

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

02/07/12

8:00 PM

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

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

SPECIAL PRESENTATION: Clarkstown Youth Court Graduation

The following graduates of the Clarkstown Youth Court were congratulated and recognized for their achievements:

Matthew Bunyan	Melissa Levine	Colette Ruden
Emily Catsaros	Jordan Mandel	Majaella Ruden
Jake Goldberg	Garrick Meyers	Emily Salesky
Amar Jhaver	Rebecca Mosner	Jack Staub
Amaya Jhaver	Jenny Nutovits	James Tlsty
Andrew Kang	Ethan Richter	Samantha Weiss

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SPECIAL PRESENTATION: Pride of Clarkstown

Co. Hoehmann spoke about the Pride of Clarkstown program which was initiated by the late Councilman Ralph Mandia. This annual effort recognizes property owners who go above and beyond for their efforts and serves as a living memorial to Co. Mandia's legacy. He presented a video featuring former Councilman Mandia.

Scott Milich, Committee Chairman, introduced the committee members and then presented awards to the following recipients:

Community Projects Category: Albertus Magnus High School 9/11 Memorial  
Service Business Category: TD Bank, Bardonia  
Small Business Category: Plastic Craft Products  
Food/Hospitality Category: Grande Centrale Restaurant  
Industrial Category: Teplitz Scrap Metal Recycling  
Professional Office Category: Mandel, Katz & Brosnan  
Civic Pride Category: Dellwood Park Civic Association  
Shopping Center/Retail Category: New City Stop & Shop  
Non-Profit Organization Category: New City Fire House

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

Amy Durbin, Congers  
She asked what the tax certiorari settlement amounts were in Items 12a through d and Item 15.

Town Attorney Mele read the amount of each settlement.

Steven Levine, Congers  
Asked about Item 5, authorizing the adoption of Revised Sewer District and Landfill Maintenance Confined Space Program; Item 8, Amending Resolution Fee Schedule 2012; Items 12a through d, why is the town settling?; and Item 14, Amending Conditions of Special Permit for Hyenga Lake Development.

Regarding Item 5 Town Attorney Mele explained that the Public Employee Safety Board requires we adopt programs to assure the safety of employees who are subjected to confined spaces for long periods of time. This resolution makes minor modifications to the program we already have. As far as Item 8, this resolution amends the Town's consolidated fee schedule which was recently adopted, to include a fee for tree replacement. Regarding Item 12, these were lawsuits filed on behalf of corporations. We receive hundreds of them and we settle some of them after a process where there is an exchange of appraisals and a risk/benefit analysis. With the real estate market the way that it is, it is not surprising that some of these are candidates for settlement. In most cases they are not large numbers when you talk about the overall taxes paid by these entities. Regarding Item 14, this has to do with a reduction of the money in lieu of land fee associated with the Special Permit for Hyenga Lake development.

Tom Nimick, New City

He asked for an explanation of Item 3, Approving Stipulation of Settlement and Item 11, Prescribing Rules and Regulations Governing Departmental Charges and Discipline of Members of the Police Department.

Town Attorney Mele explained that in an effort to cut costs, the Board decided not to replace a police lieutenant. Item 3 provides that a stipend that had previously been paid to this particular lieutenant for certain duties, responsibilities and training would now be divided among the remaining lieutenants who are now performing those functions. She explained that Item 11 had to do with the Town adopting procedures regarding police disciplinary matters which will supersede the procedures that were in the collective bargaining agreement.

Mary Slattery, New City

She asked, regarding Item 7b, 396 Pleasant Hill Drive Drainage Improvements, if that is a private residence.

Town Attorney Mele explained that the Town has a drainage easement over this private property and the work is taking place in this easement.

Frank Grandel, New City

He asked for an explanation of Item 4, Bond and Letter of Credit to the NYS Department of Transportation; Item 8, with regard to the tree fee; and Item 10, Amend Resolution 680-2011.

