

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/29/11

12:00 P.M.

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

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

Supervisor asked if anyone was present wishing to speak. No one appeared.

RESOLUTION NO. (656-2011)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on December 13, 2011 that the position of Records Clerk (Personnel) #501046 – Personnel Department (encumbered by Dorothy O’Connell) can be reclassified to the position of Senior Records Clerk (Personnel),

NOW, therefore, be it

RESOLVED, that the position of Records Clerk (Personnel) –Personnel Department – is hereby reclassified to the position of Senior Records Clerk (Personnel) – effective to December 29, 2011.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (657-2011)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that, Dorothy O’Connell, 5 Hannah Lane, Valley Cottage, New York – is hereby appointed (promotional) (provisional) to the position of – Senior Records Clerk (Personnel) Personnel Department – at the current 2011 annual salary of \$65,275., - effective December 29, 2011.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (658-2011)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on December 1, 2011 that the position of Data Entry Operator I #500816 – Purchasing Department (encumbered by Raquel Guzman) can be reclassified to the position of Senior Purchasing Clerk Typist,

NOW, therefore, be it

RESOLVED, that the position of Data Entry Operator I – Purchasing Department – is hereby reclassified to the position of Senior Purchasing Clerk Typist – effective – December 29, 2011.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (659-2011)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that, Racquel Guzman, 85 Grand Avenue, Pearl River, New York – is hereby appointed (promotional) (provisional) to the position of – Senior Purchasing Clerk Typist – Purchasing Department – at the current 2011 annual salary of \$57,335., - effective December 29, 2011.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (660-2011)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the resignation of Patricia McGrogan, 1N Church Lane, Valley Cottage, New York – Crossing Guard Clarkstown Police Department – is hereby accepted effective and retroactive to December 24, 2011.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (661-2011)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Jillian N. Gallagher, 16 Gable Road, New City, New York – Crossing Guard (substitute) – is hereby appointed to the position of Crossing Guard (full-time) – Clarkstown Police Department at the current 2011 hourly rate of \$18.31., per crossing – effective to December 31, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (662-2011)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., John F. Kolka II, 141 Dara Lane, Stony Point, New York - Laborer – Sewer Department – is hereby granted an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to December 17, 2011 thru January 17, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (663-2011)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation of Christopher Carey, 142 Pineview Avenue, Bardonia, New York – Member – Planning Board - is hereby accepted effective - December 31, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (664-2011)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, Lee V. De Forest, has requested an extension of his sick leave of absence, without pay, and

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

RESOLUTION NO. (664-2011) continued

Now, therefore, be it

RESOLVED, that Lee V. De Forest, 93 Church Street, Nanuet, New York – Laborer – Highway Department – is hereby granted six (6) months leave of absence, without pay, effective January 2, 2012 thru July 2, 2012.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (665-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Marsha F. Coopersmith, 63 East Allison Avenue, Pearl River, New York – is hereby terminated as Deputy Town Attorney – Town Attorney’s Office, effective December 31, 2011.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (666-2011)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms and conditions of employment for Chief Michael R. Sullivan for the years 2012 through 2015 as more fully set forth in correspondence to Chief Sullivan from the Town Supervisor dated December 29, 2011

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (667-2011)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms and conditions of employment for Captain Robert Mahon for the years 2012 through 2015 as more fully set forth in correspondence to Captain Mahon from the Town Supervisor dated December 29, 2011.

RESOLUTION NO. (667-2011)

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (668-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms and conditions of employment for Captain Anthony Ovchinnikoff for the years 2012 through 2015 as more fully set forth in correspondence to Captain Ovchinnikoff from the Town Supervisor dated December 29, 2011.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (669-2011)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby extends the same terms and conditions of employment for Candyce Draper, as Justice Court Clerk, for the year 2012 as applied for 2011, except that her annual salary shall be at the current 2012 annual salary as set forth in the 2012 adopted salary schedule.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (670-2011)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, negotiations have been ongoing between the bargaining team for the Town of Clarkstown and the bargaining team for the Town of Clarkstown Bargaining Unit of Rockland County Local 1000 of CSEA, Inc. for a successor agreement to the 2007-2011 Agreement between the parties, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated December 15, 2011, and

WHEREAS, the membership of the Union has ratified the terms of the Memorandum of Agreement, and

WHEREAS, the Town Board has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town;

RESOLUTION NO. (670-2011) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Supervisor to execute a collective bargaining agreement consistent with the terms thereof.

