

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

07/24/12

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: Katie Mager, winner of the St. Francis CYO Basketball and Knights of Columbus Free Throw Championship, was recognized and congratulated for her accomplishments.

On motion of Co. Hausner seconded by Co. Borelli the Public Hearing re: "A Local Law Amending Chapter 290 (Zoning) with respect to Accessory Apartments" was opened, time: 8:12 p.m., adjourned, TO BE CONTINUED, time: 8:46 p.m.

RESOLUTION NO. (329-2012) ADOPTED

On motion of Co. Hoehmann seconded by Co Borelli the Public Hearing re: A Local Law to Transfer the Function of Highway Mechanics and Consolidating all Town Mechanics under the Town Garage Department" was continued, time 8:53 p.m., closed, time: 9:13 p.m.

RESOLUTION NO. (330-2012) ADOPTED

On motion of Co. Hoehmann seconded by Co. Borelli the Board went into Executive Session, to discuss a police disciplinary matter, time: 9:14 p.m. On motion of Co. Borelli seconded by Co. Hoehman, the Town Board came out of Executive Session, time: 9:24 p.m.

RESOLUTION NO. (330A-2012) ADOPTED

The Supervisor opened the meeting for comments on the Agenda items.

Steven Levine, Congers
Questions on agenda items.

John Eschew, Valley Cottage
Questions on agenda items.

Guy Gervasi, West Nyack
Questions on agenda items.

Marge Hook, New City
Questions on agenda items.

Frank Grandel, New City
Questions on agenda items.

Tom Nimick, New City
Questions on agenda items.

Regarding questions on Item #8, the Town Attorney explained that this was an initiative of our housing committee. It was suggested that all multi-family districts set aside 10% of their units as affordable housing. This resolution is setting a public hearing on that.

Regarding the public works administrator, the Supervisor explained that this is an individual that coordinates and oversees various projects. This, however, does not mean we do not have to meet the requirement of having licensed architects, engineers and others on these projects. Regarding Item #14, amending the Salary Schedule, this is a resolution that calls for reducing the stipend that the Deputy Supervisor receives. Regarding Item #15, Teaberry Port House, this is directing the Town’s Historical Review Board, to come to the September workshop and update the Board on the status of the renovations and potential tenant for this important historical landmark. Regarding Item #16, Breakaway Barrier, Samuel Road, we originally requested a report from the Police Department in August; this resolution extends that date to October to allow more time to obtain the appropriate data.

Regarding, Item #18, Additional Software Licensing, he explained this is to update our computer system to bring payroll operation in house and to modernize an antiquated system.

Regarding Item #23, the Town Attorney explained that FEMA amended its flood plain map so we need to adopt this into our local law to maintain accuracy.

Regarding Item #29, the Supervisor explained we received a \$2 million grant towards the Downtown New City revitalization; this transfers the funds into that project. Additionally, it transfers Rockland County Sewer reimbursements into the appropriate fund.

RESOLUTION NO. (329-2012)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO ACCESSORY APARTMENTS”,

was introduced by Councilperson Hauser, at a Town Board meeting held on April 17, 2012, and

WHEREAS, on July 24, 2012, a public hearing was held to consider said local law, and at such time it was determined by the Town Board that the hearing be continued on August 21, 2012 to address concerns raised by residents at the public hearing;

NOW, THEREFORE, BE IT RESOLVED, that the continuation of a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on August 21, 2012, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (330-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW TO TRANSFER THE FUNCTION OF HIGHWAY DEPARTMENT MECHANICS AND CONSOLIDATING ALL TOWN MECHANICS UNDER THE TOWN GARAGE DEPARTMENT"

was introduced by Councilperson Hoehmann at a Town Board meeting held on May 15, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on May 15, 2012, directed that a public hearing be held on June 19, 2012 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 13, 2012, and

WHEREAS, a copy of the proposed local law 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 11, 2012, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 19, 2012, and a motion was made and the Town Board voted to continue the public hearing on July 24, 2012, and

WHEREAS, notice of continuation of public hearing was duly prepared and published in the Journal News on July 17, 2012, and

WHEREAS, a copy of the current 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 July 12, 2012;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1 – 2012 entitled:

"A LOCAL LAW TO TRANSFER THE FUNCTION OF HIGHWAY DEPARTMENT MECHANICS AND CONSOLIDATING ALL TOWN MECHANICS UNDER THE TOWN GARAGE DEPARTMENT"

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:

- Co. Lasker No
- 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. (330A-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, Clarkstown Police XXXXXXXXXXXXXXXXXXXX was issued departmental disciplinary charges dated September 6, 2011, (the "Disciplinary Charges") and

WHEREAS, XXXXXXXXXXXXXXXXXXXX was afforded a hearing before a neutral hearing officer which was conducted on November 1, 2011 and February 8, 2012, and

WHEREAS, the hearing officer issued his Opinion and Award dated June 23, 2012, and

WHEREAS, the Town Board examined the Opinion and Award of the hearing officer which sustained certain charges and recommended in favor of a penalty of a formal reprimand, and

RESOLUTION NO. (330A-2012) continued

WHEREAS, the Town Board has determined that the Opinion and Award is fair and reasonable;

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds XXXXXXXXXXXXXXXXXXXX guilty of charges 1 and 2 and those portions of charges 4 and 6 of the Disciplinary Charges which relate to the manner in which certain events were documented and adopts the hearing officer's recommendation that the misconduct be punished by the issuance of a formal reprimand and by this resolution does hereby formally reprimand XXXXXXXXXXXXXXX and this resolution shall become part of the permanent personnel file of XXXXXXXXXXXX.