Town Attorney Mele explained that Item 4 had to do with the Town storing fill from the Central Nyack drainage project at the NYS Route 303 commuter lot to be used at a later date for the construction of a berm on Klein Avenue. The bond and letter of credit is required by the State to insure that the fill will be taken away. Regarding Item 8, this tree law was prompted by the Nanuet mall redevelopment. Under our current law the Nanuet Mall would be required to replace a large number of trees but this is not feasible due to the layout. This law provides that you can buy out of that requirement by contributing to a tree fund so the Town can buy trees and plant them somewhere else. Item 10 was to amend a typographical error in the original resolution. We should have granted permission to the Congers Fire District to install and operate a traffic signal preemption device and we granted the authority to Alert Hook and Ladder; this is just correcting that.

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RESOLUTION NO. (66-2012)

Co. Hoehmann offered and Co. Lasker

RESOLVED, that the Town Board Minutes of January 3, 2012 and January 24, 2012 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (67-2012)

Co. Borelli offered and Co. Hausner seconded

RESOLVED, that Thomas C. McGovern, 80 North. Grant Avenue, Congers, New York – is hereby appointed to the position of (Substitute) Crossing Guard – Police Department – at the 2012 hourly rate of \$18.67., per crossing – effective February 13, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (68-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Adam C. Kone,

NOW, therefore, be it

RESOLVED, that Adam C. Kone, 29 Atlantic Ave, Nanuet, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) - at the current 2012 annual salary \$57,949., effective and retroactive to February 6, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (69-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Kevin D. Shea,

NOW, therefore, be it

RESOLVED, that Kevin D. Shea, 10 Sandpiper Drive, West Nyack, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) - at the current 2012 annual salary \$57,949., effective and retroactive to February 6, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (70-2012)

Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the Stipulation of Settlement in the matter of Rockland County Patrolmen’s Benevolent Association, Inc. against the Town of Clarkstown (Case No. U-31172) and hereby authorizes the Supervisor to execute the Stipulation of Settlement.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (71-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, it is in the Town’s best interest to store the excavated fill from the Central Nyack Drainage Project for utilization at a future project to construct a berm on Klein Avenue in West Nyack, New York and

WHEREAS, the New York State Department of Transportation (“NYSDOT”) has agreed to issue a permit to the Town to store fill at the underutilized commuter parking lot on Route 303 in West Nyack, New York and, as a condition for said permit, the NYSDOT requires a bond in the amount of \$499,000.00 and a letter of credit in the amount of \$49,900.00 to secure removal of said fill;

NOW, THEREFORE be it

RESOLVED, that the Supervisor is hereby authorized to execute any and all documents required to obtain said bond and letter of credit for the benefit of the NYSDOT, and the fee of \$12,500.00 for said bond shall be a proper charge to Account No. H 8755-409-0-49-7, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to January 24, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (72-2012)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, in keeping with its tradition of concern for employee safety, the Department of Environmental Control has refined its requirements for confined space entry to conform to OSHA 1910.146 Permit Required Confined Space Standard, with regard to the Sewer Department and Landfill Maintenance employees, and

WHEREAS, the Town Board wishes to establish the revised procedures as set forth in the program;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the adoption of the Department of Environmental Control “Confined Space Entry Program Revised February 7, 2012” for the Sewer Department and Landfill Maintenance employees

RESOLUTION NO. (72-2012)

On roll call the vote was as follows:

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

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RESOLUTION NO. (73-2012)

Co. Lasker offered and Co. Hoehmann seconded

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

FIRST RATE LANDSCAPING & CONSTRUCTION, INC.

32 Peck Street  
 West Haverstraw, NY 10993  
 Stacey E. Heminover, President

NOW, THEREFORE, be it

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

12-30 First Rate Landscaping & Construction, Inc.