On roll call the vote was as follows:

Co. LaskerYes
 Co. BorelliYes
 Co. HoehmannYes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (671-2011)

Co. Hausner offered and Co. Lasker seconded

RESOLVED, that the salaries of all Town Officials and employees be fixed as per the attached Town of Clarkstown 2012 Salary Schedule, in accordance with the Budget adopted for the Year 2012, 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, 2012, the first payroll to be paid on January 5, 2012, and be it

FURTHER RESOLVED, that all Town employees shall be paid on a biweekly basis to commence January 1, 2012 to include the remainder of year 2011, and the first full payroll for the year 2012 to be paid on January 19, 2012, 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. LaskerYes
 Co. Borelli No
 Co. HoehmannYes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (672-2011)

Co. Hausner offered and Co. Lasker seconded

RESOLVED, that the attached document in exhibit A reflects the starting salaries for the (part-time) titles in the Town of Clarkstown,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the following Exhibit A starting salary schedule for the (part-time) titles, and be it,

FURTHER RESOLVED, that the pay rate increases of \$.50 for the (part time) titles in exhibit A are effective for the fiscal year 2012.

On roll call the vote was as follows:

Co. LaskerYes
 Co. BorelliYes
 Co. HoehmannYes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (673-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 250-2010, adopted April 20, 2010, the Town entered into an agreement with H2M Group to provide professional engineering services for the planning and design of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building, and

WHEREAS, by Resolution No. 646-2010, adopted December 14, 2010, the Town entered into an agreement with H2M Group to provide additional services for the construction testing, quality control and part time construction administration/observation of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building, and

WHEREAS, it is determined that additional services will be necessary for construction observation to conduct specialty inspections required by the NYS Building Code and H2M Group submitted a proposal, dated December 19, 2011, for construction observation to conduct specialty inspections, and

WHEREAS, the Public Works Administrator has recommended that the Town accept said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the H2M Group, in a form approved by the Town Attorney, to provide additional professional engineering services for construction observation to conduct specialty inspections required by the NYS Building Code for the Congers-Valley Cottage Volunteer Ambulance Corps building, and be it

FURTHER RESOLVED, that the fee for said project shall not exceed \$35,000.00 without further authorization from the Town Board, and shall constitute a proper charge to Account No. H 8760-409-0-84-25, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the project, including the professional engineering services portion, through the issuance of serial bonds.

On roll call the vote was as follows:

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

RESOLUTION NO. (674-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the New York State Department of Environmental Conservation (“NYSDEC”) has approved the option of designing a permanent cap for the remediation of the Riverso property which lies adjacent to the Clarkstown Landfill in West Nyack. The cap option is included in the “Site Investigation Summary Report” prepared by H2M dated September 25, 2009, and

WHEREAS, a Work Plan required to be submitted by the NYSDEC was completed by H2M as outlined in their proposal dated September 20, 2010 and approved with modifications by NYSDEC on December 2, 2010, and

WHEREAS, the RCSWMA has begun the process to acquire the property by eminent domain and, to continue the process, a boundary survey along with a wetland delineation will need to be completed, and

WHEREAS, the NYSDEC approval also requires that a Community Air Monitoring Plan be implemented during all ground intrusive activities, and

RESOLUTION NO. (674-2011) continued

WHEREAS, the H2M Group has submitted a proposal dated November 23, 2011, to provide engineering services which provide for the above referenced tasks;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the H2M Group, in a form approved by the Town Attorney, to perform engineering services pursuant to its proposal dated November 23, 2011, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$26,800.00 and will be charged to Account No.

