

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/29/10

12:00 P.M.

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

Absent: Councilwoman Hausner, absent

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

Supervisor invited David Carlucci to say a few words as he finished his term of office as the Clarkstown Town Clerk. David remarked that it has been an honor and a privilege to work with the Town Board in serving the community. He looked forward to continuing to serve the residents from his new position in Albany. He expressed confidence that the incoming Town Clerk, Justin Sweet, had the energy and passion to serve our residents and would do a great job.

Supervisor opened the meeting to public comments regarding agenda items. No one appeared.

RESOLUTION NO. (662-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of December 14, 2010 are hereby accepted as submitted by the Town Clerk.

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

RESOLUTION NO. (663-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the resignation of David S. Carlucci, 37 First Street, New City, New York – Town Clerk – Town of Clarkstown – is hereby accepted – effective December 31, 2010 - at midnight.

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

RESOLUTION NO. (664-2010)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, there exists a vacancy in the position of Town Clerk – Town of Clarkstown – created by the election of the Honorable David Carlucci to the New York State Senate (38th Senatorial District) and

WHEREAS, the Town Board of the Town of Clarkstown is empowered by Town Law, Section 64 (5) to fill such vacancy,

NOW, therefore, be it

RESOLVED, that Justin Sweet, 41 High Tor Road, New City, New York - is hereby appointed to fill the position of Town Clerk – Town of Clarkstown – said appointed effective January 1, 2011 and to expire at 12:01 a.m. on January 1, 2012 at the 2011 annual salary of \$70,000.

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

Mr. Sweet thanked his wife and his entire family for their support. He also thanked Nicole Doliner, the chair of the Clarkstown Democratic Committee, and the entire Town Board for their support. He stated that he was honored that the Town Board entrusted him to this vital position. He looked forward to continue to operate Town government in the most efficient way possible and stated that his focus would be on fiscal responsibility. He wished everyone a happy and prosperous new year.

RESOLUTION NO. (665-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Mary Maloney, 7 Tavo Lane, New City, New York - is hereby appointed to the position of Deputy Comptroller – at the recommendation of the Town Comptroller – Edward J. Duer – term effective January 1, 2011 and to expire on December 31, 2011 – to serve at the pleasure of the Town Board – pursuant to Town Law Section 20 Sub 3 (d) – at the current 2011 annual salary of \$10,000.

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

RESOLUTION NO. (666-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Kenneth F. Rooney, 182 County Road 46, Norwich, New York – 13325 – Senior Storekeeper – Highway Department - is hereby accepted - effective and retroactive to December 18, 2010.

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

RESOLUTION NO. (667-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Sr. Patricia Hogan, 796 Route 304, Bardonia, New York (Albertus Magnus Convent) - is hereby appointed to the position of Member – Board of Ethics – at the current 2011 annual salary of \$2,225., term effective January 1, 2011 and to expire on December 31, 2016.

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

RESOLUTION NO. (668-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION REGARDING SALARIES OF ALL
TOWN OFFICIALS AND EMPLOYEES – 2011

RESOLVED, that the salaries of all Town Officials and employees be fixed as per the attached Town of Clarkstown 2011 Salary Schedule, in accordance with the Budget adopted for the Year 2011, subject only to contract negotiations, and be it

FURTHER RESOLVED, that all Town elected, appointed officials, and Town employees shall be paid on a bi-weekly basis to commence January 1, 2011, the first payroll to be paid on January 6, 2011, and be it

FURTHER RESOLVED, that all Town employees shall be paid on a biweekly basis to commence January 1, 2011 to include the remainder of year 2010, and the first full payroll for the year 2011 to be paid on January 20, 2011, and be it

FURTHER RESOLVED, that the salary schedule hereby adopted as amended may be changed in accordance with law as determined to be appropriate by the Town Board.

