

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

11/6/08

7:00 P.M.

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

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

Public Hearing #1 re: Town of Clarkstown Preliminary Budget for 2009. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 7:00 P.M. On motion of Co. Mandia, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 7:14 P.M. RESOLUTION NO. (696-2008).

Supervisor opened the meeting to public comments regarding agenda items.

Supervisor Gromack

Regarding agenda items #14 & 15 (res. nos. 724-2008 & 725-2008), stated that Standard & Poor's increased our rating from AA to AAA, which is the highest rating you can get. Standard & Poor's cited the strong economic climate in the Town of Clarkstown, our fund balance, and our tax base. Moody's, in this difficult climate, kept us at the same rating, with the promise that we can revisit that early in the year, when we conclude the sale of the transfer station. There was certainly an upgrade in our bond rating with that possibility and we hope to conclude that within the next few days or week. These two agenda items will further enhance our standing with these agencies. He congratulated Ed Duer, Town Comptroller, for his work on these areas.

RESOLUTION NO. (696-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION ADOPTING THE 2009 BUDGET FOR THE TOWN OF CLARKSTOWN

WHEREAS, a public hearing pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 2009, was duly scheduled and noticed for November 6, 2008 at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and heard all persons desiring to be heard;

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, (on file with Town Clerk), be and is hereby adopted as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1st day of January, 2009, and that such Budget, as so adopted, be entered in detail in the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2, and Section 231, Subd. 2 of the Town Law, and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County, pursuant to Section 115 of the Town Law and other applicable sections of the Town Law.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (697-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of October 21, 2008 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (698-2008)
Co. Maloney offered and Co. Mandia seconded

WHEREAS, the redevelopment of a single family parcel at 79 Hall Avenue, New City (51.10-2-25) was completed under Building Permit #06-1002 issued to Fel-Sig Realty, and

WHEREAS, a Certificate of Occupancy was issued to the developer on 10/1/07 and title was transferred

RESOLUTION NO. (698-2008) continued

from Tucker, Inc. to Janice Schiffman on 2/4/08, the current owner and occupant of 79 Hall Avenue, and WHEREAS, the Town of Clarkstown Department of Environmental Control retained escrow funds as a condition of the Certificate of Occupancy in the amount of Two Thousand Five Hundred Dollars (\$2500) for fulfillment of site work requirements, and

WHEREAS, the Director of Environmental Control has determined that the site work has not been completed to his satisfaction in that faulty lawn installation resulted in failed seed germination, and

WHEREAS, repeated notifications to the developer's attorney by the Town Attorney's Office has failed to result in a satisfactory resolution of the matter, and the Director of Environmental Control recommends defaulting the funds and completing the necessary work by subcontract at the appropriate seasonal time, and

WHEREAS, the current owner, Janice Schiffman, has granted the Town a Right of Entry to perform the work and when completed by the Town or its agents, assumes future responsibility,

NOW, THEREFORE be it RESOLVED, that the Town Board hereby defaults the escrow funds of the developer of 79 Hall Avenue and K. Luke Kalarickal, PE, PLS, Director of Environmental Control, is hereby authorized to retain the services of a contractor to perform the outstanding site work requirements at the appropriate seasonal time.

On roll call the vote was as follows

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

RESOLUTION NO. (699-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND, FOR PARTICIPATION IN THE ROCKLAND COUNTY NARCOTICS TASK FORCE

WHEREAS, the County of Rockland wishes to assist the Town of Clarkstown in its crime intelligence gathering and drug law enforcement activities, and

WHEREAS, the Town of Clarkstown wishes to provide the Rockland County Narcotics Task Force with two members of its Police Department for crime fighting activities, and

WHEREAS, the County of Rockland initiated a program to reimburse local municipalities for drug law enforcement activities, and the Legislature of Rockland County has provided funds in its 2008 Budget for the purpose of reimbursement of compensation for two Clarkstown Police Officers for said law enforcement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the County of Rockland, through its District Attorney's Office, for the sum of \$73,920.00 per police officer, for the total sum of \$147,840.00, for the period January 1, 2008 and terminating December 31, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (700-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING CORRECTION TO AMENDMENT #1 OF THE CONTRACT AMOUNT FOR BID #56-2006 PINE STREET LOW FLOW CHANNEL

