

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

01/24/12

8:00 PM

Present:

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

The Supervisor declared the Town Board meeting opened. Assemblage saluted the flag.
Town Clerk read the roll call.

Special Presentation: Valley Cottage Jr. Midgets –National Champion Cheerleaders

The following members of the Valley Cottage Jr. Midgets were congratulated and
recognized for achieving the title of National Champion Cheerleaders:

Jenna Brady	Samantha Deleo	Mickenzie Mayer
Abigail Callan	Victoria Giordano	Annamarie Pellegrino
Amanda Chazan	Emily Halloran	Sabrina Ruckel
Deanna D'Antoni	Ciara Lopez	Samantha Vasami

Nicole Moorer, Head Coach
Kristen Callan, Asst. Coach
Michelle Deleo, Asst. Coach
Trina Lopez, Asst. Coach

Jessica Epstein, Asst. Coach
Stacey Vasami, Asst. Coach
Pierre Davis, Team Mgr.
Donna Principe, Association Cheer

On Motion of Co. Hoehmann seconded by Co. Borelli the Public Hearing Re: 2012
Community Development Block Grant Funds Program was opened, time 8:14 P.m.,
closed 8:16 pm.

The Supervisor opened the meeting for comments on the agenda items.

Steven Levine, Congers

He asked about Item 9, Amendments to Agreement with H2M and Item 13a & b, Tax
Certiorari Settlements for URARN Associates.

Town Attorney Mele explained that Item 9 has to do with the Police Communication
Tower Site which is an ongoing project and the agreement is being amended to include
additional services for work that was added to the project as a result of communications
with the County and Orange & Rockland utilities. Regarding Item 13, she explained how
tax certiorari settlements are generally decided and what the costs to the Town would be
for these particular settlements.

RESOLUTION NO. (39-2012)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the Town Board Minutes of December 13, 2011 and December
29, 2011 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (39-2012) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (40-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Environmental Systems Research Institute, Inc. (ESRI) has submitted a proposal dated December 14, 2011 to provide the Town with GIS software, support and training, and

WHEREAS, Robert Stritmater, Director of Automated Systems, and William Withington, GIS Coordinator, have reviewed the proposal and find it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Environmental Systems Research Institute, Inc., in a form satisfactory to the Town Attorney, to provide the Town with GIS software, support and training for the period January 1, 2012 through December 31, 2014, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed the total amount of \$150,000 for the three years as authorized by the Director of Automated Systems, which fee shall be charged to Account No. A 1680—226-2.

On roll call the vote was as follows:

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

RESOLUTION NO. (41-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town has previously contracted with wildlife control specialist Thomas J. Maglaras of Nuisance Wildlife Control Agents to implement a program to egg addle Canadian Geese sites throughout the Town under a License granted to the Town by the USDA Wildlife Services in order to promote control of the Canadian Geese population, and

WHEREAS, the Town has received a proposal for a 2012 Canadian Geese Program from Nuisance Wildlife Control Agents, and its past programs have been most successful, and the proposed fee is found to be reasonable along past years' proposals.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with wildlife control specialist Thomas J. Maglaras, satisfactory to the Town Attorney, to implement a Town program for the control of the Canadian Geese Population during 2012, including a License Agreement with United Water New York Inc., to enter upon its property during implementation of the program, and to take all steps necessary for the Town of Clarkstown to comply with all applicable State and Federal regulations; and be it

FURTHER RESOLVED, that all reasonable expenses in connection with the use of a wildlife control specialist to carry out the Town of Clarkstown program shall not exceed \$10,200.00 and shall be charged to Account No. A-8090-409-0.