On roll call the vote was as follows:
Co. Lasker Yes
Co. Hausner Absent
Co. Hoehmann. Yes
Co. Borelli. No
Supervisor Gromack Yes

RESOLUTION NO. (669-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION ESTABLISHING MILEAGE FOR
USE OF VEHICLES ON TOWN BUSINESS

RESOLVED, that mileage at the rate of 50¢ a mile, or the current reimbursable rate as per the Internal Revenue Service, be paid to designated personnel for use of their personal automobiles in performance of their official duties:

- Members of the Town Board
- Deputy Supervisor
- Town Clerk and Deputies
- Superintendent of Highways
- Receiver of Taxes
- Building Inspector and Assistants
- Assessor and Assistants
- Town Attorney and Deputy Town Attorneys
- Zoning Enforcement Officer/Community Liaison

RESOLUTION NO. (669-2010) continued

- Paralegal Specialists
- Legal Stenographer
- Members of the Parks Board and Recreation Comm.
- Director of Environmental Control and Aides
- Town Comptroller
- Deputy Comptroller
- Administrative Assistant I, Comptroller's Office
- Building Maintenance Mechanic
- Members of the Planning Board
- Members of the Zoning Board of Appeals
- Confidential Assistant
- Safety Manager
- Town Courier
- Director of Automated Systems
- Computer Network Specialist
- Insurance and Claims Manager

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

RESOLUTION NO. (670-2010)

Co. Lasker offered and Co. Borelli seconded

RESOLUTION TO READOPT AND AMEND TOWN OF CLARKSTOWN
EMPLOYEE HANDBOOK

WHEREAS, by Resolution No. 623-2004, the Town Board adopted the Town of Clarkstown Employee Handbook as prepared for the Town by AMTEK Human Resource Consultants, and

WHEREAS, by Resolution No. 138-2010, the Town Board reissued and adopted a revised Town of Clarkstown Employee Handbook on March 16, 2010, and

WHEREAS, the Town Board desires to readopt and further amend the Town of Clarkstown Employee Handbook;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown amends Section 601B of the Town of Clarkstown Employee Handbook, effective as of January 1, 2010, by:

1. Deleting the period after the word “year” in the second sentence of the fifth paragraph of Section 601B and replacing it with a comma and inserting the phrase “except for sick leave which may be carried over and accumulated up to a maximum of two hundred ten (210) working days.”

2. Inserting the phrase “Except for sick leave,” at the beginning of the third sentence of the fifth paragraph of Section 601B and changing the capitalized letter “T” in the word “If” to a lower case “i”, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby readopts the Town of Clarkstown Employee Handbook, as amended.

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

RESOLUTION NO. (671-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE TOWN COMPTROLLER TO CREDIT, AS
ADDITIONAL INCOME, THE APPROPRIATE TAXABLE FRINGE BENEFIT TO
EMPLOYEES WHO USE TOWN OWNED VEHICLES COMMUTING TO AND
FROM WORK

WHEREAS, Regulations of the Internal Revenue Service have been promulgated which require employers, including municipal employers, to include for personal income tax purposes, the value of employer owned vehicles used for private purposes or for commuting to and from work;

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized and directed for the period commencing January 1, 2011 and ending December 31, 2011 to credit as additional income the appropriate taxable fringe benefit, as per the Internal Revenue Service regulations, to those employees who have the use of Town owned vehicles for commuting to and from work, and be it

FURTHER RESOLVED, that the employer provided vehicles as set forth below shall be excluded from the taxable fringe benefit calculation:

- (a) Clearly marked police and fire vehicles;
- (b) Delivery trucks with seating only for the driver, or only for the driver plus a folding jump seat;
- (c) Flatbed trucks;
- (d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds;
- (e) Passenger buses used as such with a capacity of at least twenty (20) passengers;
- (f) Ambulances used as such or hearses used as such;
- (g) Bucket trucks (cherry pickers);
- (h) Cranes and derricks;
- (i) Forklifts;
- (j) Cement Mixers;
- (k) Dump trucks (including garbage trucks);
- (l) Refrigerated trucks;
- (m) Tractors;
- (n) Combines;
- (o) School buses used as such;
- (p) Qualified moving vans;
- (q) Qualified specialized utility repair trucks;
- (r) Officially authorized use of unmarked vehicles by law enforcement officers.