On roll call the vote was as follows:

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

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RESOLUTION NO. (74-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID#10-2012 – CYPRESS STREET INTERIM FLOOD MITIGATION  
 NEW CITY, NY

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

On roll call the vote was as follows:

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

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RESOLUTION NO. (75-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID#11-2012 – 396 PLEASANT HILL DRIVE DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

On roll call the vote was as follows:

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

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RESOLUTION NO. (76-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID #12-2012 – REFUSE & BULK COLLECTION SERVICES FOR 1, 2 & 3 FAMILY HOMES IN THE UNINCORPORATED TOWN OF CLARKSTOWN

Bids to be returnable to the office of Purchasing, Room 331, 10 Maple Avenue, New City, New York by \_\_\_\_\_ A.M.) (P.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 Purchasing Department

On roll call the vote was as follows:

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

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RESOLUTION NO. (77-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID #13-2012 – CURBSIDE RECYCLING COLLECTION

Bids to be returnable to the office of Purchasing, Room 323, 10 Maple Avenue, New City, New York by \_\_\_\_\_ A.M.) on To be determined at which time bids will be opened and read, and be it

RESOLUTION NO. (77-2012) continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department

On roll call the vote was as follows:

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

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RESOLUTION NO. (78-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID #14-2012 – FURNISH AND DELIVER PRECAST CONCRETE BOX CULVERT – LAKE NANUET DRIVE

Bids to be returnable to the office of Purchasing, Room 323, 10 Maple Avenue, New City, New York by \_\_\_\_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 Purchasing Department

On roll call the vote was as follows:

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

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RESOLUTION NO. (79-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID #15-2012 – INSTALLATION OF BOX CULVERT AND RELATED WORK – LAKE NANUET DRIVE

Bids to be returnable to the office of Purchasing, Room 323, 10 Maple Avenue, New City, New York by \_\_\_\_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 Purchasing Department

On roll call the vote was as follows:

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

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RESOLUTION NO. (80-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID#16-2012 – CONGERS LAKE TRAIL – WEST SIDE

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (81-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 689-2011, adopted December 29, 2011, the Town Board established and adopted fee schedules for 2012 for various departments and boards within the Town of Clarkstown, and

WHEREAS, the Deputy Director of the Department of Environmental Control recommends that the Town Board include the sum of \$475.00 per tree to contribute to the Municipal Tree Bank Fund as part of the fee schedules;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 689-2011 to include the amount of \$475.00 per tree which must be contributed to the Municipal Tree Bank Fund pursuant to the provisions of Town Code §270-14C.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (82-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, the Tappan Zee Bridge Task Force issued a report dated January 31, 2012, and

WHEREAS, the Town Board wishes to adopt said Report and address the issues contained therein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the Tappan Zee Bridge Task Force Report dated January 31, 2012 and authorizes the Task Force to distribute said Report to the New York State Department of Transportation and other state, county and municipal agencies, and be it

FURTHER RESOLVED, that the Town Board hereby calls upon the State to establish a committee to review the issues raised in the Report with Clarkstown officials

RESOLUTION NO. (82-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (83-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, by Resolution No. 680-2011, adopted December 29, 2011, the Town Board granted authority to Alert Hook and Ladder Company No. 1 to install, maintain, and operate a traffic signal pre-emption device at the intersection of Kings Highway and Lake Avenue, Congers, New York, subject to the fire company executing an agreement, and

WHEREAS, the name of the fire district was incorrect;  
NOW, THEREFORE, be it

RESOLVED, that Resolution No. 680-2011 is hereby amended to change the name of the fire district to the Congers Fire District.

On roll call the vote was as follows:

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

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RESOLUTION NO. (84-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town Board of the Town of Clarkstown, pursuant to Town Law and the Rockland County Police Act, exercises governance and control of the Clarkstown Police Department, and by this resolution prescribes the following rules and regulations governing departmental charges and discipline of members of the Clarkstown Police Department;

NOW, THEREFORE, be it RESOLVED, that the following rules and regulations are adopted:

At the direction of the Chief of Police, or the Chief’s designee, (the “Charging Party”), any member of the Clarkstown Police Department (the “Department”) may be investigated and examined, and departmental charges disciplinary charges may be preferred against a member by a written statement of charges and notice.

In accordance with the Rockland County Police Act, the Town Board shall be deemed to have knowledge of the facts upon which the charges are based as of the date that the Department’s investigation of the alleged improper conduct is completed and not before.

