

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/14/11

8:10 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.

On motion of Co. Lasker seconded by Co. Borelli the Public Hearing RE: Amend adoption of a Local Law to Abolish the Receiver of Taxes and Consolidate the Duties with the office of the Assessor to a Local Law entitled: "An Amended Local Law to Abolish the Office of the Receiver of Taxes and Consolidate the Duties with the Office of the Town Clerk " was opened, time 8:32 P.M., closed 8:33 P.M.

On motion of Co. Hausner seconded by Co. Borelli the Public Hearing re: Proposed Local Law entitled "A Local Law to Abolish the Position of an Elected Superintendent of Highways and Replace it with an Appointed Superintendent of Highways." time, 8:34 P.M., closed 8:51 P.M.

SPECIAL PRESENTATION: The Town Board made a special presentation to the members of the St. Augustine's 5th grade Girls CYO Basketball New York State Champions. Certificates were presented to the following girls:

| | | |
|---------------------|-------------------|------------------|
| Dianna Juechter | Michaila Furchak | Isabella D'Amico |
| Allison Conti | Emily Novick | Alicia Raggi |
| Abigail Levy | Elizabeth Abraham | |
| Danielle LaRochelle | Sarah Scerbak | |

SPECIAL PRESENTATION: The Town Board made a special presentation to the Clarkstown North winners of the MSG Varsity Talent Show. Certificates were presented to the following girls:

| | | |
|---------------------|-------------------|-------------------|
| Jacqueline Andrasko | Christina Connor | Molly Ludlow |
| Jenna Balavram | Alyssa D'Aquino | Celine Nicolas |
| Kimberly Ballard | Gabrielle DeLucia | Kelly Park |
| Hannah Brinkman | Brielle Lipstein | Melissa Sumadchat |

Supervisor Gromack opened the meeting for comments on the agenda items. No one appeared.

RESOLUTION NO. (342-2011)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

RESOLUTION NO. (342-2011) continued

"AN AMENDED LOCAL LAW TO ABOLISH THE OFFICE OF THE RECEIVER OF TAXES AND CONSOLIDATE THE DUTIES WITH THE OFFICE OF THE TOWN CLERK OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Borelli, at a Town Board meeting held on May 17, 2011, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 17, 2011, directed that a public hearing be held on June 14, 2011, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on June 8, 2011, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 3, 2011;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. – 2011 entitled:

AN AMENDED LOCAL LAW TO ABOLISH THE OFFICE OF THE RECEIVER OF TAXES AND CONSOLIDATE THE DUTIES WITH THE OFFICE OF THE TOWN CLERK OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

The Clerk of the Town of Clarkstown is hereby directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (343-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW TO ABOLISH THE POSITION OF AN ELECTED SUPERINTENDENT OF HIGHWAYS AND REPLACE IT WITH AN APPOINTED SUPERINTENDENT OF HIGHWAYS IN THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Borelli, at a Town Board meeting held on May 17, 2011, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 17, 2011, directed that a public hearing be held on June 14, 2011, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on June 8, 2011, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 3, 2011;

NOW, THEREFORE, be it

RESOLUTION NO. (343-2011) continued

RESOLVED, that Local Law No. – 2011 entitled:

"A LOCAL LAW TO ABOLISH THE POSITION OF AN ELECTED SUPERINTENDENT OF HIGHWAYS AND REPLACE IT WITH AN APPOINTED SUPERINTENDENT OF HIGHWAYS IN THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

The Clerk of the Town of Clarkstown is hereby directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (344-2011)
Co. Hausner offered and Co. Lasker seconded

RESOLVED, that Orrin Getz, 5 Carlisle Court, New City, New York – is hereby appointed to the position of Member – Traffic and Traffic Fire Safety Advisory Board – (to fill the unexpired term of Jason M. Vogel) – term effective June 14, 2011 and to expire on March 1, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (345-2011)
Co. Hoehmann offered and Co. Lasker 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. 12894, Buena Vista Road.

Hydrant #11448 - located along Buena Vista Road as per sketch.

Hydrant #11449 - located along Buena Vista Road as per sketch.