RESOLUTION NO. (671-2010) continued

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

RESOLUTION NO. (672-2010)
 Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION APPROVING TERMS AND CONDITIONS OF EMPLOYMENT
 FOR CANDYCE DRAPER

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms and conditions of employment for Candyce Draper for the year 2011 as more fully set forth in correspondence to Candyce Draper from the Town Supervisor dated December 29, 2010.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Hausner Absent
 Co. Hoehmann Yes
 Co. Borelli No
 Supervisor Gromack Yes

RESOLUTION NO. (673-2010)
 Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
 AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT
 FOR POLICE TRAINING AS PER THE SECURE THE CITIES PROGRAM

WHEREAS, the County of Rockland wishes to reimburse the Town of Clarkstown Police Department for overtime incurred during PRD training exercises per the Secure the Cities Program from the City of New York;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain overtime reimbursement in the amount of \$10,155.04 for participation by the Clarkstown Police Department in PRD training as outlined in the Secure The Cities Program.

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

RESOLUTION NO. (674-2010)
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, Sylvia A. Welch, Ph.D., 170 Hudson Terrace, Piermont, New York, has provided research and grant application services with respect to identifying potential funding sources for various Town sponsored programs, capital projects, and other grant opportunities, and to assist in the preparation of grant applications as requested by the Town, and

WHEREAS, Sylvia A. Welch, Ph.D. has continued to render said services since the last authorization of the Town Board by Resolution retroactive to January 1, 2010;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Sylvia A. Welch, Ph.D., in a form approved by the Town Attorney, to provide research and grant application services for the period January 1, 2011 to December 31, 2011, and provided further, that said agreement shall require that she report directly to and work under the supervision of Sabrina Greco, Director of Operations for the Supervisor, and be it

FURTHER RESOLVED, that the payment for such services shall be at the rate of \$55.00 per hour, not to exceed \$20,000.00 during the contract term without further authorization of the Town Board, which shall be charged to Account No. A 1310-409.

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

RESOLUTION NO. (675-2010)
Co. Borelli offered and Co. Hoehmann seconded

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

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

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

WHEREAS, the County of Rockland initiated a program to reimburse local municipalities for drug law enforcement activities, and the Legislature of Rockland County has provided funds in its 2010 Budget for the purpose of reimbursement of compensation for two Clarkstown Police Officers for said law enforcement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the County of Rockland, through its District Attorney's Office, for the total sum of \$410,830.00, for the period January 1, 2010 and terminating December 31, 2010.

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

RESOLUTION NO. (676-2010)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists on Fernwood Drive, New City; and

WHEREAS, the Department of Environmental Control has prepared a plan to ameliorate the adverse drainage condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to perform the work in accordance with the plan; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Pinebrook Landscaping & Paving, Inc. and has found it to be acceptable; and

WHEREAS, the director of the Department of Environmental Control recommends that the work be awarded to Pinebrook Landscaping & Paving, Inc. for their low proposal of \$11,000.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of:

Pinebrook Landscaping & Paving, Inc.
49 Rolling Ridge Road
New City, N. Y. 10956

to perform this work in accordance with their proposal for an amount not to exceed \$11,000.00; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

FURTHER RESOLVED that this amount shall be a proper charge to account H-8761-409-85-23

