

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/22/2011

8:00 P.M.

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

Absent: Council Member George Hoehmann

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

SPECIAL PRESENTATION:
BILL MAHAN, ROCKLAND COUNTY VETERAN OF THE YEAR.

Supervisor Gromack introduced Rockland County's Veteran of the Year, Bill Mahan, a Clarkstown resident, distinguished veteran and a veteran's advocate known throughout the State as a person who served his Country and has dedicated himself to veteran's causes. The Supervisor thanked him for putting his life on the line so that we could enjoy the quality of life that we do here in Clarkstown and throughout our Country and for all of his special contributions and invited him to say a few words. Mr. Mahan spoke about how humbled and honored he was to be selected as the County's Veteran of the Year and he thanked the Town for having him here and recognizing his efforts and his work with the various veterans agencies.

On motion of Co. Hausner seconded by Co. Lasker, Public Hearing #1 re: Proposed Local Law Amending Chapter 290 (Zoning) with Respect to the Hamlet Commercial District was opened, time: 8:11p.m.; closed 8:13 p.m.

RESOLUTION NO. (607-2011) ADOPTED

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

Frank Grandel, New City
Asked about Items 1a, appointment of Lon Hofstein to Parks & Recreation Commission, and Items 1c & d, appointment of John Sullivan to the Deferred Compensation and Compensation Hardship committees.

Supervisor responded that Item 1a was an appointment to replace the person on the Parks & Recreation Commission whose term has expired and Items 1c & d are non-paid positions that are traditionally made up of employees to review the deferred compensation policies. The Deputy Comptroller explained what the Deferred Compensation Plans were.

Amy Durbin, Congers
Asked about Items 11b & 11c, funding for acquisition of furniture and vehicles for various departments.

The Supervisor stated they were for items of furniture or vehicles that the Town will purchase in 2012 through bonding.

Guy Gervasi, West Nyack

Asked about deferred compensation program and about Item 2, Amendment of 2011 Budget.

Deputy Comptroller explained that deferred compensation was similar to a 401k plan. She also explained that the amendment to the budget was something that was done every year to move money to even out the budget lines.

RESOLUTION NO. (607-2011)
Co. Hausner offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled, "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of The Town of Clarkstown with Respect to the Hamlet Commercial District" was introduced by Councilman Hoehmann at a Town Board meeting held on October 18, 2011, and

WHEREAS, on November 22, 2011, a public hearing was held to consider said local law, and at such time it was determined by the Town Board that the hearing be continued on December 13, 2011;

NOW, THEREFORE, be it

RESOLVED, that the continuation of a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on December 13, 2011, 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 and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (608-2011)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Lon M. Hofstein, 8 Greenfield Road, New City, New York, is hereby appointed to the position of Member – Parks Board and Recreation Commission – at the 2012 annual salary of \$3,300., term effective November 22, 2011 and to expire on November 22, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (609-2011)

Co. Lasker offered and Co. Hausner 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 a Sick Leave of Absence – at one-half pay – effective and retroactive to November 16, 2011 thru December 16, 2011.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. Hoehmann Absent
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (610-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 13-2011, the members of the Deferred Compensation Committee were appointed to serve, without compensation, for a period of two (2) years, and

WHEREAS, member Aimee Vargas Rodriguez resigned from the Town of Clarkstown and is no longer a member of said committee;

NOW, THEREFORE, be it

RESOLVED, that John Sullivan, Director of Finance, is hereby appointed to fill the position vacated by Aimee Vargas Rodriguez on the Deferred Compensation Committee for the remainder of the two (2) year term, without compensation.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. Hoehmann Absent
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (611-2011)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that John Sullivan, Director of Finance, is hereby appointed to fill the position vacated by Aimee Vargas Rodriguez on the Deferred Compensation Hardship Committee for the remainder of the two (2) year term, without compensation.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. Hoehmann Absent
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (612-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #11095 Environmental Control Technician – which contains the name of Christopher C. Wagner,

NOW, therefore, be it

RESOLVED, that Christopher C. Wagner, 4 Hunter Place, West Nyack, New York – is hereby appointed to the position of (promotional) (permanent) Environment Control Technician – Department of Environmental Control – at the current 2011 annual salary of 89,190., effective and retroactive to November 10, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (613-2011)
Co. Borelli offered and Co. Lasker seconded

WHEAREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2011 budget for the purpose of transferring unexpended balances of appropriation accounts among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

NOW THEREFORE BE IT RESOLVED, that the 2011 budget is hereby amended.

On roll call the vote was as follows:

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

RESOLUTION NO. (614-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, Lowe’s Home Centers, Inc. furnished to the Town of Clarkstown two (2) Letters of Credit (Letter of Credit No.SM226630W in the amount of \$14,000 for landscape maintenance and Letter of Credit No. SM226631W in the amount of \$35,850 for Smith Road landscape plantings) to obtain final site plan approval and to secure the completion of improvements in the Lowe’s site plan, and

WHEREAS, the Deputy Director of the Department of Environmental Control of the Town of Clarkstown has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. SM226630W in the amount of \$14,000 and Letter of Credit No. SM226631W in the amount of \$35,850 may be released to the guarantor.