Hydrant #11450 – located along Buena Vista Road as per sketch.

and be it,

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

RESOLUTION NO. (345-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (346-2011)

Co. Hausner offered and Co. Borelli seconded

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

BID#27-2011 – SOUTH MAIN STREET REVITALIZATION - PHASE III

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

RESOLUTION NO. (347-2011)

Co. Hoehmann offered and Co. Lasker seconded

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

BID#23-2011 – PAPER AND PLASTICS

is hereby awarded to:

BORAX PAPER PRODUCTS
 1390 SPOFFORD AVENUE
 BRONX, NY 10474
 PRINCIPALS: MARC BORAK
 STEVEN DENMARK

CENTRAL POLY CORP
 18 DONALDSON PLACE
 LINDEN, NJ 07036
 PRINCIPALS: ANDREW HOFFER
 AGNES SERHOFER

RESOLUTION NO. (347-2011) continued

as per the attached item/price list on file in the Purchasing Department

On roll call the vote was as follows:

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

RESOLUTION NO. (348-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Demeurant Louisthelmy, 95 Forest Glen Court, Nanuet, New York – is hereby appointed to the position of (part time) Municipal bus driver – Clarkstown Mini Transportation at the 2011 hourly rate of \$19.81., effective and retroactive to June 20, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (349-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the resignation of Richard C. Gore, P.O. Box 21, Blauvelt, New York – Crossing Guard (part-time)-Clarkstown Police Department - is hereby accepted effective and retroactive to June 7, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (350-2011)
Co. Lasker offered and Co. Hoehmann seconded

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

BID # 11-2011 – 2011 ROADWAY RESURFACING PROGRAM

is hereby awarded to: TILCON NEW YORK INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: A PUBLIC COMPANY

as per their proposed total project cost not to exceed \$1,335,393.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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

FURTHUR RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department

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. (351-2011)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Cottage Place, Nanuet, a dead end Town road north of Smith Road is a convenient pedestrian short cut to Tennyson Park, 37 Tennyson Drive, Nanuet (57.8-2-25), and

WHEREAS, many Clarkstown residents park on both sides of Cottage Place during games at the Town fields causing congestion and maneuverability and passage difficulties to the residents of Cottage Place, and

WHEREAS, this issue had been brought to the attention of the Code & Zoning Enforcement Officer while coordinating drainage maintenance work in the area with the Highway Department and DEC, and was appropriately investigated to determine a viable solution, and

WHEREAS, parking on Cottage Place does not present a problem except during games at Tennyson Park,

RESOLUTION NO. (351-2011) continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to fabricate and install "NO PARKING THIS SIDE during TENNYSON PARK GAMES" signs on the east side of Cottage Place from the corner of Central Drive to the dead end at 48 Cottage Place (57.8-2-29) in a quantity of THREE, one with a north arrow at 44 Central Drive (57.8-2-34), one with a double arrow at 44 Cottage Place (57.8-2-35) and one with a south arrow at 48 Cottage Place (57.8-2-29) and that a copy of this resolution be forwarded to the Superintendent of Highways and the Chief of Police for implementation and enforcement, respectively.

On roll call the vote was as follows:

- Co. LaskerYes
 - Co. Borelli Yes
 - Co. Hoehmann Yes
 - Co. Hausner Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (352-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a local resident has requested a Stop Sign be placed where Amundsen Lane ends at the "T"-intersection of Grand Street, New City, and

WHEREAS, an investigation of the area was performed by the Code & Zoning Enforcement Officer and it was determined that such Stop Sign and associated Stop Line is warranted due to the unexpected dead ending of Amundsen and a recent accident,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a Stop Sign and Stop Line on the east side of Amundsen Lane's terminus at Grand Street, New City at the corner property, 76 Amundsen Lane (51.5-2-5) and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Chief of Police for enforcement purposes and the Traffic and Traffic Safety Advisory Board for information.

On roll call the vote was as follows:

- Co. LaskerYes
 - Co. Borelli Yes
 - Co. Hoehmann Yes
 - Co. Hausner Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (353-2011)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Special Board has requested that legislation be drafted with respect to incorporating Chapter 151 into Chapter 290 of the Town Code and providing for a special permit process for the development of affordable senior housing within all hamlet centers, and

WHEREAS, the Town Board has received preliminary draft legislation from the Town Attorney's Office with respect to hamlet center senior housing;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby refers said draft legislation to the Planning Board for their review and comment.

