

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

08/21/12

8:00 PM

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

Absent: Council Member Frank Borelli

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

On motion of Co. Lasker seconded by Co. Hoehmann Public Hearing #1 re: "A Local Law Amending Chap 290 (Zoning) with Respect to Accessory Housing) was continued, time: 8:15 pm, closed 8:45 pm.

RESOLUTION NO. (375-2012) ADOPTED

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On motion of Co. Hausner seconded by Co. Lasker Public Hearing #2 re: "Amendment to Chap 146 (Flood Damage Prevention)" was opened, time:8:45 pm, closed 8:50 pm.

RESOLUTION NO. (376-2012) ADOPTED

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On motion of Co. Lasker seconded by Co. Hoehmann Public Hearing #3 re: "A Local Law Amending Chap 243 (Signs)" was opened, time: 8:57 pm, closed 9:05 pm.

RESOLUTION NO. (377-2012) ADOPTED

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

Resident

He inquired about Item 14, H2M agreement.

Steven Levine, Congers

He inquired about Items 13 & 15, regarding solar panels and Item 18, Chapter 216 proceeding.

Guy Gervasi, West Nyack

He inquired about Item 15, solar panels, he does not think the Town should be running this.

Mary Slattery, New City

She inquired about Item 27, lease agreement for Normandy Village.

Kevin Hobbs, New City

He asked for explanation of Items 5 and 22, Community Development Funds and Transfer of Funds.

Scott Rakower, Dellwood Park Civic Association

He commented about Item 3d and thanked the Board for addressing ongoing flooding problems.

Frank Grandel, Nanuet

He inquired about Item 3e, Demarest Mill Stream wall repair, Items 16 a-d, Bonding for Projects and he asked for further information on Items 13 and 15.

Luke Kalarical, Director of Environmental Control, explained that Item 3e is a project dealing with Demarest Mill Stream wall damage which was a result of storm damage; this is being paid for by FEMA

The Supervisor stated that Item 5 is an agreement with Rockland County regarding grant money we are receiving to do work on Calvary Drive and for a Senior Citizen bus. Item 14, Valley Cottage Ambulance Corp project, is for additional work being done by an engineering firm that was needed as a result of a change order. This is within the amount that was approved by the bonding company so there is no additional cost.

Regarding Items 13 and 15, Solar Panels, Co. Hoehmann explained that the Town entered into a non binding letter of agreement with Solar City, a large solar contractor, which will construct and operate the solar field at their own expense. The Town will get reduced electricity for the first 20 years and then we will own the system. He stated that this will not negatively impact the remote control airplanes that use the site. The Town Attorney added that Item 13 is just a resolution declaring the Town lead agency pursuant to SEQRA on the project.

Regarding Items 16a through d, the Supervisor explained these are bonding resolutions and he explained the various projects they were being used for. Regarding the debt limit of the Town, he is pleased to report that two weeks ago members of the Town met with Standard and Poor's and we were able to sustain our triple A bond rating. He offered a report for anyone interested.

Joel Epstein, Code Enforcer, addressed Item 16. He stated that this homeowner had been in and out of court since 2006 and this public hearing is a last resort. Based on a conversation with the homeowner today, he does not believe this public hearing will be necessary since there is a six week window for her to comply.

Regarding Item 22, Transfers of Funds, the Supervisor read the resolution which listed the accounts and amounts involved. Regarding Item 27, the Supervisor confirmed that the Normandy Village apartment was rented to a volunteer of the Nanuet Fire Department for \$650 per month.

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RESOLUTION NO. (375-2012)

Co. Hoehmann offered and Co. Lasker 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 Hausner at a Town Board meeting held on April 17, 2012, and

WHEREAS, a public hearing was held on July 24, 2012 and continued on August 21, 2012 to consider said proposed local law, and

WHEREAS, it was determined by the Town Board to continue the public hearing again to October 2, 2012 to allow time to address the suggested modifications to said proposed local law by the Comprehensive Plan Housing Committee;

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on October 2, 2012 at 8:00 p.m., or as soon thereafter as possible, relative to said 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.

RESOLUTION NO. 375-2012 continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (376-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,  
 "AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION)  
 OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman George Hoehmann, at a Town Board meeting held on July 24, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 24, 2012, directed that a public hearing be held on August 21, 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 August 13, 2012, 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 August 10, 2012;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2 – 2012 entitled:  
 "AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION)  
 OF THE CODE 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 . . . . . Absent
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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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. (377-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 243 (SIGNS) OF THE CODE OF  
 THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Borelli at a Town Board meeting held on July 10, 2012, and

## RESOLUTION NO. (377-2012) continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 10, 2012, directed that a public hearing be held on August 21, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 13, 2012, and

WHEREAS, by resolution adopted July 10, 2012, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, 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 August 13, 2012, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 21, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by K. Luke Kalarickal, PE, LS, Director of the Department of Environmental Control, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, by resolution dated July 18, 2012, the Town of Clarkstown Planning Board made several observations pursuant to Town Code Sections 290-33B(1), and found that the proposed local law appears consistent with the Zoning Code and does not conflict with, or require an amendment to, the Comprehensive Plan, and recommended review of the proposed Local Law by the Architecture and Landscape Commission, which observations are hereby adopted and incorporated herein by reference, and

WHEREAS, the current draft of the local law substantially addresses the Clarkstown Planning Board's and Architecture and Landscape Commission's observations, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code by a majority plus one vote of the Board in contravention of the recommendations of the Rockland County Department of Planning, dated August 1, 2012 because the Town Board believes the majority of their recommendations were addressed and incorporated in the current draft of the local law, except for the following numbered items:

No. 5 – Section 243-11C is vague and some parameters should be provided – Reason: This section was purposely drafted to provide latitude and flexibility to the ALC to approve unique features;

No. 12 – A major section of the new sign law seems to have been written for only one of the two major shopping malls - Reason: Strongly disagree, sign standards apply to both malls as existing and proposed and will provide the proper guidance for future renovations;

No. 26 – Section 243-11G.C.6. is very unclear – Reason: This section is perfectly clear. The “retail center” is the Shops at Nanuet or The Palisades Center Mall. The “primary retail center entry sign” is that sign placed at the pedestrian entrance;

No. 28 – Limitations for the number and area size of the ads discussed in Section 243-11G.C.7 must be provided – Reason: These directory signs are typically found in every enclosed mall. This section permits them in unroofed malls. They will be helpful to the customer and visible only from within the open mall and not from public roadways;

No. 29 – The mechanism that the Town will have in place to deal with unsightly directional/decorative signs must be stated in the code – Reason: Section 243-12D & E provide for the removal of unused, abandoned and unsightly signs; including the pole, pylon, frame or bracket;

No. 34 – Sign requirements must be provided in Table 1 for the bulletin board signs permitted for places of worship, schools, and other institutional facilities – Reason: Table 1 directs the user to comply with all requirements of Table 1, the Design Guidelines, and Chapter 243. Section 243-7E adequately covers the requirements for these bulletin board signs;

No. 35 – Table 1 requires that freestanding signs be attractively landscaped and specific standards would be beneficial so that applicants will know what is expected of them – Reason: The ALC should review each application separately as each situation will vary greatly based on sign design, location, line of sight, existing landscaping, maintenance etc. Specific standards would restrict both the applicant and the ALC;

RESOLUTION NO. (377-2012) continued

No. 38 – Standards for shopping center developments and large retail establishments must be provided in Table 1 and discrepancies between Table 1, Sections 243-11F. and 243-11F.ii.(b) must be corrected – Reason: The footnote in Table 1 directs the user to review separate and additional sign requirements found within Chapter 243 for these uses;

No. 39 – Table 1 provides sign standards for signs located in the LIO/PED/M zoning districts and corresponding text must be provided in the sign ordinance – Reason: This is not necessary as Table 1 has functioned particularly well since its adoption for these zoning districts;

No. 41 – Wall signs are not permitted to exceed 75% of business frontage and it should be stated that if a wall sign complies with square footage permitted, but is larger than the 75% of the business frontage, that whichever standard is more restrictive applies – Reason: This is not necessary as a fundamental tenet of zoning is compliance with all rules and regulations.

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by K. Luke Kalarickal, PE, LS, Director of the Department of Environmental Control, acting as agent to the Town Board as lead agency, it is hereby determined that the proposed amendments are an Unlisted Action under the provisions of SEQRA and shall not have any significant impact on the environment, and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

FURTHER RESOLVED, that Local Law No. 3 – 2012 entitled:

"A LOCAL LAW AMENDING CHAPTER 243 (SIGNS) OF THE CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by a majority plus one 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 . . . . . Absent
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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

RESOLUTION NO. (378-2012)

Co. Hoehmann offered and Co. Lasker seconded

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (379-2012)

Co. Hausner offered and Co. Hoehmann seconded

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

BID#37-2012 – LAKE NANUET PARK SEWER RELOCATION

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 . . . . . Absent
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (380-2012)

Co. Hausner offered and Co. Hoehmann seconded

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

BID#38-2012 – PAPER AND PLASTICS

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 . . . . . Absent
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (381-2012)

Co. Lasker offered and Co. Hausner seconded

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

BID # 9-2012 – SEWER REHAB – FORCE MAINS AND GRAVITY SEWERS

RESOLUTION (381-2012) continued

is hereby awarded to: CAL MART ENTERPRISES, INC.  
 4 BURTS ROAD  
 CONGERS, NY 10920

PRINCIPAL: CARL V. WORTENDYKE  
 MARTIN C. WORTENDYKE  
 PETER T. WORTENDYKE

as per their proposed total project cost not to exceed \$1,198,911.00 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
- 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

FURTHER RESOLVED, that this emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-9, and be it

FURTHER RESOLVED, that this project shall be funded through proceeds from an inter-municipal agreement with the Rockland County Sewer District #1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (382-2012)  
 Co. Lasker offered and Co. Hausner seconded

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

BID # 27-2012 – SQUADRON BOULEVARD CONCRETE CURB AND SIDEWALK REPLACEMENT

RESOLUTION NO. (382-2012) continued

is hereby awarded to:            BELLAVISTA CONSTRUCTION CORP  
    P.O. BOX 978  
    SUFFERN, NY 10901

                 PRINCIPAL:        JOSE SILVA  
    MARLENE SILVA

as per their proposed total project cost not to exceed \$10,505.00 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-8765-400-409-0-88-19, 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 . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (383-2012)  
 Co. Lasker offered and Co. Hausner seconded

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

BID # 28-2012 – SQUADRON BOULEVARD ASPHALT RESURFACING

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

                 PRINCIPAL:        JOHN T. COONEY, JR.

as per their proposed total project cost not to exceed \$128,090.00 plus 15% contingency and be it

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

RESOLUTION NO. (383-2012) continued

- 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-8765-400-409-0-88-19, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds with an anticipated partial reimbursement in the amount of \$75,000.00 by way of a Community Development Block Grant Program

On roll call the vote was as follows:

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

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RESOLUTION NO. (384-2012)

Co. Lasker 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 # 30-2012 – WINDGATE DRIVE/PARAMOUNT C.C. DRAINAGE IMPROVEMENTS

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

as per their proposed total project cost not to exceed \$59,900.00 plus add alternate of \$9,800.00 for a total of \$69,700.00 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

RESOLUTION NO. (384-2012) continued

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-8765-400-409-0-88-17, 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 . . . . . Absent
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (385-2012)

Co. Lasker 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 # 32-2012 – DEMAREST MILL STREAM WALL REPAIR

is hereby awarded to:       GIRLS GONE GREEN LLC  
   617 N. BROADWAY  
   UPPER NYACK, NY 10960

PRINCIPAL:                   JENNIFER CHAITIN

as per their proposed total project cost not to exceed \$48,975.00 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-8765-400-409-0-88-18, and be it

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

RESOLUTION NO. (385-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (386-2012)

Co. Lasker offered and Co. Hausner seconded

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

BID # 34-2012 –PAINTING AND SANDBLASTING OF LAKE NANUET POOL FLOOR

is hereby awarded to: RAY PALMER ASSOCIATES, INC.  
 95 KING STREET  
 DOVER, NJ 07801

PRINCIPAL: JEFFREY A. LANDRY  
 ANDREW PLATT

as per their proposed total project cost not to exceed \$247,750.00 plus 10% 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
- 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

FURTHER RESOLVED, that this emergency project shall be under the supervision of the Superintendent of Recreation and Parks, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-87-1, and be it

On roll call the vote was as follows:

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

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RESOLUTION NO. (387-2012)  
Co. Lasker offered and Co. Hausner seconded

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

BID # 36-2009 –OLD HAVERSTRAW ROAD CULVERT REPLACEMENT

is hereby awarded to:           GIRLS GONE GREEN LLC  
  617 N. BROADWAY  
  UPPER NYACK, NY 10960  
PRINCIPAL:                    JENNIFER CHAITIN

as per their proposed total project cost not to exceed 236,321.00 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
- 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

FURTHER RESOLVED, that this emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-2, 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 . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (388-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a segment of a town road for a period of two (2) years, beginning August 22, 2012 to August 22, 2014 as follows:

Sponsor: John Wall, Insurance & Bonding  
20 Demarest Avenue  
West Nyack, NY 10994

Road: 0.2 mile segment of West Nyack Road from #440 to Demarest Avenue, West Nyack and .44 mile segment of Demarest Avenue from West Nyack Road to Strawtown Road, West Nyack

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that John Wall, Insurance & Bonding will perform a public service in removing trash from above roadway which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning August 22, 2012 to August 22, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by John Wall, Insurance & Bonding to remove trash from the roadway.

On roll call the vote was as follows:

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

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RESOLUTION NO. (389-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, continuing from September 10, 2012 to September 10, 2014, as follows:

Sponsor: Danny Clapp Landscaping, Inc.  
PO Box 222  
West Nyack, NY 10994

RESOLUTION NO. (389-2012) continued

Road: 1.57 mile segment of Brewery Road, New City from intersection of Congers Road, New City to intersection of Strawtown Road, New City;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Danny Clapp Landscaping, Inc. will continue to perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from September 10, 2012 to September 10, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by Danny Clapp Landscaping, Inc. to remove trash from the roadway.

On roll call the vote was as follows:

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

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RESOLUTION NO. (390-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, continuing from September 10, 2012 to September 10, 2014, as follows:

Sponsor: The Salvation Army  
440 West Nyack Road  
West Nyack, NY 10994

Road: .46 mile segment of West Nyack Road, West Nyack from driveway at 440 West Nyack Road to the intersection of Route 304, West Nyack;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that The Salvation Army will continue to perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from September 10, 2012 to September 10, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by The Salvation Army to remove trash from the roadway.

RESOLUTION NO. (390-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (391-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of one (1) year, continuing from September 25, 2012 to September 25, 2013, as follows:

Sponsor:           Tilcon New York Inc.  
                           162 Old Mill Road  
                           West Nyack, NY 10994

Roads:             .4 mile segment of Old Mill Road, from  
                           Tilcon's Driveway to Snake Hill Road Bridge,  
                           and  
                           .8 mile segment of Crusher Road beginning at  
                           bridge over West Shore Railroad to corner of  
                           Casper Hill Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Tilcon New York, Inc. will continue to perform a public service in removing trash from above roadways that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of one (1) year continuing from September 25, 2012 to September 25, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Tilcon New York Inc. to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (392-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the County of Rockland, pursuant to the Cooperation Agreement between the Town of Clarkstown and the County of Rockland, applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended, Public Law 93-383 and Program Year 2012;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2012 Community Development Block Grant Program funds to the Town of Clarkstown with regard to audible pedestrian signals and detectors: tactile arrows and locator tones at Cavalry Drive and North Main Street, New City (\$30,000) and transport vehicle to transport senior citizens (\$25,000) in an amount not to exceed \$55,000.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (393-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Squadron VCD, LLC. v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, and The Clarkstown Central School District , Index No(s). 7628/10 and 31311/11, affecting parcel designated as Tax Map 43.7-1-21 and more commonly known as 20 Squadron Boulevard, New City, New York for the year(s) 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.7-1-21 be reduced for the year(s) 2010/11 from \$2,753,100 to \$2,560,400 at a cost to the Town of \$4,545.02;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.7-1-21 be reduced for the year(s) 2011/12 from \$2,753,100 to \$2,312,600 at a cost to the Town of \$10,838.16;
3. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 43.7-1-21, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

RESOLUTION NO. (393-2012) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (394-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, SIK REAL ESTATE LLC., has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 58.10-2-17, and more commonly known as 445 Route 304, Bardonia, New York, for the year(s) 2010/11 and 2011/12, and

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

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,500; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (395-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a resident of Norwood Place, Nanuet, in the Town of Clarkstown has requested that street lighting be installed 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 provide electric facilities on pole #58956/39618 ;

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

Between house # 15 and #17 Norwood Place, Nanuet  
 (Install one (1) each - 5,800 lumen 70 watt sodium vapor street light

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment will be at \$12.42 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

RESOLUTION NO. (395-2012) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (396-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Barry D. Haberman, Esq., attorney for Hibachi Factory, Inc., has advised the Town by letter dated August 13, 2012, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that hibachi Factory, Inc. has applied for an on-premises liquor license at the Palisades Mall, 4532 Palisades Center Drive, West Nyack, New York, and

WHEREAS, to expedite processing said corporation’s license application, Barry Haberman has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Hibachi Factory, Inc. for a license at premises located at the 4532 Palisades Center Drive, West Nyack, New York.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (397-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Comprehensive Plan Implementation Special Board has drafted proposed commercial design standards and guidelines which provide standards and guidelines to meet the Town’s expectations with regard to future development and redevelopment of commercial properties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the proposed commercial design standards and guidelines prepared by the Special Board to the Clarkstown Planning Board and the Architecture and Landscape Commission for their review and comment.

On roll call the vote was as follows:

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

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RESOLUTION NO. (398-2012)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the resignation of Msgr. Edward J. Weber, 128 Parrott Road, West Nyack, New York – Member – Board of Ethics – is hereby accepted – effective and retroactive to July 31, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (399-2012)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that Fr. William Cosgrove, St. Augustine Church, 140 Maple Avenue, New City, New York – is hereby appointed to the position of Member – Board of Ethics – at the current 2012 annual salary of 2,225., term effective and retroactive to August 1, 2012 to July 31, 2017.

On roll call the vote was as follows:

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

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RESOLUTION NO. (400-2012)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the resignation of Sylvester Almiron, Jr. 296 Brewery Road, New City, New York – Member – Parks Board and Recreation Board - is hereby accepted – effective and retroactive to July 31, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (401-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12043 Coordinator, Dispatch-Related Services - which contains the name of Richard Cummings,

NOW, therefore, be it

RESOLVED, that Richard Cummings, 69 Montgomery Street, Goshen, New York – is hereby appointed to the (promotional) (permanent) position of Coordinator, Dispatch-Related – Services Clarkstown Police Records Department – at the current annual salary 96,300., - effective and retroactive to July 20, 2012.

RESOLUTION NO. (401-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (402-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12050 Senior Purchasing Clerk Typist - which contains the name of Racquel Guzman, NOW, therefore, be it

RESOLVED, that Racquel Guzman, 85 Grand Avenue, 1<sup>st</sup> Floor, Pearl River, New York – is hereby appointed to the (promotional) (permanent) position of Senior Purchasing Clerk Typist – Purchasing Department – at the current annual salary of \$60,984., effective August 21, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (403-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town Board, by Resolution No. 337-2009, adopted on June 16, 2009, as amended by Resolution Nos. 584-2009 and 534-2011, adopted November 24, 2009 and October 4, 2011, respectively, authorized an agreement with the H2M Group, to provide engineering services for Task 1, the investigative phase, and Task 2, the design phase of the project concerning the site improvements/communications shelter at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and

WHEREAS, H2M has submitted a proposal dated August 10, 2012 that provides for additional construction oversight services in connection with Task 1 due to the construction period being extended to September 1, 2012 because of unanticipated delays in completing the project, which the Town Attorney has reviewed and found to be reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 534-2011, by authorizing the H2M Group to perform additional engineering services for the project pursuant to its proposal dated August 10, 2012, for an additional cost not to exceed \$16,100.00, and be it

FURTHER RESOLVED, that such charge shall constitute a proper charge to Account No. H 8754-409-0-78-41, and shall be partially reimbursed by Orange & Rockland Utilities and the County of Rockland.

On roll call the vote was as follows:

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

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RESOLUTION NO. (404-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has retained the services of H2M Group - Holzmacher, McLendon & Murrell, PC, for a feasibility study regarding the installation of solar panels at the closed Clarkstown Landfill; and

WHEREAS, the study recommended to construct two (2) megawatt solar panel field on 8.5 acres of the closed Clarkstown Landfill;

NOW, THEREFORE, BE IT RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Clarkstown determines that it shall act as lead agency; and

BE IT FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board of the Town of Clarkstown with respect to State Environmental Quality Review Act for the installation of said solar panel field at the closed Clarkstown Landfill, and

BE IT FURTHER RESOLVED, that the Director of the Department of Environmental Control shall prepare and distribute an EAF and lead agency declaration in accordance with the provisions of SEQRA.

On roll call the vote was as follows:

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

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RESOLUTION NO. (405-2012)

Co. Hoehmann offered and Co. Hausner seconded

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

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

WHEREAS, by Resolution No. 673-2011, adopted December 29, 2011, the Town entered into an agreement with H2M Group to provide additional services for construction observation to conduct specialty inspections required by the NYS Building Code, and

WHEREAS, due to the default of the original contractor, the project has required an additional four (4) month construction period, and

WHEREAS, it is determined that additional construction administration/observation services will be necessary during this additional construction period and H2M Group submitted a proposal, dated August 8, 2012, for construction administration/observation services, and

WHEREAS, the Public Works Administrator has deemed the proposal reasonable in terms of scope and price and recommends that the Town accept said proposal;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the fee for said services shall not exceed \$19,000.00 without further authorization from the Town Board, and shall constitute a proper charge to Account No. H 8760-409-0-84-25, and be it

RESOLUTION NO. (405-2012) continued

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (406-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town Board received a feasibility study from H2M Group regarding the installation of solar panels at the Clarkstown Landfill (the "Project") and now wishes to proceed with the Project, and

WHEREAS, the Town is also in the process of securing funding for the Project with no out of pocket cost to the Town, and

WEHREAS, the Town Board has received a proposal from H2M Group, dated August 16, 2012, to provide professional engineering services to the Town of Clarkstown in connection with the Project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to retain H2M Group, 254 South Main Street, Suite 400, New City, New York, to prepare a work plan and review and coordinate the work for the Project, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$51,800.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Capital Account No. H 8765-409-88-15.

On roll call the vote was as follows:

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

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RESOLUTION NO. (407-2012)

Co. Lasker offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE DEMAREST MILL STREAM WALL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$50,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$50,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

## RESOLUTION NO. (407-2012) continued

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 Demarest Mill Stream wall. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$50,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$50,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$50,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) 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 not 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,

RESOLUTION NO. (407-2012) continued

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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

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On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (408-2012)

Co. Lasker offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING THE CONSTRUCTION OF CURB AND SIDEWALK IMPROVEMENTS ON SQUADRON BOULEVARD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$11,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$11,000 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 curb and sidewalk improvements on Squadron Boulevard. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$11,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$11,000 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 \$11,000 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. 24 of the Law, is ten (10) years.

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

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. 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 August 21, 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 August 21, 2012, authorizing the construction of curb and sidewalk improvements on Squadron Boulevard, stating the estimated maximum cost thereof is \$11,000, appropriating said amount for such purpose, and authorizing the issuance of \$11,000 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 curb and sidewalk improvements on Squadron Boulevard; STATING the estimated maximum cost thereof,

including preliminary costs, and costs incidental thereto and the financing thereof, is \$11,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$11,000 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 \$11,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$11,000 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.

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 . . . . . Absent  
Co. Hoehmann. . . . . Yes  
Co. Hausner. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (409-2012)  
Co. Lasker offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,  
NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING  
THE RESURFACING OF SQUADRON BOULEVARD,  
STATING THE ESTIMATED MAXIMUM COST THEREOF IS  
\$130,000, APPROPRIATING SAID AMOUNT FOR SUCH  
PURPOSE, AND AUTHORIZING THE ISSUANCE OF  
\$130,000 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 resurface Squadron Boulevard. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$130,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$130,000 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 \$130,000 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. 20(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. 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.

## RESOLUTION NO. (409-2012) 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 August 21, 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 August 21, 2012, authorizing the resurfacing of Squadron Boulevard, stating the estimated maximum cost thereof is \$130,000, appropriating said amount for such purpose, and authorizing the issuance of \$130,000 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 resurface Squadron Boulevard; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$130,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$130,000 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 \$130,000 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 \$130,000 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.

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.

RESOLUTION NO. (409-2012) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Absent  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (410-2012)

Co. Lasker offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,  
 NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING  
 THE REPLACEMENT OF CULVERTS ON OLD  
 HAVERSTRAW ROAD, STATING THE ESTIMATED  
 MAXIMUM COST THEREOF IS \$240,000, APPROPRIATING  
 SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING  
 THE ISSUANCE OF \$240,000 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 replace culverts on Old Haverstraw Road.  
 The estimated maximum cost thereof, including preliminary costs and costs incidental thereto  
 and the financing thereof, is \$240,000 and said amount is hereby appropriated for such purpose.  
 The plan of financing includes the issuance of \$240,000 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 \$240,000 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.

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

## RESOLUTION NO. (410-2012) continued

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 August 21, 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 August 21, 2012, authorizing the replacement of culverts on Old Haverstraw Road, stating the estimated maximum cost thereof is \$240,000, appropriating said amount for such purpose, and authorizing the issuance of \$240,000 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 replace culverts on Old Haverstraw Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$240,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$240,000 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;

RESOLUTION NO. (410-2012) continued

SECOND: AUTHORIZING the issuance of \$240,000 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 \$240,000 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.

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 . . . . . Absent  
Co. Hoehmann. . . . . Yes  
Co. Hausner. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (411-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Ronald Weiss v. The Board of Assessors and/or The Assessor of The Town of Clarkstown and The Board of Assessment Review, and The Clarkstown Central School District, Index No(s). 7637/10 and 31248/11, affecting parcel designated as Tax Map 59.18-1-11 and more commonly known as 250 North Route 303, West Nyack, New York for the year(s) 2010 and 2011, and

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

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

RESOLUTION NO. (411-2012) continued

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-11 be reduced for the year(s) 2010/11 from \$1,449,800 to \$1,372,700 at a cost to the Town of \$1,818.48;

2 The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-11 be reduced for the year(s) 2011/12 from \$1,449,800 to \$1,329,100 at a cost to the Town of \$2,969.73;

3. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 59.18-1-11, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (412-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Code and Zoning Enforcement Officer has advised the Town Board that the premises located at 159 Massachusetts Avenue, Congers, New York (Tax Map designation 52.8-3-59 fka 139-A-19.4) has become, by reason of failure to maintain property and failure to provide landscaping maintenance, an attractive nuisance and a threat to the health and welfare of the community, and

WHEREAS, the Code and Zoning Enforcement Officer has duly issued Violation # 12-436 dated May 14, 2012 to the record property owner to cure said violation with specific Orders for remedy, and

WHEREAS, said Violation and Orders have been ignored, and

WHEREAS, a Second Notice dated August 3, 2012 was issued and posted and also elicited nonresponsiveness by the resident owner;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 216 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises is unsafe and dangerous and said violations must be removed in accordance with the Orders of the Code and Zoning Enforcement Officer subject to further determination after the public hearing as herein provided, and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned Marlene Hayden, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 2<sup>nd</sup> day of October 2012, at 8:00 P.M., or as soon thereafter as possible, and that service of Notice as required by Section 216-8 of the Town Code is made, at which time the property owner and all persons in interest shall be heard.

RESOLUTION NO. (412-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (413-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the following vacant positions at the Highway Department – are hereby abolished effective and retroactive to August 20, 2012.

Assistant Maintenance Mechanic	#500869
Automotive Mechanic I & Body Repairer	#500250
Automotive Mechanic I & Body Repairer	#500254
Automotive Mechanic I & Body Repairer	#500861
Automotive Mechanic I & Body Repairer	#500862
Senior Storekeeper (Automotive)	#501056

On roll call the vote was as follows:

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

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RESOLUTION NO. (414-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Rockland County Industrial Development Agency (“RCIDA”) is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

WHEREAS, the “RCIDA” has undertaken a project consisting of the renovation of an existing building and the acquisition and installation thereto of certain machinery and equipment related thereto, all to be used for a manufacturing, warehousing, and distribution facility and administrative offices located at 169 Route 303, Valley Cottage, New York, and

WHEREAS, to facilitate the Project, the Agency has entered into a “straight lease transaction” pursuant to the Agency’s uniform tax exemption policy by which the Agency has acquired a leasehold interest in the Project Realty under a Head Lease and the Agency has leased back to 169 Route 303, LLC, as Lessee, the Agency’s interest in the Project (the “Lease Agreement”); and

WHEREAS, Lessee is a limited liability company formed for the purposes of acting, among other things, as an entity to hold the Project Realty as lessee to the Agency’s interest in the Project; and

WHEREAS, Lessee has simultaneously entered into three (3) separate sublease agreements with Curti’s Landscaping, Inc. (“Curti’s), William S. Curti, Inc. (“WSC”) and Curti & Associates, Ltd. (“Associates”), respectively, whereby Curti’s, WSC and Associates (collectively, the “Sublessee”), shall lease from Lessee some of Lessee’s interest in the Project; and

RESOLUTION NO. (414-2012) continued

WHEREAS, the proposed agreement provides for the payment in lieu of taxes using as a basis the assessed value of \$275,200 plus a percentage increase of 10% per year for ten (10) years on the anticipated value of the improvements to be constructed (\$163,800) on the Project Realty; and

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a “payment in lieu of taxes agreement” (a PILOT Agreement) to be executed by all parties; NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with 169 ROUTE 303 LLC, CURTI’S LANDSCAPING, INC., WILLIAM S. CURTI, INC., CURTI & ASSOCIATES, LTD., THE NYACK UNION FREE SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, and THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 52.19-1-5, and located at 169 Route 303, Valley Cottage, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (415-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision/site plan known as Eden Park (64.07-1-8), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes and a bus shelter and sidewalk easement along West Nyack Road, West Nyack, New York, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyances; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, deed and bus shelter and sidewalk easement, dated November 30, 2009, from Eden Park Homes, LLC to the Town of Clarkstown, are hereby accepted and ordered recorded in the Rockland County Clerk’s Office at the expense of the grantor.

On roll call the vote was as follows:

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

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RESOLUTION NO. (416-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town has received \$617.12 from D.A.R.E donations,  
NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Expense Account A-3230-404-0 (D.A.R.E.-Travel Expenses) by \$617.12 and

WHEREAS, various accounts need additional funding,  
NOW THEREFORE, be it

RESOLVED, to decrease Account A-7140-379-0 (Parks & Playgrounds-Signs & Posts) and increase Account A-7180-380-0 (Swimming Facilities-Paint Supplies) by 19.64, and be it

FURTHER RESOLVED, to decrease A-7210-407-0 (Refreshment Stands-Equipment Repairs) and increase A-7210-306-0 (Refreshment Stands-Maintenance Supplies) by \$160, and be it

FURTHER RESOLVED, to decrease A-8511-319-0 (Community Beautification-Misc Supplies) and increase A-8511-409-0 (Community Beautification-Fees for Services) by \$2,250, and be it

FURTHER RESOLVED, to decrease A-1315-313-0 (Comptroller's-Office Supplies & Printing) and increase A-1315-219-0 (Comptroller's-Miscellaneous Equipment) by \$199, and be it

FURTHER RESOLVED, to decrease A-3989-438-0 (Emergency Operations-Maintenance Agreements) and increase A-3989-319-0 (Emergency Operations-Miscellaneous Supplies) by \$7,000, and be it

FURTHER RESOLVED, to decrease A-3120-409-0 (Police-Fees for Services) and increase A-3120-328-0 (Police-Books & Publications) by \$3,567.75, and be it

FURTHER RESOLVED, to decrease A-1990-505-0 (Contingency-Other Costs) and increase A-3120-409-0 (Police-Fees for Services) by \$13,000, and be it

FURTHER RESOLVED, to decrease A-3260-219-0 (Special Investigations-Miscellaneous Equipment) by \$600 and A-3260-230-0 (Special Investigations-Communication Equipment) by \$265 and increase A-3260-414-0 (Special Investigations-Conferences & Schools) by \$865.

On roll call the vote was as follows:

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

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RESOLUTION NO. (417-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, HDR Engineering, Inc., currently provides environmental operation and maintenance services at the Clarkstown Sanitary Landfill, and

WHEREAS, the current contract between HDR Engineering, Inc. and the Town of Clarkstown expires June 31, 2012, and

WHEREAS, HDR Engineering, Inc. has submitted a proposal dated 5/11/11 for an extension of the current contract through June 2016, and

WHEREAS, the proposal provides for a three percent (3%) increase per year for each successive year of the contract, and

WHEREAS, the Deputy Director of Operations for the Department of Environmental Control has reviewed the proposal and finds it to be acceptable.

RESOLUTION NO. (417-2012) continued

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Deputy Director of Operations, Department of Environmental Control, that the current contract between the Town of Clarkstown and HDR Engineering, Inc., be extended to June 30, 2016, and

BE IT FURTHER RESOLVED, that the total cost for operation and maintenance engineering services shall be as follows and shall be a proper charge to account SR 8160 409.

August 1, 2012 through June 30, 201	\$68,292.00
July 1, 2013 through June 30, 2014	\$70,341.00
July, 2014 through June 30, 2015	\$72,456.00
July 1, 2015 through June 30, 2016	\$74,628.00

On roll call the vote was as follows:

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

RESOLUTION NO. (418-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, as a result of certain litigation brought against the Town of Clarkstown by various wireless telecommunications carriers (New York SMSA Ltd. Partnership d/b/a Verizon Wireless et. al. v. The Town of Clarkstown, 07-CIV-7637), the Town of Clarkstown is required to make certain amendments to its Wireless Communications Facilities Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, shall be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on October 2, 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, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred 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

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 HDR/LMS, the Town’s consultant, 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 . . . . . Absent
- Co. Hoehmann. . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (419-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town Board formed a task force to conduct a Comprehensive Watershed Study (“Drainage Study”)for the Hackensack River Drainage Basin necessitated by the frequent and severe flooding which occurs in the West Nyack region, and

WHEREAS, the Town Board has received a proposal from H2M Group, dated August 15, 2012, to provide professional engineering services to the Town of Clarkstown in connection with the Drainage Study, and

WHEREAS, Dennis Letson, P.E., First Deputy Director of the Department of Environmental Control, has reviewed said proposal and finds it acceptable is both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to retain H2M Group, 254 South Main Street, Suite 400, New City, New York, to assist the Town and the Task Force as outlined in Task 1 of their proposal on an as needed basis during the consultant selection and Drainage Study preparation period, and be it

FURTHER RESOLVED, that the fees for said services shall not exceed \$65,000.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Capital Account No. H 7186-409-0-59-1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (420-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, pursuant to Resolution No. 238-2012 dated May 15, 2012, the Town Board selected a qualified contractor to pursue funding and install solar panels at the Clarkstown Landfill, and

WHEREAS, the Town wishes to execute a Letter of Intent with Solarcity Corporation as a basis for further discussions and negotiations in order to reach definitive agreements for the sale of power under a power purchase agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Letter of Intent with Solarcity Corporation, in a form approved by the Town Attorney, as a basis for discussions and negotiations for funding and installation of solar panels at the Clarkstown Landfill.

On roll call the vote was as follows:

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

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RESOLUTION NO. (421-2012)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, pursuant to Resolution No. 433-2010 adopted by the Town Board on August 24, 2010, the Normandy Village Company gratuitously conveyed Unit 8 in Building 20 in Normandy Village Section II to the Town of Clarkstown for rental of the unit to an emergency services volunteer, and

WHEREAS, pursuant to Resolution No. 155-2012 adopted by the Town Board on March 20, 2012, the Town Board authorized the Supervisor to enter into an agreement with the Rockland Housing Action Coalition, Inc. (RHAC), to market and assist with rental of the unit, and

WHEREAS, RHAC has informed the Town Attorney that Craig Simon, a volunteer with the Nanuet Fire Engine Company, has met the criteria established for rental of the unit;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a lease agreement, in a form approved by the Town Attorney, for Unit 8 in Building 20 at Normandy Village Section II with Craig Simon for a period of one (1) year with an additional year option in the amount of \$650.00 per month, plus any increase in common charges or any special assessments, for the first year as well as the additional option year, along with a security deposit equal to one (1) month's rent.

On roll call the vote was as follows:

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

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RESOLUTION NO. (422-2012)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and

WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the Nyack School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to enter into an agreement with the Nyack School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2012-2013 school year, and be it

FURTHER RESOLVED, that the Nyack Central School District shall pay \$2,420 for each child duly enrolled in the Universal Pre-Kindergarten Program.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (423-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and

WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the East Ramapo Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the East Ramapo Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2012-2013 school year, and be it

FURTHER RESOLVED, that the East Ramapo Central School District shall pay \$2655 for each child duly enrolled in the Universal Pre-Kindergarten Program.

On roll call the vote was as follows:

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

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RESOLUTION NO. (424-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and

WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the Clarkstown Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to enter into an agreement with the Clarkstown Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2012-2013 school year, and be it

FURTHER RESOLVED, that the Clarkstown Central School District shall pay \$2,350 for each child duly enrolled in the Universal Pre-Kindergarten Program.

On roll call the vote was as follows:

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

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The meeting was opened for general public comment.

Jim Finn, West Nyack

He stated that the Town of Clarkstown should be proud that we are #37 and he thanked the police for the excellent job they are doing. He asked what is being done with Street School, he believed the building is falling apart and needs a new heating system.

Richard Sena, Bardonia

He asked what responsibilities were assumed by the Town Board as a result of the Police Commission being abolished.

Lynn Teger, Haverstraw.

She spoke regarding the resolution that the Town has with the International Council for Local Environmental Initiatives (ICLEI) and presented the Board with access to an internet website that explains this information further.

Ralph Sabatini, New City

He addressed Co. Hausner and Co. Lasker about an article in The County Times regarding an alleged meeting.

Amy Durbin, New City.

She addressed Justin Sweet as to his attendance at above mentioned meeting.

Steve Levine, Congers

He spoke about a problem he experienced trying to review a Planning Board file. He spoke about the Goldberg property and how the Town needs to bring this case forward. He spoke about fill material that should be tested on Massachusetts Avenue.

Guy Gervasi, West Nyack.

He had questions about the above mentioned meeting and he criticized the hiring of Mr. Sparaco.

Mike Hirsch – New City.

He asked the Supervisor to reconcile his statement that politics is a noble profession against the article in the Rockland County Times about above mentioned meeting and asked how the Board defines “noble”.

Joe Ciardullo, New City

He spoke about the Rockland County Times article on the alleged illegal meeting and asked the Board to explain the purpose of this meeting.

Marge Hook, New City

She spoke about the Animal Fighting Spectator Prohibition Act which would prohibit knowing attendance at organized animal fights and would impose additional penalties for having a minor attend such an event. She stated that spectators provide much of the profit associated with this criminal activity. She asked people to add their names to a petition by going to the Humane Society’s website or calling (202-675-2314). She also encouraged people to contact Nita Lowey, Chuck Schumer and Kristen Gillibrand and let them know you want to end this practice.

Tom Nimick, New City

He had questions regarding the hiring of the new tax Certiorari attorney. According to documentation he received under FOIL, he stated there had been discussion with Mr. Savino before other firms were solicited. He asked for an explanation of why and asked the Board to lay out the sequence of events for the actual process of the hiring Mr. Savino’s firm.

Diane Holland, West Nyack

She spoke about the Town’s membership in ICLEI and why she felt the accessory dwelling housing units are a part of the UN Agenda 21 goal to reduce single family housing.

Kevin Hobbs, New City

He submitted a series of questions to the Board regarding the Town’s finances. He asked the Supervisor to discuss the budget deficit in the Town’s audited financial statement from the year ending 2011. He suggested Mr. Lettre should attend Town Board meetings.

Supervisor Gromack agreed that work needs to be done at Street Community Center and stated the plans for renovations are close to being finished.

Regarding the duties and responsibilities of the Town Board acting as the Police Commission, they are outlined in the law and the Town Attorney stated she would be happy to provide a response in writing.

Regarding Agenda 21, the Supervisor stated that participating and getting information from organizations does not tie you to any certain philosophy or any procedures. It is helpful to gather information from these organizations to get periodicals and updates about the environment. Co. Lasker reiterated that Agenda 21 has to do with cities around the globe networking and sharing educational resources about how to create sustainable communities so that we can have a better environment and address concerns of climate change.

Regarding the discussion about "secret" meetings with political parties, the Supervisor stated that he takes objection to anyone stating these are illegal meetings. Parties are allowed to have meetings outside of public buildings. It is certainly legal for elected officials to get together and discuss strategies. He stated remarks about Mr. Lettre bordered on slander and takes strong objections to connotations about those types of meetings.

The Town Attorney stated she would look into Mr. Levine's complaints.

Co. Hausner reiterated Mr. Gromack's statement that as individuals they can attend any meetings they want. She stated that the Rockland County Times article was sensational. She denied being asked to recruit members to the Conservative Party. She believes that politics is a noble profession. Public service is good and helping our community become one of the top places to live is a noble thing.

Co. Lasker stated that she objects to the fact that the article in the County Times was from an anonymous source. She was not physically at the meeting but she listened in by phone for a short while. There was nothing illegal about the meeting. The paper should be accurate and their source should be named.

Supervisor Gromack stated that as far as his definition of noble, he got into politics as a way to give back to the community, he is proud of the service that he and the Town Board have provided to the Town and is proud of his other political positions in the Legislature and the Assembly. He recounted many of the accomplishments in the Town under this Town Board.

As far as Mr. Nimick's comments, he stated that the questions about Mr. Savino have been answered. He thanked Mr. Hobbs for his submission and stated he would give it to the Comptroller so they could get back with an answer for him.

Co. Hoehmann stated that he is proud of his work on the Town Board. He addressed the issue of civility and feels there is an atmosphere of distrust and character assassination lurking out in the public. If you want to try and question peoples' motives or cast aspersions on peoples' character it should not be done in public.

Co. Lasker stated that it does not serve anyone's best interest to paint everyone with the same brush. She talked about her years in public service as a teacher and politician and how she did it because she wanted to make a difference.

On motion of Co. Hausner seconded by Co. Hoehmann the Town Board adjourned into Executive Session to discuss pending litigation dealing with the tax certiorari case of the Palisades Mall. On motion of Co. Hausner seconded by Co. Hoehmann the Town Board returned from Executive Session.

On motion of Co. Hoehmann seconded by Co. Hausner the Town Board meeting was closed in memory of Marie Cary, mother of legislator Chris Carey and wife of the late Clarkstown Councilman William Carey, time: 10:45 pm

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #1

Town Hall

8/21/12

8:15 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker,  
George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
Joanne Castaldo, Deputy Town Clerk

Absent: Co. Frank Borelli

Proposed Local Law Entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local  
Laws with Respect to Accessory Apartments.

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Deputy Town Clerk read the notice of public hearing. On motion of Co. Lasker seconded by Co. Hausner, the public hearing was declared open.

Town Attorney Mele explained that at the last Town Board Meeting there were several comments which were given to the Planning Committee and they made some recommendations. While the law is not in its final form to adopt tonight we thought we would go over the recommendations.