Notice and Statement of Charges shall be served upon the member either personally or by certified mail to the member’s residence address on file with the Department. Within eight (8) days after service of the Notice and Statement of Charges, the member shall serve a written answer and, at member’s election, request a closed hearing, to the Chief of Police. A member’s failure to answer shall be deemed as the member’s general denial of all charges. Within thirty-five (35) days following service of the Charges, the Town Board will designate a hearing officer to conduct the disciplinary hearing. Notice of the hearing officer assignment and the date, time and place of the scheduled hearing shall be mailed to the member by either, the Charging Party or the Office of the Town Attorney.

## RESOLUTION NO. (84-2012) continued

The Town shall pay the hearing officer assigned to hear the disciplinary charges. A transcript of the hearing minutes will be provided to the hearing officer, the Department and the member at the Town's expense. In the hearing, no recording devices of any kind shall be permitted to be used by either party.

The hearing officer shall not be bound by the common law or statutory rules of evidence or by technical or formal rules of procedure. Subject to the provisions set forth below, the hearing officer shall conduct the hearing in such order and manner and with such methods of proof and interrogation as the hearing officer deems best suited to ascertain the facts. The hearing officer may examine the parties and their witnesses. All parties shall be accorded an opportunity to present such testimony and to introduce documentary or other evidence as may be pertinent. At the commencement of the hearing, the hearing officer shall identify all persons present and shall read the statement of charges into the record, unless such reading is waived by the parties. No hearing officer shall participate in any hearing in which the hearing officer shall have preferred the charges or any part of same.

All testimony shall be under oath or by affirmation and a stenographic record of the proceedings shall be made.

The member shall appear at the hearing in person and may be represented by counsel. All parties and their attorney(s) shall have the right to call, examine and cross-examine parties and witnesses and to offer relevant documents, records and other evidence which the hearing officer may accept into the record. The parties and their attorney(s) shall have the right to request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents, records or other evidence. At the end of the hearing, the hearing officer may grant each party or counsel the right to make a closing statement and to explain or clarify, in closing, relevant points which may not have been adequately developed during the hearing. The hearing officer shall not consider, rely on, or refer to any document which has not been (1) identified, with stated opportunity for any party to examine the document and comment thereon, on the record; and (2) accepted for the record.

In the interest of the speedy administration of justice, the hearing officer shall:

1. Except for good cause shown, hear the matter through conclusion on consecutive days as required;
2. Within fourteen (14) business days after concluding the hearing, or within fourteen (14) business days after receipt of the stenographic hearing minutes, the hearing officer shall make written findings of fact and recommendations as to the penalty, if any, to the Town Board and shall provide the hearing record including all exhibits, evidence and hearing transcripts to the Town Board, which following its review of the record, shall render a final determination regarding the charge(s) and penalty(ies), if any;
3. The member shall have the right to a public hearing. Upon the member's request the hearing shall be closed to the public and the case file will be marked "confidential"; however, the confidential nature of the hearing record shall not extend to any judicial review thereof.
4. No discovery or pre-hearing motion practice is permitted except that, no less than five (5) days prior to the scheduled hearing date, the parties will exchange their respective lists of anticipated witnesses and exhibits.

In the event that for health, calendar or other reason, the assigned hearing officer informs the parties that he or she cannot conduct the hearing to a timely conclusion, the Town Board, in its absolute discretion, may either: (a) suspend the hearing until the assigned hearing officer can preside over the completion of the hearing; or (b) appoint a replacement hearing officer who shall continued the hearing through conclusion. The new hearing officer will be provided a transcript of the minutes of all prior proceedings with the exhibits and evidence constituting the hearing record as of that hearing officer's appointment.

RESOLUTION NO (84-2012) continued

As prescribed by the Town Board, these rules and regulations are expressly intended to supersede any and all existing procedures governing disciplinary charges, including any collectively bargained disciplinary procedure, and shall apply to all currently pending departmental disciplinary charges and to all disciplinary charges preferred following the adoption of these rules and regulations.

