safety Advisory Board – is hereby accepted – effective and retroactive to October 9, 2009.

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

RESOLUTION NO. (503-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Allyson Delo – Senior Recreation Leader – Parks Board and Recreation Commission – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective and retroactive to September 30, 2009 to November 9, 2009.

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

RESOLUTION NO. (504-2009)

Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, the following accounts require additional funding,
NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-1010-414-0 (Councilmen-Conferences & Schools) and increase Account A-1010-319-0 (Councilmen-Misc Supplies) by \$1,575 and be it
FURTHER RESOLVED, to decrease Account A-1640-209-0 (Town Garage-Other Equipment) and increase Account A-1640-407-0 (Town Garage-Equipment Repairs) by \$1,000 and be it
FURTHER RESOLVED, to decrease Account A-1640-311-0 (Town Garage-Gasoline) by \$7,500 and increase Accounts A-1640-406-0 (Town Garage-Repairs to Vehicles) by \$5,000 and A-1640-409-0 (Town Garage-Fees for Services) by \$2,500 and be it
FURTHER RESOLVED, to decrease Accounts A-7140-306-0 (Parks & Playgrounds-Maintenance Supplies) by \$5,500 and A-7140-388-0 (Parks & Playgrounds-Clay Mix) by \$7,325 and increase Account A-7140-424-0 (Parks & Playgrounds-Contractual Expenses) by \$7,325 and be it
FURTHER RESOLVED, to decrease Account B-8110-312-0 (Sewer Operations-Auto Maintenance) by \$2,566.31 and increase Accounts B-8110-230-0 (Sewer Operations-Communication Equip) by \$1,560.01 and B-8110-407-0 (Sewer Operations-equipment Repair) by \$1,006.30

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

RESOLUTION NO. (505-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Clarkstown Public Works Administrator that:

BID#53-2009 – CLARKSTOWN POLICE COMMUNICATIONS CENTER RENOVATIONS

is hereby awarded to: Mancuso Construction and Remodeling Corp., 560 Route 9W, Tomkins Cove, NY 10986

PRINCIPAL: MICHAEL O'CONNOR

as per their proposed project cost \$654,000.00 with a 10% contingency, and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Public Works Administrator, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8759-400-409-0-83-19, and be it

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

RESOLUTION NO. (505-2009) continued

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

RESOLUTION NO. (506-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that
 BID#51-2009 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS
 is hereby awarded to:

Aramark Uniform Services	STRONGWEAR GARMENT CORP
Div. of Aramark Uniform & Career Apparel, Inc.	191 PLAZA
115 NORTH FIRST STREET	TEANECK, NJ 07666
BURBANK, CA 91502	PRINCIPALS: WALTER POPICK
PRINCIPALS: A PUBLIC CORPORATION	

STAUFFER GLOVE AND SAFETY

361 E. SIXTH STREET
 P.O. BOX 45
 RED HILL, PA 18076
 PRINCIPALS: W. RANDELL STAUFFER, JEFFREY STAUFFER, REBEKAH STAUFFER PUTERA
 as per the price/item list (on file with Purchasing).

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

RESOLUTION NO. (507-2009)

Co. Maloney offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED OCTOBER 20, 2009,
 AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE POLICE COMMUNICATIONS
 CENTER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$720,000, APPROPRIATING SAID
 AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$720,000 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 Police communications center. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$720,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$720,000 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 \$720,000 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. 12 (a) (2) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, 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

RESOLUTION NO. (507-2009) continued

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. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (508-2009)

Co. Borelli offered and Co. Maloney seconded

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

BID#57-2009 – POLICE DATA CENTER FIRE SUPPRESSION SYSTEM

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. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (509-2009)

Co. Borelli offered and Co. Maloney seconded

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

BID#1-2010 – ATHLETIC AND RECREATION SUPPLIES

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. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (510-2009)

Co. Borelli offered and Co. Maloney seconded

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

BID#2-2010 – FIREWORKS DISPLAY

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.

RESOLUTION NO. (510-2009) continued

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

RESOLUTION NO. (511-2009)
 Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID#3-2010 – LAKE NANUET DRAINAGE IMPROVEMENTS
 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. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (512-2009)
 Co. Borelli offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID#4-2010 – FIBER OPTIC NETWORK- MULTIPLE TOWN FACILITIES
 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. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (513-2009)
 Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Receiver of Taxes, Loretta Raimone has advised that the need exists for a Tax Enhancement Program to provide the emailing of tax bills and receipts and
 WHEREAS, a proposal has been submitted by Software Consulting Associates located at 74 Rokeby Road, Red Hook, NY 12571 to provide the necessary Tax Enhancement Program and
 WHEREAS, the Receiver of Taxes has reviewed the proposal and finds it acceptable,
 NOW THEREFORE BE IT,
 RESOLVED, that based upon the recommendation of the Receiver of Taxes, the Supervisor is hereby authorized to enter into an agreement with Software Consulting Associates to provide a Tax Enhancement Program at a cost not to exceed \$9,500 and be it,
 FURTHER RESOLVED, that this project shall constitute a proper charge to account number H 8760-409-0-84-22 and that is the intent of the Board that this program shall be funded through the issuance of serial bonds.

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

RESOLUTION NO. (514-2009)
 Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH WD RISK MANAGEMENT
 & CONSULTING FOR WORK PLACE VIOLENCE COMPLIANCE SERVICES

WHEREAS, WD Risk Management & Consulting has submitted a proposal to the Town dated September 18, 2009, to provide work place violence compliance services, and
 WHEREAS, Robert S. Berdy, Insurance and Claims Manager for the Town, has reviewed the agreement 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 the WD Risk Management & Consulting, in a form approved by the Town Attorney, to provide work place violence compliance services pursuant to its proposal dated September 18, 2009, and be it
 FURTHER RESOLVED, that the fee for said work shall not exceed \$17,578.00 and will be charged to Account No.

RESOLUTION NO. (514-2009) continued
CS 1722-409.

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

RESOLUTION NO. (515-2009)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO ACCEPT A GRANT WITH RESPECT TO THE OPERATION IMPACT VI PROJECT

WHEREAS, the Chief of Police, Peter Noonan, has advised that the New York State Division of Criminal Justice Services has tendered a contract award (DCJS #OI09-1030-D00) to the Clarkstown Police Department regarding the Operation Impact VI Project, in the amount of \$25,000.00 for the period of July 1, 2009 to June 30, 2010, and WHEREAS, the Chief of Police has recommended that the Clarkstown Police Department accept said grant; NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services (DCJS #OI09-1030-D00), in a form approved by the Town Attorney, to obtain funding in the amount of \$25,000.00 regarding Operation Impact VI Project, for the period of July 1, 2009 to June 30, 2010.