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

RESOLUTION NO. (677-2010)
Co. Borelli offered and Co. Lasker seconded

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

An intersection warning sign as per the Manual of Uniform Traffic Control Devices Sec. 232.1, a W2-5 sign to be erected 50 ft. North of the existing W1-10 curve sign, northbound on Buena Vista Road, New City;

and be it

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

RESOLUTION NO. (677-2010) continued

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

RESOLUTION NO. (678-2010)
 Co. Lasker offered and Co. Borelli seconded

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF
 MAINTENANCE AGREEMENT REGARDING
 MAVIS DISCOUNT TIRE SITE PLAN (64.10-1-2)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Mavis Discount Tire site plan (64.10-1-2), Nanuet Land Partners has provided a stormwater control facility maintenance agreement, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyance; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from Nanuet Land Partners in connection with the Mavis Discount Tire site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

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

RESOLUTION NO. (679-2010)
 Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of the Authorized Purchasing Agent and in concurrence with Recreation and Parks, that the bid furnishing athletic and recreation supplies is hereby awarded to the following low bidders who have met the specifications:

Bid#1-2010 Athletic and Recreation Supplies

Anaconda Sports, Inc., 85 Katrine Lane, Lake Katrine, NY 12449 for items # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 18, 23, 24, 25, 35, 46, 47, 53, 98, 103, 116, 130 and 131 as per specifications at a net bid price of \$6,511.38.

Flaghouse, 601 Flaghouse Drive, Hasbrouck Heights, NJ 07604 for items # 30, 34, 48, 58, 62, 63, 64, 65, 66, 71, 76, 77, 81, 82, 83, 84, 85, 92, 96, 100, 107 and 108 as per specifications at a net bid price of \$1,912.96.

Kenmar Shirts, Inc., 1578 White Plains Rd., Bronx, NY 10462 for item #134 as per specifications at a net bid price of \$636.48.

RESOLUTION NO. (679-2010) continued

Mainly Monograms, 260 West Nyack Road, West Nyack, NY 10994 for items #112, 113, 114, 115, 117, 118,119, 120, 121, 122, 123, 124, 125, 126, 132, 133, 135 and 136 as per specifications at a net bid price of \$17,326.98.

Passon's Sports, (Sports Supply Group) P.O. Box 49, Jenkintown, PA, 19046 for items # 11, 12, 14, 15, 17, 19, 20,21, 22, 26, 32, 36, 38, 40, 42, 43, 44, 49, 50, 51, 54, 55, 56, 60, 61, 68, 69, 72, 74, 75, 78, 80, 91 and 101 as per specifications at a net bid price of \$4,012.23.

Recreonics, Inc., 4200 Schmitt Ave., Louisville, KY 40213 for items # 111 and 127 as per specifications at a net bid price of \$2,735.33.

S&S Worldwide, 75 Mill Street, Colchester, CT 06415 for items # 27, 28, 29, 31, 33, 37, 39, 41, 57, 59, 70, 73, 79, 87, 88, 93, 94, 95, 97, 99, 102, 104, 105, 106, 109 and 110 as per specifications at a net bid price of \$2,934.33.

Gross total for all items: \$36,069.69

Further resolved, that this amount \$36,069.69 be charged against accounts:

7140-222	\$ 1,206.44
7140-307	622.10
7141-222	847.52
7141-307	560.43
7141-329	2,131.87
7180-307	5,472.13
7180-329	1,025.02.
7310-222	651.32
7310-307	11,227.80
7310-329	12,290.56
7610-329	34.50
TOTAL:	\$36,069.69

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

RESOLUTION NO. (680-2010)

Co. Borelli offered and Co. Hoehmann seconded

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

"AMENDMENT TO CHAPTER 143 (FIRE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to permit the use of electric grills within ten (10) feet of a condominium, townhouse, attached single family dwelling, and other buildings containing three (3) or more dwelling units;

NOW, THEREFORE, be it

RESOLUTION NO. (680-2010) continued

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on January 18, 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 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. Hausner Absent
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (681-2010)
Co. Borelli offered and Co.Hoehmann seconded