Should any of these rules and regulations, or any rule or regulation as may be prescribed by the Town Board from time-to-time, conflict with the Rockland County Police Act, it is the intent of the Town Board that these rules and regulations shall control. In the event that any rule or regulation is declared invalid by a court of competent jurisdiction, such invalid part shall be deemed severed from these rules and regulations which shall otherwise continue in full force and effect.

On roll call the vote was as follows:

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

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RESOLUTION NO. (85-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Tri-Murti Associates, LLC v. Board of Assessment Review and/or Assessor of the Town of Clarkstown and the Town of Clarkstown, Rockland County, New York, Index No(s). 007742/10 and 030726/11, affecting parcel designated as Tax Map 57.20-1-1.2 and more commonly known as 260 West Route 59, Nanuet, New York, for the year(s) 2010 and 2011, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.20-1-1.2 be reduced for the year(s) 2010 from \$4,021,200 to \$3,583,750 at a cost to the Town of \$7,938.33;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.20-1-1.2 be reduced for the year(s) 2011 from \$4,021,200 to \$3,789,375 at a cost to the Town of \$4,637.31;
3. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Map 57.20-1-1.2, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

RESOLUTION NO. (85-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (86-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, 445 Route 304, LLC v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 008759/10 and 031137/11, affecting parcel designated as Tax Map 58.10-2-27 and more commonly known as 445 Route 304, Bardonia, New York, for the year(s) 2010 and 2011, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, 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 58.10-2-27 be reduced for the year(s) 2010 and 2011 from \$412,500 to \$335,500 at a total cost to the Town of \$3,710.65;
2. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Map 58.10-2-27, 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;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (87-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, DMR Realty Group, LLC v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 008757/10 and 031139/11, affecting parcel designated as Tax Map 64.9-1-65 and more commonly known as 168 Main Street, Nanuet, New York, for the year(s) 2010 and 2011, and

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

RESOLUTION NO. (87-2012) continued

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.9-1-65 be reduced for the year(s) 2010 and 2011 from \$192,000 to \$182,000 at a total cost to the Town of \$481.90;

2. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Map 64.9-1-65, 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;

3. The proceedings commenced by the petitioner(s) respecting Tax Map 64.9-1-65 be discontinued for the years 2010 and 2011 at no cost to the Town;

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (88-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Volare Corp. v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 008753/10 and 031101/11, affecting parcel designated as Tax Map 43.19-1-12 and 43.19-1-13 and more commonly known as 135 South Main Street and 137 South Main Street, New City, New York, respectively, for the year(s) 2010 and 2011, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, 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 43.19-1-12 be reduced for the year(s) 2010 from \$130,100 to \$101,300 at a cost to the Town of \$679.28;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-12 be reduced for the year(s) 2011 from \$130,100 to \$107,850 at a cost to the Town of \$547.44;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-13 be reduced for the year(s) 2010 from \$109,300 to \$100,000 at a cost to the Town of \$219.35;

RESOLUTION NO. (88-2012) continued

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-13 be reduced for the year(s) 2011 from \$109,300 to \$105,000 at a cost to the Town of \$105.80;

5. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Maps 43.19-1-12 and 43.19-1-13, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (89-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Jeffrey W. Cumming, 44 South Rockland Avenue, Congers, New York – is hereby appointed to the position of (part time) Municipal Bus Driver – Clarkstown Mini Transportation at the 2012 hourly rate of \$20.16., - effective February 8, 2012.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (90-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12032 (NCP/T&E) Paralegal Specialist II (Municipal Law) – which contains the name of Patricia R. McDonald,

NOW, therefore, be it

RESOLVED, that Patricia R. McDonald, 49 Lindberg Lane, New City, New York – is hereby appointed to the position of (promotional) (permanent) Paralegal Specialist II (Municipal Law) at the current 2012 annual salary of \$92,313.,effective February 7, 2012.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (91-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the resignation of Paul Murray, 71 Hall Avenue, New City, New York – Member – Sanitation Commission – is hereby accepted – effective and retroactive to February 6, 2012 at the end of the business day.