RESOLUTION NO. (41-2012) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (42-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the New York State Thruway Authority (“Authority”) has installed closed-circuit television (CCTV) cameras at various locations across the Thruway system, and

WHEREAS, the Town of Clarkstown is an emergency services provider who is responsible for providing emergency services for incidents that occur on and in the vicinity of the Thruway mainline between MP 14.67 to MP 23.5, and

WHEREAS, the Town of Clarkstown has requested permission from the Authority to allow the Town access to the Tappan Zee Bridge cameras to assist them in responding to incidents on and in the vicinity of the Thruway, and

WHEREAS, the Authority is desirous of allowing the Town of Clarkstown to make an external connection to the Authority’s data communications network and have access to the cameras to assist with such incidents and shall enter into a Network Connection Agreement with the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an Agreement with the New York State Thruway Authority, in a form approved by the Town Attorney, to allow the Town access to the Tappan Zee Bridge cameras to assist the Town in responding to incidents on and in the vicinity of the Thruway.

On roll call the vote was as follows:

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

RESOLUTION NO. (43-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Christopher J. Downes and Brigit W. Downes, owners of premises located at 20 E. Cavalry Drive, New City, New York and more particularly described as Tax Map 43.11-2-6.19, have installed landscaping within Town conservation and drainage easements, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein may remain upon the condition that the landscaping shall not interfere with access, or otherwise present a problem to the Town, with respect to the maintenance of the easements, shall not adversely impact the easements, and that no additional construction or plantings of any kind shall be installed within the easement areas, and shall be allowed to remain at the sufferance of the Town Board provided the Town retains the right to order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;

RESOLUTION NO. (43-2012) continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owners, in a recordable form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the existing landscaping to remain in the Town's conservation and drainage easements, located at 20 E. Cavalry Drive, New City, New York and more particularly described as Tax Map 43.11-2-6.19, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (44-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town has been awarded a Grant from the New York State Education Department for digitization of records in the Clarkstown Personnel Department, and

WHEREAS, Hudson Microimaging, Inc. has previously satisfactorily completed a microfilm project for the records collections in the Clarkstown Justice Court and Town Clerk's office, and

WHEREAS, Hudson Microimaging, Inc. has made a proposal dated January 10, 2012 for the digitization of Clarkstown Personnel Department records project.

NOW, THEREFORE, BE IT RESOLVED that based upon the recommendation of the Clarkstown Personnel Department, the Supervisor is hereby authorized to enter into an agreement with Hudson Microimaging, Inc. as per their total project cost not to exceed the amount of \$9,419.00, and be it

FURTHER RESOLVED, that this shall constitute a proper charge to account number H8758-409-0-82-37.

On roll call the vote was as follows:

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

RESOLUTION NO. (45-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

KEVIN STOKES EXCAVATING, INC.
P.O. BOX 812
Pearl River, NY 10965
Kevin Stokes, President

McGANNON EXCAVATING, LLC
85A North Central Highway
Garnerville, NY 10923
Robert McGannon, President

VICTOR P. ZUGIBE, INC.
66 Railroad Avenue
Garnerville, NY 10923
Victor P. Zugibe, President

CAL-MART ENTERPRISES, INC.
4 Burt's Road
Congers, NY 10920
Martin C. Wortendyke, Vice-President

JD BACKHOE SERVICE, INC.
P.O. Box 342
Sparkill, NY 10976
Joseph D'Auria, President

W. HARRIS & SON, INC.
37 West Washington Avenue
Pearl River, NY 10965
Tim Harris, President

NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

- 12-19 KEVIN STOKES EXCAVATING, INC.
- 12-20 McGANNON EXCAVATING, LLC
- 12-21 VICTOR P. ZUGIBE, INC.
- 12-22 CAL-MART ENTERPRISES, INC.
- 12-23 JD BACKHOE SERVICE, INC.
- 12-24 W. HARRIS & SON, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (46-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, the United States Department of Commerce regulations require updated domain registration renewal for the Town of Clarkstown’s website, and

WHEREAS, the United States Department of Commerce has delegated Neustar, Inc. as the administrator of the .US top-level domain, and

WHEREAS, the Director of Automated Systems recommends completing the United States Department of Commerce documents to register our website in accordance with their guidelines;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor execute the .US Domain Registration Agreement required by the United States Department of Commerce for the Town’s website at no cost to the Town.