WHEREAS, the Town Board wishes to schedule a public hearing with respect to abolishing the Office of the Receiver of Taxes and consolidating the duties of the Receiver of Taxes with the Office of the Assessor by ballot at the same time as the 2011 November General Election;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby schedules a public hearing on February 8, 2011, at 8:00 p.m., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, to solicit the public’s comments with respect to submitting a proposition abolishing the Office of the Receiver of Taxes and consolidating the duties of Receiver of Taxes with the Office of the Assessor at a special Town election to be held at the same time as the General Election in November 2011, and be it

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

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

RESOLUTION NO. (682-2010)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, two police officers from the Clarkstown Police Department have been assigned to work at the Rockland County Intelligence Center, throughout the calendar year 2009, and

WHEREAS, the County of Rockland has resolved to reimburse the Town of Clarkstown in the amount of \$477,332.00, upon execution of an inter-municipal cooperation agreement between the County of Rockland and the Town of Clarkstown, and

WHEREAS, Chief of Police Peter Noonan has recommended that the Town enter into such inter-municipal cooperation agreement;

NOW, THEREFORE, be it

RESOLUTION NO. (682-2010) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the inter-municipal cooperation agreement with the County of Rockland, in a form satisfactory to the Town Attorney, which after execution by the County, will result in the payment to the Town of Clarkstown in the amount of \$477,332.00, as reimbursement for two members of the Clarkstown Police Department having worked and to work at the Rockland County Intelligence Center Sheriff’s Department for the period January 1, 2010 through December 31, 2010.

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

RESOLUTION NO. (683-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING AN INCREASE IN THE COST FOR ENGINEERING SERVICES FOR BID #20-2009 VIRGINIA STREET/CAROLINA DRIVE DRAINAGE IMPROVEMENTS

Whereas, the Town of Clarkstown has, via Town Board resolution #755-2005, retained HAKS Engineers and Surveyors of New York, New York as design consultant to perform engineering services relating to the subject project; and

Whereas, as a result of a meeting involving the Department of Environmental Control, the design consultant and the Supervisor of the Town of Clarkstown, the design parameters for the subject project were altered resulting in a significant change in the scope of work insofar as engineering services for the project are concerned; and

Whereas, the Department of Environmental Control solicited a proposal from HAKS Engineers and Surveyors to prepare Preliminary Plans, Landscape Design Renderings, conduct a public presentation of the revised project design and prepare Final Project Plans and Specifications in accordance with the revised design; and

Whereas, the Department of Environmental Control reviewed said proposal in the amount of \$26,400.00 and found it to be acceptable;

Now, Therefore, Be It Resolved that the allowance for engineering services for the subject project be increased from \$38,950.00 to \$65,350.00 to allow for the costs associated with the increase in the scope of work: and

Be It Further Resolved that this shall be a proper charge to account #H-8755-409-0-79-34.

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

RESOLUTION NO. (684-2010)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Town of Clarkstown has received \$429,629.13 from the County of Rockland for its share of Seized Funds,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-11-4320-0 (General-Seized Property) and Budgetary Account A-3120-230-5 (Police-Communications Room Equipment) by \$429,629.13.

RESOLUTION NO. (684-2010) continued

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

RESOLUTION NO. (685-2010)
 Co. Hoehmann offered and Co. Borelli seconded

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 equipment for the Police Department communications room. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$740,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$740,000 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. Any grant funds received by the Town for such purpose are authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Serial bonds of the Town in the principal amount of \$740,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 25 of the Law, is ten (10) years.

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

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

RESOLUTION NO. (685-2010) 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 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 December 29, 2010, 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 December 29, 2010, authorizing the acquisition and installation of equipment for the Police Department communications room, stating the estimated maximum cost thereof is \$740,000, appropriating said amount for such purpose, authorizing the issuance of \$740,000 serial bonds of said Town to finance said appropriation, and further authorizing the expenditure of any grant funds received or to be received for said purposes"

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

FIRST: AUTHORIZING said Town to acquire and install equipment for the Police Department communications room; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$740,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$740,000 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; and STATING that any grant funds received by the Town for such purpose are authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to

RESOLUTION NO. (685-2010) continued

be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of \$740,000 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 \$740,000 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. Hausner Absent
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (686-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 594-2010

WHEREAS, by Resolution No. 594-2010, the Town Board authorized the purchase of hardware, software and services for technological improvements by funding same through the issuance of serial bonds not to exceed \$82,000.00, and

WHEREAS, the Director of Automated Systems recommended that the funding for said improvements needs to be increased by \$12,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 594-2010 by increasing the capital project Account No. H-8759-409-0-85-12 by \$12,000.00, the total not to exceed \$94,000.00, in order to fund these services.