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

RESOLUTION NO. (516-2009)
Co. Lasker offered and Co. Maloney seconded

WHEREAS, Mr. Anthony Turchiarelli has requested a refund of Building Permit Fee (No. 09-849) paid in the amount of \$3,485.00 for property located at 98 Sickletown Road, West Nyack, New York, more particularly described as Tax Map No. 64.12-2-34, because the project will not be done, and WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$270.00; NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$3,215.00, of the total Building Permit fee paid in the amount of \$3,485.00, to Mr. Anthony Turchiarelli, to be charged to Account No. B-02-6-2555-0, subject to receipt and cancellation of the Building Permit.

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

RESOLUTION NO. (517-2009)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION DESIGNATING NY ELECTRICAL INSPECTIONS & CONSULTING LLC AS AN ADDITIONAL ELECTRICAL CODE INSPECTION AGENCY, TO PROVIDE ELECTRICAL SUPPLEMENTAL AND ALTERNATIVE INSPECTION CAPABILITY TO THE TOWN OF CLARKSTOWN

WHEREAS, Peter Beary, Building Inspector, has recommended the designation of NY Electrical Inspections & Consulting LLC as an additional electrical code inspection agency to provide supplemental and alternative inspection capability to the presently designated electrical inspection agencies, and WHEREAS, pursuant to Section 133-3 of the Clarkstown Town Code, the Town Board may designate such additional inspection agency to provide the services referred to herein; NOW, THEREFORE, be it RESOLVED, that the Town Board hereby designates, pursuant to Section 133-3 of the Town Code, the NY Electrical Inspections & Consulting LLC , 93 Beattie Avenue, Middletown, NY, as an approved agent of the Town of Clarkstown, to provide electrical inspections and re-inspections in the Town of Clarkstown commencing on October 21, 2009, which designation shall remain in effect unless and until revoked by further resolution of the Town Board, and be it FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

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

RESOLUTION NO. (518-2009)
Co. Borelli offered and Co. Lasker seconded

RESOLUTION SETTING A PUBLIC HEARING AND REFERRING TO THE ROCKLAND COUNTY COMMISSIONER OF PLANNING AND THE CLARKSTOWN PLANNING BOARD, THE PETITION OF HYENGA LAKE DEVELOPMENT, LLC, FOR A SPECIAL PERMIT TO CONSTRUCT SENIOR CITIZEN HOUSING

WHEREAS, Hyenga Lake Development, LLC, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17(O) of the Zoning Local Law, to construct non-profit or limited profit housing for senior citizens, on a portion of premises designated on the Clarkstown Tax Map as 57.14-3-2, for property located on Pipetown Hill Road, south of Route 59, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 290-17(O) of the Zoning Local Law of the Town of Clarkstown, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on November 24, 2009, or as soon thereafter as possible, to consider the petition of the Hyenga Lake Development, LLC, relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the Petitioner shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk prior to said hearing, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for its review and recommendations, to the Rockland County Commissioner of Planning, and to other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law, and other applicable provisions of law, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (519-2009)
Co. Borelli offered and Co. Lasker seconded

RESOLUTION SETTING A PUBLIC HEARING AND REFERRING TO THE ROCKLAND COUNTY COMMISSIONER OF PLANNING AND THE CLARKSTOWN PLANNING BOARD THE APPLICATION OF UNITED HOSPICE OF ROCKLAND, INC. FOR A SPECIAL PERMIT TO OPERATE A HOSPICE RESIDENCE

WHEREAS, United Hospice Of Rockland, Inc. has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17W of the Zoning Local Law, to operate a hospice facility on premises known as Tax Map 33.12-2-8, for property located at 415 Buena Vista Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 290-17Z of the Zoning Local Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on November 24, 2009, at 8:00 p.m., or as soon thereafter as possible, to consider the application of United Hospice of Rockland, Inc. relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

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

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-L and 239-M of the General Municipal Law and to the Clarkstown Planning Board and the Rockland County Health Department for their review and report.

On roll call the vote was as follows

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

RESOLUTION NO. (520-2009)
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 a specified Town location for a two year period beginning October 20, 2009 to October 20, 2011, as follows:

Sponsor: Mr. Landscape, Inc., P.O. Box 974, New City, NY 10956

Location: Both sides of Blue Heron Road @ South Pascack Road, Nanuet, New York 10954

RESOLUTION NO. (520-2009) continued

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 October 20, 2009 to October 20, 2011, 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. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (521-2009)

Co. Lasker offered and Co. Maloney seconded

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

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, continuing from April 17, 2009 to April 17, 2011, as follows:

Sponsor: Steve's Lawns, Inc., P.O. Box 692, Monsey, New York 10952

Roads: .66 mile segment of North Pascack Road from Smith Road to Town Line Marker, Nanuet, New York, and .31 mile segment of Squadron Boulevard from North Main Street to Route 304, New City, New York

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years continuing from April 17, 2009 to April 17, 2011, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by the Steve's Lawns, Inc. organization, to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (522-2009)

Co. Lasker offered and Co. Maloney seconded

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

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, continuing from August 14, 2009 to August 14, 2011, as follows:

Sponsor: Housecraft Inc., 43 Maple Avenue, New City, NY 10956

Road: .5 mile segment of Cairnsmuir Lane from Congers Road to Strawtown Road, New City, New York,

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years continuing from August 14, 2009 to August 14, 2011, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the Housecraft Inc. organization, to remove trash from the roadway.

On roll call the vote was as follows

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

RESOLUTION NO. (523-2009)

Co. Lasker offered and Co. Maloney seconded

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

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, continuing from April 17, 2009 to April 17, 2011, as follows:

Sponsor: Nazzaro Disposal, P.O. Box 481, Valley Cottage, NY 10989

Road: .68 mile segment of Lakewood Drive, Congers between Route 303 and Route 9W and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years continuing from April 17, 2009 to April 17, 2011, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the Nazzaro Disposal organization, to remove trash from the roadways.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (524-2009)

Co. Lasker offered and Co. Maloney seconded

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

WHEREAS, the following group wishes to continue to participate in the Adopt-A-Road Program and adopt three (3) segments of various town roads for an additional period of two (2) years beginning October 1, 2009 to October 1, 2011, as follows:

Sponsor: Spotless Contracting, 85 West Nyack Road, Nanuet, NY 10954

Roads: .41 mile segment of Casper Hill Road from Crusher Road to Route 303, Valley Cottage;

and 1.24 mile segment of Mountainview Avenue from Christian Herald Road to Mountainview Condominiums, Valley Cottage;

and .44 mile segment of Demarest Mill Road from Germonds Road to Dead End of Demarest Mill Road, West Nyack;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Spotless Contracting will perform a public service in removing trash from the above roadways, 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 a renewal agreement, for a period of two (2) years beginning October 1, 2009 to October 1, 2011, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segments, and to provide and coordinate services by Spotless Contracting to remove trash from the roadways.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (525-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 327-2009 FOR BID #45-2007; ELKS DRIVE DRAINAGE IMPROVEMENTS

WHEREAS, Town Board Resolution 327-2009 awarded bid #45-2007; Elks Drive Drainage Improvements to Cal Mart Enterprises LLC; and

WHEREAS, unforeseen conditions required additional work by the contractor in order to complete the project; and

WHEREAS, a change order request for change order #2 was submitted by Cal-mart Enterprises LLC for the additional work in the amount of \$16,507.00; and

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

a. Extend existing 18" drain line and riprap outfall	\$2,952.72
b. Additional excavation and disposal due to relocation of Stream channel	\$6,160.00
c. Raise height of proposed retaining wall	\$5,134.72
d. Removal of existing willow tree	\$750.00
e. Overhead & Profit	\$2,248.56
f. Total credits	(\$739.00)
Total Change Order Amount	<u>\$16,507.00</u>

RESOLUTION NO. (525-2009) continued

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from \$401,273.00 to \$417,780.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H -8753-400-409-0-77-23

On roll call the vote was as follows

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

RESOLUTION NO. (526-2009)

Co. Lasker offered and Co. Hoehmann seconded

“RESOLVED, that Resolution No. 744-2008, adopted by the Town Board on November 25, 2008, is hereby amended to change the Town Board meeting set for December 31, 2009 at 12 noon to December 30, 2009, at 11:30 a.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York.”

