

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/14/10

8:15 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Frank Borelli, George Hoehmann &
Stephanie Hausner,
Amy Mele, Town Attorney
Pamela Sitomer, Deputy Town Clerk

Absent: Co. Shirley Lasker

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

POLICE YOUTH ACADEMY GRADUATION: The Clarkstown Police Department honored the graduates of the youth academy class. The youth academy was started several years ago so local high school students could have an opportunity to understand the training of police officers and introduce them to the various areas of the criminal justice system. The graduates received their certificates from Captain Michael Sullivan and Sgt. Nick Lafasciano.

Andrew Callozzo	Brian McTigue	Edward Ruckel	Andrew Giga
Wendoline Marisal	James McTigue	Nicholas DiBenedetto	Steven Cowen
William Connolly	Thomas Sullivan	Matthew Barry	Daniel Hughes
Chris Lopopolo	Stephen Gobah	Kelly Carlyle	
Michael Cahill	Tomas Garchitorena	Jessica Masciovecchio	

Public Hearing #1 re: Adopting a Local Law entitled: "A Local Law Amending Chapter 125- DOGS & OTHER ANIMALS - of the Code of the Town of Clarkstown." On motion of Co. Hoehmann, seconded by Co. Borelli, hearing opened 8:30 P.M. On motion of Co. Hoehmann, seconded by Co. Borelli, and unanimously adopted, the public hearing was closed 8:35 P.M. RESOLUTION NO. (625-2010)

Public Hearing #2 re: Bid #35-2010- "Congers-Valley Cottage Ambulance Corps. Building Upgrade funded by the Congers-Valley Cottage Ambulance District." Authorizing funds for the Congers-Valley Cottage Ambulance Corps. Building Upgrade. On motion of Co. Borelli, seconded by Co. Hausner, hearing opened 8:35 P.M. On motion of Co. Borelli, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was closed 8:40 P.M. RESOLUTION NOS. (626-2010, 627-2010)

Supervisor opened the meeting to public comments regarding agenda items with no one wishing to speak.

RESOLUTION NO. (625-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 6 – 2010

WHEREAS, a proposed local law entitled,
“A LOCAL LAW AMENDING CHAPTER 125–DOGS AND OTHER ANIMALS OF
THE CODE OF THE TOWN OF CLARKSTOWN,”
was introduced by Councilwoman Stephanie G. Hausner, at a Town Board meeting held
on November 23, 2010, and
WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on
November 23, 2010, directed that a public hearing be held on December 14, 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 December 3, 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 December 7, 2010;
NOW, THEREFORE, be it
RESOLVED, that Local Law No. 6 – 2010 entitled:
“A LOCAL LAW AMENDING CHAPTER 125–DOGS AND OTHER ANIMALS 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 Absent
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. (626-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AND ORDER AFTER PUBLIC HEARING

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

RESOLUTION NO. (626-2010) continued

WHEREAS, the Engineer has estimated the total cost of such increase and improvement of facilities to be \$4,000,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on December 14, 2010 at 8:00 o'clock P.M. (Prevailing Time) at the Town Hall, 10 Maple Avenue, New City, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 14th day of December, 2010 at 8:00 o'clock P.M. (Prevailing Time) at the Town Hall, 10 Maple Avenue, New City, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and the Town Board has determined that no substantial adverse environmental impact will be caused by the project described herein;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$4,000,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$4,000,000 serial bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Rockland County within ten (10) days after adoption thereof.

RESOLUTION NO. (626-2010) continued

On roll call the vote was as follows

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

RESOLUTION NO. (627-2010)

Co. Borelli offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 14, 2010, APPROPRIATING \$3,610,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE CONGERS/VALLEY COTTAGE AMBULANCE DISTRICT, IN ADDITION TO THE \$390,000 HERETOFORE APPROPRIATED FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$3,610,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID ADDITIONAL APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Congers/Valley Cottage Ambulance District (herein referred to as the "District"), in the Town of Clarkstown (herein called the "Town"), in the County of Rockland, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved; and

WHEREAS, the Town has heretofore appropriated \$40,000 for the preparation of plans and specifications in connection with to such project and, pursuant to a bond resolution adopted on December 15, 2009, has authorized the issuance of \$40,000 serial bonds to finance said appropriation; and

WHEREAS, the Town has heretofore appropriated an additional \$350,000 for the preparation of plans and specifications in connection with to such project and, pursuant to a bond resolution adopted on September 21, 2010, has authorized the issuance of \$350,000 serial bonds to finance said additional appropriation;

NOW THEREFORE, be it

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

RESOLUTION NO. (627-2010) continued

Section 1. The Town hereby appropriates the amount of \$3,610,000, in addition to the \$390,000 heretofore appropriated, for the increase and improvement of facilities of the District, consisting of the construction of a new headquarters building, including any ancillary or related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 bonds of the Town and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$3,610,000 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"), in addition to the aggregate \$390,000 bonds heretofore authorized pursuant to the bond resolutions adopted on December 15, 2009 and September 21, 2010.