RESOLUTION NO. (686-2010) continued

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

RESOLUTION NO. (687-2010)
 Co. Hoehmann offered and Co. Lasker seconded

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

BID#8-2011 – PHILLIPS HILL ROAD CULVERT#336 REPLACEMENTS

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 Clarkstown Department of Environmental Control upon payment of the prescribed fee.

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

RESOLUTION NO. (688-2010)
 Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION FOR REMOVAL OF SNOW ON UNDEDICATED STREETS IN CLARKSTOWN

WHEREAS, heavy snowfall and other inclement weather may create hazardous conditions which may pose an increased danger to life and property in the event of fire, sickness, lack of food and medical assistance to persons house bound on unplowed or otherwise impassable streets;

NOW, THEREFORE, be it

RESOLVED, that in addition to the authority granted under Executive Law, Sections 24 and 25, the Supervisor of the Town of Clarkstown is hereby authorized to use and direct any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any urgent situation, crisis, natural emergency disaster or extraordinary condition created by any snow fall or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes and directs the Superintendent of Highways to seek the cooperation of the developers/owners of undedicated streets to properly plow and sand during inclement weather and to use personnel and equipment to plow undedicated streets in the Town of Clarkstown at such time when necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to seek recovery of the reasonable costs for such services from the developers of undedicated subdivision roads or any responsible party, and where appropriate, to assess such costs, if unpaid, on the responsible property owner's next Town tax bill, or otherwise seek recovery by any available legal remedy.

RESOLUTION NO. (688-2010) continued

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

RESOLUTION NO. (689-2010)
 Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, by Resolution No. 208-2007, adopted March 20, 2007, and amended by Resolution No. 832-2008, adopted on December 31, 2008, and amended by Resolution No. 635-2009, adopted on December 30, 2009, the Town Board authorized the Supervisor to enter into an agreement with Behan Planning Associates, LLC, to provide professional design, planning and engineering services in connection with the New City Hamlet Revitalization Project, and

WHEREAS, additional design services are required to complete Phase I of the Project, and to design Phase II and the Congers Road portion of the Project, and

WHEREAS, the parties wish to amend the existing agreements and provide for a revised agreement going forward, and

WHEREAS, Behan Planning has submitted a proposal dated December 28, 2010 to perform these additional services as required by the Town, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Behan Planning Associates, LLC, to provide additional professional planning, design and engineering services as per their December 28, 2010 proposal, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed 14% of the total construction cost of Phase I; Phase II and Congers Road not to exceed \$2.4 Million Dollars, without further authorization from the Town Board, of which \$1,800,000 has already been remitted based upon prior authorizations, and be it

FURTHER RESOLVED, that said fees shall constitute a proper charge to Account No. H 5111-409-0-4-16, and be it

FURTHER RESOLVED, that said revised agreement shall supersede the prior agreements authorized by Resolutions No. 208-2007, No. 832-2008, and No. 635-2009, and be it

FURTHER RESOLVED, that pursuant to inter-municipal agreement dated October 6, 2009, the County of Rockland shall reimburse all costs associated with the Congers Road portion of the Project up to \$2,000,000.00.

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

The Supervisor opened the meeting for general public comments. No one appeared. With no one wishing to speak further, on motion of Co. Hoehmann, seconded by Co. Lasker, the Town Board Meeting was adjourned, 12:16 P.M.

Respectfully submitted,

David Carlucci
 Town Clerk