H 8163-409-0-38-4, and be it

FURTHER RESOLVED, that the Town shall be reimbursed for its costs pursuant to the State Assistance Contract with the New York State Department of Environmental Conservation ("NYSDEC") and its agreement with the Rockland County Solid Waste Management Authority ("RCSWMA"), and be it

FURTHER RESOLVED, that H2M is hereby directed to ensure that its subcontractor(s) name the property owner as an additional insured on its general liability policy in the amount of \$1,000,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (675-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Capt. Paul Moher of the Nyack Community Ambulance Corps. has requested that the Town Board allow their organization, which provides services to West Nyack, Central Nyack, and portions of Upper Nyack, to purchase fuel from the Town of Clarkstown for four of their vehicles, and

WHEREAS, the purchase of the fuel will be a cost saving measure for the Ambulance Corps;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Nyack Community Ambulance Corps., Inc., in a form approved by the Town Attorney, to purchase fuel from the Town of Clarkstown for four vehicles.

On roll call the vote was as follows:

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

RESOLUTION NO. (676-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, John Coyle, Safety Manager for the Town of Clarkstown has recommended entering into an agreement with an Emergency Health Care Provider pursuant to the Public Health Law Section 3000(B) to provide services to the Town of Clarkstown for the calendar year 2012; and

RESOLUTION NO. (676-2011) continued

WHEREAS, James Dwyer M.D., head of Emergency Services, Nyack Hospital, has agreed to enter into an agreement with the Town of Clarkstown to provide this service;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement, in a form approved by the Town Attorney, with James Dwyer M.D., as referred to herein, for the period January 1, 2012 to December 31, 2012, to provide services without charge to the Town as per Section 3000(B) of the Public Health Law.

On roll call the vote was as follows:

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

RESOLUTION NO. (677-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, as part of the sale of the Clarkstown Transfer Facility to the Rockland County Solid Waste Management Authority, a Host Community Agreement was negotiated and one of the provisions allowed the Town to conduct an oversight program of the RCSWMA operation for a period of seven (7) years, and

WHEREAS, by Resolution Nos. 634-2009 and 655-2010, the Town Board authorized H2M Group to perform said services for the years 2010 and 2011, and

WHEREAS, H2M has submitted a proposal, dated December 14, 2011, to continue to perform oversight services at the three facilities for the year 2012, and

WHEREAS, the Director of the Department of Environmental Control has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an extension agreement with H2M, in a form approved by the Town Attorney, to perform professional engineering services regarding the oversight program of the RCSWMA operation at three facilities for the year 2012, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed \$70,000.00 for the year 2012, and shall constitute a proper charge to Account No. SR 8160-409-0, and be it

FURTHER RESOLVED, that pursuant to the Host Community Agreement, the Rockland County Solid Waste Management Authority shall reimburse the Town of Clarkstown for H2M's services.

On roll call the vote was as follows:

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

RESOLUTION NO. (678-2011)
Co. Lasker offered and Co. Hausner 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 dated December 29, 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, 2012 to December 31, 2012, 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. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (679-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 299-2008 dated May 13, 2008, subsequently amended by Resolution No. 792-2008 dated December 16, 2008, Resolution No. 113-2009 dated February 10, 2009, Resolution No. 528-2009, dated October 20, 2009, Resolution No. 460-2010, dated September 14, 2010, and Resolution No. 81-2011, adopted February 8, 2011, the Town Board authorized the Supervisor to enter into an agreement with Cambridge Systematics, 38 East 32nd Street, 7th Floor, New York, New York, 10016, to provide certain professional services in connection with the transportation component of the Town's Comprehensive Plan, and

WHEREAS, Cambridge Systematics has submitted a proposal dated December 14, 2011 (the "Proposal"), summarizing modifications requested for FY2012, which the Town Planner has reviewed and found reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the contract with Cambridge Systematics to provide additional funding, as per the Proposal, which agreement shall provide for a cost increase of \$19,191.00 for Phase II, Tasks 3 & 4 for the SR-303/304 corridors for previous scope of services from FY-2011, as well as a cost of \$93,835.00 for a new scope of services for FY-2012 for SR-59 East – Tasks 3,4,5,7 & 8, and be it

FURTHER RESOLVED, that the fee for the previous scope of services from FY-2011 and additional services for FY-2012 shall not exceed the sum of \$113,026.00, and shall constitute a proper charge to Account No. A-8021-409, and be it

FURTHER RESOLVED that the Town Board hereby directs the Town Attorney's Office and the Planning Department to pursue grant funding to offset the cost of the project from organizations, including but not limited to the N.Y.S. Department of Transportation and New York State Metropolitan Transportation Council.