RESOLUTION NO. (614-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (615-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Environmental Control that

BID # 43-2011 – HEREFORD LANE/FRENCH FARMS BERM

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

Principal DANIEL CLAPP

as per their proposed total project cost not to exceed \$60,515.00 plus 15% contingency with Add/Alternate – removal and disposal of unsuitable sub-grade material as ordered by the engineer at \$80 .00 per CY and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-17, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (616-2011)

Co. Lasker offered and Co. Borelli seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, continuing from November 28, 2011 to November 28, 2013, as follows:

Sponsor: Pell & Associates
P.O. Box 283
West Nyack, NY 10994

Roads: 0.5 mile segment of Rose Road from
Route 59 to West Nyack Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Pell & Associates will continue to perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from November 28, 2011 to November 28, 2013, 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 Pell & Associates to remove trash from the roadway.

On roll call the vote was as follows:

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

RESOLUTION NO. (617-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, FASA Partners, LLC v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 007548/2009, 008754/2010 and 031400/11, affecting parcel designated as Tax Map 65.6-1-30 and more commonly known as 78 N. Route 303, West Nyack, New York for the year(s) 2009/10, 2010/11, and 2011/12,

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

RESOLUTION NO. (617-2011) continued

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown 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 65.6-1-30 be reduced for the year(s) 2009/10 from \$411,800.00 to \$315,000.00 at a cost to the Town of \$2,156.45;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.6-1-30 be reduced for the year(s) 2010/11 from \$411,800.00 to \$345,000.00 at a cost to the Town of \$1,575.54;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.6-1-30 be reduced for the year(s) 2011/12 from \$411,800.00 to \$305,000.00 at a cost to the Town of \$2,627.28;

4. Reimbursement for the year(s) 2009/10, 2010/11 and 2011/12 on the parcel described as Tax Map 65.6-1-30, 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;

5. 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 Absent
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (618-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Lowe’s Home Center v. Board of Assessment Review and/or Assessor of the Town of Clarkstown and the Town of Clarkstown, Rockland County, New York, Index No(s). 7163/2009 and 7745/2010, affecting parcel designated as Tax Map 57.12-1-47 and more commonly known as 100 Overlook Blvd., Nanuet, New York for the year(s) 2009/10 and 2010/11, 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 E. Ramapo 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 57.12-1-47 be reduced for the year(s) 2009/10 from \$4,571,000 to \$4,096,250 at a cost to the Town of \$10,576.20;

RESOLUTION NO. (618-2011) continued

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.12-1-47 be reduced for the year(s) 2010/11 from \$4,571,000 to \$4,117,500 at a cost to the Town of \$10,696.24;

3. Reimbursement for the year(s) 2009/10 and 2010/11 on the parcel described as Tax Map 57.12-1-47, 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;

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (619-2011)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, by resolution 584-2010 the Town Board authorized the Supervisor to retain Pinebrook Industries, to provide Stream Channel Debris Removal services for the Demarest Kill Stream. and

WHEREAS, additional debris in proximity of the stream as a result of Hurricane Irene has entered the stream channel, resulting in additional material to be removed from the channel, and

WHEREAS, the Deputy Director of Environmental Control has walked the stream channel, reviewed said changes and found them be necessary and reasonable,

NOW THEREFORE, BE IT RESOLVED that the Town Board authorizes change order for additional debris removal services in the amount of \$2,500.00, and

BE IT FURTHER RESOLVED that the additional cost for such services shall be charged to Account No. H 8762-409-0-86-20.

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this additional work shall be funded through the use of serial bonds.

On roll call the vote was as follows:

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

RESOLUTION NO. (620-2011)
Co. Hausner offered and Co. Lasker seconded

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

BID#44-2011 – RENTAL OF TRUCKS WITH OPERATORS: CLARKSTOWN
HIGHWAY DEPARTMENT

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at _____ 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 Purchasing Department.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. Hoehmann Absent
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (621-2011)
Co. Hausner offered and Co. Lasker seconded

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

BID#45-2011 – VEGETATION GRINDING

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at _____ 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 Purchasing Department.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. Hoehmann Absent
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (622-2011)
Co. Hausner offered and Co. Lasker seconded

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

BID#46-2011 – RENTAL OF RAPID LOADER TRUCK WITH OPERATOR:
CLARKSTOWN HIGHWAY DEPARTMENT

RESOLUTION NO. (622-2011) continued

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at _____ 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (623-2011)
Co. Hausner offered and Co. Lasker seconded

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

BID#47-2011 – STORM DEBRIS REMOVAL: TOWNWIDE

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at _____ 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (624-2011)
Co. Lasker offered and Co. Borelli seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended renewal of a Software Maintenance Agreement for the Town of Clarkstown with New World Systems;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with New World Systems, in a form approved by the Town Attorney, to provide Software Maintenance to the Town of Clarkstown computer system for the period January 1, 2012 through December 31, 2014, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the total sum of \$95,729.00 for the three years, and be it

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A 1680-409.