Whereas, the Town Board of the Town of Clarkstown, via resolution #666-2008, has previously authorized Amendment No. 1 to the contract amount for Bid #56-2006 Pine Street Low Flow Channel; and

Whereas, it was discovered that a mathematical error resulted in an incorrect amount for the total of the three approved change orders on contract for this project;

Now, Therefore, Be It Resolved that the total of the three change orders on contract be corrected to \$14,877.00; and Be It Further Resolved that the total cost of this project be amended to \$138,188.00 to reflect the correct amount of the approved change orders on contract; and

Be It Further Resolved that the total cost of this project shall not exceed this amount without further resolution of the Town Board and that this corrected amount shall be a proper charge to account # H 8758 400 409 82-20.

On roll call the vote was as follows

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

RESOLUTION NO. (701-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:
A lighted, flashing warning signal on the southside of West Clarkstown Road, East of West Burda Lane, New City; and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, P.E., for implementation.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (702-2008)
Co. Maloney offered and Co. Mandia seconded

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

A "Stop" sign and a "Stop Line" (per sec. 211.3, a R1-1A sign of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected on Acorn Terrace at Plains Drive, New City and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, P.E., for implementation.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (703-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGNS AND STOP LINES ON FEEDER STREETS INTO ROCKFORD DRIVE, WEST NYACK

WHEREAS, a number of subdivision streets that feed into Rockford Drive, West Nyack are missing Stop Signs and Stop Lines and,

WHEREAS, the Town Board acknowledges that Rockford Drive, which is a through street from Strawtown Road to Germonds Road, would benefit from consistent signage throughout,

NOW, THEREFORE, be it RESOLVED, that the Town Board authorizes the Superintendent of Highways to install Stop Signs and Stop Lines on all feeder streets into Rockford Drive, to include Nuthatch Lane, Woodthrush Drive, Dearborn Road, Hazleton Lane, Hemlock Road, Meadowlark Drive, and Oak Spring Road (currently existing) where these streets merge into Rockford Drive and

Be it FURTHER RESOLVED, that this resolution be forwarded to the Chief of Police for information and enforcement.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (704-2008)
Co. Maloney offered and Co. Mandia seconded

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

BID#49-2008 – STREETSCAPE LIGHTING FIXTURES/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. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (705-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID#50-2008 – UNIFORMS FOR CLARKSTOWN POLICE DEPARTMENT
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. Mandia. Yes
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (706-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION DESIGNATING THE PURCHASING AGENT TO RECEIVE, COLLECT AND REVIEW
CERTIFIED PAYROLLS OF PUBLIC WORKS PROJECTS UNDER LABOR LAW § 220

WHEREAS, the N.Y.S. Legislature has adopted amendments strengthening the enforcement of Labor Law § 220,
which require contractors doing business with the state or any governmental body within the state to pay prevailing
wages and benefits to those workers who perform the work, and
WHEREAS, Labor Law § 220 (3-a) (a) (iv) requires that the Town of Clarkstown designate an individual to receive,
collect and review certified payrolls for facial validity on public works projects awarded by the Town and to file and
preserve the collected payrolls for five (5) years, and
WHEREAS, Labor Law § 220 (3-a) (a) (iv) further requires that the name of the individual so designated be filed
with the Town Comptroller and posted in a conspicuous location on project work sites within the Town;
NOW THEREFORE, be it
RESOLVED, that Robert Berdy, Purchasing Agent, is hereby designated as the person to receive, collect and review
certified payrolls for facial validity on public works projects awarded by the Town and to file and preserve the
collected payrolls for five (5) years, and be it
FURTHER RESOLVED that this designation be filed with the Office of the Town Comptroller and be posted on a
conspicuous location on project work sites within the Town.