RESOLUTION NO. (679-2011) continued

On roll call the vote was as follows:

Co. LaskerYes
 Co. BorelliYes
 Co. HoehmannYes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (680-2011)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 167-2002, adopted February 12, 2002, the Town Board approved the establishment of a permit system for local Fire Districts to install, operate and maintain traffic signal pre-emption equipment on traffic signals located within and maintained by the Town of Clarkstown, for the purpose of permitting emergency vehicles maintained by fire districts to pre-empt such traffic signal when responding to emergency calls, and

WHEREAS, Alert Hook, Ladder and Engine Company No, 1, Congers, has requested permission to install approved optical pre-emption equipment at the intersection of Kings Highway and Lake Avenue, Congers, New York, in order to provide a safer emergency response;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants to Alert Hook, Ladder and Engine Company No 1, Congers, authority to install, maintain, and operate a traffic signal pre-emption device at the intersection as aforesaid subject to said fire company executing an agreement with the Town of Clarkstown, in a form approved by the Town Attorney.

On roll call the vote was as follows:

Co. LaskerYes
 Co. BorelliYes
 Co. HoehmannYes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (681-2011)

Co. Lasker offered and Co. Borelli seconded

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

PAUL BITTS CO., INC.
 9 Germonds Road
 New City, New York 10956
 Paul Bitts, President

JGC HEATING
 8 Fairmont Terrace
 West Nyack, NY 10994
 Gerard Campitiello, President

A. SASSO PLUMBING CORP.
 23 Vista Drive
 Nanuet, New York 10954
 Michael Sasso, President

VITO'S PLUMBING & HEATING, INC., d/b/a MR. PLUMBER
 33 Kendall Road

New City, New York 10956
Vito Martorana, President

RR PLUMBING SERVICES CO. d/b/a ROTO ROOTER
525 Waverly Avenue
Mamaroneck, New York 10543
Terence R. O'Shea, President

TURCO GOLF, INC.
212 Orange Avenue
Suffern, New York 10901
Dennis Turco, President

ENVIRONMENTAL CONSTRUCTION, INC.
21 Holt Drive - P.O. Box 563
Stony Point, New York 10980
Susan Oelkers-Ramos, President

MRJ EXCAVATING, INC.
7 Beaver Court
New City, New York 10956
Michael W. Rickli, Jr., President

PEARL RIVER PLUMBING, HEATING & ELECTRIC, INC., d/b/a
BERTUSSI'S
60-70 Dexter Plaza
Pearl River, New York 10965
Louis Bertussi, Vice-President

RONALD FILERA LANDSCAPE CONTRACTORS, LLC
520 S. Pascack Road
Chestnut Ridge, New York 10977-6530
Ronald Filera, Sole Member

RICHARD ORSINI, INC. (Green Horizons Landscape Construction)
133 West Clarkstown Rd.
New City, NY 10956
Richard Orsini, President

BELLEVILLE LANDSCAPING, INC.
84 North Route 9W, Suite D
Congers, NY 10920
Isidore Castiglia, Vice-President

AMERICAN MINUTEMEN SEWER & DRAIN SERVICE, INC.
307 South Main Street
New City, NY 10956
Joseph A. Simonetti, Jr., President

NOW, THEREFORE, be it

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

- 12-01 PAUL BITTS CO., INC.
- 12-02 JGC HEATING, INC.
- 12-03 A. SASSO PLUMBING CORP.
- 12-04 VITO'S PLUMBING & HEATING, INC., d/b/a MR. PLUMBER
- 12-05 RR PLUMBING d/b/a ROTO ROOTER
- 12-06 TURCO GOLF, INC.
- 12-07 ENVIRONMENTAL CONSTRUCTION, INC.
- 12-08 MRJ EXCAVATING, INC.
- 12-09 PEARL RIVER PLUMBING, HEATING & ELECTRIC, INC.,
d/b/a BERTUSSI'S
- 12-10 RONALD FILERA LANDSCAPE CONTRACTORS, LLC
- 12-11 RICHARD ORSINI, INC.
- 12-12 BELLEVILLE LANDSCAPING, INC.
- 12-13 AMERICAN MINUTEMEN SEWER & DRAIN SERVICE,
INC.