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. (331-2012)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the Town Board Minutes of June 19, 2012 and the Special Town Board Minutes of July 10, 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

RESOLUTION NO. (332-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has Furnished Certification of Eligibles #10051 Clerk Typist which contains the name of Stacy S. Kuo,

NOW, therefore, be it

RESOLVED, that Stacy S. Kuo, 4 Vailshire Circle, Nanuet, New York – is hereby appointed to the position of (Permanent) Clerk Typist – Office of the Town Attorney – at the current 2012 annual salary of \$35,520., effective July 25, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (333-2012)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A, that David Gerlach, 36 Hilltop Drive, Monroe, New York – Motor Equipment Operator I – Highway Department – is hereby granted an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to July, 14, 2012 thru August 14, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (334-2012)

Co. Hausner offered and Co. Hoehmann seconded

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

NOW, therefore, be it

RESOLVED, that Kevin P. Thurston, 906 Old Schoolhouse Road, New City, New York - is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2012 annual salary of \$69,537., effective July 30, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (335-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Anthony J. Drescher,

NOW, therefore, be it

RESOLVED, that Anthony J. Drescher, 105 Kings Highway, New City, New York - is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2012 annual salary of \$69,537., effective July 30, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (336-2012)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Todd A. Papenmeyer,

NOW, therefore, be it

RESOLVED, that Todd A. Papenmeyer, 1 Germonds Village Apt 10, Bardonia, New York - is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2012 annual salary of \$69,537., effective July 30, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (337-2012)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Rockland Personnel Office has certified on May 29, 2012 that a new position of Fleet Manager (Town) - can be created,

NOW, therefore, be it

RESOLVED, that the position of Fleet Manager (Town) – Town Garage Department – is hereby created – effective July 24, 2012 and be it,

FURTHER RESOLVED, that the grade for the position of Fleet Manager (Town) – is hereby established at a grade 33.

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. (338-2012)
Co. Hoehmann offered and Co. Hausner seconded

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

RFP # 21-2012 – CANINE HARASSMENT OF CANADIAN GEESE

is hereby awarded to: HUDSON VALLEY WILD GOOSE CHASERS, INC.
 10 WALDRON AVENUE, SUITE #3
 NYACK, NY 10960
 PRINCIPAL: FRANCESCA SALINA RIZZO

as per their proposed total cost as follows:

RESOLUTION NO. (338-2012) continued

\$1,973.00 - Total Base bid price per month for one 12 month period for Kings Park, Congers Memorial Park and Twin Ponds with no additional charge per call-out for additional sites; and be it

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

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

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

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. (339-2012)

Co. Hoehmann offered and Co. Hausner seconded

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

BID # 24-2012 – NANCY DRIVE STREAM CHANNEL STABILIZATION

is hereby awarded to: VICTOR P. ZUGIBE
 66 W. RAILROAD AVENUE
 STONY POINT, NY 10923
 PRINCIPAL: VICTOR ZUGIBE, PRESIDENT

as per their proposed total project cost not to exceed \$84,000.00 plus 15% contingency and be it

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

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

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

RESOLUTION NO. (339-2012) continued

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-88-11, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (340-2012)
Co. Hoehmann offered and Co. Hausner seconded

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

BID # 25-2012 – PRIDES CROSSING DRAINAGE IMPROVEMENTS

is hereby awarded to: MARINI BROTHERS CONSTRUCTION CO., INC.
9 LAFAYETTE STREET
HACKENSACK, NJ 07601
PRINCIPAL: ANTHONY MARINI, VICE PRESIDENT

as per their proposed total project cost not to exceed \$61,000.00 plus 15% contingency and be it

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-88-12, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (341-2012)
Co. Hoehmann offered and Co. Hausner seconded

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

BID # 26-2012 – BROOKDALE COURT CULVERT REPLACEMENT

is hereby awarded to: WJL EQUITIES CONSTRUCTION CO
274 WHITE PLAINS ROAD, SUITE 7
EASTCHESTER, NY 10709
PRINCIPAL: DANIELLE BUENAVENTIVA, PRESIDENT

as per their proposed total project cost not to exceed \$179,400.00 plus 15% contingency and be it

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-9, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (342-2012)
Co. Hoehmann offered and Co. Hausner seconded

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

BID # 31-2012 – PURCHASE AND INSTALLATION OF PRE-FABRICATED
SALT STORAGE CANOPY

is hereby awarded to: CLEARSPAN FABRIC STRUCTURES INT'L, INC.
1395 JOHN FITCH BLVD
SOUTH WINDSOR, CT 06074
PRINCIPAL: MATTHEW NIAVRA, VICE PRESIDENT

RESOLUTION NO. (342-2012) continued

as per their proposed total project cost not to exceed \$104,626.00 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

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

FURTHER RESOLVED, the Clarkstown Highway Department will purchase the required concrete blocks and Petromat Moisture Control Barrier at a cost not to exceed \$19,500.00 and be it

FURTHER RESOLVED, THAT THE Clarkstown Highway Department will utilize the town’s 2012 Asphalt Resurfacing Bid to have the required 2” Hot Asphalt Overlay installed at a cost not to exceed \$8,709.75 and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-88-13, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (343-2012)

Co. Hoehmann offered and Co. Lasker seconded

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

BID#33-2012 – AQUATIC VEGETATION MANAGEMENT PROGRAM

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.