On roll call the vote was as follows

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

RESOLUTION NO. (707-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that
BID#41-2008 – WORK CLOTHING AND ACCESSORY SAFETY ITEMS
is hereby awarded to:
ARAMARK UNIFORM SERVICES
DIV. OF ARAMARK UNIFORM & CAREER APPAREL, LLC
115 NORTH FIRST STREET
BURBANK, CA 91502
PRINCIPALS: A PUBLIC CORPORATION

STAUFFER GLOVE & SAFETY
361 E. SIXTH STREET
P.O. BOX 45
RED HILL, PA 18076
PRINCIPALS: W. RANDALL STAUFFER
JEFFREY R. STAUFFER
REBEKAH STAUFFER PUTERA

STRONGWEAR GARMENT CORP
191 THE PLAZA
TEANECK, NJ 07666
PRINCIPALS: WALTER POPICK

as per the attached price/item list , (on file with Town Clerk).

On roll call the vote was as follows

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

RESOLUTION NO. (708-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Joseph Caoili is hereby appointed to the position of Motor Equipment Operator II – Clarkstown Highway Department – (transferring from the Solid Waste Facility) - at the 2008 annual salary of \$51,273, effective November 9, 2008 – at the close of the business day.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (709-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Joseph A. Donovan is hereby appointed to the position of Motor Equipment Operator II – Clarkstown Highway Department - (transferring from the Solid Waste Facility) – at the 2008 annual salary of \$61,192., effective November 9, 2008 – at the close of the business day.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (710-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that John M. Luther is hereby appointed to the position of Motor Equipment Operator II – Clarkstown Highway Department – (transferring from the Solid Waste facility) - at the 2008 annual salary of \$63,533., effective November 9, 2008 – at the close of the business day.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (711-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Ronald Reck Jr. is hereby appointed to the position of Motor Equipment Operator II – Clarkstown Highway Department - (transferring from the Solid Waste Facility) - at the 2008 annual salary of \$51,273., effective November 9, 2008 – at the close of the business day.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (712-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Steven Spadaccini is hereby appointed to the position of Motor Equipment Operator II – Clarkstown Highway Department – (transferring from the Solid Waste Facility) - at the 2008 annual salary of \$51,273 effective November 9, 2008 – at the close of the business day.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (713-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Raymond McIvor to the position of Senior Groundswoker – Parks Board and Recreation Commission – (transferring from the Solid Waste Facility) - at the 2008 salary of \$60,607., effective November 9, 2008 – at the close of the business day.

On roll call the vote was as follows

- Co. Lasker Yes
 - Co. Maloney Yes
 - Co. Mandia. Yes
 - Co. Borelli. Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (714-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that John Kolka II is hereby appointed to the position of Laborer – Sewer Department - (transferring from the Solid Waste Facility) – at the 2008 annual salary of \$60,607, - effective November 9, 2008 – at the close of the business day.

On roll call the vote was as follows

- Co. Lasker Yes
 - Co. Maloney Yes
 - Co. Mandia. Yes
 - Co. Borelli. Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (715-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION TRANSFERRING POSITIONS AND EMPLOYEES TO THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY

WHEREAS, the Town Board has authorized the sale of the Transfer Station to the Rockland County Solid Waste Management Authority, and

WHEREAS, said sale will result in the transfer of functions from the Town to the Rockland Solid Waste Management Authority as of November 16, 2008;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby transfers the following positions and employees to the Rockland County Solid Waste Management Authority effective November 16, 2008 pursuant to New York State Civil Service Law § 70 as a result of the aforementioned transfer of functions:

<u>POSITION</u>	<u>EMPLOYEE</u>
Transfer Station Monitor	Robert Barucco
Assistant Automotive Mechanic	Michael D'Elia
Weigher II	Teresa Fortier
Weigher II	George Kent

On roll call the vote was as follows

- Co. Lasker Yes
 - Co. Maloney Yes
 - Co. Mandia. Yes
 - Co. Borelli. Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (716-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the following positions at the Solid Waste Facility – Town of Clarkstown - are hereby abolished effective – November 9, 2008 - at the close of the business day.