RESOLUTION NO. (681-2011) continued

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (682-2011)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, Ms. Cathy L. Conklin was previously appointed to serve as the Town of Clarkstown Assessor through September 30, 2013, and

WHEREAS, the terms and conditions of Ms. Conklin’s appointment are contained in an Employment Agreement dated July 24, 2007 (the “Employment Agreement”) which was duly authorized by the Town Board pursuant to Resolution No. 472-2007, and

WHEREAS, the Employment Agreement provides that, as of January 1, 2012 and January 1, 2013, the Town Board shall establish Ms. Conklin’s salary for the 2012 and 2013 calendar years;

NOW, THEREFORE, be it

RESOLVED, that the salary for Ms. Cathy L. Conklin for the years 2012 and 2013 calendar years shall be increased by two percent (2%) each year over the 2011 salary of \$136,482 for a resulting salary of \$139,212 in 2012 and a salary of \$141,996 in 2013, not including any applicable longevity increments provided for in the Employment Agreement.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (683-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, it is essential that the Town of Clarkstown maintain adequate levels of Unrestricted Fund Balance to mitigate risks and provide a back-up for revenue shortfalls, and

WHEREAS, it is equally important to have a solid plan to replenish fund balance levels as soon as economic conditions allow, in the event the Unrestricted Fund Balance falls below the Town’s policy level, to help reduce the cost of borrowing, and

WHEREAS, the Government Finance Officer’s Association has issued a new “Best Practice” recommendation in 2011, which the Town Board has utilized as a basis for amending its policy;

NOW, THEREFORE, be it

RESOLVED, that in recognition of sound fiscal policy and in order to stabilize and possibly enhance the current credit rating of the Town, the Town Board hereby amends the Town of Clarkstown Fund Balance Policy to make all reasonable efforts to maintain the total Unrestricted Fund Balance in the General Fund to be no less than two (2) months of regular fund operating expenditures, net of other operating financial sources, and be it

RESOLUTION NO. (683-2011) continued

FURTHER RESOLVED, if the Unrestricted Fund Balance drops below this desired target level, the Town Board will seek to replenish these funds over a period not to exceed three (3) years with a goal to reach fifty percent (50%) of target in one (1) year, seventy-five percent (75%) in two (2) years, and one hundred percent (100%) in three (3) years.

On roll call the vote was as follows:

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

RESOLUTION NO. (684-2011)
Co. Hausner offered and Co. Lasker seconded

RESOLVED, that mileage at 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
- 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. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (685-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Zoning Map Committee, which is made up of the Building Inspector, as chairman, and the Town Attorney and Town Planner in an advisory capacity to the Building Inspector, has reviewed the Official Zoning Map of the Town of Clarkstown and the GIS Coordinator has corrected any errors or discrepancies contained on said map, and

WHEREAS, the Zoning Map Committee recommends adoption of the Official Zoning Map of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the Official Zoning Map of the Town of Clarkstown, effective December 29, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (686-2011)
Co. Hoehmann offered and Co. Lasker seconded

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, 2012 and ending December 31, 2012 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. (687-2011) continued

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (687-2011)

Co. Lasker offered and Co. Hoehmann seconded

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

A new sign (W1-1L) a curve sign, per the Traffic Sign Handbook for Local Roads, in the vicinity of #7 Newport Drive, Nanuet with a panel beneath to read "20 MPH".

Also install a new Stop sign (R1-1) and a Stop line on Samuel Road at Newport Drive, and a new Dead End sign a (W14-1) sign facing northbound just beyond the intersection of Samuel Road.