RESOLUTION NO. (343-2012) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (344-2012)

Co. Hoehmann offered and Co. Lasker seconded

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

BID#35-2012 – RIDGE ROAD CULVERT BYPASS

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. (345-2012)

Co. Hoehmann offered and Co. Lasker seconded

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

BID#36-2012 – ROADWAY RECONSTRUCTION AND DRAINAGE IMPROVEMENTS LOWERRE PLACE/STOCKTON ROAD/CYR COURT/JUNIPER COURT

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. (346-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Congers-Valley Cottage Rotary Club wishes to obtain a permit from the Town Board to dispense alcohol at the Italian Festival to be held on Town property, the Congers Train Station, 20 Burnside Avenue, Congers, New York, on September 30, 2012 with a rain date of October 7, 2012;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission for the Congers-Valley Cottage Rotary Club to dispense alcoholic beverages at 20 Burnside Avenue, Congers, New York, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this Resolution shall constitute the permit.

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. (347-2012)

Co. Lasker offered and Co Borelli seconded

WHEREAS, Niles M. Davies Jr. has requested permission to have a licensed fireworks display on Sunday, August 19, 2012 at Doctor Davies Farm, Congers, NY, and

WHEREAS, Police Chief Michael Sullivan, Clarkstown Police Department, Keith Garrabrant, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have reviewed the proposal and advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display, subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Niles M. Davies Jr. to sponsor a fireworks display at Doctor Davies Farm on Sunday, August 19, 2012, subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;
2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than \$5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;
3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display; and
4. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

RESOLUTION NO. (347-2012) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (348-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Peter Beary, Building Inspector, has recommended the designation of State Wide Inspection Services as an additional electrical code inspection agency to provide supplemental and alternative inspection capability to those agencies presently designated, and

WHEREAS, pursuant to Section 133-3 of the Clarkstown Town Code, the Town Board may designate such additional inspection agency to provide the services referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby designates, pursuant to Section 133-3 of the Town Code, the State Wide Inspection Services, 116 South Central Avenue, Elmsford, NY 10523, as an approved agent of the Town of Clarkstown, to provide electrical inspections and re-inspections in the Town of Clarkstown commencing on, August 1, 2012, which designation shall remain in effect unless and until revoked by further resolution of the Town Board, and be it

FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

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. (349-2012)

Co. Hausner offered and Co. Lasker seconded

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

“A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to Multi-Family Development”
and

WHEREAS, the proposed local law is to amend Section 290 of the Town of Clarkstown Zoning Code to allow multi-family development, subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it

RESOLUTION NO. (349-2012) continued

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (350-2012)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, a resident of Trinity Place, Nanuet, in the Town of Clarkstown has requested that street lighting be installed on Smith Street, Nanuet, adjacent to the crosswalk to improve the safety and welfare of the community; and

WHEREAS, a physical survey of the surrounding property directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to relocate street light on Pole #59191/39842 to a new pole on Smith Street, Nanuet, adjacent to the crosswalk;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts the proposal from Orange and Rockland Utilities, Inc. for street lighting to be relocated at the following location:

Smith Street, Nanuet adjacent to the crosswalk

AND BE IT FURTHER RESOLVED, that the cost to provide lighting facilities at the above referenced location will be \$3,803.00, which shall be charged to Acct. #SL 5182 461.

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. (351-2012)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, a School Resource Officer Program has been proposed for the Nyack School District; and

WHEREAS, the Board of Education of the Nyack School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district on a full time basis as the School Resource Officer.

NOW, THEREFORE, be it

RESOLUTION NO. (351-2012) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nyack School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nyack School District on a full time basis, for the period September 1, 2012 through June 30, 2013, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nyack School District to the Town of Clarkstown in the amount of \$34,775.53 for the School Resource Officer.

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. (352-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Behan Planning Associates has submitted a proposal dated June 29, 2012, to provide construction administration and observation services with regard to the New City Downtown Revitalization Project – Phase III, and

WHEREAS, the Public Works Administrator has reviewed the proposal and found said proposal to be reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Public Works Administrator, the Town Board hereby authorizes the Supervisor to enter into an agreement with Behan Planning Associates, in a form approved by the Town Attorney, to provide construction administration and observation services with regard to the New City Downtown Revitalization Project - Phase III pursuant to its proposal dated June 29, 2012, and be it

FURTHER RESOLVED, that the fees for the services shall not exceed \$290,000.00, and shall be funded within the total budget for the Project previously authorized by the Town Board, and be it

FURTHER RESOLVED, that the fees for said services shall constitute a proper charge to Account No. H 5111-409-0-4-16.