On roll call the vote was as follows:

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

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RESOLUTION NO. (92-2012)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Paul Murray, 71 Hall Avenue, New City, New York – is hereby appointed to the position of Member – Architecture and Landscape Commission – (to fill the unexpired term of Otto Stern) - effective February 7, 2012 and to expire on October 13, 2013.

On roll call the vote was as follows:

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

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RESOLUTION NO. (93-2012)

Co. Lasker offered and Co. Hauser seconded

WHEREAS, pursuant to Resolution No. 556-2009, adopted on November 24, 2009, the Town Board approved a special permit pursuant to §290-17(O) of the Zoning Local Law for Hyenga Lake Development, LLC for property designated as Map 57.14-3-2, located on Pipetown Hill Road, south of Route 59, Nanuet, New York, and

WHEREAS, the special permit provided that the money in lieu of land fee “shall be reduced, on a per unit basis, by the number of legally existing units on the property as of the date of acquisition by the present owner. . . .”, and

WHEREAS, confusion has arisen with respect to the calculation required above, and WHEREAS, the parties have reached an agreement with respect to the number of units; NOW, THEREFORE, be it

RESOLVED, that the following paragraphs in the special permit are hereby deleted:

“FURTHER RESOLVED, that the money in lieu of land fee shall be reduced, on a per unit basis, by the number of legally existing units on the property as of the date of acquisition by the present owner, subject to confirmation by the Building Inspector, and be it

FURTHER RESOLVED, that said reduction shall be applicable to the money in lieu of land fee due for the number of units to be built in Building One, which fee shall be paid prior to the endorsement of the site plan, and be it”

and replaced with the following language:

FURTHER RESOLVED, that the money in lieu of land fee shall be reduced by thirty-six (36) units, thirty-three (33) of which shall be applicable to the money in lieu of land fee to be built in Building One, and three (3) units shall be credited to the money in lieu of land fee to be paid prior to issuance of a building permit for Building Two, and be it

RESOLUTION NO. (93-2012) continued

FURTHER RESOLVED, that this resolution shall be deemed part of the special permit and be filed with the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (94-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Wald Realty #2 LLC v. The Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 6485/08, 6364/09, 6699/10 and 4980/11, affecting parcel designated as Tax Map 64.6-1-10 and more commonly known as 25 Smith Street, Nanuet, New York for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.6-1-10 be reduced for the year(s) 2008/09 from \$1,950,000 to \$1,612,000 at a cost to the Town of \$6,889.99;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.6-1-10 be reduced for the year(s) 2009/10 from \$1,950,000 to \$1,560,000 at a cost to the Town of \$8,688.19;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.6-1-10 be reduced for the year(s) 2010/11 from \$1,950,000 to \$1,403,000 at a cost to the Town of \$12,901.53;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.6-1-10 be reduced for the year(s) 2011/12 from \$1,950,000 to \$1,400,000 at a cost to the Town of \$13,532.33;

5. Reimbursement for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12 on the parcel described as Tax Map 64.6-1-10, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (95-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, certain veterans' organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility, \$250 for patriotic observance) to the following veterans' organizations for the year 2012:

- Jewish War Veterans – Post 756
- Veterans of Foreign Wars of the U.S. – Post 9215

and be it

FURTHER RESOLVED, that claims for such sums shall be made annually by the organizations and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2012 Account No. A 6510-401.

On roll call the vote was as follows:

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

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RESOLUTION NO. (96-2012)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, the REUBEN GITTELMAN HEBREW DAY SCHOOL, located at 360 New Hempstead Road, New City, New York 10956 (Tax Map Designation 42.16-2-39) is currently for sale and the owner has indicated a willingness to negotiate a sale of said parcel with Town of Clarkstown, and

WHEREAS, Town of Clarkstown desires to acquire aforesaid premises to enhance its recreational facilities;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office is hereby authorized and directed to pursue the acquisition of Reuben Gittelman Hebrew Day School property, and hire the necessary inspectors to perfect the sale.