Automotive Mechanic I	#500731	Motor Equipment Operator II	#500837
Motor Equipment Operator II	#500748	Solid Waste Facility Attendant	#500720
Motor Equipment Operator II	#501068	Solid Waste Facility Attendant	#500721
Motor Equipment Operator II	#500848	Laborer	#500891
Motor Equipment Operator II	#500849	Weigher II	#500237
Motor Equipment Operator II	#501066	Principal Clerk Typist	#500883
Motor Equipment Operator II	#501067		

On roll call the vote was as follows

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

RESOLUTION NO. (717-2008)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08079 (Promotional) Senior Clerk Typist – which contains the name of Kristy M. Francella, NOW, therefore, be it

RESOLVED, that Kristy M. Francella is hereby appointed to the position of (Permanent) Senior Clerk Typist – Town Justice Department – at the current 2008 salary of \$41,212., effective November 10, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (718-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Robert Jackson, Member – Planning Board is hereby accepted effective – November 3, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (719-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLVED, that Peter Streitman is hereby appointed to the position of Member – Planning Board – (to fill the unexpired term of Robert Jackson) – at the 2008 annual salary of 7,000., term effective November 3, 2008 and to expire on January 4, 2012.

On roll call the vote was as follows

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

RESOLUTION NO. (720-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION ACCEPTING PROPOSAL OF INTERCOUNTY ALARM SYSTEMS TO PROVIDE ALARM MONITORING

WHEREAS, the Town of Clarkstown solicited proposals from qualified monitoring companies to provide such monitoring services.

WHEREAS, the Town entered into an agreement with Intercounty Alarm Systems pursuant to Town Board Resolution 814-2005.

WHEREAS, Intercounty Alarm Systems has proposed to continue such monitoring services under the same term, conditions and pricing as the present contract.

NOW, THEREFORE, BE IT RESOLVED, that, based on the recommendation of the Town Safety Coordinator and Authorized Purchasing Agent, the Town of Clarkstown is hereby authorized to enter into a renewal agreement, in a form acceptable to the Town Attorney, with Intercounty Alarm Systems, 200 Route 303, Valley Cottage, to provide monthly monitoring under the same terms, conditions and pricing as the present agreement.

On roll call the vote was as follows

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

RESOLUTION NO. (721-2008)

Co. Maloney offered and Co. Borelli seconded

WHEREAS, from time-to-time, an owner of real property situate within the Town of Clarkstown will grant permission to the Clarkstown Police Department for the purpose of conducting police training exercises at and upon such property, and

RESOLUTION NO. (721-2008) continued

WHEREAS, prior to entering upon such property, it is necessary to acknowledge, in writing, the owner’s permission and the Town’s agreement to save harmless such owner from liability for any claim(s) or action(s), etc., on behalf of any member of the Clarkstown Police Department, and

WHEREAS, the Town Attorney has reviewed and recommends use of the attached, (sample on file with Town Clerk), consent form to be signed, as needed, by the Supervisor on behalf of the Town of Clarkstown and the Clarkstown Police Department,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the property owner’s consent form upon the written request of the Chief of Police or his designee for police training exercises as same may be required from time-to-time.

On roll call the vote was as follows

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

RESOLUTION NO. (722-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (West Nyack Realty Corp. – 58.18-1-20)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, West Nyack Realty Corp. v. The Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index Nos. 4377/03, 4256/04, 4709/05, 5201/06, 5550/07 and 6480/08, affecting parcel designated as Map 58.18, Block 1, Lot 20, and more commonly known as 210-230 West Nyack Road, West Nyack, New York 10994 for the years 2003/04, 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09, 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 Map 58.18, Block 1, Lot 20 be reduced for the year 2003/04 from \$938,300.00 to \$842,000.00 at a cost to the Town of \$1,454.06;
2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.18, Block 1, Lot 20 be reduced for the year 2004/05 from \$938,300.00 to \$827,000.00 at a cost to the Town of \$1,957.14;
3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.18, Block 1, Lot 20 be reduced for the year 2005/06 from \$938,300.00 to \$778,000.00 at a cost to the Town of \$2,905.85;
4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.18, Block 1, Lot 20 be reduced for the year 2006/07 from \$938,300.00 to \$750,000.00 at a cost to the Town of \$3,506.77;
5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.18, Block 1, Lot 20 be reduced for the year 2007/08 from \$938,300.00 to \$734,000.00 at a cost to the Town of \$4,294.36;
6. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.18, Block 1, Lot 20 be reduced for the year 2008/09 from \$938,300.00 to \$799,000.00 at no cost to the Town;
7. Reimbursement for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08 on the parcel described as Map 58.18, Block 1, Lot 20, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
8. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, 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. Maloney Yes
- Co. Mandia. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (723-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED “Amendment to Chapter 262 (Taxation) of the Town Code of the Town Of Clarkstown”