On roll call the vote was as follows:

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

RESOLUTION NO. (47-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a resident of Arcadia Drive, New City in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

- Northeast corner of Arcadia Drive & Laurel Road, New City
- Install one (1) each – 70-watt – 5,800 sodium vapor street light on existing utility pole # 59665/41381

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$9.10 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

On roll call the vote was as follows:

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

RESOLUTION NO. (48-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a resident of Patterson Avenue, West Nyack in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Between 16 Patterson Avenue & 70 Green Road in West Nyack
One 70 watt 5,800 sodium vapor street light on Pole # 60095/39705

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel

delivery, which charge shall include maintenance of this street lighting equipment, will be

at \$9.10 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

On roll call the vote was as follows:

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

RESOLUTION NO. (49-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION # 49 ADOPTED BY TOWN BOARD
RESOLUTION AUTHORIZING FIRE LANE DESIGNATIONS AT

Banchetto Restaurant

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

75 S. Middletown Rd.
Nanuet NY 10954
14-C-1.6
63.08-3-7,8

By the installation of fire lane designations, and

WHEREAS, Richard S. Sokolov, C.O.O., has requested that the Town of Clarkstown designate said fire lanes:

NOW, THEREFORE, be it

RESOLUTION NO. (49-2012) continued

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (50-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, by Town Board Resolution No. 499-2000, adopted on June 13, 2000, the installation of various parking restriction signs on Samantha Way, West Nyack was authorized, and

WHEREAS, the season of the use of the adjacent ball field has been extended through November, leading to additional intrusive parking,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 499-2000 by authorizing the Superintendent of Highways to replace the word "October" with the word "November" in the No Parking signage indicated in Item 4 of Town Board Resolution 499-2000, and be it

FURTHER RESOLVED, that a copy of this resolution is to be forwarded by the Town Clerk to the Superintendent of Highways for implementation, the Chief of Police for enforcement and the Traffic & Traffic Fire Safety Advisory Board for information.

On roll call the vote was as follows:

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

RESOLUTION NO. (51-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., John F. Kolka II, 141 Dara Lane, Stony Point, New York - Laborer – Sewer Department – is hereby granted an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to January 18, 2012 thru February 18, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (52-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the resignation by (retirement) of Laurence Rudden, 67 Lincoln Dale Acres, Washingtonville New York, 10992 – Police Officer – Clarkstown Police Department – is hereby accepted effective and retroactive to January 21, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (53-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that Laura A. Ryder, 140 Castle Heights, Upper Nyack, New York – is hereby appointed to the position of Crossing Guard – Police Department – at the 2012 hourly rate of \$18.67., per crossing – effective and retroactive to

On roll call the vote was as follows:

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

RESOLUTION NO. (54-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #10064 Highway Maintenance Supervisor I – which contains the name of Raymond J. Bonelli,

NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Raymond J. Bonelli, 25 Waldron Drive, Stony Point, New York – to the (promotional) (permanent) position of Highway Maintenance Supervisor I – Highway Department – at the 2012 annual salary of \$83,417., effective and retroactive to January 23, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (55-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Town Board, by Resolution No. 337-2009, adopted on June 16, 2009, and amended by Resolution No. 584-2009, adopted November 24, 2009, and Resolution No. 534-2011, adopted October 4, 2011, authorized an agreement with the H2M Group, to provide engineering services for Task 1, the investigative phase, and Task 2, the design phase of the project concerning the site improvements/communications shelter at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and

WHEREAS, H2M has submitted a proposal dated January 12, 2012 to provide additional work associated with the relocation of the electrical transformer from the original design, 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. 337-2009, as amended by Resolution Nos. 584-2009 and 534-2011, by authorizing the H2M Group to perform additional engineering services for the project pursuant to its proposal dated January 12, 2012, for an additional cost not to exceed \$17,800.00 plus reimbursable expenses, which shall constitute a proper charge to Account No. H 8754-409-0-78-41.

On roll call the vote was as follows:

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

RESOLUTION NO. (56-2012)

Co. Hoehmann offered and Co. Lasker 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 a town road for a period of two (2) years, beginning January 24, 2012 to January 24, 2014, as follows:

Sponsor: New City Volunteer Ambulance Youth Corps
P.O.Box 33, 200 Congers Road
New City, NY 10956

Road: .38 segment of Goebel Road from Congers Road to Route 304,
New City, NY, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the above 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

RESOLUTION NO. (56-2012) continued

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 beginning January 24, 2012 to January 24, 2014, 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 above organization, to remove trash from the roadway.

On roll call the vote was as follows:

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

RESOLUTION NO. (57-2012)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, A Project for South Main Street, PIN 8760.50 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds, and

WHEREAS, the Town of Clarkstown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering;

NOW, THEREFORE, the Clarkstown Town Board, duly convened, does hereby

RESOLVE, that the Clarkstown Town Board hereby approves the above-subject project, and be it

FURTHER RESOLVED, that the Clarkstown Town Board hereby authorizes the Town of Clarkstown to pay in the first instance 100% of the non-federal share of the cost of preliminary engineering work for the Project or portions thereof, and be it

FURTHER RESOLVED, that the sum of \$20,000 is hereby appropriated from Account No. H-5111-409-0-4-16 and made available to cover the cost of participation in the above phase of the Project, and be it

FURTHER RESOLVED, that in the event the full non-federal share costs of the project exceeds the amount appropriated above, the Clarkstown Town Board shall convene as soon as possible to appropriated said excess mount immediately upon the notification by the Town Supervisor thereof, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown be and is hereby authorized to execute all necessary Agreements, certification of reimbursement request for Federal Aid an/or applicable Marchiselli Aid on behalf of the Town of Clarkstown with the New York State Department of Transportation (NYSDOT) in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it

FURTHER RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Public Works Administrator, Town Engineer, Town Comptroller are also hereby authorized to execute any necessary Agreements or certification on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State Local/Agreement, and be it

RESOLUTION NO. (57-2012) continued

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it

FURTHER RESOLVED, this Resolution shall take effect immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (58-2012)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

COPPOLA SERVICES, INC.

28 Executive Parkway
Ringwood, NJ 07456
Ralph Coppola, President

DUTRA EXCAVATING & SEWER, INC.

10 Stone Hollow Road
Montvale, NJ 07645
Michael Dutra, President

MONSEY EXCAVATING, INC.

71 Montebello Commons Dr. - P.O. Box 677
Suffern, New York 10901
Albert Lepori, President

RAINES & WELSH & SONS CONTRACTORS, INC.

11 Bubenko Drive
Garnerville, New York 10923
Thomas J. Welsh, Jr., President

DANNY CLAPP LANDSCAPING, INC.

P.O. BOX 222
West Nyack, NY 10994
Daniel Clapp, President

RESOLUTION NO. (58-2012) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

- 12-25 COPPOLA SERVICES, INC.
- 12-26 DUTRA EXCAVATING & SEWER, INC.
- 12-27 MONSEY EXCAVATING, INC.
- 12-28 RAINES & WELSH & SONS CONTRACTORS, INC.
- 12-29 DANNY CLAPP LANDSCAPING, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (59-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, URARN Associates v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 008273/08, 007515/09, 010074/10 and 031359/11, affecting parcel designated as Tax Map 52.15-1-84.1 and more commonly known as 616 Corporate Way, Valley Cottage, New York for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.1 be reduced for the year(s) 2008/09 from \$1,578,000.00 to \$1,444,250.00 at a cost to the Town of \$1,363.22;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.1 be reduced for the year(s) 2009/10 from \$1,578,000.00 to \$1,469,000.00 at a cost to the Town of \$1,335.53;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.1 be reduced for the year(s) 2010/11 from \$1,578,000.00 to \$1,433,500.00 at a cost to the Town of \$2,044.90;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.1 be reduced for the year(s) 2011/12 from \$1,578,000.00 to \$1,483,500.00 at a cost to the Town of \$1,511.31;
5. Reimbursement for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12 on the parcel described as Tax Map 52.15-1-84.1, 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;