On roll call the vote was as follows:

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

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RESOLUTION NO. (97-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Town Board Resolutions No. 652-2011 and No. 687-2011, the installation of various signage on Newport Drive, Nanuet was authorized, and

RESOLUTION NO. (97-2012) continued

WHEREAS, upon further review and analysis by the Superintendent of Highways and the Town's Traffic Engineering Consultant , the Town Board authorizes the following amendments,

NOW THEREFORE BE IT RESOLVED, that Resolution No. 652-2011 is hereby amended as follows:

Delete:

Stop Signs and Stop Lines at Enterprise Court, Saratoga Court, Essex Court and Loeser Drive and Children at Play Signs, and

That Resolution No. 687-2011 is hereby amended as follows:

Delete:

Dead End Sign at Samuel Road, and be it

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

On roll call the vote was as follows:

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

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Supervisor opened the meeting for general public comments.

Steven Levine, Congers

He asked when the Town Board meetings were going to be televised. He also inquired about the status of an ongoing situation with property at 139 & 149 Massachusetts Avenue and spoke about fill problems next to his property.

Ralph Sabatini, New City

He asked if the Town had any plans to reduce the car fleet or any plans to charge fees for benefits for non-union and management employees.

Gerry O'Rourke, Congers

He asked for a status update on the Town garage consolidation.

Amy Durbin, Congers

She asked if any members of the Town Board filed for tax certioraris on their own homes.

Frank Grandel, New City

He asked for a status update of the solar project at the landfill. He also questioned why we had to hire an appraiser for the Reuben Gittleman purchase rather than use our Town assessor. He also spoke about getting more information about the Town Board agenda items posted on the website before the meetings.

Marge Hook, New City

She spoke about problems and expenses incurred due to agencies such as Petsmart and North Shore bringing out of area animals to Clarkstown for adoption. She asked if the Town could require them to post a bond or impose some kind of fee in order to make these agencies more accountable.

Tom Nimick, New City

He had questions about Resolution # 38-2012, adopted at a previous Town Board meeting with regard to hiring the firm of Joseph Savino.

Roberta Banks, Nanuet

She agreed with previous statements made about problems with Petsmart and North Shore.

Regarding the Town Board meetings being televised, Supervisor Gromack stated that the TV studio is basically completed and this will be the year that we will have it operational.

Regarding issues brought up about properties on Massachusetts Avenue, Town Attorney Mele responded that the Town is addressing these issues but a public meeting is not the appropriate place to discuss it for various reasons. She told Mr. Levine he was welcome to call her and discuss this via phone.

Regarding questions about the Town car fleet the Supervisor stated that the car fleet hasn't increased at all and with regard to the health benefits question we currently require a 15% contribution toward health benefits on incoming management and non union employees.. Regarding consolidation of Town garages, he stated we are actively reviewing the merits and should have some resolution about consolidation and the benefits within the next 90 days. Regarding tax certioraris, the Supervisor, Co. Lasker and Co. Hoehmann stated they had never filed for one on their homes and Co. Borelli stated he had not filed on his current home.

Regarding solar panels, Co. Hoehmann stated that he was in a meeting yesterday regarding this and hopefully he will have something more to report over the next 60 days.

Town Attorney Mele stated that as far as getting the resolutions up on the website before the meetings, the Town did have them up today and in the future will have them posted on the Town website, probably the Friday before every Town Board Meeting. She also explained that on the Reuben Gittleman property, the courts would not accept an appraisal by a Town employee, it needed to be done by a third party independent appraiser. Regarding the North Shore/Petsmart issue, it is something to look into and we will review it.

With reference to Resolution #38-2012, hiring the tax certiorari attorney, Town Attorney Mele stated he was properly vetted and retained by the Town.

There being no one further wishing to speak, on motion of Co. Hoehmann seconded by Co. Hausner, the Town Board entered into Executive session at 9:34 pm.

On motion of Co. Hoehmann, seconded by Co. Hausner, the Town Board returned from Executive Session at 10:26 pm. The Supervisor clarified that the purpose of the Executive Session was to discuss the employment, or potential employment of various individuals in connection with the proposed consolidation of the Town garages. No action was taken.

On motion of Co. Hoehmann seconded by Co. Borelli the Town Board meeting was closed, time: 10:31 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk