

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/19/10

8:00 P.M.

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

Supervisor declared Town Board meeting opened. Assemblage saluted the flag.

SPECIAL PRESENTATIONS: V. James Troila, Department Commander for the State of New York American Legion and Woodglen Elementary School’s Creation Nation Imaginers

Public Hearing #1 re: Proposed Local Law entitled: “A Local Law Amending Chapter 128 – Drainage and Watercourse; Chapter 146 – Flood Damage Prevention; Chapter 149 – Garbage, Rubbish and Refuse; and Chapter 236 – Sewers, of the Code of the Town of Clarkstown.” On motion of Co. Lasker, seconded by Co. Borelli, hearing opened 8:15 P.M. On motion of Co. Hoehmann, seconded by Co. Lasker, and unanimously adopted, hearing closed 8:20 P.M. RESOLUTION NO. (535-2010)

Public Hearing #2 re: Bid No. 35-2010 – “Congers-Valley Cottage Ambulance Corps. Building Upgrade funded by the Congers-Valley Cottage Ambulance District.” On motion of Co. Hoehmann, seconded by Co. Lasker, hearing continued to November 23, 2010. RESOLUTION NO. (536-2010)

Supervisor opened the meeting to public comments regarding agenda items.

Amy Durbin- Congers
Regarding agenda items #2b & 6b, asked if the employee retiring is being replaced and how much the Pyramid Construction Company got off their taxes?

Supervisor Gromack
Regarding agenda items #2b & 6b, stated the position isn’t being filled at this time and clarified that the Pyramid Construction Company is a different business than the Pyramid Mall.

Frank Grandel- New City
Regarding agenda item #10, asked for clarification.

Amy Mele- Town Attorney
Regarding agenda item #10, explained the Waiver of the 30-day Notice Requirement for a Liquor License.

Guy Gervasi- West Nyack
Regarding agenda item #11, asked for clarification.

Amy Mele- Town Attorney
Regarding agenda item #11, stated the Side Letter of Agreement contains the limit on the amount of holiday days the police dispatchers are permitted to roll over from one year to another.

RESOLUTION NO. (535-2010)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 5 – 2010

WHEREAS, a proposed local law entitled,
“A LOCAL LAW AMENDING CHAPTER 128–DRAINAGE AND WATERCOURSE, CHAPTER 146–FLOOD DAMAGE PREVENTION, CHAPTER 149–GARBAGE, RUBBISH AND REFUSE, AND CHAPTER 236–SEWERS, OF THE CODE OF THE TOWN OF CLARKSTOWN,”
was introduced by Councilwoman Stephanie G. Hausner, at a Town Board meeting held on August 24, 2010, and WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 24, 2010, directed that a public hearing be held on October 19, 2010, 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 October 5, 2010, 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 October 8, 2010;

NOW, THEREFORE, be it
RESOLVED, that Local Law No. 5 – 2010 entitled:

“A LOCAL LAW AMENDING CHAPTER 128–DRAINAGE AND WATERCOURSE, CHAPTER 146–FLOOD DAMAGE PREVENTION, CHAPTER 149–GARBAGE, RUBBISH AND REFUSE, AND CHAPTER 236–SEWERS, 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:

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

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

RESOLUTION NO. (536-2010)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a map, plan and report for the increase and improvement of facilities of the Congers/Valley Cottage Ambulance District (herein called the "District"), consisting of the construction of a new headquarters building, including any ancillary or related work in connection therewith, has been prepared by an engineer duly licensed by the State of New York (the "Engineer"), and filed with the Town Board of the Town of Clarkstown (herein called the "Town"), in the County of Rockland, New York; and

WHEREAS, a public hearing has been duly called and held on this 19th day of October, 2010 in relation to such increase and improvement of facilities; and

WHEREAS, it has now been determined that the estimated the maximum cost of such increase and improvement of facilities is \$3,500,000 and pursuant to Section 202-b of the Town Law a further public hearing is required for the purpose of discussing the construction of the project and the expenditure of said amount; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby;

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 10 Maple Avenue, New City, New York, on the 23rd day of November, 2010 at 8:00 P.M. o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District at the estimated maximum cost of \$3,500,000 and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in "The Journal News," hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days prior to the date of such public hearing.

Exhibit A - NOTICE OF FURTHER PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Clarkstown, in the County of Rockland, State of New York, will meet at the Town Hall, 10 Maple Avenue, New City, New York, on November 23, 2010, at 8:00 P.M. o'clock P.M. (Prevailing Time), for the purpose of conducting a further public hearing in relation to the increase and improvement of facilities of Congers/Valley Cottage Ambulance District, consisting of the construction of a new headquarters building, including any ancillary or related work required in connection therewith, at the estimated maximum cost of \$3,500,000. Said public hearing shall be a continuation of the public hearing held on October 19, 2010. At said further public hearing, the Town Board will hear all persons interested in said subject matter thereof.

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

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

RESOLUTION NO. (537-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the minutes of the Town Board Meeting of October 5, 2010 is hereby accepted as submitted by the Town Clerk.

- On roll call the vote was as follows
- Co. Lasker Yes
- Co. Hausner Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (538-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that Robert Milone is hereby reappointed to the position of Member – Architecture and Landscape Commission – term effective and retroactive to October 2, 2010 and to expire on October 1, 2017 at the current 2010 annual salary of \$5,700.

- On roll call the vote was as follows
- Co. Lasker Yes
- Co. Hausner Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (539-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of –Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to September 29, 2010.

- On roll call the vote was as follows
- Co. Lasker Yes
- Co. Hausner Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (540-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN EXTENSION OF ACCESS AGREEMENT CONCERNING NEW CITY DOWNTOWN REVITALIZATION PROJECT

WHEREAS, the Town Board adopted Resolution No. 494-2009 on September 22, 2009 authorizing the Supervisor to enter into an Access Agreement to use property owned by 101 South Main Street Corp. for a staging area located at 101 South Main Street, New City, New York 10956 in connection with the New City Downtown Revitalization Project, and

WHEREAS, the Town and the owner of the property wish to extend the term of said Access Agreement;
NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an extension of the Access Agreement with 101 South Main Street Corp. from September 15, 2010 to December 31, 2010, in a form approved by the Town Attorney, for use of property located at 101 South Main Street, New City, New York as a staging area for the New City Downtown Revitalization Project, and be it

FURTHER RESOLVED, that the total cost for said extension of the Access Agreement shall not exceed \$2,800 and this shall be a proper charge to Capital Account No. H 5111-409-0-4-16.

On roll call the vote was as follows

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

RESOLUTION NO. (541-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE FOR FUNDING THE COPS 2010 TECHNOLOGY PROGRAM

WHEREAS, the Clarkstown Police Department has applied for a federal grant from the U.S. Department of Justice, Office of Community Policing (COPS 2010 Technology Program), for the purpose of upgrading and purchasing equipment necessary for the Centralized Communications Center at the Clarkstown Police Department, and WHEREAS, the Town of Clarkstown is eligible to apply for such funding in the amount of \$200,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all documents concerning the application and acceptance of a grant award of \$200,000.00 from the U.S. Department of Justice, for the purpose of purchasing equipment necessary for the Centralized Communications Center at the Clarkstown Police Department.

On roll call the vote was as follows

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

RESOLUTION NO. (542-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF NEW YORK CONCERNING A GRANT TO THE TOWN FOR THE BUCKLE UP PROGRAM

WHEREAS, Chief of Police Peter Noonan has advised that the Governor’s Traffic Safety Committee, Department of Motor Vehicles, State of New York, has awarded \$27,300.00 to the Town of Clarkstown Police Department to participate in the statewide “Buckle Up New York” campaign, for the period October 1, 2010 through September 30, 2011;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor’s Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$27,300.00 for the purpose of participating in the statewide “Buckle Up New York” campaign for the period October 1, 2010 through September 30, 2011, by the Town of Clarkstown Police Department.

On roll call the vote was as follows

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

RESOLUTION NO. (543-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN AGREEMENT WITH THE STATE OF NEW YORK GOVERNOR’S TRAFFIC SAFETY COMMITTEE OF THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT A GRANT WITH RESPECT TO THE CHILD PASSENGER SAFETY PROGRAM

RESOLUTION NO. (543-2010) continued

WHEREAS, Clarkstown Police Chief Peter Noonan, has advised that the State of New York Governor’s Traffic Safety Committee of the Department of Motor Vehicles, has awarded a grant to the Town of Clarkstown Police Department for the purpose of participating in the “Child Passenger Safety Program” for the period from October 1, 2010 through September 30, 2011, and

WHEREAS, the State shall provide \$8,750 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Peter Noonan, the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor’s Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$8,750.00 for the purpose of participating in the “Child Passenger Safety Program” for the period October 1, 2010 through September 30, 2011, by the Town of Clarkstown Police Department.

On roll call the vote was as follows

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

RESOLUTION NO. (544-2010)

Co. Hausner offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A GRANT FROM THE STATE OF NEW YORK GOVERNOR’S TRAFFIC SAFETY COMMITTEE, DEPARTMENT OF MOTOR VEHICLES, REGARDING SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

WHEREAS, Clarkstown Police Chief Peter Noonan has advised that the State of New York Governor’s Traffic Safety Committee of the Department of Motor Vehicles, has approved a grant application from the Clarkstown Police Department (STEP-2011 Clarkstown PD-00302-(044), for the purpose of participating in the “Selective Traffic Enforcement Program (STEP)” for the period from October 1, 2010 through September 30, 2011, and

WHEREAS, the State shall provide \$17,010.00 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief Peter Noonan, the Town Board hereby authorizes the acceptance of a grant award in the amount of \$17,010.00 from the State of New York, Governor’s Traffic Safety Committee, Department of Motor Vehicles, on behalf of the Clarkstown Police Department, for the purpose of participating in the “Selective Traffic Enforcement Program (STEP)” for the period from October 1, 2010 through September 30, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (545-2010)

Co. Hoehmann offered and Co. Borelli seconded

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

BID #45-2010 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (546-2010)

Co. Hoehmann offered and Co. Borelli seconded

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

BID#46-2010 – PHILLIPS HILL ROAD CULVERT REPLACEMENT PROJECT

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 Clarkstown Department of Environmental Control upon payment of the prescribed fee.

On roll call the vote was as follows

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

RESOLUTION NO. (547-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
BID#47-2010 – CHLORINE TANK REPLACEMENT – LAKE NANUET
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 Clarkstown Authorized Purchasing Agent upon payment of the prescribed fee.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (548-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (SUPER VALUE, INC. - 57.65.1-11)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Super Value, Inc. v. The Assessor(s) of the Town of Clarkstown and the Town of Clarkstown, Index No(s). 3991/00; 4433/01; 4767/02; 4830/03; 4563/04; 5000/05; 5270/06; 5940/07; 6944/08 and 7154/09, affecting parcel designated as Tax Map 57.65-1-11 and more commonly known as 68 East Route 59, Spring Valley, New York, for the years 2000/01; 2001/02; 2002/03; 2003/04; 2004/05; 2005/06; 2006/07; 2007/08 and 2008/09; 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 East Ramapo School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.65-1-11 be reduced for the year(s) 2006/07 from \$347,000 to \$305,250 at a cost to the Town of \$361.21;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.65-1-11 be reduced for the year(s) 2007/08 from \$347,000 to \$283,250 at a cost to the Town of \$619.33;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.65-1-11 be reduced for the year(s) 2008/09 from \$347,000 to \$327,000 at a cost to the Town of \$186.69;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.65-1-11 be reduced for the year(s) 2009/10 from \$347,000 to \$339,000 at a cost to the Town of \$83.02;
5. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.65-1-11 for the year(s) 2000/01; 2001/02; 2002/03; 2003/04; 2004/05 and 2005/06;
6. Reimbursement for the year(s) 2006/07; 2007/08; 2008/09 and 2009/10 on the parcel described as Tax Map 57.65-1-11, 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;

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

RESOLUTION NO. (549-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (PYRAMID CONSTRUCTION COMPANY and 17 SQUADRON ASSOCIATES - 43.11-2-4)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Pyramid Construction Company and 17 Squadron Associates v. The Assessor, The Board of Assessors and The Board of Assessment Review of The Town of Clarkstown, and The Town of Clarkstown, Index No(s). 4133/01, 4879/02 and 4721/03, affecting parcel designated as Tax Map 43.11-2-4 and more commonly known as 17 Squadron Boulevard, New City, New York for the years 2001/02, 2002/03 and 2003/04; and
WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, 17 Squadron Associates LLC v. The Assessor, The Board of Assessors and The Board of Assessment Review of The Town of Clarkstown, and The Town of Clarkstown, Index Nos. 4110/04, 4840/05,

RESOLUTION NO. (549-2010) continued

5947/06, 5687/07, 7245/08, 6958/09 and 7582/10, affecting parcel designated as Tax Map 43.11-2-4 and more commonly known as 17 Squadron Boulevard, New City, New York for the years 2004/05, 2005/06, 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11; 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. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.11-2-4 for the years 2001/02, 2002/03 and 2003/04;
 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.11-2-4 be reduced for the years 2004/05, 2005/06 and 2006/07 from \$1,346,700 to \$ 1,245,700 at a cost to the Town of \$5,487.87;
 3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.11-2-4 be reduced for the years 2007/08 from \$1,346,700 to \$ 1,178,400 at a cost to the Town of \$3,537.34;
 4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.11-2-4 be reduced for the years 2008/09 from \$1,346,700 to \$ 1,171,600 at a cost to the Town of \$3,569.34;
 5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.11-2-4 be reduced for the years 2009/10 from \$1,346,700 to \$ 1,144,700 at a cost to the Town of \$4,500.04;
 6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.11-2-4 be reduced for the years 2010/11 from \$1,346,700 to \$ 1,063,900 at no cost to the Town as yet;
 7. Reimbursement for the year(s) 2004/05, 2005/06, 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11 on the parcel described as Tax Map 43.11-2-4, 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;
 8. 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. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (550-2010)

Co. Lasker offered and Co. Hoehmann seconded

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

BID #48-2010 – ROOF REPLACEMENT AT CLARKSTOWN HIGHWAY DEPARTMENT
Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (551-2010)

Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that
BID #39-2010 – PURCHASE OF HOT ASPHALT RECYCLER FOR CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to: GREENWAY CONSTRUCTION EQUIPMENT, P.O. BOX 175, GOSHEN, NY 10924
PRINCIPALS: CHARLES VANHAASTER

As per their low bid proposal of \$203,487.08 and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8761-400-409-0 -85-16 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. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (552-2010)
Co. Hoehmann offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED OCTOBER 19, 2010, AUTHORIZING THE ACQUISITION OF A HOT ASPHALT RECYCLER FOR USE BY THE HIGHWAY DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$205,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$205,000 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 acquire of a hot asphalt recycler for use by the Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$205,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$205,000 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 \$205,000 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 Section 11.00 a. 28 of the Law, is fifteen (15) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of 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.

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

RESOLUTION NO. (553-2010)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, Robert S. Bookman, attorney for Palisades Plaza LLC, has advised the Town Clerk by letter

RESOLUTION NO. (553-2010) continued

dated September 24, 2010, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that said corporation has applied for an on-premises liquor license at 1000 Palisades Center Drive, West Nyack, New York, and

WHEREAS, to expedite processing said corporation's license application, Robert S. Bookman, attorney for Palisades Plaza LLC, 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 and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Palisades Plaza LLC for a license at premises located at 1000 Palisades Center Drive, West Nyack, New York.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (554-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT BETWEEN CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. AND THE TOWN

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves a Side Letter of Agreement between the Civil Service Employees Association, Inc., Town of Clarkstown Unit and the Town dated October 19, 2010.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (555-2010)

Co. Hausner offered and Co. Borelli seconded

RESOLUTION OF THE TOWN BOARD SETTING A PUBLIC HEARING REGARDING PETITION OF JEANMARIE GRAHN FOR A CHANGE OF ZONE

WHEREAS, JEANMARIE GRAHN has submitted a petition to the Town Board of the Town of Clarkstown, requesting a change of zone from the LS District to the R-22 District for premises designated on the Clarkstown Tax Map as 35.9-1-14, situated at 305 Old Route 304, New City, New York, to permit development of the property as a single family dwelling;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264 and 265 of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on November 23, 2010, at 8:00 p.m., and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the Petitioner shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk prior to said hearing.

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments.

Teri Mersel- New City
Spoke about sign law and suggested residents fill out forms and pay a deposit in order to have yard sale signs.

Barry Goldberg- Goshen, former Congers resident
Read and submitted a letter regarding Massachusetts Avenue properties.

Stan Hoyer- Clarkstown
Spoke about high taxes and salaries and his concerns about giving raises.

Steven Levine- Congers
Spoke about ongoing issues at Laurel Plains Elementary School and said the chemicals found have no business being there.

Marge Hook- New City, former Hi-Tor volunteer

Spoke about problems at Hi-Tor Animal Shelter and said the town should not be funding them with public money.

Frank Grandel- New City

Spoke about the use of town vehicles for police officers on a training trip with their family members.

Mike Hirsch- New City

Stated employee pay should be capped depending on the median income of residents.

Guy Gervasi- West Nyack

Stated the Town Board should be applauded for being so aggressive in lowering the amount of employees in the town, which allowed the residents to see a 0% tax increase, but spoke against raises being given. Asked what the proposed raises are for the police chief and captains, the advisory board members, and part-time employees?

Philip Degaetano- New City

Stated everyone knows that Wayne Ballard is the best Superintendent of Highways in the state.

Jack Barowsky- New City

Spoke about concerns regarding salary raises.

Matt Hoyer- New City

Spoke about concerns with the Little Tor Elementary Drainage Project and the backyards that still flood and said Ms. Aimee Vargas is not providing him with the independent engineering report she said was completed, while Joel Epstein, Code Enforcer, has told him the report is not completed.

Amy Mele- Town Attorney

Stated that if you permit any signs, you have to allow all signs.

Supervisor Gromack

Spoke about the aggressive measures the town takes to remove signs in the public right of way and the many residents who are grateful for the lack of signs littering our town like in other communities.

Amy Mele- Town Attorney

Spoke about issues concerning a pending dispute between Barry Goldberg and the Town of Clarkstown.

Supervisor Gromack

Stated that new employees hired pay 10% into benefits and management pays 15%. The town has offered to assist with the odor problem at a Clarkstown school and the district has done a great job. Hi-Tor Animal Care Center is run by a board not associated with the towns and he spoke to Legislator Bierker, who will share any information he ascertains about Hi Tor. Raises that were discussed during the budgeting process were recommendations and are not final. The Town Board is reviewing the salary schedule for a new police chief and possibly captain and whole department. We are in binding arbitration and expect a decision in the next 30-45 days. Where the town has been able to cut costs in the police department is by eliminating positions and have gone from 173 to 162 officers. We will not let the level of police protection fall below the level of what the department feels would jeopardize our citizens. There is no pay increase for advisory board members or part-time employees.

Dennis Letson- First Deputy Director, Department of Environmental Control

Spoke about the Little Tor Drainage Project, designed to improve the pond area in Mr. Hoyer's backyard.

Amy Mele- Town Attorney

Spoke in defense of Ms. Vargas, stating there was never any mention of not providing engineering reports.

Supervisor Gromack

Stated that we are very aggressive in this town in solving drainage problems and the budget this year has been a minus budget.

Co. Borelli

Said he has not taken a raise this year or next year and his recommendation would be zero raises across the board in the final budget.