WHEREAS, Councilperson Borelli, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

“Amendment to Chapter 262 (Taxation) of the Town Code of the Town Of Clarkstown”;

RESOLUTION NO. (723-2008) continued

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on November 25, 2008 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (724-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION ADOPTING THE TOWN OF CLARKSTOWN DEBT MANAGEMENT POLICY

WHEREAS, the Town believes that sound financial management principles require the establishment of conditions for the use of debt and to create procedures and policies that minimize the Town's debt service and issuance costs, retain the highest practical credit rating, and maintain full and complete financial disclosure and reporting, and WHEREAS, credit rating services such as Moody's Investors Services and Standard and Poor's Corporation have recommended that municipalities maintain conservative budgeting and sound fiscal management, and WHEREAS, The Town of Clarkstown's financial advisor, Munistat Services, Inc. has recommended that the Town adopt a Debt Management Policy to maintain sound fiscal management, and WHEREAS, the Debt Management Policy for the Town of Clarkstown has been prepared by Edward J. Duer, Comptroller, and WHEREAS, it would be in the best interest of the Town of Clarkstown to adopt a Debt Management Policy,

NOW, THEREFORE, be it

RESOLVED, that it is the Town of Clarkstown's intention to limit general obligation debt to no greater then 12% of the calculation of total net indebtedness of the Town in accordance with constitutional requirements, and hereby adopts the Debt Management Policy which is annexed hereto as Exhibit "A," (on file with Town Clerk).

On roll call the vote was as follows

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

RESOLUTION NO. (725-2008)

Co. Borelli offered and Co. Maloney seconded

RESOLUTION ADOPTING THE TOWN OF CLARKSTOWN FUND BALANCE POLICY

WHEREAS, the Town believes that sound financial management principles require that sufficient funds be retained by the Town to provide a stable financial base at all times. To retain this stable financial base, the Town needs to maintain fund balances at a level sufficient to provide for the required resources to meet operating costs, and to allow for unforeseen needs of an emergency nature, and to permit orderly adjustment to changes resulting from fluctuations of revenue sources, and

WHEREAS, credit rating services such as Moody's Investors Services and Standard and Poor's Corporation have recommended that municipalities maintain conservative budgeting and sound fiscal management in order to sustain levels of fund equity, and

WHEREAS, The Town of Clarkstown's financial advisor, Munistat Services, Inc. has recommended that the Town adopt a Fund Balance Policy to maintain sound fiscal management, and

WHEREAS, the Fund Balance Policy for the Town of Clarkstown has been prepared by Edward J. Duer, Comptroller, and

WHEREAS, it would be in the best interest of the Town of Clarkstown to adopt a Fund Balance Policy,

NOW, THEREFORE, be it

RESOLVED, the Town of Clarkstown hereby adopts the Fund Balance Policy for The Town of Clarkstown, which Fund Balance Policy is annexed hereto as Exhibit "A," (on file with Town Clerk).

On roll call the vote was as follows

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

RESOLUTION NO. (726-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO
AN AGREEMENT WITH AMERICAN APPRAISAL ASSOCIATES

WHEREAS, by proposal dated October 24, 2008, American Appraisal Associates has proposed to renew its contract with the Town, to provide fixed asset inventory and insurance appraisal for the Year 2008;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with, American Appraisal Associates, in a form approved by the Town Attorney, to provide fixed assets inventory and insurance appraisal to the Town of Clarkstown for the Year 2008, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$2,275.00 and shall be charged to Account No. A 1315-409.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (727-2008)
Co. Borelli offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO APPLY FOR
A GRANT REGARDING THE REVITALIZATION OF THE NEW CITY HAMLET CENTER