On roll call the vote was as follows:

- Co. LaskerYes
 - Co. Borelli Yes
 - Co. Hoehmann Yes
 - Co. Hausner Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (354-2011)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, Town Board Resolution 573-2010 awarded bid #44-2010; Park Avenue/Pacific Avenue Drainage Improvements to Marini Brothers Construction Co. Inc. for the amount of \$58,000.00; and

WHEREAS, the Department of Environmental Control determined that additional drainage was required in order to ensure that the drainage system functions as intended; and

WHEREAS, the Department of Environmental Control requested a proposal from Marini Brothers Construction Co. Inc. to perform the additional work; and

WHEREAS, Marini Brothers Construction Co. Inc. submitted a proposal to perform the additional work in the amount of \$8,380.00; and

WHEREAS, change order #1 has been reviewed by the Department of Environmental Control and found acceptable as follows:

- a. Install an additional 103 lf of 12” HDPE drainage pipe within the Town ROW on Park Place
\$6,180.00
- b. Install an additional catch basin within the Town ROW on Park Place
\$2,200.00

| | |
|---------------------------|------------|
| Total Change Order Amount | \$8,380.00 |
|---------------------------|------------|

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the current amount of \$58,000.00 to \$66,380.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H 8761 400 409 0 85 17

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. (355-2011)
Co. Borelli offered and Co. Lasker seconded

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

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

WHEREAS, the County of Rockland initiated a program to reimburse local municipalities for drug law enforcement activities, and the Legislature of Rockland County has provided funds in its 2011 Budget for the purpose of reimbursement of compensation for two Clarkstown Police Officers for said law enforcement;

RESOLUTION NO. (355-2011) continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the County of Rockland, through its District Attorney's Office, for the total sum of \$410,830.00, for the period January 1, 2011 and terminating December 31, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (356-2011)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Rockland County Youth Employment Program of the Youth Bureau will participate in a service-oriented, educational and environmentally beneficial program and has proposed to provide Youth Employment Program members under the direction of the Parks Board and Recreation Commission to work in Town parks, and

WHEREAS, Youth Employment Program members receive \$7.25 per hour with the County of Rockland reimbursement of \$3.63 per hour, and work up to 25 hours per week from July 3, 2011 to August 27, 2011 and,

WHEREAS, the Superintendent of Recreation and Parks has recommended this program for adoption in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, acting on behalf of its Youth Bureau/Rockland County Youth Employment Program, for the calendar year ending August 27, 2011, in a form approved by the Town Attorney, to utilize the service of not more than one (1) Youth Employment Program member to participate in the maintenance of Town parks, and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No. A7141-114.

On roll call the vote was as follows:

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

RESOLUTION NO. (357-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 650-2010 FOR BID #46-2009; HEATON'S POND PROJECT

WHEREAS, Town Board Resolution 650-2010 awarded bid #46-2009 Heaton's Pond Project to A. Servidone Inc./B Anthony Construction Corp J.V.; and

WHEREAS, unforeseen conditions required additional work by the contractor in order to complete the project; and

RESOLUTION NO. (357-2011) continued

WHEREAS, change order requests for change order #s 1 through 6 was submitted by A. Servidone Inc./B Anthony Construction Corp J.V for the additional work in the amount of \$42,727.43; and

WHEREAS, the change orders have been reviewed by the Department of Environmental Control and found acceptable as follows:

| | | |
|--|------|-------------|
| 1. Repair Slide gate pedestal at Congers Lake Spillway. | Cost | \$ 814.44 |
| 2. Removal of Gabion baskets at the south end of the wall. | Cost | \$1,122.18 |
| 3. Fabricate and install trash rack on Heaton's spillway | Cost | \$2,194.93 |
| 4. Repair stem guide at Heaton's spillway | Cost | \$608.00 |
| 5. Additional stream channel widening and culvert repairs | Cost | \$36,000.00 |
| 6.. Install French drain to drain fill area. | Cost | \$1,987.88 |
| Total for all Change Orders | | \$42,727.43 |

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$728,195.00 to \$770,922.43 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H -8760-400-409-0-85-22

On roll call the vote was as follows:

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

RESOLUTION NO. (358-2011)
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Offices of the Building Inspector and Zoning Administrator have joined forces to field complaints and perform Town-wide inspections of the vacant, foreclosed, and/or abandoned properties in Clarkstown, the owners or responsible parties of which have failed to perform required lawn and landscape maintenance pursuant to Town of Clarkstown Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance) and