On roll call the vote was as follows

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

RESOLUTION NO. (527-2009)

Co. Lasker offered and Co. Maloney seconded

Resolution Authorizing Supervisor to apply For a New York State DEC Grants: Nonagricultural Nonpoint Source Projects

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects as:

- Buena Vista Road Drainage Improvements
- Virginia Street-Carolina Drive Drainage Improvements
- Strawtown Road-Germonds Road Water Quality Management & Habitat Restoration
- Schriever Lane Stream Stabilization
- Heaton’s Pond Water Quality Management and Habitat Restoration

WHEREAS, The Town of Clarkstown herein called the “Municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Projects”, is desirable, is in the public interest, and is required in order to implement the Projects; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY, the Town of Clarkstown Town Board that the

1. Town Supervisor, Alexander J. Gromack or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Projects and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Projects and that funds will be available to initiate the Projects' field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. That this Resolution take effect immediately.

On roll call the vote was as follows

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

RESOLUTION NO. (528-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AMENDING RESOLUTION NO. 113-2009
WITH RESPECT TO AGREEMENT WITH CAMBRIDGE SYSTEMATICS

WHEREAS, by Resolution No. 299-2008 dated May 13, 2008 subsequently amended by Resolution No. 792-2008 dated December 16, 2008 and amended by Resolution No. 113-2009 dated February 10, 2009, the Town Board authorized the Supervisor to enter into an agreement with Cambridge Systematics, 33 East 33rd Street, Suite 804, New York, New York, 10016, to provide certain professional services in connection with the transportation component of the Town’s Comprehensive Plan update, and

WHEREAS, the Town has requested a proposal from Cambridge Systematics to provide additional professional services not included in the original scope for Phase I and Phase II of the project, and

WHEREAS, Cambridge Systematics has submitted proposals dated September 21, 2009 and October 15, 2009 (the

RESOLUTION NO. (528-2009) continued

"proposals"), to provide the additional services requested, which the Town Planner has reviewed and found reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the contract with Cambridge Systematics to provide additional professional services as per their proposals, which agreement shall provide among other things, authorization to perform tasks I and II therein, reserving the right of the Town Board to authorize tasks III – VIII at a future date, and be it

FURTHER RESOLVED, that Resolution Nos. 299-2008, 792-2008 and 113-2009 are hereby amended to increase the total cost of the project by \$101,306, for a total of \$266,150.00, which amount shall constitute a proper charge to Account No. A-8021-409, and be it

FURTHER RESOLVED that the Town Board hereby directs the Town Attorney’s Office and the Planning Department to pursue grant funding to offset the cost of the project from the N.Y.S. Department of Transportation and New York State Metropolitan Transportation Council.

On roll call the vote was as follows

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

RESOLUTION NO. (529-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR BID #20-2009 VIRGINIA STREET/CAROLINA DRIVE DRAINAGE IMPROVEMENTS

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #20-2009 Virginia Street/Carolina Drive Drainage Improvements to Pinebrook Industries, Inc. of New City, New York; and

Whereas, the Town Board of the Town of Clarkstown has decided to extend the paving and curb replacement portions of the project east approximately 200 feet to the intersection of Virginia Street and New York State Route 304; and

Whereas, the Department of Environmental Control has negotiated an acceptable proposal with Pinebrook Industries, Inc. in the amount of \$57,800.00 to perform the additional pavement milling, curb removal and replacement and asphalt pavement installation associated with this change in the scope of work for this project; and

Whereas, all additional work is to be done in accordance with the contract specifications for this project; and

Whereas, tree work and repairs to a portion of the new storm drain system not included in the original scope of work for the project required certain change orders to the contract; and

Whereas, the work associated with these change orders on contract is described as follows:

1. Removal of an existing 18” diameter pine tree and stump at the northeast corner on the intersection of Carolina Drive and Virginia Street that was determined to represent a potential safety hazard and the pruning of an existing 20” diameter cherry tree to allow for the installation of the north detention/infiltration chambers for the lump sum of \$1000.00
2. Repairs to a portion of the north detention/infiltration chambers damaged by the Town Sewer Department while performing emergency work to restore the sanitary sewer service to the residence at #19 Virginia Street. This work was performed on a time and material basis for the sum of \$3,480.00; and

Whereas, all costs associated with this work have been reviewed by the Department of Environmental Control and have been found to be reasonable and in accordance with the contract specifications and unit prices;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown hereby authorizes Amendment No. 1 to the contract amount for Bid #20-2009 Virginia Street/Carolina Drive Drainage Improvements in the amount of \$62,280.00; and

Be It Further Resolved that the total cost of the project shall not exceed \$308,780.00 without further Town Board resolution and it shall be a proper charge to account # H 8755-409-0-79-34, and

Be it Further Resolved that this Resolution is hereby made retroactive to September 22, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (530-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN BOARD REFERRING THE CLARKSTOWN COMPREHENSIVE PLAN AND FINAL GEIS TO THE ROCKLAND COUNTY PLANNING DEPARTMENT AND THE CLARKSTOWN PLANNING BOARD

WHEREAS, pursuant to NYCRR Part 617.9(a)(5) the Special Board, as the Town’s agent pursuant to SEQRA, has prepared a Final Comprehensive Plan and Final Generic Environmental Impact Statement (FGEIS), which addresses, pursuant to 6 NYCRR Part 617.9(b)(8), the substantive comments received by various entities in response to the Draft Generic Environmental Impact Statement (DGEIS) which was deemed complete by the Town Board via resolution on August 25, 2009, and which comment period ended on October 2, 2009, and

WHEREAS, the Town Board was provided a copy of the FGEIS and Final Comprehensive Plan via hand delivery on October 14, 2009, which the Town Board has reviewed and considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that the Special Board is hereby directed to file, distribute and publish the “Notice of Completion”

RESOLUTION NO. (530-2009) continued

hereto as Exhibit "A" (on file with Town Clerk) in accordance with 6 NYCRR Part 617.12(b)(1) and 617.12(c), and be it