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. (353-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Maser Consulting P.A. has submitted a proposal dated May 31, 2012, to provide construction administration services with regard to the New City Downtown Revitalization Project – Phase III (South Main Street Improvements), and

WHEREAS, the Public Works Administrator has reviewed the proposal and found said proposal to be reasonable in both scope and price;

RESOLUTION NO. (353-2012) continued

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Public Works Administrator, the Town Board hereby authorizes the Supervisor to enter into an agreement with Maser Consulting P.A., in a form approved by the Town Attorney, to provide construction administration services with regard to the New City Downtown Revitalization Project - Phase III (South Main Street Improvements) pursuant to its proposal dated May 31, 2012, and be it

FURTHER RESOLVED, that the fees for the services shall not exceed \$800,000.00, and shall not exceed the total budget for the Project previously authorized by the Town Board, and be it

FURTHER RESOLVED, that the fees for said services shall constitute a proper charge to Account No. H 5111-409-0-4-16.

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. (354-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 277-2012, adopted June 19, 2012, the Town of Clarkstown accepted a proposal from Orange and Rockland Utilities, Inc. for street lighting on Elrod Drive, West Nyack, and

WHEREAS, the monthly charges to the Town of Clarkstown towards annual charge for basic fuel delivery and maintenance of this street lighting equipment has subsequently increased, effective July 01, 2012 from \$9.10 per month for each sodium vapor fixture, to \$12.42 per month plus market supply charge and fuel adjustment charge, which shall be charged to Account #SL 5182 461;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 277-2012 is hereby amended to correct the cost of the monthly charges in the first RESOLVED clause to read "\$12.42 per month."

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. (355-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, by Resolution No. 689-2010, adopted December 29, 2010, the Town Board authorized the Supervisor to enter into an agreement with Behan Planning Associates and Maser Consulting to provide design services in connection with the Downtown New City Revitalization Project in an amount not to exceed 14% of the total construction cost of the Project, and

WHEREAS, the amount authorized was \$2.4 million dollars based upon the construction cost estimate, and

WHEREAS, the Project has since been put out to bid, and the actual Project cost is greater than the amount previously authorized;

NOW, THEREFORE, be it

RESOLUTION NO. (355-2012) continued

RESOLVED, that Resolution No. 689-2010 is hereby amended as follows:

“RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with Behan Planning Associates, LLC (and Maser Consulting as subcontractor), to provide additional professional planning, design and engineering services as per their December 28, 2010 proposal, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed 14% of the total construction cost of Phase I, Phase II and Congers Road, not to exceed \$2.6 million dollars, without further authorization from the Town Board, of which \$1,800,000 has already been remitted based upon prior authorizations, and be it

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (356-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, an existing Fire Hydrant #4-206 (extension #167h) located on the north side of Convent Road, East of Duryea Lane has been approved as to location by the Director of Environmental Control and the Fire Inspector,

WHEREAS, the Fire Inspector has determined that Hydrant #4-206 should remain in service,

WHEREAS, Hydrant #4-206 is located in the Town right-of-way,

THEREFORE BE IT RESOLVED, that based upon the recommendation of the Fire Inspector, Hydrant #4-206 (extension #167h) located on Convent Road, Nanuet in front of the Family Resource Center should be billed to the Town of Clarkstown,

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

On roll call the vote was as follows:

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

(The following resolution was offered by Co. Borelli, there was no second.)

WHEREAS, Resolution No. 671-2011, adopted December 29, 2011, fixed the salary schedule in accordance with the Budget adopted for the Year 2012, subject only to contract negotiations, and

WHEREAS, the Town Board wishes to amend said salary schedule;
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends the Salary Schedule for 2012 to reflect that there shall be no compensation for Shirley Lasker, in the title of Deputy Town Supervisor, effective August 1, 2012.

NO VOTE

RESOLUTION NO. (357-2012)
Co. Hausner offered and Co. Lasker seconded

WHEREAS, approximately two years ago, the Town Board directed the Historical Review Board to formulate a plan for the rehabilitation of the "Teaberry Port House," including soliciting interested entities and funding; and

WHEREAS, the home continues to fall into disrepair and the Board has not presented a plan for its preservation to date:

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby directs the Historical Review Board to appear at its regularly scheduled Workshop on September 4, 2012 and present to the Board a history of its efforts to preserve the home as well as a plan for its future preservation including interested parties, timing and funding opportunities.

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. (358-2012)
Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Town Board, in an effort to address complaints of traffic hazards, speeding and shortcutting through the Newport Drive subdivision off Convent Road, Nanuet, on May 15, 2012, adopted a resolution authorizing the dead-end closure of Samuel Road at Newport Drive in Nanuet, NY, and

WHEREAS, the Town Board also directed the Clarkstown Police Department (with the assistance of the Town’s traffic consultant) report their pre and post-closure findings and recommendations at its August 2012 Workshop, and

WHEREAS, there is no Workshop scheduled for August, and added time is required to obtain appropriate data, and

NOW, THEREFORE BE IT RESOLVED, that Town Board Resolution No. 229-2012 is hereby amended as follows:

“FURTHER RESOLVED, that the Clarkstown Police Department (with the input of the Town’s traffic consultant, if warranted) shall report its findings and recommendations to the Town Board at its October 2012 Work Shop.”

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. (359-2012)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, Barbara Lubeck, of Ashford Abstract, has requested a refund of Building Fee paid in the amount of \$165.00 in connection with a request for a Violation Search Report for property located at 417 Cedar Avenue, Upper Nyack, New York, more particularly described as Tax Map No. 60.13-1-35, and

WHEREAS, the Building Inspector has advised that the request for a Violation Search Report was withdrawn before it was fully processed and recommends a full refund of \$165.00; NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$165.00 to Ashford Abstract to be charged to Account No. B 02-6-2555-0.

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. (360-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution dated November 22, 2011, the Town Board authorized the Supervisor to enter into an agreement with New World Software to provide software maintenance for the Town Computer System, and

WHEREAS, the Director of Automated Systems and the Comptroller have determined the New World Systems LOGOS Financial Management Software is in need of additional licensing and upgrade, and

WHEREAS, further analysis has also determined a need to enhance the LOGOS Financial Management Software to accommodate the future addition of a Human Resource and in-house Payroll System, and

WHEREAS, the Director of Automated Systems sought and received three (3) competitive proposals to provide said software, and

WHEREAS, the Director of Automated Systems has reviewed said proposals and recommends the acceptance of New World Systems' proposal, which he has deemed competitive in both scope and price, and

WHEREAS, the Director of Automated Systems and the Comptroller are recommending this upgrade and request that funds be appropriated for this purpose, and
NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with New World Systems, Inc. for the installation of the necessary software upgrades, and be it

FURTHER RESOLVED, that the total cost for the upgrade shall not exceed \$56,665.00 for implementation, training and data conversion, \$122,110.00 for five (5) year prepaid software maintenance services, and \$18,000.00 travel expenses for the New World implementation team, and be it

FURTHER RESOLVED, that the Supervisor is authorized to enter into an amendment to the maintenance agreement previously authorized by the Town Board on November 22, 2011, which shall provide that the new software shall be serviced at no cost, representing a savings to the Town of approximately \$146,000.00, and be it

FURTHER RESOLVED, that the Director of Automated Systems is hereby authorized to purchase the hardware required for the installation, not to exceed \$40,000.00, from NYS OGS contracts PT 60953 and PT 59009, and be it

FURTHER RESOLVED, it is the intent of the Town Board to fund this project with the issuance of serial bonds.

RESOLUTION NO. (360-2012) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (361-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 746-2008 the Town Board authorized the Supervisor to award Bid No. 45-08 to, and to enter into an agreement with, Lorencin Contracting for the Town Hall Records Storage and TV Studio; and

WHEREAS, certain modifications were required during the project including additional shelving, lighting, ceiling repairs and carpeting, totaling \$105,600, which change orders have been reviewed by the Public Works Administrator and have been found reasonable in terms of scope and price; and

WHEREAS, it is necessary to amend the contract with Lorencin to reflect these change orders;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with Lorencin Contracting, in a form approved by the Town Attorney, to reflect change orders in the amount of \$105,600.00; and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Account Nos. H 8758-400-409-0-82-8 and H 8757-409-0-81-34; and be it

FURTHER RESOLVED, that said fees are within the budgeted amount for the Project previously approved by the Town Board, and shall be offset by the PEG grants from Verizon and Cablevision.

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. (362-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, by Resolution Nos. 531-07 and 561-0,7 the Town Board authorized the Supervisor to enter into an agreement with DCAK Architecture to perform professional services in connection with the design of the Town Hall Basement and TV Studio; and

WHEREAS, certain design modifications were required during the project, including modifications to the HVAC system (\$10,378.50), structural modifications (\$365.00) and specifications and consultation relating to the purchase of AV Equipment (\$6,247.50); and

WHEREAS, it is necessary to amend the contract with DCAK to reflect these additional services;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with DCAK Architecture, in a form approved by the Town Attorney, to reflect the increased fees for services in the amount of \$16,991.00; and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Account Nos. H 8758-400-409-0-82-8 and H 8757-409-0-81-34; and be it

RESOLUTION NO. (362-2012) continued

FURTHER RESOLVED, that said fees are within the budgeted amount for the Project previously approved by the Town Board, and shall be offset by the PEG grants from Verizon and Cablevision.

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. (363-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town Safety Coordinator has recommended the adoption of a revised policy concerning the Americans with Disabilities Act; and

WHEREAS, the revised policy was presented to the Town Board at its regularly scheduled workshop on July 10, 2012;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts the attached policy with respect to Americans with disabilities, which policy shall be incorporated in the employee manual and distributed to all employees.

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. (364-2012)

Co. Lasker offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 24, 2012, AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF A SALT STORAGE STRUCTURE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$133,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$133,000 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 and install a salt storage structure. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$133,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$133,000 serial bonds of the Town to finance said

RESOLUTION NO (364-2012) continued

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 \$133,000 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. 12(a)(2) 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. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

RESOLUTIN NO. (364-2012) continued

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 24, 2012, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 24, 2012, authorizing the construction and installation of a salt storage structure, stating the estimated maximum cost thereof is \$133,000, appropriating said amount for such purpose, and authorizing the issuance of \$133,000 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 and install a salt storage structure; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$133,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$133,000 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 \$133,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is 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 are authorized; and the proposed maturity of said \$133,000 serial bonds will exceed five (5) years;

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

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

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

DATED: July 24, 2012

Justin Sweet
Town Clerk

RESOLUTION NO. (364-2012) continued

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

* * *

On roll call the vote was as follows:

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

RESOLUTION NO. (365-2012)

Co. Lasker offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 24, 2012, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$430,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$430,000 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 various drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$430,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$430,000 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 \$430,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

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

(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.

RESOLUTION NO. (365-2012) continued

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

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 24, 2012, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 24, 2012, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$430,000, appropriating said amount for such purpose, and authorizing the issuance of \$430,000 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:

RESOLUTION NO. (365-2012) continued

FIRST: AUTHORIZING said Town to construct various drainage improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$430,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$430,000 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 \$430,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$430,000 serial bonds will exceed five (5) years;

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

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

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

DATED: July 24, 2012

Justin Sweet
Town Clerk

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

* * *

On roll call the vote was as follows:

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

RESOLUTION NO. (366-2012)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Councilperson _____, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,
"AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

RESOLUTION NO. (366-2012) continued

and

WHEREAS, this proposed local law is intended to add a new subsection of Letter of Map Revision to Section 146-6A with regard to Federal Emergency Management Agency areas of special flood hazard;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on August 21, 2012 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (367-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12062 (Prom) Senior Payroll Clerk – which contains the name of Samantha Correa,

NOW, therefore, be it

RESOLVED, that Samantha Correa, 334 Fulle Drive, Valley Cottage, New York – is hereby appointed (Promotional) (Permanent) to the position of Senior Payroll Clerk – Police Records - at the current 2012 annual salary of \$51,102., effective July 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

RESOLUTION NO. (368-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, certain unforeseen circumstances arose which required additional work to be performed at the Germonds Park Ballfield project, and

WHEREAS, upon the recommendation of the Superintendent of Recreation and Parks, Paul Bitts Co. and Yaboo Fence were hired to complete said work, and

WHEREAS, Paul Bitts Co. submitted an invoice in the amount of \$7,400.00 to correct the water main, and

RESOLUTION NO. (368-2012) continued

WHEREAS, Yaboo Fence submitted an invoice in the amount of \$1,500.00 for fencing, and

WHEREAS, these invoices have been reviewed by the Superintendent of Recreation and Parks, as well as the project engineer, who have deemed them acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that, based upon the recommendation of the Superintendent of Recreation and Parks, the Town Board hereby authorizes payment to Paul Bitts Co. in the amount of \$7,400.00 and to Yaboo Fence in the amount of \$1,500.00 for work they performed in connection with the Germonds Park Ballfield Expansion, and be it

FURTHER RESOLVED, that said amounts shall be a proper charge to Account No. H-8761-409-0-85-14.

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. (369-2012)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, on September 13, 2011, the Town Board adopted Resolution No. 496-2011 authorizing a change order in connection with Bid No. 41-2010 (Germonds Park Ballfield Expansion), and

WHEREAS, the Superintendent of Recreation and Parks found said change order was not necessary;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby rescinds Resolution No. 496-2011, with respect to Bid No. 41-2010.

On roll call the vote was as follows:

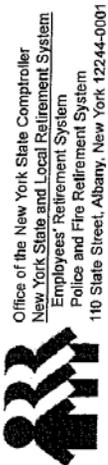
Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann. Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (370-2012)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION ADOPTED AT TOWN BOARD MEETING JULY 24, 2012
RESOLUTION NO. (370-2012)

Standard Work Day and Reporting Resolution RS 2417-A

(12/10)



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

BE IT RESOLVED, that the TOWN OF CLARKSTOWN / Location code 30025 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Supervisor	Alexander J. Gromack	file	file	7	1/1/12-12/31/13	N	20		
Town Clerk	Justin Sweet	file	file	7	1/1/12-12/31/13	N	20		
Town Council	Frank Borelli	file	file	7	1/1/12-12/31/15	N	20		
Superintendent of Highways	Wayne T. Ballard	file	file	7	1/1/12-12/31/13	N	20		
Appointed Officials									
Town Attorney	Amy Mele	file	file	7	1/1/12-12/31/13	Y	N/A		
First Deputy Town Attorney	Daniel N. Kraushaar	file	file	7	1/1/12-12/31/12	Y	N/A		
Deputy Town Attorney	Keith J. Cornell	file	file	7	1/1/12-12/31/12	Y	N/A		

If additional rows are needed, please use form RS2417-B and attach.

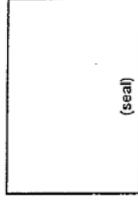
On this _____ day of _____, 20____, _____ (Signature of clerk) Date enacted: _____

I, Justin Sweet, clerk of the governing board of the TOWN OF CLARKSTOWN of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 24th day of July, 2012, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that _____ of such members were present at such meeting and that _____ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF CLARKSTOWN (Name of Employer)

This document consists of 3 page(s) (see additional RS2417-B forms attached).



RESOLUTION NO. (371-2012)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, by Resolution Nos. 59-2011 and 497-2011, adopted by the Town Board on January 18, 2011 and September 13, 2011 respectively, Bid No. 41-2010 was awarded to West-Con Contracting (the "Contractor") for Germonds Park Ballfield Expansion for a total contract price of \$419,166.60, and

WHEREAS, it was necessary to install additional drainage, and

WHEREAS, a change order for said work have been submitted by the Contractor in the total amount of \$3,090.40, and

WHEREAS, the change order has been reviewed by the Superintendent of Recreation and Parks, as well as the project engineer, who have deemed it acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the allowance for this project be increased from \$419,166.60 to \$422,257.00 to reflect the additional cost of the change orders, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H-8761-409-0-85-14.

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. (372-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$2,000,000 from the Dormitory Authority of the State of NY, and \$61,084.44 from the Rockland County Sewer District #1,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-10-3989-0 (Capital-State Aid) and Expense Account H-5111-400-409-0-4-16 (Capital Projects-New City Downtown Revitalization) by \$2,000,000 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Revenue) and Expense Accounts H-8760-409-0-84-9 (Capital-Pump Station & Collection Systems Upgrade) by \$61,084.44.

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. (373-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 469-2008, the Town Board authorized the Supervisor to enter into an agreement with DCAK Architecture to perform professional services in connection with the design of the Police Department Communications Room, and

WHEREAS, certain design modifications were required during the project totaling \$57,665.00, and

RESOLUTION NO. (372-2012) continued

WHEREAS, it is necessary to amend the contract with DCAK to reflect these additional services;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with DCAK Architecture, in a form approved by the Town Attorney, to reflect the increased fees for services in the amount of \$57,665.00, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Account No. H 8759-409-0-83-19.

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. (374-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, by Resolution No. 505-2009, the Town Board authorized the Supervisor to award Bid No. 53-2009 to, and to enter into an agreement with, Lorencin Contracting for the Police Department Communications Room, and

WHEREAS, certain modifications were required during the project totaling \$105,600, which change orders have been reviewed by the Public Works Administrator and have been found reasonable in terms of scope and price, and

WHEREAS, it is necessary to amend the contract with Lorencin to reflect these change orders;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with Lorencin Contracting, in a form approved by the Town Attorney, to reflect change orders in the amount of \$105,600.00, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Account No. H 8759-409-0-83-19.

On roll call the vote was as follows:

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

The Supervisor opened the meeting for general public comments.

Richard Sena, Bardonia

He asked the Town Attorney to identify the responsibilities assumed by the Town Board as a result of the abolishment of the Police Commission under Resolution #354-2004.

Tom Nimick, New City

He suggested that statements of dissent by the Town Board regarding resolutions should be discussed before the vote rather than after. He asked how the Town's obligations are affected by the reduction in projected pension fund earnings.

Ralph Sabatini, New City

He asked how the Town is going to cover costs as a result of proposed County charge backs and spoke about what the Town of Ramapo is doing about it.

Mike Hirsh, New City

He spoke about the new part time position in the Highway Department that was advertised in the Journal News.

Guy Gervasi, West Nyack

President of Clarkstown Taxpayers

Regarding Mr. Savino's hiring, he believes it was a bad decision and a patronage job.

Orrin Getz, New City

He showed the Board a damaged tire from potholes on Brewery Road and submitted a bill for damages to his car. Spoke about the need for increased spending for paving.

Steven Levine, Congers

He would like the Board to reconsider putting term limits on the ballot, inquired as to when the Town Board meetings will be televised and spoke about continuing problems with alleged hazardous waste on Massachusetts Avenue and unknown fill on properties adjacent to his property.

Kevin Hobbs, New City

He thanked Mr. Duer for his answer about the Town's bonded indebtedness. He presented the Town Board with a list of questions regarding the Town's debt and the audited financial statements and asked what was being done to reign in the growing debt.

In response to the Police Commission question the Town Attorney stated she would have to do some research. Regarding the change in the pension fund earnings, the Deputy Comptroller stated we will not have those projection numbers for another month. Regarding County chargeback expenses, Supervisor Gromack stated that we are in a much better position to deal with that than Ramapo due to the fact that we have settled our Police and CSEA contracts at much lower rate and we have had a larger reduction in our workforce. Regarding the part-time Highway position, interviews are still being done and regarding the hiring of Mr. Savino, he had nothing more to say about that. He stated that the Highway Department will take a look at Brewery Road. Regarding televised Town Board meetings, the TV studio should be up and running in 2013. Regarding Mr. Hobbs questions, the Town Board has encountered debt from projects being done to maintain the infrastructure of the Town. This is a good time to be doing this are we are getting the best prices from the contractors and the bonding companies. The other questions he submitted will be passed on to the comptroller.

On motion of Co. Hoehmann seconded by Co. Borelli, the Town Board meeting was closed in memory of recently deceased, long time resident, Paul Tandler, and also the victims of the recent shooting in Colorado.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

7/24/12

8:12 P.M.

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

Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws with respect to Accessory Apartments

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

Town Attorney Mele explained that this is a local law to allow senior residents who meet certain criteria to have accessory apartments in their dwellings. She stated that the Town Board is in a position to vote on this tonight if they wish to do so.

Town Planner Simoes summarized the findings of the Planning Board. It is consistent with the aims of the zoning code and it is in conformance and furtherance of the Comprehensive Plan to insure that a variety of housing options exist within the Town. There will be a controlled number of apartments at 200. This amendment affects the R-15, R-22 and R-40 districts which are properties having single family residences situated on minimum size lots that have the potential to support additional residents and parking without putting an undue burden on the area. The County Planning Department also reviewed this law and it was amended as recommended by them. With regards to SECA this is an unlisted action and the Town Board could issue a negative declaration.

Co. Hausner stated that she has talked to many seniors throughout the Town who have expressed support for this law. She hopes it passes tonight so we can move forward to solve some of our housing challenges.

The Supervisor opened the public hearing for comments.

Don McKenna, West Nyack
He thinks this is a bad move for the town. He pays high taxes to enjoy a good quality of life in Clarkstown and feels this adversely affects that by allowing rooming houses.

Guy Gervasi, West Nyack
He suggested that if the Town would cut taxes and salaries there would be no need for these types of programs.

Irene Tiburcio
She suspects that this is being done to increase the tax base and feels seniors should be made aware of the potential property tax increases.

Diedre Moore, West Nyack
She is concerned about protecting her neighborhood from undesirable residents who may rent these apartments.

Steven Levine, Congers
He believes this law is problematic and unenforceable as it is written and presented the Board with a written summary of his opinion on this matter.

Cora Bodkin, New City
She agrees with the goals of this law, however, she feels the language of this proposal is problematic as it does not clearly define what an accessory unit is. She also expressed concerns about parking and tax consequences.

Marge Hook, New City

She is opposed to this law due to concerns about increased taxes for renovated properties and undesirable tenants and would like to see more input from the public before this is passed.

The Town Planner explained that this is not going to create rooming houses. We are coming up with a list of emergency service volunteers, who typically go through back ground checks in order to be a volunteer, and they would be paired up with qualified seniors. However, this is not mandatory. It would slightly increase the tax base but the maximum increase would be about \$1,000 and we believe the additional rent would offset a slight increase in assessment. This is very similar to a program in Orangetown where they average about 10 units a year. If we follow the same course, it would take 20 years to reach our 200 unit limit. The penalty for violation would be pulling the certificate of occupancy. The costs of renovations would be up to the senior and how much they wanted to invest in their property.

In order to give the housing committee an opportunity to review some of the concerns raised tonight, the Supervisor recommend that the Public Hearing be continued to the next Town Board meeting. On motion of Co. Hausner seconded by Co. Hoehmann the Public Hearing was adjourned, TO BE CONTINUED, time: 8:46 p.m.

RESOLUTION NO. (329-2012) ADOPTED

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

7/24/12

8:53 P.M.

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

CONTINUATION: Proposed Local Law entitled: "A Local Law to Transfer the Function of Highway Mechanics and Consolidating all Town Mechanics under the Town Garage Department."

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

The Supervisor stated that this was a continuation of a public hearing. Over the last few weeks additional information about the consolidation was brought forth. We distributed a report highlighting the short and long term savings, we have received legal opinions about our ability to do this and we have opinions from two other towns that currently do this.

The Supervisor opened the meeting for public comments.

Guy Gervasi, West Nyack
He is in favor of the consolidation in an effort to save the Town money.

Tom Nimick, New City
He inquired about the salary and benefits of the fleet manager position. He asked when the savings would begin and, should there be litigation as a result of this, what would that cost.

Amy Durbin, New City
She asked if there was a contingency plan. If there is no savings, can we undo this law?

Marge Hook New City
She stated that in November of 2011 the majority of Clarkstown rejected the consolidation of the three garages and if this goes forward, the voter's rights have been pushed aside. She feels this is illegal and is being done out of distain for the Superintendent of Highways rather than for the benefit of the Town.

The Supervisor stated that this has been discussed over two years as a way to bring down the cost of government. The referendum that was held in November had very little to do with consolidation; it was about whether the Superintendent of Highway should be appointed or remain an elected official. This is a resolution that allows us to consolidate the garages under one umbrella. He stated that the potential savings will be short and long term savings; we don't have an exact time clock. He spoke about the reports showing potential savings; these reports erred on the side of caution and, if anything, savings would be greater as time goes on. Regarding the salary question, the fleet manager position is about a \$4,000 increase over a level 27 position and currently the individual working there is working out of title and is already getting that amount.

As far as a contingency plan, if for some reason down the road we feel it does not do what we want, we could change the law. We should have workshops at 3 months and 6 months to see how it's working.

He stated that according to our legal opinions, the Town Board has the power and authority to do this, and we have the talent and ability to make this consolidation work smoothly.

On motion of Co. Borelli seconded by Co. Hausner the public hearing was closed, time: 9:13 p.m.

(RESOLUTION NO. 330-2012 ADOPTED).

(Co. Lasker voted no stating she believes this is illegal and will be overturned in court.)

Respectfully submitted,

Justin Sweet
Town Clerk