WHEREAS, appropriate diligence by Code Officials, to include but not limited to appropriate notice and posting, has been performed as required pursuant to Chapter 216-9(A), and

WHEREAS, the properties currently in violation are identified as follows:

- 132 Congers Rd a/k/a 3 Chauncy Street, Congers (44.10-2-39 f/k/a 112-A-12)
- 4 Hickory Hill Road, Valley Cottage (59.7-2-34.4 f/k/a 123-C-16/4)
- 14 Gillis Avenue, Central Nyack (65.11-3-32 f/k/a 120-C-7)
- 14 Courtney Drive, New City (43.2-1-60 f/k/a 77-A-16.12)
- 12 Moreland Road, New City (34.13-2-15 f/k/a 41-A-16.4)

RESOLUTION NO. (358-2011) continued

NOW, THEREFORE, be it RESOLVED, that subject to a reasonable grace period and final re-inspection, the Town Board hereby authorizes the Office of the Zoning Administrator to arrange for the appropriate property maintenance through the tasking of available Town forces, or subcontractors or agents to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with associated debris removal, throughout the 2011 mowing and growing season, after which a bill of costs will be submitted to said office for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

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. (359-2011)

Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK,
ADOPTED JUNE 14, 2011, AMENDING THE BOND RESOLUTION
ADOPTED JULY 20, 2010

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized the construction of improvements to the Congers Lake North End boardwalk and parking lot at the estimated maximum cost of \$1,000,000, which amount was appropriated for such purpose pursuant to the bond resolution adopted by the Town Board on July 20,2010; and

WHEREAS, the bond resolution adopted on July 20, 2010 stated that the maximum maturity of the bonds was ten (10) years; and

WHEREAS, the Town Board of the Town has now determined that it is in the best interests of the Town to amend such bond resolution to provide for a fifteen year period of probable usefulness, as authorized pursuant to Section 11.00 a. 19(c). of the Local Finance Law; and

Now , therefore, be it

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

Section (A) The Bond Resolution of said Town adopted by the Town Board on July 20, 2010, entitled:

“Bond Resolution of the Town of Clarkstown, New York, adopted July 20, 2010, authorizing the construction of improvements to the Congers Lake North End boardwalk and parking lot, stating the estimated maximum cost thereof is \$1,000,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,000,000 serial bonds of said Town to finance said appropriation,”

is hereby amended to read as follows:

RESOLUTION NO. (359-2011) continued

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 20, 2010 AND AMENDED JUNE 14, 2011, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE CONGERS LAKE NORTH END BOARDWALK AND PARKING LOT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,000,000 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 North End boardwalk and parking lot. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,000,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,000,000 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. 19(c) of the Law, is fifteen (15) years.

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

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

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

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 the issuance 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 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

RESOLUTION NO. (359-2011) continued

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. The Town Clerk of said Town of Clarkstown is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "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

PLEASE TAKE NOTICE that on June 14, 2011 the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the bond resolution adopted by said Town Board on July 20, 2010, which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 20, 2010 and amended June 14, 2011, authorizing the construction of improvements to the Congers Lake North End boardwalk and parking lot, stating the estimated maximum cost thereof is \$1,000,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,000,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct improvements to the Congers Lake North End boardwalk and parking lot; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,000,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$1,000,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$2,125,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") 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 fifteen (15) 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

RESOLUTION NO. (359-2011) continued

are authorized; and the proposed maturity of said \$1,000,000 serial bonds will exceed five (5) years;

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

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

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

Section (B) The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution as originally adopted, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C) Said bond resolution, as herein amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval, is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted July 20, 2010, shall not be in any way affected and shall remain in full force and effect.

Section (D) After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in summary, in the newspaper hereinabove referred to in Section 7 thereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (E) This resolution shall take effect immediately.

* * *

On roll call the vote was as follows:

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

Supervisor opened the meeting for general public comments.

Joe Ciardullo, New City
Spoke in favor of introducing a referendum on term limits for Town officials.

Orrin Getz, New City
Thanked the Board for approving his appointment to the Traffic and Traffic Fire Safety Board. Spoke about a new program to combat terrorism introduced by NJ Transit which involves texting transit police about suspicious activities. It might be something for our Town to adopt in the future.

Mike Hirsch, New City

Talked about Gov. Cuomo's proposed bill for reducing pension benefits. Criticized the Board for allowing the police to cash in up to 20 additional sick days per person per year and asked if they would be willing to rescind that.