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

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (688-2011)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID#40-2011 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

is hereby awarded to:

ARAMARK UNIFORM SERVICES
 DIV. OF ARAMARK UNIFORM & CAREER APPAREL, INC.
 115 NORTH FIRST STREET
 BURBANK, CA 91502
 PRINCIPALS: A PUBLIC CORPORATION

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

RESOLUTION NO. (688-2011) continued

STRONGWEAR GARMENT CORP
191 THE PLAZA
TEANECK, NJ 07666
PRINCIPALS: GILBERT ORTIZ

as per the attached price/item list

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (689-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, the following departments and/or boards within the Town of Clarkstown charge fees for various permits, rentals and/or applications to cover the costs of processing and approving said permits, rentals and/or applications:

- Assessor
- Town Attorney
- Building Department
- Town Clerk
- Department of Environmental Control
- Highway Department
- Planning Department/Board
- Parks Board & Recreation Commission,

and

WHEREAS, the above referenced departments and/or boards recommend adopting the fees outlined in the attached Exhibit "A" for their respective departments and/or boards;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby establishes and adopts the fee schedules for 2012 for the above referenced departments and/or boards, which are attached as Exhibit "A." (On file in Town Clerk Minute book)

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (690-2011)
Co. Hoehmann and Co. Borelli seconded

WHEREAS, Wilson, Elser, Moskowitz, Edelman & Dicker LLP has submitted a proposal dated December 21, 2011 to provide legal and legislative representation by serving as Government Affairs Counsel in New York State on behalf of the Town of Clarkstown, and

WHEREAS, the Town Attorney finds said proposal to be reasonable in terms of scope and price, and recommends the hiring of this firm;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, in a form approved by the Town Attorney, to provide legal services pursuant to its proposal dated December 21, 2011, commencing on January 5, 2012 until January 4, 2013, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$58,500, and will be charged to Account No. A 1420-409.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (691-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HVA Realty LLC v. Cathy L. Conklin, Tax Assessor of the Town of Clarkstown, Board of Assessment Review of the Town of Clarkstown, The Town of Clarkstown and *Clarkstown Central School District*, Index No(s). 7990/09, 10232/10 and 031433/11, affecting parcels designated as Tax Map Nos. 65.10-1-5, 65.10-1-6, 65.10-1-7 and 65.10-1-8 and more commonly known as 6 S. Greenbush Road, West Nyack, NY; 8 S. Greenbush Road, West Nyack, NY; 41-45 S. Route 303, West Nyack, NY and 55 S. Route 303, West Nyack, NY, respectively, for the year(s) 2009/10, 2010/11 and 2011/12, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal, if necessary, at a fee not to exceed \$2,500.00, and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (692-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HVA Realty LLC v. Cathy L. Conklin, Tax Assessor of the Town of Clarkstown, Board of Assessment Review of the Town of Clarkstown, The Town of Clarkstown and *Nyack Public School District*, Index No(s). 7993/09, 10234/10 and 031430/11, affecting parcels designated as Tax Map No. 65.7 -5-3 and more commonly known as 127 Route 59, Central Nyack, NY, for the year(s) 2009/10, 2010/11 and 2011/12, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal, if necessary, at a fee not to exceed \$2,500.00, and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (693-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, PAUL ROSEN, LLC, has commenced tax certiorari proceedings against the Town of Clarkstown, et al., affecting parcels designated as Tax Map Nos. 65.7-5-4 and 65.7-5-5, and more commonly known as 115 Route 59 and 24 Chestnut Street, Central Nyack, New York, respectively, for the years 2009/10, 2010/11 and 2011/12; and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal, if necessary, at a fee not to exceed \$2,500.00, and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (694-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, WALD REALTY #2 LLC, has commenced tax certiorari proceedings against the Town of Clarkstown, et al., affecting parcel designated as Tax Map No. 64.6-1-10 and more commonly known as 25 Smith Street, Nanuet, New York, for the years 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13; and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