RESOLUTION NO. (624-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (625-2011)

Co. Hausner offered and Co. Lasker seconded

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 720-2008.

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 upon 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. Borelli Yes
 Co. Hoehmann Absent
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (626-2011)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 22, 2011, AUTHORIZING THE ACQUISITION OF PROPERTY ASSESSMENT SOFTWARE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$45,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$45,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire property assessment software. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$45,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$45,000

RESOLUTION NO. (626-2011) continued

serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$45,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 53-a of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

RESOLUTION NO. (626-2011) continued

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on November 10, 2011, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted November 10, 2011, authorizing the acquisition of property assessment software, stating the estimated maximum cost thereof is \$45,000, appropriating said amount for such purpose, and authorizing the issuance of \$45,000 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire property assessment software; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$45,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$45,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$45,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$45,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

On roll call the vote was as follows:

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

RESOLUTION NO. (627-2011)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 22, 2011, AUTHORIZING THE ACQUISITION AND INSTALLATION OF FURNITURE FOR TOWN HALL OFFICES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$100,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$100,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire and install furniture for Town Hall offices. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$100,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

RESOLUTION NO. (627-2011) continued

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows:

Co. LaskerYes
 Co. BorelliYes
 Co. Hoehmann Absent
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (628-2011)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 22, 2011, AUTHORIZING THE ACQUISITION OF VEHICLES FOR USE BY VARIOUS DEPARTMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$245,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$245,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

RESOLUTION NO. (628-2011) continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire vehicles for use by various departments. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$245,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$245,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$245,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 77 of the Law, is three (3) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

RESOLUTION NO. (628-2011) continued

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows:

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

RESOLUTION NO. (629-2011)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 22, 2011, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON HEREFORD LANE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$85,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$85,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct drainage improvements on Hereford Lane. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$85,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$85,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$85,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 4 of the Law, is forty (40) years.

RESOLUTION NO. (629-2011) continued

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on November 22, 2011, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

RESOLUTION NO. (629-2011) continued

“Bond Resolution of the Town of Clarkstown, New York, adopted November 22, 2011, authorizing the construction of drainage improvements on Hereford Lane, stating the estimated maximum cost thereof is \$85,000, appropriating said amount for such purpose, and authorizing the issuance of \$85,000 serial bonds of said Town to finance said appropriation,”

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct drainage improvements on Hereford Lane; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$85,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$85,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$85,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$85,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

On roll call the vote was as follows:

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

Supervisor opened the meeting for general public comments.

Guy Gervasi, West Nyack

Regarding the 2012 Budget, he questioned the use of the surplus fund to keep taxes down and asked why the 2012 estimated staff raises were not included in the Budget.

Frank Grandel, New City

Had questions about leaf pickup costs, feels they should be eliminated.

Barry Goldberg, Goshen, NY

Read and handed in a statement regarding his ongoing property dispute with the Town.

Supervisor Gromack responded that the use of the surplus fund to help even out and level the budget is an accounting practice that has been praised by Standard and Poor's and Moody's and one that other Towns have used. As far as earmarking funds for future salaries, putting money in there for potential raises prior to negotiation would just show our cards. Once we complete negotiations with any of our units, there is money within the reserve; it will not affect the tax rate. Regarding the leaves, the days of having 26,000 property owners burning leaves is over. It is not sound practice, it is bad for the environment and also dangerous. The majority of residents put their leaves out because this is a program that our residents want from the Town.

There being no one further wishing to be heard on motion of Co. Lasker seconded by Co. Borelli and unanimously adopted the Town Board Meeting was adjourned, time: 8:35 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

11/22/11

8:11 P.M.

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

Absent: Councilman George Hoehmann

Proposed Local Law Amending Chapter 290 of the Local Laws with Respect to the Hamlet Commercial District.

Town Clerk, Justin Sweet, read the notice of public hearing. On motion of Co. Hausner seconded by Co. Lasker, the public hearing was declared open.

Supervisor Gromack stated that this public hearing will be continued to December 13, as the Board is still in discussions with members of the Planning Board, Building Department and possibly a few other agencies for more information. He suggested the the appropriate time for town officials to comment would be at the December 13th meeting. He asked if there was anyone from the public wishing to comment on this tonight.

Ed Bates, New City
Spoke in favor of adopting this local law.

There being no one further wishing to speak, on motion of Co. Hausner seconded by Co. Borelli, the public hearing was adjourned, to be continued on December 13, 2011, time: 8:13 pm.

Respectfully submitted,

Justin Sweet
Town Clerk