FURTHER RESOLVED, that the Special Board is hereby directed to distribute the Final Comprehensive Plan/FGEIS to the Rockland County Planning Department, the Town of Clarkstown Planning Board, and other interested agencies as identified in Exhibit "B" (on file with Town Clerk), in accordance with 6 NYCRR Part 617.12(a)(2)(iii) and 617.12(b)(1), and other municipalities and governmental bodies as may be required by Section 239-l and 239-m of the General Municipal Law, and be it

FURTHER RESOLVED, that the Special Board shall file copies of the Final Comprehensive Plan/FGEIS with the Town Clerk and the following local libraries: New City Library, Valley Cottage Library, West Nyack Free Library Nanuet Public Library

and be it

FURTHER RESOLVED, that the comment period pursuant to 6 NYCRR 617.11(a) shall be fifteen (15) calendar days ending November 4, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (531-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AGREEMENTS WITH AMBULANCE DISTRICTS

WHEREAS, a final order establishing Ambulance Districts in the Town of Clarkstown, was passed by the Town Board on September 28, 1993, and

WHEREAS, the Town Board entered into agreements with each of the Ambulance Corps, which are volunteer organizations providing emergency and related ambulance services within the Town of Clarkstown, commencing January 1, 1994, and

WHEREAS, the Board of Commissioners is the governing body for the Ambulance Corps, and

WHEREAS, the Town Board wishes to amend the agreements;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into amended agreements with the Ambulance Corps to provide emergency and related ambulance services within the Town of Clarkstown, in a form approved by the Town Attorney, to allow for disbursements as recommended by the Town Comptroller.

On roll call the vote was as follows

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

RESOLUTION NO. (532-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION REQUIRING APPRENTICESHIP TRAINING PROGRAMS FOR TOWN CONTRACTS

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No.302-2006 dated May 9, 2006 that required any contractor or subcontractor, prior to entering into a Public Works Contract with a value in excess of \$250,000.000 and a Drainage Contract with a value in excess of \$500,000.00 to have apprenticeship agreements, appropriate for the time and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law, anything in Section 103 of the New York State General Municipal Law to the contrary notwithstanding, and

WHEREAS, the Town Board by said resolution resolved that the Town shall consider the use of project labor agreements (PLA's) in Public Works Contracts involving multiple trades, and

WHEREAS, a PLA is a pre-hire collective bargaining agreement between a contractor and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform work on a public work project and which further requires such contractors to participate in apprentice training programs in the trades of work it employs that have been approved by the New York State Department of Labor, and

WHEREAS, past court holdings have rejected local ordinances that grant a preference to contractors in competitive bidding for municipal construction contracts whose employees participated in a state-approved apprenticeship program as violative of the New York State competitive bidding statutes, and

WHEREAS, the New York State Legislature adopted Labor Law § 222 (2), effective date July 1, 2008 that allows for public agencies to enter into PLA's, notwithstanding the provisions of any general, special or local law, or judicial decision to the contrary, which PLA's would permit the use of apprenticeships in circumstances where doing so would be cost effective as demonstrated by a feasibility study,;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 302-2006 adopted May 9, 2006 that required contractors prior to entering into a Public Works Contract with a value in excess of \$250,000.000 and a Drainage Contract with a value in excess of \$500,000.00 to have apprenticeship agreements and hereby adopts a policy to implement the use of PLA's in such Public Works Contracts in circumstances where doing so would be cost effective as demonstrated by a feasibility study, and be it

RESOLUTION NO. (532-2009) continued

FURTHER RESOLVED, that the Clarkstown Purchasing Agent is hereby directed to incorporate the following language in bid documents for said Public Works Contracts, to wit:

“The Town Board of the Town of Clarkstown has adopted an amendment to Resolution No. 302-2006 dated May 9, 2006 that required any contractor or subcontractor, prior to entering into Public Works Contracts with a value in excess of \$250,000.000 and Drainage Contracts with a value in excess of \$500,000.00 to have apprenticeship agreements.

By said amendment, the Town Board has resolved to incorporate a PLA in the bid documents for such Public Works Contracts in accordance with Article 8, Section 222 of the New York State Labor Law involving multiple trades in circumstances where doing so would be cost effective. To that end, the Town will undertake a feasibility study for such Public Works Contracts meeting the aforesaid threshold limits to determine the benefits, if any, that would accrue to the Town by the implementation of a PLA.

If such benefits are found, such as promotion of work site harmony, prevention of costly delays resulting from strikes and lockouts, and provision for a dispute resolution mechanism to resolve labor and jurisdictional disputes, the PLA will be included in the bid documents and the acceptance by the bidder of the PLA will become a condition of the bid.

In the event that the lowest bid is less than the aforementioned thresholds, the PLA will not be implemented.”

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (533-2009)

Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH DCAK – MSA ARCHITECTURE, TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES WITH RESPECT TO THE CONGERS-VALLEY COTTAGE VOLUNTEER AMBULANCE CORPS PROPOSED BUILDING

WHEREAS, the Town, via the Congers-Valley Cottage Ambulance District, contracts with the Congers-Valley Cottage Ambulance Corps (the “Corps”) for the provision of ambulance service in the Hamlets of Congers and Valley Cottage, and

WHEREAS, the building that houses the Corps is in disrepair and does not currently meet the needs of the Corps, and

WHEREAS, the Corps original intent was to obtain private financing to fund the construction of a new building, however, the Corps as been unsuccessful in its efforts to secure financing, and

WHEREAS, the Town desires to undertake the project as a public works project, which it intends to fund through the issuance of serial bonds on behalf of the District pursuant to Town Law 202-b, and

WHEREAS, at the request of the Town, DCAK-MSA Architecture submitted a proposal dated October 5, 2009, to provide professional architectural and engineering services regarding the Congers-Valley Cottage Ambulance Corps project, and

WHEREAS, the Public Works Administrator has reviewed the proposal and finds it reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with DCAK-MSA Architecture, in a form approved by the Town Attorney, to provide professional architectural and engineering services regarding the Congers-Valley Cottage Ambulance Corps project pursuant to its proposal dated October 5, 2009, and be it

FURTHER RESOLVED, that the fee for said project shall not exceed \$40,000 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. Maloney Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (534-2009)

Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A PERMIT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION CONCERNING COMMUTER PARK AND RIDE LOT ADJACENT TO ROUTE 304, NEW CITY

WHEREAS, the Town is currently in the process of constructing a commuter park and ride lot adjacent to Route 304 in New City, New York, and

WHEREAS, the New York State Department of Transportation requires that the Town obtain a permit for the occupancy and access of the N.Y. State Route 304 Right of Way;

NOW, THEREFORE, be it

RESOLUTION NO. (534-2009) continued

RESOLVED, that the Supervisor is hereby authorized to execute a permit, with the New York State Department of Transportation for Use and Occupancy of the New York State Route 304 Right of Way, for a rental fee of \$1.00 per year, the payment of which is waived, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute and deliver any other documents required in connection with the permit, including a Certificate of General Liability Insurance naming the People of the State of New York as additional insured.