Steve Levine, Congers

Spoke in favor of term limits in order to avoid preferential treatment of special interests and stated that the voters should decide whether they feel term limits are valid or not.

Guy Gervasi, West Nyack

Spoke about Deputy Town Attorney, Marsha Coopersmith, being investigated for alleged infractions of campaign finance laws and asked if she was going to be suspended from her town position until these accusations are confirmed or denied. He also stated that the Supervisor could have saved the taxpayers money by choosing not to fill the position recently vacated by Amy Vargas, but instead filled it with a patronage job in giving it to John Sullivan.

Kathy Cann, New City

Spoke about the Highway Department removing a tree on the right of way in front of her house and expressed a complaint about snow removal.

Frank Grandel, New City

Congratulated Co. Hoehmann for trying to make a solar field at the landfill. Inquired as to whether Clarkstown landfill has a methane capture system in place. Also asked about the costs associated with the lead abatement in the Police Department.

Phillip DeGaetano, New City

Stated that John Sullivan was the right man to fill the position vacated by Amy Vargas.

Supervisor Gromack stated that term limits is an option that can be put on the ballot should the residents decide to do that. Regarding Tier 6, he agreed with the Governor's reform. Regarding police sick leave, what the Town agreed to will actually save the Town money; if they were allowed to cash out those days in their last three years it would boost up their retirement. Allowing them to cash them out earlier gets rid of those days at a lower rate. With reference to Deputy Town Attorney, Marsha Coopersmith, Town Attorney Mele stated that the allegations did not have anything to do with her work in the Town Attorney's office. The action being investigated was with the Treasurer of the Independence Party's failure to electronically file. Ms. Coopersmith and the treasurer are responding to those allegations. Ms. Coopersmith no longer has any position with the Independence party. Regarding the appointment of John Sullivan, the Supervisor stated he resigned from a position as a committee member in order to try to eliminate any taint of politics. He had a background in State government, BOCES, Helen Hayes, a wide variety of experience that was attractive, in addition to some local experience on the Zoning Board and Planning Board and long time member of the community. We looked through many resumes and did interviews. He is the best qualified individual, and we saved over \$30,000 because he does not need benefits. Under State law he is allowed to collect his pension. Regarding the tree Ms. Kann spoke of, we do try to notify the residents before tree removals; he is confident the tree was in the Town right of way and it had to come down. He stated the Town does an excellent job with snow removal.

Town Attorney Mele, agreed that Co. Hoehmann's effort to put the solar field on the landfill is a great idea and spoke about a new law called Remote Net Metering which allows more opportunity for the Town to do this. Co. Hoehmann explained that in order to recapture methane gas, it must be done immediately because the amount of gas that escapes over time diminishes. At this point, the amount that would have made this profitable escaped in the first 7 to 10 years; so that is a lost opportunity. We are meeting with Orange & Rockland and, hopefully, we can come up with solar on that site that will connect to the grid, and the amount of energy it will produce will be credited back to us.

Regarding the lead abatement costs at 20 Maple Avenue, the Supervisor stated that cleanup costs amounted to approximately \$600,000. A decision was made that since the building was almost 20 years old, through capital improvements we could replace and renovate rather than try to clean. There were also areas of mold and some renovation that we could do improvements through FEMA. Co. Borelli stated that he agreed with the Governor's proposal and disagreed with Mr. Hirsch with regard to the police sick time issue. Co. Lasker commented that John Sullivan was highly qualified for the position in the Supervisor's office. She agreed with creating another tier in pension system and having public workers contribute more to their pensions and health benefits. We need to have the Governor reform the Taylor Law so that our hands are not tied when it comes to negotiating with the police. She is not in favor of term limits; the people decide during elections whether or not they want to keep someone in office. Co. Hausner thanked Mr. Getz about the texting alert idea and will share it with the police. Agrees pension reform is needed in our State and would support a Tier 6. Co. Hoehmann agreed that what the Town did with regard to the police sick days will save money. He agrees with what the Governor is trying to do. Feels amending the Taylor Law would help all municipalities across the State.

Joel Epstein reminded the Board that today was Flag Day and asked that tonight's meeting be closed in recognition of that.

There being no one further wishing to be heard, on motion of Co. Hoehmann and seconded by Borelli, the Town Board Meeting was adjourned in recognition of Flag Day, time: 8:51 P.M.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

6/14/11

8:32 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

RE: Amend adoption of a “Local Law to Abolish the Office of Receiver of Taxes and Consolidate the Duties with the Office of the Assessor of the Town of Clarkstown” to a Local Law entitled: “An Amended Local Law to Abolish the Office of the Receiver of Taxes and Consolidate the Duties with the Office of the Town Clerk of the Town of Clarkstown”

On motion of Co. Lasker, seconded by Co. Borelli, the public hearing was declared open. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Gromack opened the public hearing for comments.

Steve Levine, Congers

Stated consolidation is a good idea but felt it would be more appropriate to put it in the Comptroller’s Office, rather than the Town Clerk’s office. He hoped the Town Board considers our dedicated civil servants and that no one is fired as a result of this consolidation.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Lasker and unanimously adopted the public hearing was closed, time: 8:33 P.M.

(RESOLUTION NO. 342-2011 ADOPTED)

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

6/14/11

8:34 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

RE: Proposed Local Law entitled: “ A Local Law to Abolish the Position of an Elected Superintendent of Highways and Replace it with an Appointed Superintendent of Highways in the Town of Clarkstown”

On motion of Co. Hausner, seconded by Co. Borelli, the public hearing was declared open. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Gromack opened the public hearing for comments.

Mr. Vitro, New City

He inquired about the requirements for the Highway Superintendent. He has seen improvement in road construction and maintenance since the highway department has been headed by an engineer. Mr. Ballard meets these qualifications but would Dennis Malone, who is running against Mr. Ballard, qualify under these qualifications?

In answer to Mr. Vitro, Town Attorney Mele read Item #7 from the proposed local law which outlines the minimum qualifications for the Highway Superintendent and Supervisor Gromack stated he did not know if Mr. Malone met the qualifications.

Guy Gervasi, West Nyack

Asked if Mr. Ballard had an engineering degree , what the duration of the appointment would be and what the advantages of this were. Expressed concerns about this becoming a patronage job.

The Town Attorney stated that the appointment would be for 4 years.

Steve Levine, Congers

Asked if the appointment would be in the form of a 4 year contract and if so, what is the mechanism to remove this appointee if there dissatisfaction of service?. We need to consolidate town garages and the only opportunity to do that is to change the elected position to an appointed position? What other options does the Town have? In terms of establishing qualifications, this can be done by a local law. He stated that before Superintendent Ballard was here, it was a nightmare, lot of infrastructure in the town had to be redone because builders didn't do the construction properly; however, his most important concern is accountability. When a superintendent is elected he is accountable to the electorate; if we don't like the job we can vote him out. When he is appointed it is a lot more difficult to get him out. A lot of town dollars go through the highway dept, and it is important that taxpayers are getting the proper service and accountability.

Joe Ciardullo, New City

Likes the idea of appointing the position because it requires qualifications but expressed concerns about the actual appointment process; that it is open to several candidates so we don't end up getting someone appointed to the job that does not meet the qualifications or because was he a friend of someone. These things have to be kept in the open.

Regarding Mr. Levine's concern with accountability Co. Borelli stated Superintendent of Highway will be accountable to the people because they will be accountable to the Town Board. Co. Lasker addressed the interview process, it would be open to anyone who is a town resident who meets the qualifications. Resumes would be a matter of public record, there would be an interview process and we would vote for the most qualified person. Co. Hoehmann stated if this passes, the Highway Superintendent who is elected in

November would complete his term and the appointment wouldn't take place until Jan 2014. It's not something that would happen immediately but would allow us to move employees from the different garages and would help us in terms of the consolidation. Co. Hausner reiterated that the Board wanted to require qualifications for this position and this seemed like the best way to do that because it is difficult to add qualifications to a political position that has to be voted on by the public.

Supervisor Gromack stated that we were doing this now because we have had a very exceptional Superintendent of Highways in Mr. Ballard. In the past we have had some superintendents that did not have his qualifications and you can see the difference. Mr. Ballard has set a high standard that we would like to continue in future years. The end result will be up to the people of Clarkstown.

There being no one further wishing to be heard on motion of Co. Hoehmann seconded by Co. Lasker, the Public Hearing was closed, time: 8:57 P.M.

Respectfully submitted,

Justin Sweet
Town Clerk