WHEREAS, the United States Department of Housing and Urban Development (HUD) is dedicated to providing support and assistance to communities for special projects as specified in the Congressional Record of 2007, and WHEREAS, the Town of Clarkstown is commencing the revitalization of main street and streetscape improvements in the New City Hamlet Center, and wishes to apply for said grant, and

WHEREAS, this action under the regulations implementing the National Environmental Policy Act is an excluded action pursuant to the analysis of same prepared by Behan Planning Associations, LLC, in conformance with the federal regulation and the previous negative declaration made by the Town pursuant to NYSEQRA;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to file an application with the U.S. Department of Housing and Urban Development and, upon approval of said application, shall enter into a project agreement with the U.S. Department of Housing and Urban Development, in a form approved by the Town Attorney, for financial assistance in the amount of \$294,000.00 to the Town for the Revitalization of the New City Hamlet Center, Main Street, New City, New York.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (728-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING TOWN OF CLARKSTOWN TO PARTICIPATE IN THE
ROCKLAND COUNTY MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN

WHEREAS, Rockland County has received grant funding from the Federal Emergency Management Agency (FEMA) to prepare a natural Hazard Mitigation Plan. The County is undertaking this process in order to meet the requirements of the Disaster Mitigation Act of 2000 (DMA2000). The grant funding will be used to lead the effort for preparing a multi-jurisdictional plan to become a more sustainable and disaster-resistant county, and

WHEREAS, the Town of Clarkstown is opting to participate in the multi-jurisdictional plan development process being undertaken by the Rockland County Office of Fire and Emergency Services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the participation in the development of the Rockland County Multi-Jurisdictional Natural Hazard Mitigation Plan, be it

FURTHER RESOLVED, that the Board hereby designates P.O. Keith Garrabrant, Emergency Management Coordinator, and K. Luke Kalarickal, Director of Environmental Control, or his designee, as the Town of Clarkstown's representatives to serve on the Multi-Jurisdictional Core Planning Group, and to actively participate, as requested, throughout the planning process.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (729-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AMENDING THE ALLOWANCE FOR BID #72-2005
VALLEY COTTAGE DOWNTOWN IMPROVEMENTS – PHASE II

Whereas, the Town Board of the Town of Clarkstown has previously awarded via resolution #540-2006 a contract to WJL Equities, Corporation of Eastchester, New York for construction of the subject improvements; and
Whereas, field conditions and other factors have resulted in changes in the scope of work of the project; and
Whereas, the Department of Environmental Control has reviewed and approved said changes in the scope of work; and
Whereas, the Department of Environmental Control has negotiated the costs for the additions and deletions associated with said changes in the scope of work in accordance with the conditions set forth in the project contract specifications; and
Whereas, the accounting of the costs for the additions and deletions associated with the changes in the scope of work has resulted in a net increase in the cost of the project in the amount of \$119,900.13; and
Whereas, the documentation for the changes in the scope of work and the accounting of the costs associated with these changes is on file in the Department of Environmental Control;
Now, Therefore, Be It Resolved that the allowance for this project be increased from \$3,731,601.50 to \$3,851,501.63 to reflect the costs associated with this change order on contract; and
Be It Further Resolved that said amount shall not be increased without further resolution of the Town Board of the Town of Clarkstown; and
Be It Further Resolved that this shall be a proper charge to account # H-5111-400-409-0-4-17

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (730-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AMENDING THE ALLOWANCE FOR BID #69-2005
SOUTH MOUNTAIN ROAD CULVERT REPLACEMENT