Co. Hoehmann

Stated that Councilman Frank Borelli had previously said that if you would compare the supervisor's position to a comparable one in private industry, with similar responsibilities, the salary would be \$300,000 per year. Stated that he will not be taking a raise, supports the supervisor taking one, and our town is the only one that has a tax cut.

Co. Lasker

Stated that Supervisor Gromack has done a remarkable job and has been focused on cutting costs, this Town Board has done well, and she is taking a pay freeze this year.

Co. Hausner

Stated that in recent weeks many have lost sight that we have lowered taxes, and if we are going to talk about performance based wages, we have seen shining performances by departments that have cut their budgets and are performing with less staff doing more work.

Supervisor Gromack

Stated that in all his years in government, he has not found a harder working group of individuals from the Town Board to the employees.

With no one wishing to speak further, on motion of Co. Hoehmann, seconded by Co. Borelli, the Town Board moved into an executive session to discuss a personnel matter, 9:50 P.M. On motion of Co. Hoehmann, seconded by Co. Borelli, and unanimously adopted, the executive session was closed, 10:34 P.M. On motion of Co. Lasker, seconded by Co. Hausner, and unanimously adopted, the Town Board Meeting was adjourned, 10:35 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1
10/19/10

Town Hall

8:15 P.M.

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

Re: Proposed Local Law entitled: "A Local Law Amending Chapter 128 – Drainage and Watercourse; Chapter 146 – Flood Damage Prevention; Chapter 149 – Garbage, Rubbish and Refuse; and Chapter 236 – Sewers, of the Code of the Town of Clarkstown." RESOLUTION NO. (535-2010)

On motion of Co. Lasker, seconded by Co. Borelli, hearing opened 8:15 P.M.

Amy Mele - Town Attorney
Gave an overview of the proposal.

On motion of Co. Hoehmann, seconded by Co. Lasker, and unanimously adopted, hearing closed 8:20 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

10/19/10

8:20 P.M.

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

Public Hearing #2 re: Bid No. 35-2010 – "Congers-Valley Cottage Ambulance Corps. Building Upgrade funded by the Congers-Valley Cottage Ambulance District." RESOLUTION NO. (536-2010)

Supervisor Gromack stated the Public Hearing will not be adopted tonight and opened the meeting for public comments. There being none, on motion of Co. Hoehmann, seconded by Co. Lasker, hearing continued to November 23, 2010.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN SPECIAL MEETING CLARKSTOWN MIDDLEWOOD HOUSING DEVELOPMENT FUND COMPANY, INC.

Town Hall

10/19/10

10:35 P.M.

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

WE, the undersigned, being members of the Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc., hereby consent to the holding of a special meeting on October 19, 2010, at 8:30 P.M., in the Auditorium of the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York, and hereby waive notice of said meeting.

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO PRO CUT LANDSCAPING INC. FOR THE MIDDLEWOOD SENIOR CITIZEN HOUSING PROJECT

WHEREAS, the Town of Clarkstown Purchasing Department has solicited bids for snow removal at the Middlewood Senior Citizen Housing Project owned by the Clarkstown Middlewood Housing Development Fund Company, Inc., and

WHEREAS, Pro Cut Landscaping Inc. has submitted a low bid to do the aforementioned work, and

WHEREAS, it is recommended that the Board accept Pro Cut Landscaping Inc.'s Bid for a Seasonal Pricing Contract which consists of a price of \$4,700.00 for 24" with a cost per inch of \$195.00 for each additional inch of accumulation over 24 inches; together with the price for salt application to roads of \$2,700.00 per season, the price for calcium chloride application to walks of \$4,200.00 per season, and the price for labor and equipment needed to move snow of \$125.00 per hour,

NOW, THEREFORE, be it

RESOLVED, that Jeffrey P. Goldstein of ARCO Management Corp., is authorized to sign a contract for the snow removal at the Middlewood Senior Citizen Housing Project for the 2010-2011 season with Pro Cut Landscaping Inc., 11 Pine View Road, West Nyack, NY 10994

On roll call the vote was as follows
Co. Lasker Yes
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

Respectfully submitted,

David Carlucci
Town Clerk