RESOLUTION NO. (59-2012)

6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (60-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, URARN Associates v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 008272/08, 007516/09, 010073/10 and 031363/11, affecting parcel designated as Tax Map 52.15-1-84.2 and more commonly known as 618 Corporate Way, Valley Cottage, New York for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.2 be reduced for the year(s) 2008/09 from \$2,088,700.00 to \$1,635,000.00 at a cost to the Town of \$4,624.24;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.2 be reduced for the year(s) 2009/10 from \$2,088,700.00 to \$1,638,500.00 at a cost to the Town of \$5,516.11;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.2 be reduced for the year(s) 2010/11 from \$2,088,700.00 to \$1,616,500.00 at a cost to the Town of \$6,682.38;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 52.15-1-84.2 be reduced for the year(s) 2011/12 from \$2,088,700.00 to \$1,773,750.00 at a cost to the Town of \$5,036.93;
5. Reimbursement for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12 on the parcel described as Tax Map 52.15-1-84.2, 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;
6. 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.

RESOLUTION NO. (60-2012) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (61-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Exit 12 Associates, Inc. against the Assessor, the Board of Assessors and the Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Index No(s). 005704/2007, 007231/2008, 006954/2009, 007549/2010 and 031175/2011, affecting parcel designated as Tax Map 59.18-1-2 and more commonly known as 100 Snake Hill Road, West Nyack, New York for the year(s) 2007/08, 2008/09, 2009/10, 2010/11 and 2011/12, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown 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(s) described on the assessment roll as Tax Map 59.18-1-2 be reduced for the year(s) 2007/08 from \$1,400,000.00 to \$1,330,000.00 at a cost to the Town of \$1,471.39;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-2 be reduced for the year(s) 2008/09 from \$1,400,000.00 to \$1,260,000.00 at a cost to the Town of \$2,853.84;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-2 be reduced for the year(s) 2009/10 and 2010/11 from \$1,400,000.00 to \$1,190,000.00 at a cost to the Town of \$9,631.31;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-2 be reduced for the year(s) 2011/12 from \$1,400,000.00 to \$1,050,000.00 at a cost to the Town of \$8,611.48;
5. Reimbursement for the year(s) 2007/08, 2008/09, 2009/10, 2010/11 and 2011/12 on the parcel described as Tax Map 59.18-1-2, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
6. 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.

RESOLUTION NO. (61-2012) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (62-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Rockland Hospitality Associates, LLC. v. The Assessors of the Town of Clarkstown and the Town of Clarkstown, Index No(s). 5938/07, 6952/08, 7159/09, 7882/10 and 31127/11, affecting parcel designated as Tax Maps 64.10-2-1 and 64.10-2-2 and more commonly known as 425 E. Route 59 and 431 E. Route 59, Nanuet, New York, respectively, for the year(s) 2007, 2008, 2009, 2010 and 2011, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.10-2-1 be reduced for the year(s) 2007 from \$971,200 to \$912,928 at a cost to the Town of \$1,076.01;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.10-2-1 be reduced for the year(s) 2010 from \$971,200 to \$835,232 at a cost to the Town of \$2,963.32;
3. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64-10-2-1 for the year(s) 2008, 2009 and 2011;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.10-2-2 be reduced for the year(s) 2007 from \$2,980,000 to \$2,801,200 at a cost to the Town of \$3,134.53;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.10-2-2 be reduced for the year(s) 2010 from \$2,980,000 to \$2,562,800 at a cost to the Town of \$8,819.24;
6. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64-10-2-2 for the year(s) 2008, 2009 and 2011;
7. Reimbursement for the year(s) 2007 and 2010 on the parcel described as Tax Maps 64.10-2-1 and 64.10-2-2, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
8. The proceedings commenced by the petitioner(s) respecting Tax Maps 64.10-2-1 and 64.10-2-2 be discontinued for the years 2008, 2009 and 2011 at no cost to the Town;
9. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

RESOLUTION NO. (62-2012) continued

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (63-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Captain Anthony Ovchinnikoff has recommended entering into an agreement with Partners in Safety, Inc. to provide services to the Clarkstown Police Department by performing annual and new hire physical exams and tests on Town of Clarkstown Police Officers for the year 2012, upon the terms and conditions as set forth therein;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Captain Anthony Ovchinnikoff, the Town Board hereby authorizes the Supervisor to enter into an agreement with Partners In Safety, Inc., in a form satisfactory to the Town Attorney, to perform annual and new hire physical exams and tests for the year 2012, upon the terms and conditions set forth therein, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional and other liability insurance coverage, as required by the Town Attorney, and be it

FURTHER RESOLVED, that per the agreement, Partners In Safety, Inc. is an independent contractor and compensation for said services shall be at the rates established for annual physical examinations and tests, as outlined in the Request for Proposals for Clarkstown Police Department Physical Exams, 2012, and accompanying memorandum by Police Officer Garrabrant, for sworn members of the police department, all of which shall be charged to Account No. A3120-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (64-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown wishes to request that the Rockland County Consortium consider several projects for Community Development Block Grant Funding, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of these in their request for funding;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the Rockland County Consortium consider Community Development Funding for the following purposes:

RESOLUTION NO. (64-2012) continued

- 1st Priority: Town of Clarkstown – Reconstruction of Squadron Boulevard, New City;
- 2nd Priority: Town of Clarkstown – Transport vehicle to assist in the transport of senior citizens from and to various locations within the Town;
- 3rd Priority: Town of Clarkstown – Transport of senior citizens to special events;
- 4th Priority: Town of Clarkstown – Accessible Pedestrian Signals and Detectors: Tactile Arrows and Locator Tones at Cavalry Drive & North Main Street in New City; and be it

FURTHER RESOLVED, that the Town Board hereby requests that from this list, the Consortium prioritize the applications in the same order they are listed in this resolution when considering each of these projects submitted by the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (65-2012)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that the Town Attorney is hereby directed to obtain an appraisal of property located at 360 New Hempstead Road, New City, New York, also known as the Reuben Gittelman Hebrew Day School.

On roll call the vote was as follows:

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

The Supervisor opened the meeting for general public comments.

Steve Levine, Congers

He had questions about gas recapture and solar panel projects at the landfill. He also had questions about terms limits, the status of televising the Town Board meetings and the status of remediation at 139 and 141 Massachusetts Avenue.

Co. Hoehmann stated that the vast majority of gas goes out in the first 7 years so gas recapture from the landfill at this point would not be worth the money we invest in it. As far as solar panels at the landfill, this is being looked into. Regarding televising the meetings, Supervisor Gromack stated that the work being done on the studio is nearly completed and we hope to be using it later this year. Town Attorney Mele stated that the Town is in litigation regarding the Massachusetts Avenue property and she would be happy to discuss the matter via phone with Mr. Levine. Regarding the term limits issue,

Co. Lasker stated that it was determined that it was illegal to put the issue of term limits on the ballot.

On motion of Co. Hoehmann seconded by Co. Hausner, and unanimously adopted the Town Board Meeting was adjourned in remembrance of Otto Stern, time: 8:30 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

1/24/2012

8:14 pm

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

Re: 2012 Community Development Block Grant Funds Program

On motion of Co. Hoehmann seconded by Co. Borelli the public hearing was opened,
time: 8:14 p.m.

Town Attorney Mele explained that as part of a consortium with the County of Rockland
and several other towns and villages, we are required to hold a public hearing wherein
anyone can give their opinion as to where Community Block Grant Funds may be best
spent. A notice was published by the County in accordance with the law

Supervisor Gromack asked if there was anyone wishing to speak on this matter. No one
appeared.

There being no one wishing to speak on motion of Co. Hoehmann, seconded by Co.
Lasker the public hearing was closed, time, 8:16 pm.

Respectfully submitted,

Justin Sweet
Town Clerk