Town Planner Simoes read the following into the record:

The Comprehensive Plan Housing Committee met on August 1, 2012 to discuss the public comments that were made regarding the proposed Senior Accessory Apartment Local Law. The Committee prepared a list of questions and responses addressing the concerns of the public. To address some of the concerns raised, the Committee is also recommending that the Local Law be modified in the following ways:

1. The applicable zoning districts should be expanded to include the R-10 zoning district. As is the case with the R-15, R-22 and R-40 zoning district, the parcel would have to meet the minimum lot area requirements of the zoning district, in this case, 10,000 square feet. Lots of this size should be able to support an additional residential unit while having space to provide the required off-street parking. The district is also proximate to area infrastructure. Additional density should not be introduced into the R-80 and R-160 zoning districts as these are the Town's "Conservation" zones which are designed to protect environmentally sensitive areas and generally have less access to area infrastructure (i.e. Town roads, sewers, water, etc.)
2. Non-compliance with filing the annual certification or removing the accessory apartment when a homeowner no longer qualifies should come with a monetary penalty. The Committee requests that the Town Attorney's Office determine the exact amount of the fine and the form of legal enforcement.
3. The maximum number of occupants of an accessory apartment should be 2 to further limit any potential impact of the additional residential unit.

It is the Committee's understanding that the changes may require a referral to the County Planning Department under General Municipal Law Section 239. The Committee is hopeful that the Town Board would be able to act on this proposed law at their October meeting.

Supervisor Gromack opened the meeting for public comments.

Steven Levine, Congers

He stated that the proposed law should be rejected and submitted a list of reasons for his objections. (on file).

Joe Ciardullo, New City

He does not feel that this is the way to address affordable housing. The underlying problem is high taxes and if this issue was addressed the need for accessory housing would go away. He spoke about a \$750 fine issued to an illegal conversion in Valley Cottage in which a fire put out

volunteer firefighters in jeopardy. He felt that this paltry penalty was an insult to people who do the right thing.

Frank Grandel, New City

He feels this plan has no merit and should be dead on arrival. He does not feel it makes sense to ask seniors to invest money to convert their home and then be reassessed and pay higher taxes. It could take more than some have in life expectancy to make back what they spend. He also feels it could put seniors in jeopardy due to the possibility of undesirable tenants. He questioned the need for volunteer housing as it took months to find a tenant for the Normandy Village apartment that the Town has a lease agreement with. He feels that the Town can't control the illegal housing going on now and that passing any resolution for accessory housing will adversely affect property values. He lives in a single family owned area and wishes it to remain that way.

Pete Vitro, President, Little Tor Neighborhood Association

He stated that if this is to be done, it has to be done right. He expressed concerns about Code enforcement; if we are unable to do anything with the illegal conversions the Town has now, how will this be enforced?

Guy Gervasi, West Nyack

He stated that Clarkstown is built on the concept of single family housing, and this is going to allow neighborhoods to go from one family to two family homes. He expressed concern about traffic problems, overloading schools and bringing potentially undesirable people to the town.

Supervisor Gromack stated the Public Hearing will be continued to October 2. He suggested that people call the planning department with their concerns and get clarification to see if they are going to be incorporated in the law. He also addressed comments brought up about the house in Valley Cottage. This was a legal 2 family but it has certainly brought into focus a number of questions we are addressing .

On motion of Co. Hausner seconded by Co. Hoehmann the Public Hearing was continued to October 2.

There being no one further wishing to be heard, on motion of Co. Hausner seconded by Co. Hoehmann, the public hearing was closed, time: 8:45 pm.

(RESOLUTION NO. 375-2012 ADOPTED )

Respectfully submitted

Joanne Castaldo  
Deputy Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2

Town Hall

8/21/12

8:45 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker,  
George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
Joanne Castaldo, Deputy Town Clerk

Absent: Co. Frank Borelli

Proposed Local Law entitled: "Amendment to Chapter 146 (Flood Damage Prevention).

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The Deputy Town Clerk read the notice of public hearing. On motion of Co. Hoehmann seconded by Co. Lasker the public hearing was opened.

Town Attorney Mele explained that FEMA issued a letter of map revision to its flood plain map and we are adopting that revision into our Flood Damage Prevention law.

The Supervisor opened the hearing for public comments.

Bob McLouglin, Little Tor Neighborhood Association  
He inquired if this had anything to do with remediating a culvert under Schriever Lane.

The Town Attorney stated that this is basically FEMA redefining the Flood Plain elevations. She suggested he call the Supervisor's office to set up a meeting to discuss the Schriever Lane problem further.

Kevin Hobbs, New City  
He stated that this could adversely affect the value of homes that were relocated in the flood plain map. He asked why we have to revise our law just because the Federal Government revised their maps.

The Town Attorney stated that we don't make the determination of whether there should be a revision to the FEMA flood plain map. We simply identify that map revision in our local law regarding flood damage prevention so that our law is consistent with the FEMA maps.

Town Engineer, Luke Kalarical, explained that properties were being removed from the Flood Plain, not added.

There being no one further wishing to be heard, on motion of Co. Hausner seconded by Co. Lasker, the public hearing was adjourned, time: 8:55 pm.

Respectfully submitted,

Joanne Castaldo  
Deputy Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #3

Town Hall

8/21/12

8:57 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker,  
George Hoehmann & Stephanie Hausner  
Amy Mele, Town Attorney  
Joanne Castaldo, Deputy Town Clerk

Absent: Co. Frank Borelli

Proposed Local Law entitled: "Amendment to Chapter 243 (Signs)

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The Deputy Town Clerk read the notice of public hearing. On motion of Co. Lasker seconded by Co. Hausner the public hearing was opened.

Town Attorney Mele explained that this was an effort by our Building Inspector in conjunction with the Planning Department and the Architecture and Landscape Commission to bring our sign code up to date.

The Town Planner, Joe Simoes, read the Planning Board's findings and Building Inspector, Peter Beary, gave a general overview of the changes to the sign law which were primarily made to the MRS District in anticipation of the development of The Shops at Nanuet.

Town Attorney Mele explained that this was referred to the Rockland County Planning Department who came back with roughly 40 comments, the majority of which were incorporated into the new law. However, there were several that were not incorporated for reasons clearly stated in the resolution and because of this a majority plus one vote was needed to pass this.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Hausner the public hearing was closed, time: 9:05 pm.

Respectfully submitted,

Joanne Castaldo  
Deputy Town Clerk