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #69-2005 South Mountain Road Culvert Replacement to Precision Site Development, Inc. of Mount Vernon, New York; and
Whereas, the Superintendent of Highways of the Town of Clarkstown has requested that the existing 250 linear feet of rustic heavy post blocked out corrugated guide rail located within the project limits be removed and replaced with 250 linear feet of galvanized heavy post blocked out corrugated guide rail; and
Whereas, the Department of Environmental Control has solicited a proposal from the contractor to perform this work; and
Whereas, the contractor has submitted a proposal in the amount of \$12,993.75 to perform the work; and
Whereas, the Department of Environmental Control has also solicited a proposal from the contractor to install five (5) new trees on the property adjacent to the south side of the channel on the south side of South Mountain Road to replace those trees and scrub vegetation that was cleared to allow for the installation of the new culvert and channel improvements; and
Whereas, the contractor has submitted a proposal in the amount of \$5,138.32 to install these plantings in accordance with the planting schedule prepared by the Department of Environmental Control and to guarantee them for a period of one (1) year from the date of installation; and
Whereas, the Department of Environmental Control has reviewed these two proposals and finds them to be acceptable and in accordance with the contract specifications;
Now, Therefore, Be It Resolved that the Town Board authorizes Amendment No. 2 to the contract price for Bid No. 69-2005 South Mountain Road Culvert Replacement in the amount of \$18,132.07; and
Be It Further Resolved that the total cost of the project shall not exceed \$308,620.58 without further Town Board resolution and shall be a proper charge to account # H 8758 400 409 0 82 30.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (731-2008)
Co. Mandia offered and Co. Maloney seconded

RESOLUTION AMENDING RESOLUTION NO. 254-2008, AUTHORIZING THE PURCHASE OF A
MOTOROLA PLANT VESTA PALLAS E-911 SYSTEM FOR THE CLARKSTOWN POLICE DEPARTMENT

RESOLUTION NO. (731-2008) continued

WHEREAS, by Resolution No. 254-2008, the Town Board authorized the purchase of an E911 Public Safety Answering Point System, and

WHEREAS, said resolution recited that the County of Rockland has agreed to reimburse the Town for the purchase and installation of the system, and

WHEREAS, the resolution further provided that the County would be responsible for extended warranty costs with respect to the system, and

WHEREAS, the County has since advised that the extended warranty issue will be addressed via a separate agreement;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 254-2008, adopted by the Town Board on April 15, 2008, is hereby amended to delete the third whereas clause from Resolution No. 254-2008 as follows: "Whereas, the County has further agreed to remain solely responsible for all costs related to the extended warranty years two through five for the Nortel Switch On Site and continued maintenance thereafter,"

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia.	Yes
Co. Borelli...	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (732-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING AGREEMENT WITH THE COUNTY OF ROCKLAND FOR MASS TRANSPORTATION

WHEREAS, the County of Rockland wishes to amend the agreement between the Town and the County, which was signed by the County Executive on May 30, 2008, by incorporating an addendum as follows:

"Addendum - All County owned buses and N.Y. State Operating Assistance (STOA) buses cannot be operated in any discriminatory manner. All County owned buses cannot have any Non-Original Equipment by the Manufacturer (OEM) devices installed on these buses (i.e. Velcro strips, etc.) without prior consent of the County. Failure to adhere to your contracts for STOA and/or use of buses will result in the immediate forfeiting of the equipment and no STOA funds;"

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an amended agreement with the County of Rockland for the period April 1, 2008 to March 31, 2009, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia.	Yes
Co. Borelli...	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (733-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING EXECUTION OF ANY AGREEMENTS NECESSARY WITH TILCON NY, INC. BY SUPERVISOR OR SUPERINTENDENT OF HIGHWAYS TO EFFECTUATE TERMS OF LETTER AGREEMENT WITH PONDVIEW LLC REGARDING THE CONSTRUCTION OF 40 FOOT WIDE CONNECTOR ROAD

WHEREAS, by Resolution No. 685-2008, dated October 21, 2008, the Supervisor was authorized to enter into a Letter Agreement with Pondview LLC for the construction of a 40 foot wide connector road, and

WHEREAS, pursuant to the terms set forth in the Letter Agreement, the Town wishes to retain the services of Tilcon NY, Inc. to carry out the parties' obligations in a manner that is economically advantageous to both parties;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor or Superintendent of Highways is hereby authorized to execute any agreements necessary with Tilcon NY, Inc. to effectuate the terms of the Letter Agreement with Pondview LLC.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia.	Yes
Co. Borelli...	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (734-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION ADOPTING PROCEDURES FOR SOLICITING PUBLIC COMMENT ON
PUBLIC TRANSPORTATION FARE ADJUSTMENTS