ROW 75n (10/06)

Airspace

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
REAL ESTATE DIVISION
PERMIT FOR USE OF STATE-OWNED PROPERTY

PIN: S000.00.201 Permit Account No.: 82279
Property Location: West side of NY Route 304 at MM 1180, New City
Project: S.H. 9005, Coyles Corners-Short Clove
Map No(s): 187 Parcel No(s): 208,209 County Rockland
Town: Clarkstown City/Village:

THIS PERMIT, made this _____ day of _____, 20____ between:

Town of Clarkstown
10 Maple Avenue
New City, NY 10956

hereinafter referred to as "Permittee", and the COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK, hereinafter referred to as "the State",

WITNESSETH:

WHEREAS the State is the owner of the above identified property, hereinafter referred to as "property" or as "premises"; and

WHEREAS the Permittee wishes to use and occupy said property;

NOW, THEREFORE, the State hereby grants this permit to the Permittee, subject to the following covenants and conditions:

1. The property covered by this permit shall be used only for the purpose of: ~~12,400± square feet improved with an entrance driveway, bus ramp and other paved areas appurtenant to a commuter parking lot and access to NY Route 304 for transportation purposes, and for no other purpose whatsoever. Access to Route 304 is confined to the following breaks in the highway boundary as shown in attachment A to this permit: Fifty-five feet between Stations 218+33 and 218+88 and fifteen feet between stations 219+45 and 219+60 as measured by right angles from the D baseline for the construction of the Coyles Corners-Short Clove, S.H. 9005.~~
2. The fee to be charged shall be \$1.00 per year, the payment of which is waived.
3. All inquiries and correspondence regarding this permit should be addressed to:
Office of Real Estate
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603
4. ~~The Permittee understands and agrees that if the full amount of the fee as stated herein is not paid within thirty (30) days from the date billed as indicated on the billing invoice, interest penalties and collecting fees will be imposed under the provisions of Chapter 55 of the Laws of 1992.~~
5. ~~The Permittee understands and agrees that the fee charged by the State may periodically be updated to reflect fair market value and the Permittee will enter into a new permit for the new fee if the permittee wishes to remain in occupancy. Failure to execute a new permit will require Permittee to immediately vacate the premises.~~
6. ~~The Permittee acknowledges the State's right to collect a security deposit. This sum will be retained as security to ensure faithful performance of the permit and compliance with all terms by the Permittee. The State hereby acknowledges receipt of \$_____ received on _____ by _____~~
7. ~~This permit supersedes the permit numbered _____ issued to _____ in the amount of _____ and approved by the Director of the Office of Real Estate on _____~~
8. Permittee, at the Permittee's expense and for the term of the permit, shall furnish and show evidence of General Liability Insurance coverage issued by an insurance carrier licensed to do business in the State of New York for the protection of the State of New York and Permittee against any claims, suits, demands or judgments by reason of bodily injury, including death, and for any claims resulting in property damage occurring on or in proximity to the permit area. Such General Liability Insurance shall be in the amount of no less than two million dollars (\$2,000,000.00) (combined property damage and/or bodily injury, including death) single limit per occurrence, and shall name the **People of the State of New York** as an additional insured. The Permittee will furnish the State with a certificate of insurance, with a thirty (30) days prior written notice of any cancellation or major change in the policy conditions. The Permit shall be voided if insurance is canceled, modified or lapses. Approval of this permit shall be contingent upon receipt, by the State, of a copy of a properly executed insurance certificate.
9. Permittee is responsible for any repairs, improvements or maintenance work of any kind on the property at Permittee's expense. The State may, at any time, periodically inspect the premises to determine whether same is in good repair and maintenance, structurally sound, and that no unsafe, hazardous, unsanitary, or defective conditions exist.
10. Permittee hereby agrees to admit State representatives and ~~prospective purchasers or Permittees~~ to examine these premises during reasonable business hours.
11. Permittee shall not place or store, or allow others to place or store, any flammable, explosive, hazardous, toxic or corrosive materials, debris of any description, garbage or any materials commonly referred to as "junk" within the permit area, except fuel kept in the fuel tanks of legally parked vehicles allowed under the terms of this permit. Failure to comply with this provision may result in a ten (10) days written notice of cancellation of the permit in accordance with Provision 16 of the permit. The Permittee is responsible for the removal of these materials and/or all expenses incurred in their removal.
12. All arrangements of services for utilities, removal of garbage, rubbish, litter, snow and ice will be made by the Permittee at the Permittee's expense, unless hereafter specified. The State shall have no responsibility to provide any services not specifically set forth in writing herein. Permittee shall comply with all local and State building standards/codes in the installation or repair of any utilities including but not limited to electricity and plumbing. Permittee is responsible for keeping and maintaining the premises in a safe and clean condition, for the regular and prompt removal of garbage, rubbish, litter, snow and ice. Permittee shall be responsible for preventing damages to the plumbing system and premises caused by lack of heat or water damage from leaks.
13. Permittee is responsible to maintain the occupancy in compliance with any and all applicable local, State, and Federal laws, ordinances, codes, rules and regulations affecting the use of the property. Permittee shall not conduct or allow any use or activity on the premises inconsistent with law and shall not conduct or allow any use or activity on the premises which may require a permit or other approval by a government agency without having lawfully obtained such permit or approval.
14. The parties acknowledge that this instrument is not a lease but is merely a permit to occupy and use, and therefore a landlord-tenant relationship is not hereby created; and further, that since this is not a lease, Section 5-321 of the General Obligations Law does not apply to this permit to the extent permitted by law.
15. The State shall have no responsibility whatever for the loss or destruction of any improvements made by the Permittee or for personal property stored or being used on the premises.
16. This permit shall be renewed automatically for successive terms of one month each unless canceled by either party. Cancellation by the State requires thirty (30) days written notice, except for cause, in which event cancellation can be effected on ten (10) days written notice. Permittee may cancel this permit by giving thirty (30) days written notice. This permit shall be cancelled upon the termination of the Town of Clarkstown occupancy of the property served by this permit. All improvements shall be removed from the highway right of way upon cancellation of this permit.
17. ~~Permittee shall not sublet the premises nor assign or transfer the permit to any other parties in part or in whole without the prior written consent of the State.~~ Failure to comply with this provision may result in ten (10) days written notice of cancellation of the permit by the State, and the State may immediately take possession and terminate all rights of the Permittee as of such moment.

RESOLUTION NO. (534-2009) continued

- 18. It is understood and agreed by and between the parties that the Permittee will () will not (X) be entitled to any relocation benefits provided under State and Federal law.
- 19. Permittee agrees and understands that the State is under no obligation to sell the property to the Permittee and that no commitment, express or implied, is made by the State to give the Permittee any preemptive right of purchase. It is further understood that the rights granted under this permit are exclusively for the benefit of the Town of Clarkstown during the term of occupancy.
- 20. In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the permittee will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability or marital status. Neither shall the Permittee discriminate in the use of this premises or any access thereto if such premises is used as a public accommodation or in connection with a public service.
- 21. Permittee agrees to indemnify and save harmless the State from any claim or loss including legal expenses by reason of the use or misuse of the premises under this permit and/or from any claim or loss by reason of any accident or damage to any person or property being on said premises, caused by Permittee, its employees, agents or invites.
- 22. If any of the provisions of this permit are held invalid, such invalidity shall not affect or impair other provisions herein which can be given effect without the invalid provisions, and to this end the provisions of this permit are severable.
- 23. This permit shall not be effective unless accepted and approved in writing by the State.
- 24. Additional provisions to permit: See Page 5

ACCEPTANCE:

In consideration of the granting of the permit, the undersigned accepts all of the above terms, conditions and provisions.

Soc. Sec. No.: _____ Signed: Town of Clarkstown
 Fed. I.D. No.: _____ By: _____
 Alexander J. Gromack
 Title: Supervisor

STATE OF NEW YORK)
) SS:
 COUNTY OF _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

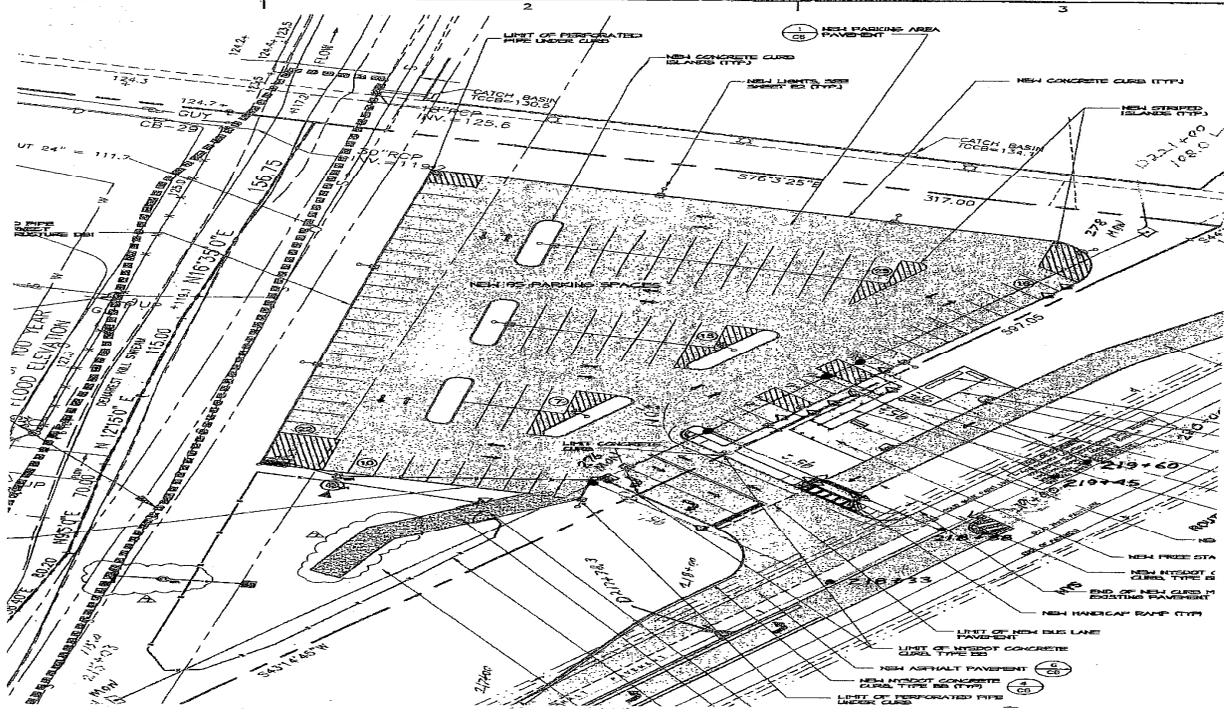
(Notary Public)

Recommended: _____ Date _____
Regional Real Estate Officer

Approved: Commissioner of Transportation for the People of the State of New York
 By: _____ Date _____
 Director, Real Estate Division

RIDER TO USE AND OCCUPANCY PERMIT # 82279

- 25. A Highway Work Permit must be obtained, in advance, for each entry on NYS right-of-way for the purpose of erection, removal, modification, repair, replacement, or maintenance of any surface and subsurface improvement. Before a Highway Work Permit is issued, the Regional Permit Engineer is required to assure himself that the individual(s) proposing to perform work within the right-of-way has the expertise and equipment necessary to complete the work in a professional manner so as not to present a potential hazard to the public or subject New York State right-of-way to potential damage. The Permittee is responsible for the payment of any fees required to provide insurance coverage necessary in conjunction with the issuance of the Highway Work Permit. This Use and Occupancy Permit is immediately revocable if any stipulations and/or requirements listed in the Highway Work Permit are not adhered to by the Permittee, his agents, employees, contractors, or subcontractors.
- 26. The Permittee, on behalf of himself, his agents, employees, contractors, or subcontractors, assumes all risk in the construction, reconstruction, repair, maintenance (where certain maintenance obligations are the responsibility of the Permittee under the terms of this permit), operation and use of the permit area and shall be solely responsible and answerable in damage25a for any and all accidents and injuries to person(s) or property, including death, and hereby covenants and agrees to indemnify and hold harmless the State from all claims, suits, actions damages and costs of any nature and description arising out of, or related to, the construction, reconstruction, repair, maintenance (where certain maintenance obligations are the responsibility of the Permittee under the terms of this permit), operation and use of the permit area. The Permittee agrees, upon request to do so, to assume the defense and to defend at his/her own cost and expense any action brought at any time against the State of New York in connection with any such claims, suits, and actions.
- 27. In the event of cancellation of this Permit by the State, Permittee will be required to remove any/all improvements to the permit area which have been placed there by the Permittee, at his own expense, within thirty (30) days, and restore the area to its pre-permit condition.
- 28. The State is not liable for expenses incurred by the permittee which may occur as a result of construction, maintenance, or use of the permit area for highway purposes.
- 29. Permittee agrees and understand that no trees, shrubs, landscaping, or other naturally occurring flora may be removed or disturbed in any fashion without prior approval from the Department of Transportation.



RESOLUTION NO. (534-2009) continued

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

RESOLUTION NO. (535-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID#5-2010 – Improvements at Various Town Parks –Basketball Court and Handball Court Wall
 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. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (536-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID#6-2010 – FISHING DOCK – TWIN PONDS PARK
 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. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (537-2009)

Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 850-2001 adopted on October 23, 2001, subsequently renewed on December 13, 2005, by Resolution No. 909-2005, the Clarkstown Town Board resolved that, for a period of six (6) months, officers and employees of the Town of Clarkstown who are ordered to active military service shall receive from the Town a salary equal to the difference, if any, between such officer's or employee's Town salary and the salary paid to him or her for the performance of the ordered military duty; and
 WHEREAS, as a result of Operation Iraqi Freedom and the continued possibility of the activation of military reservists to active military duty, the Town Board has resolved to renew the applicable time period of Resolutions Nos. 850-2001 and 909-2005 for a period commencing on October 21, 2009 until December 31, 2010, unless sooner terminated, extended or renewed as the Town Board may determine in its absolute discretion.

NOW, therefore, it is

RESOLVED, that Town of Clarkstown Resolutions Nos. 850-2001 and 909-2005 be and are hereby renewed for a period beginning on October 21, 2009 until December 31, 2010; and be it further
 RESOLVED, that an injury or disability suffered by such officer or employee of the Town of Clarkstown during any period of military service shall not constitute an accident arising in the course of Town employment, or in the performance of duty on behalf of the Town; and it is further

RESOLVED, that the renewal of Resolution Nos. 850-2001 and 909-2005 does not constitute a policy or practice of the Town of Clarkstown, nor shall this Resolution result in an expansion of the terms and conditions of employment of the officers and employees of the Town of Clarkstown and the salary differential hereby granted such officers and employees may be terminated, at any time, in the sole and absolute discretion of the Clarkstown Town Board.

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

RESOLUTION NO. (538-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO TERMINATE THE GROUND LEASE WITH UNITED WATER NEW YORK, WITH REGARD TO PREMISES LOCATED AT 312 STRAWTOWN ROAD, WEST NYACK, NEW YORK

WHEREAS, on December 31, 1992, the Town Board adopted Resolution No. 888-1992, whereby the Spring Valley Water Company, Inc. (currently known as United Water New York) conveyed title of the historical

RESOLUTION NO. (538-2009) continued

house located at 312 Strawtown Road, West Nyack, New York, to the Town of Clarkstown, in the amount of \$1.00, and authorized a 99 year ground lease with Spring Valley Water Company to cover a .59 acre parcel surrounding the historical house, and

WHEREAS, pursuant to Resolution adopted December 31, 1992 termination of the 99 year ground lease may be made by either party, with cause, upon sixty days written notice, and

WHEREAS, the Town has diligently attempted to secure a sublessor who would agree to a historical restoration of the home, but has been unsuccessful in its efforts, and

WHEREAS, after thorough consideration, the Town Board has determined that the lease should be terminated and the premises conveyed to United Water New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute any and all legal documents to terminate the 99 year ground lease with United Water New York and convey the structure to United Water New York, and be it

FURTHER RESOLVED, that said agreement shall provide, among other things, that United Water shall use its best efforts to lease the premises to a not-for-profit agency that will agree to restore the premises with historical integrity, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Attorney to transmit a copy of this resolution to United Water New York, and be it

FURTHER RESOLVED, that this action is subject to Permissive Referendum pursuant to Town Law Section 64(2).

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (539-2009)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 133-2009 WITH RESPECT TO AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING LAKE NANUET PARK

WHEREAS, the Town Board, by Resolution No. 779-2008, adopted on December 16, 2008, authorized an agreement with the H2M Group, to provide engineering services for Phase I of the project to evaluate the possible causes for the flooding conditions at Lake Nanuet Park, which resolution was amended by Resolution No. 133-2009, adopted by the Town Board on March 24, 2009, authorizing H2M to perform additional services, and

WHEREAS, the Superintendent of Recreation and Parks now requests H2M to provide services for Phase II of the project, and

WHEREAS, H2M has submitted a proposal dated February 11, 2009 to provide the requested services in Phase II of the project for an additional cost of \$55,800.00, which the Town Attorney has reviewed and found to be reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 133-2009, by authorizing the H2M Group to perform additional engineering services pursuant to its proposal dated February 11, 2009, for an additional cost of \$55,800.00, and be it

FURTHER RESOLVED, that the total cost for H2M's services with respect to the project referred to herein shall not exceed \$76,100.00 plus reimbursable expenses, and shall constitute a proper charge to Account No. H 8759-409-0-83-27.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (540-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE REMOVAL OF NEW YORK BOARD OF FIRE UNDERWRITERS AS AN AUTHORIZED AGENCY TO PERFORM ELECTRICAL INSPECTIONS

WHEREAS, the New York Board of Fire Underwriters, which is currently authorized to perform electrical inspections within the Town of Clarkstown, has advised the Town that as of October 16, 2009, it will no longer provide such services;

NOW, THEREFORE, be it

RESOLVED, that the authorization to the New York Board of Fire Underwriters to perform electrical inspections is hereby withdrawn, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to October 16, 2009.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (541-2009)

Co. Hoehmann offered and Co. Maloney seconded

WHEREAS, based upon the recommendation of the Superintendent of Highways that a portion of Church Street, Nanuet, curbing and sidewalk be replaced and the roadway reconstructed.

WHEREAS, cost for said project and associated consulting engineering fees are not to exceed \$60,000.00.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes this expenditure, and be it

FURTHER RESOLVED, this cost shall constitute a proper charge to account #H8760-409-0-84-27 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. Maloney Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (542-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION ESTABLISHING CAPITAL ACCOUNT FOR DATA PROCESSING VIRTUALIZATION PROCESS

WHEREAS, the Director of Automated Systems has advised that the growing complexity and cost of application deployment for the Town’s distributed global enterprises is driving the need for a streamlined approach; and

WHEREAS, virtualization is the process of combining hardware and software network resources and network functionality into a single software based high performance entity, resulting in reduced power consumption and heat dissipation in the data center will be substantially reduced; and

WHEREAS, the Director of Automated Systems has recommended that this technology be implemented and has requested that funds be appropriated for said technology;

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Automated Systems is authorized to proceed with the virtualization technology; and be it

FURTHER RESOLVED, that the total cost for the project shall not exceed \$95,000.00 without further authorization of the Board and shall constitute a proper charge to capital account H-8760-409-0-84-23; and be it

FURTHER RESOLVED, that all hardware, software and services shall be purchased via approved current New York State OGS contracts.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments.

Michael Hirsch- New City

Stated that property taxes should be cut by 5% per year.

Mitch Schroeder- President Clarkstown PBA

Stated there is a lot of misinformation about the PBA contract, which represents 170 members, not including the chief and the captains. Captain Purtill’s salary was a negotiation between Captain Purtill and the Town Board. Clarkstown has a cutting edge police department, which is why we are the safest town.

Mark Weinstein- New City

Spoke about the dangers of police officers and teachers working in the city and stated that salaries are not commensurate in Clarkstown.

Marion Jacobs

Stated he was a NYC policeman and wished cops in the NYC made as much as the cops do up here. In NYC, he said he put his life on the line every day and the cops do not deserve the money they make here.

Tom Doyle- Vice-President Clarkstown PBA

Stated he served in NYC’s police force for nine years and over the last thirty years, Clarkstown has put together one of the most professional police departments in the USA.

Fred Merrill- Nanuet

Stated that the elderly have to be taken into consideration with the taxes, which are out of control. It is not all about the police. The school taxes are a big pain.

Veronica Gorman- Valley Cottage

Stated she was a NYC police officer in the 1970’s, and when 4,000 officers were told to turn in their shields, she chose to work at a Catholic school. Asked the board to help her to be able to stay in Rockland.

Joe Tradulo- New City

Thanked the police for what they do and asked what is being done to adjust overtime and curtail the salary of chiefs and captains.

Supervisor Gromack

Stated the number of overtime hours are down 12-16% and are reviewed on a monthly basis.

Ron Longo- Deputy Town Attorney

Stated that according to General Municipal Law, the Chief of Police's salary is protected by law and he is entitled to salary increases, and that the Chief has agreed to a decrease in salary.

Supervisor Gromack

Stated that the situation we are in did not happen overnight and will take time to turn around. Mr. Holbrook had a different style of leadership. This town Board will make progress, though people may want us to do it quicker. This is not just about the police or salaries, it's about a town. We have cut 39 positions from the town.

Robert Isadore

Asked how people that retire can afford taxes.

Supervisor Gromack

Stated that Clarkstown has the lowest tax rate in a decade and that it is lower than any of the surrounding towns.

Thom Kleiner- Town of Orangetown Supervisor

Stated there should be no distinction between where police serve and another look will need to be made at binding arbitration working with the PBA.

Bernadette Berkman- New City

Stated there is no crime in Clarkstown, because the Police Department does such a good job.

Stan Hoyer- West Nyack

Stated that the salaries are obscene and asked if the police force could be cut, as he was in an accident and waited an hour for the police to come.

Supervisor Gromack

Stated that there is an ability to cut the workforce and that any cuts would come from the last hired at the lowest scale of pay.

Armando Gasperin- West Nyack

Stated we have low crime because we have a bunch of law abiding citizens. Stated that the Supervisor is to blame and cannot blame his predecessors. This is not Beverly Hills. We can't afford you.

Supervisor Gromack

Stated that the strength of this community will be working together. It didn't get this way in four years. I will not be accountable for what happened twenty years ago. I will be accountable for what we do now.

Brian Gorsky- Clarkstown Police Sargeant

Stated the Clarkstown Police Department are professionals and there is a mob mentality at the meeting tonight. He agreed that taxes were high in the town and stated that the only way he can live here is because he works for the Clarkstown Police Department. Asked how anyone could make a blanket case for cuts when not knowing anything about the budget.

Burt Steinberg- New City

Stated that taxes in Rockland County are the highest in the country, we are inefficient, and the key is what can be afforded.

John Brosky- New City

Stated there needs to be overtime management by the Town Board.

Supervisor Gromack

Stated that every department has budgeted overtime and it is approved by the department heads.

Gail Moggio- Nanuet

Stated that sick time and overtime need to be capped.

Ron Longo- Deputy Town Attorney

Stated that there will not be overtime unless it is approved by a supervisor, and since the Police Department is an Emergency Services Division and runs twenty-four hours a day, overtime will not kick in unless the department is below minimum manning.

Waylon Hyam- Nanuet

Stated that everyone points at Clarkstown cops, who are worth every nickel. We live here because it is a safe town. The School Superintendent's salary should be cut.

Matt Gower - New City

Stated he agrees that the police force is worth every nickel, but we are asking for a little help at this time.

Lou Almo- Nanuet

Stated he is retired from the NYC Police Department and the cost of government needs to come down. Asked if the Town of Clarkstown is doing anything to reform the law in the sate or county and whether there should be a police commission.

Supervisor Gromack

Stated that we do scrutinize the budget line by line and there are bills in Albany to reform tax law and binding arbitration.

Tom Leonard- Congers

Stated it is not just about taxes, natural gas prices are going up. If prices don't go down, he'll be moving in two years.

Austin Noon- New City

Stated we should get the County Sheriffs and State Troopers to cover overtime in Clarkstown.

Speaker did not provide name for record

Asked if the Town Board would be getting a raise this year and how can they ask anyone else to take a cut if they will not do the same.

Co. Borelli

Stated he wrote a letter making a request not to have a raise.

Co. Maloney

Stated that elected and appointed officials should not take a raise.

Co. Hoehmann

Stated it is not good business practice to take a raise and has turned down his stipend for the Alarm Users Board.

Pete Drewer- New City

Asked what goals were going to be set and stated that in private business budgets are cut when business is bad.

Kevin Hallinan- Valley Cottage

Stated that the Supervisor needed to consider his neighbors who are struggling.

Michael Hirsch- New City

Stated that nobody is against the cops, but against their salaries. Stated that they should take 0% for the next three years.

John Hachair

Stated that if you go to the Palisades Mall on a Saturday night it will not be the safest town in America.

Barry Goldberg- Goshen

Read and submitted a letter regarding Massachusetts Avenue properties, (on file with Town Clerk).

Austin Noon- New City

Stated he has water runoff on his driveway.

On motion of Co. Borelli, seconded by Co. Lasker, and unanimously adopted, the Town Board Meeting was adjourned, 9:53 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

10/20/09

8: 05 P.M.

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

Re: Proposed Local Law entitled "Amendment to Chapter 262 (Taxation) of the Town Code of the Town of Clarkstown.

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:05 P.M.

Amy Mele- Town Attorney

Gave an overview of the proposal, stating it mirrors the state law to provide the maximum allowed to low income residents and senior citizens.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Borelli, and unanimously adopted, hearing was closed 8:06 P.M. RESOLUTION NO. (499-2009)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (499-2009)

TOWN OF CLARKSTOWN SPECIAL MEETING
CLARKSTOWN MIDDLEWOOD HOUSING
DEVELOPMENT FUND COMPANY, INC.

Town Hall

10/20/09

9:53 P.M.

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

On motion of Co. Maloney, seconded by Co. Lasker the special meeting was declared open, on motion of Co. Borelli, seconded by Co. Maloney, and unanimously adopted, the meeting was closed, time: 9:53 P.M.

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO FRANK MILLER’S LANDSCAPING INC. FOR THE MIDDLEWOOD SENIOR CITIZEN HOUSING PROJECT

WHEREAS, the Town of Clarkstown Purchasing Department has solicited bids for snow removal at the Middlewood Senior Citizen Housing Project owned by the Clarkstown Middlewood Housing Development Fund Company, Inc., and

WHEREAS, Frank Miller’s Landscaping Inc. has submitted a low bid to do the aforementioned work, and WHEREAS, it is recommended that the Board accept Frank Miller’s Landscaping Inc.’s Bid for a Seasonal Pricing Contract which consists of a price of \$4,180.00 for 13” with a cost per inch of \$700.00 for each additional inch of accumulation over 13 inches; together with the price for salt application to roads of \$900.00 per season, the price for calcium chloride application to walks of \$1,000.00 per season, and the price for labor and equipment needed to move snow of \$250.00 per hour,

NOW, THEREFORE, be it

RESOLVED, that Jeffrey P. Goldstein of ARCO Management Corp., is authorized to sign a contract for the snow removal at the Middlewood Senior Citizen Housing Project for the 2009-2010 season with Frank Miller’s Landscaping Inc., 15 Carley Court, West Nyack, NY 10994

Respectfully submitted,

David Carlucci
Town Clerk