RESOLUTION NO. (694-2011) continued

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal, if necessary, at a fee not to exceed \$3,500.00, and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (695-2011)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Tilcon, Inc. v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 7468/08, 7555/09, 08761/10 and 031141/11 affecting parcel designated as Tax Map Nos. 59.13-1-36, 35.10-2-2, 35.9-1-5 and 35.15-1-1; and more commonly known as 154 Old Mill Road, West Nyack, New York; 75 Scratchup Road, New City, New York; 351 Old Route 304, New City, New York, and 380 Landmark Drive, Congers, New York, for the year(s) 2009/10, 2010/11 and 2011/12, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown 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 No. 59.13-1-36, reduced from \$937,200.00 to \$609,180.00 at a total cost to the Town of \$ 23,114.78 for the years 2009/10, 2010/11 and 2011/12; and
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 35.10-2-2, reduced from \$909,100.00 to \$772,735.00, at a total cost to the Town of \$ 9,609.32 for the years 2009/10, 2010/11 and 2011/12; and
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 35.9-1-5, reduced from \$367,800.00 to \$275,850.00, at a total cost to the Town of \$6,479.50 for the years 2009/10, 2010/11 and 2011/12; and
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 35.15-1-1, reduced from \$259,300.00 to \$194,475.00, at a total cost to the Town of \$ 4,568.06 for the years 2009/10, 2010/11 and 2011/12; and
5. Reimbursement for the year(s) 2009/10, 2010/11 and 2011/12 on the parcels described as Tax Map Nos. 59.13-1-36, 35.10-2-2, 35.9-1-5 and 35.15-1-1, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

RESOLUTION NO. (695-2011) continued

7. The special proceeding commenced under *Index No. 7468/08 is hereby withdrawn and discontinued with prejudice*, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (696-2011)

Co. Lasker offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 29, 2011, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE CONGERS LAKE DAM AND GILCHRIST ROAD DIKE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$50,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$50,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct improvements to the Congers Lake Dam and Gilchrist Road Dike. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$50,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$50,000 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. The aggregate estimated cost of the project, including prior appropriations and bond resolutions, is \$2,513,000.

Section 2. Serial bonds of the Town in the principal amount of \$50,000 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. 3 of the Law, is thirty (30) 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.

RESOLUTION NO. (696-2011) continued

(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 December 29, 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 December 29, 2011, authorizing the construction of improvements to the Congers Lake Dam and Gilchrist Road Dike, stating the estimated maximum cost thereof is \$50,000, appropriating said amount for such purpose, and authorizing the issuance of \$50,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (696-2011) continued

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

FIRST: AUTHORIZING said Town to construct improvements to the Congers Lake Dam and Gilchrist Road Dike; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$50,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$50,000 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 the aggregate estimated cost of the project, including prior appropriations and bond resolutions, is \$2,513,000;

SECOND: AUTHORIZING the issuance of \$50,000 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 thirty (30) 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 \$50,000 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.

DATED: December 29, 2011

Justin Sweet
Town Clerk

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 Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (697-2011)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12860, Normandy Village, 68 & 69, Nanuet.

Hydrant #11392H - located off Church Street, 130' north of existing Hydrant 20-94

and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Vincent Narciso, Chief Fire Safety Inspector.

On roll call the vote was as follows:

Co. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (698-2011)
Co. Hoehmann offered and Co. Lasker seconded

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 Banchetto Restaurant (Nanuet Mall Outparcel) site plan (63.08-3-7 & 8), The Retail Property Trust 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 The Retail Property Trust in connection with the Banchetto Restaurant (Nanuet Mall Outparcel) 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. LaskerYes
Co. BorelliYes
Co. HoehmannYes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (699-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, applicants, Davies Farm, Inc. and Tor Valley, Inc., have requested a refund of the following fees which were paid in connection with the approval for Davies Farm Inc./Tor Valley Inc., New City subdivision (Tax Map 51.9-1-50): Inspection Fees - \$40,903.10, Stormwater Maintenance Fees - \$60,750.00 and Money-in-lieu of Land Fee - \$108,750.00, and

WHEREAS, the Planning Board, by resolution adopted September 14, 2011, has requested that the Town Board authorize the return of the aforesaid fees since the approval has expired and the subdivision has not been signed, with the understanding that if the applicants apply for re-approval, they will have to pay all of the refunded fees at the then existing cost factor;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Planning Board, the Town Board hereby authorizes a full refund of the following fees:

- 1. Inspection Fees: \$40,903.10
- 2. Stormwater Maintenance Fees: 60,750.00
- 3. Money-in-lieu of Land Fee: 108,750.00

On roll call the vote was as follows:

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

RESOLUTION NO. (700-2011)
Co. Lasker offered and Co. Hausner seconded

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

ROOTER PLUMBING HUDSON VALLEY, INC.,
 d/b/a MR. ROOTER PLUMBING
 P.O. Box 1740
 Pleasant Valley, NY 12569
 Clinton C. Kershaw, President

ZURLA EXCAVATING, INC.
 90 Wayne Avenue
 Stony Point, New York 10980
 Theodore Zurla, President

RINO PAVING & CONSTRUCTION, INC.
 20 Viola Road
 Suffern, New York 10901
 Robert Rino, President

RONALD J. TARIGO
 5 Cross creek Lane
 Stony Point, New York 10980
 Ronald J. Tarigo, President

PHOENIX EXCAVATING CORP.
 4 Ruhe Lane
 West Nyack, NY 10994
 Michael Mouacdie, President

RESOLUTION NO. (700-2011) continued

NOW, THEREFORE, be it

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

- 12-14 ROOTER PLUMBING HUDSON VALLEY, INC.,
d/b/a MR. ROOTER PLUMBING
- 12-15 ZURLA EXCAVATING, INC.
- 12-16 RINO PAVING & CONSTRUCTION, INC.
- 12-17 RONALD J. TARIGO
- 12-18 PHOENIX EXCAVATING CORP.

On roll call the vote was as follows:

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

RESOLUTION NO. (701-2011)

Co. Hausner offered and Co. Borelli seconded

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.

On roll call the vote was as follows:

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

RESOLUTION NO. (702-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Highway that

BID #44-2011 – RENTAL OF TRUCKS FOR CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to: CARLO MINUTO CARTING CO, INC.
P.O. BOX 234
WEST NYACK, NY 10994
PRINCIPAL: JEAN MINUTO

CHARLES CAPASSO & SONS CARTING, INC.
142 N. ROUTE 9W
CONGERS, NY 10920
PRINCIPAL: CHARLES CAPASSO
LINDA CAPASSO

DONATO MARANGI, INC.
175 ROUTE 303
VALLEY COTTAGE, NY 10989
PRINCIPAL: DOMINICK MARANGI

PAT NAZZARO DISPOSAL
441 ROUTE 9W
CONGERS, NY 10920
PRINCIPAL: PAT NAZZARO

NEW CITY LAWN & LANDSCAPE, INC.
108 RIDGE ROAD
NEW CITY, NY 10956
PRINCIPAL: JOSEPH MONTEFERRANTE

OLIVIERI ENTERPRISES, INC.
9 THIRD STREET
CONGERS, NY 10920
PRINCIPAL: PATRICK OLIVIERI

ROBERT HIEP, INC.
22 SNAKE HILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: ROBERT HIEP

SUPERIOR WASTE AND CARTNG, INC.
P.O. BOX 508
NYACK, NY 10960
PRINCIPAL: ADAM CHAITIN

as per attached item/price schedule

On roll call the vote was as follows:

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

RESOLUTION NO. (703-2011)
Co. Hausner offered and Co. Lasker seconded

WHEREAS, Clarkstown Chief of Police, Michael Sullivan, advised that the Town of Ramapo has authorized its Supervisor, pursuant to Resolution No. 682-2011, to extend a license agreement pursuant to the same terms and conditions for another year, with the Town of Clarkstown for use of the Town of Ramapo Firing Range Facility by the Clarkstown Police Department, and

WHEREAS, the Clarkstown Police Department wishes to extend the license agreement for the calendar year 2012;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement with the Town of Ramapo, in a form approved by the Town Attorney, for use of the Town of Ramapo's Police Range Facility by the Clarkstown Police Department for the calendar year 2012.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. BorelliYes
- Co. HoehmannYes
- Co. Hausner Yes
- Supervisor Gromack Yes

There being no one further wishing to be heard on motion of Co. Hoehmann seconded by Co. Lasker the Town Board meeting was closed, time: 12:09 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