WHEREAS, Federal Transit Administration regulations require the adoption of written procedures regarding public comment on fare increases and major service reductions for the Town's bus services; and

WHEREAS, the Federal funds received by the Town for its transportation services are generally administered through the County of Rockland, and the Town of Clarkstown is desirous of continuing its joint cooperative efforts with the County with respect to fare adjustments; and

WHEREAS, the County of Rockland Department of Transportation, by Memo dated October 1, 2008, (on file with Town Clerk), promulgated a written procedure regarding public comment on fare increases and major service reductions for its bus services; and

WHEREAS, the Town of Clarkstown wishes to adopt the County of Rockland's written procedure and participate in the public comment process as articulated in that procedure;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarkstown hereby adopts the written procedure annexed hereto as its official procedure regarding public comment on fare increases and major service reductions for the Town's bus services; and be it

FURTHER RESOLVED, that the Town Attorney's office is hereby directed to coordinate with the County of Rockland in connection with any public comment and review process instituted by the County.

On roll call the vote was as follows

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia.	Yes
Co. Borelli.	Yes
Supervisor Gromack	Yes

The Supervisor opened the meeting for general public comments, with no one wishing to be heard.

Barry and Linda Goldberg- Goshen, NY

Submitted a letter about the condition of a Massachusetts Avenue property in Congers, (on file with Town Clerk).

On motion of Co. Borelli, seconded by Co. Mandia, and unanimously adopted, Town Board Meeting was closed 7:21 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

11/6/08

7:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Shirley Lasker, Ralph Mandia, & Catherine Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

Re: Town of Clarkstown Preliminary Budget for 2009

On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 7:00 P.M.

Larry Schwartz- New City, President of CANDLE

Urged the Town board to consider CANDLE in the budget and to return to the 2004 level of funding for CANDLE. Asked for their continued support.

Chris Downing- Clarkstown

Stated he lived in Clarkstown since 1965 and the only way to stay is to keep taxes at a reasonable level. It is time for the board to stop increasing taxes. Change is necessary and we have to find a way to trim this budget, so that there is no increase in taxes whatsoever. Asked whether the Mini Trans service needs to be kept at the level of service offered now, at a cost to the town, even though it is partially subsidized by the federal government. Stated he has an extensive background in bus scheduling for the city and he does not think we can afford to pay for sometimes empty or nearly empty buses, providing what is essentially, chauffeur service. The Mini Trans service does not need to be stopped, but it does need to be reviewed, and asked that the current level of service be drastically reduced.

Supervisor Gromack

Spoke about what the Town of Clarkstown has done to try and bring down the cost of government. We try to bring everything in as cost effectively as possible, knowing that we have to provide drainage for those individuals who are being flooded. We try to bring a level of protection, for which we are fortunate to have the second safest community in the nation through the Clarkstown Police. Money Magazine recently rated Clarkstown one of the top one hundred places to live. With all that, we are still trying to reduce the cost of government. There are 14 less positions in the 2009 budget, compared to 2008, so we are consolidating where we can. In this economic climate, we are going to try and do more and more to reduce expenses. We were able to trim nearly four million dollars from the budgets submitted by the departments, which was over 8%, and we were able to get it down to the mid 4's. Part of our biggest problem in 2009 is the loss in reoccurring revenues. We have had over an \$800,000 loss in mortgage tax revenues and a \$400,000-\$500,000 loss in interest that didn't reach projections, based on that fading market. We have also given some very important exemptions. We have increased the exemptions to our veterans for next year, which we voted on this year. That was critically important, because we want to give the veterans more of a break, but when you reduce that, that means that the rest of the town has to pick up some of that cost. Having said that, you can be assured that we don't take this budget lightly and we understand that every dollar we can save is important. We will continue to do that, not just in this budget process, but throughout the year, finding savings where we can, because we do think there are going to be some difficult times ahead for all communities across the nation.

On motion of Co. Mandia, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 7:14 P.M. RESOLUTION NO. (696-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (696-2008)