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

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 11 (a) (2) of the Law, is twenty-five (25) years.

(b) It is hereby determined that the planning for this project shall be financed as part of the capital improvement and, pursuant to Section 11.00 a. 62 (b) of the Local Finance Law, the period of probable usefulness applicable to the bonds authorized to be issued pursuant to the bond resolutions adopted on December 15, 2009 and September 21, 2010 to finance the cost of preparation of plans and specifications for the Congers/Valley Cottage ambulance building project is hereby amended and restated to be twenty-five (25) years.

(c) 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. 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.

(d) The proposed maturity of the serial 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 said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to 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

RESOLUTION NO. (627-2010) continued

redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, 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 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 resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "The Journal News," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

On roll call the vote was as follows

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

RESOLUTION NO. (628-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that the Town Board Minutes of November 23, 2010, is hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (629-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Lee V. De Forest– Laborer – Highway Department – is hereby granted an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to December 6, 2010 to January 6, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (630-2010)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on November 22, 2010 that the position of Environmental Control Inspector III #501013 – Department of Environmental Control – can be reclassified to the position of Environmental Control Technician,

NOW, therefore, be it

RESOLVED, that the position of Environmental Control Inspector III – is hereby reclassified to the position of Environmental Control Technician – effective and retroactive to December 13, 2010 and be it,

FURTHER RESOLVED, that the grade for the position of Environmental Control Technician – is hereby established at a grade 30.

On roll call the vote was as follows

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

RESOLUTION NO. (631-2010)
 Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that Gary J. Landro is hereby appointed to the position of (promotional) (provisional) Environmental Control Technician – Department of Environmental Control – at the current 2010 annual salary of \$97,412., - effective date pending Rockland County Personnel Office approval of his application.

On roll call the vote was as follows

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

RESOLUTION NO. (632-2010)
 Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on November 22, 2010 that the position of Environmental Control Inspector III #500145 – Department of Environmental Control – can be reclassified to the position of Environmental Control Technician,

NOW, therefore, be it

RESOLVED, that the position of Environmental Control Inspector III – is hereby reclassified to the position of Environmental Control Technician – effective and retroactive to December 13, 2010 and be it,

FURTHER RESOLVED, that the grade for the position of Environmental Control Technician – is hereby established at a grade 30.

On roll call the vote was as follows

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

RESOLUTION NO. (633-2010)
Co.Hoehmann offered and Co. Hausner seconded

RESOLVED, that Christopher C. Wagner– is hereby appointed to the position of (promotional) (provisional) Environmental Control Technician – Department of Environmental Control – at the current 2010 annual salary of \$82,159.- effective and retroactive to December 13, 2010.

On roll call the vote was as follows

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

RESOLUTION NO. (634-2010)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, Town Employee, FREDERICK CARRUBBA, had been provided extended sick leave pursuant to Article XVIII, § 8 (e) of the CSEA Collective Bargaining Agreement, which extended leave expired on June 28, 2010; and

WHEREAS, Mr. Carrubba has been absent from work in excess of one (1) year after the expiration of his extended sick leave; and

WHEREAS, Mr. Carrubba has been provided all of the opportunities available pursuant to Civil Service Law § 71 applicable to employees who are absent from service;

NOW, THEREFORE,

RESOLVED, that :

Effective as of November 30, 2010, the employment of FREDERICK CARRUBBA is hereby terminated in accordance with Civil Service Law § 71.

On roll call the vote was as follows

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

RESOLUTION NO. (635-2010)
Co. Borelli offered and Co. Hausner seconded

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

RESOLUTION NO. (635-2010) continued

Director of the Department of Environmental Control that

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

is hereby awarded to:

BOMBARD EXCAVATING CORPORATION
 7124 CLARK ROAD
 MIDDLE GROVE, NY 12850

PRINCIPAL: EDWARD B. DOYLE, PRESIDENT

as per their proposed total project cost not to exceed \$285,000.00 plus 15% contingency and be it

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-26 , 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 Absent
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (636-2010)
Co. Borelli offered and Co. Hausner seconded

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

BID # 47-2010 – CHLORINE TANK REPLACEMENT – LAKE NANUET

is hereby awarded to: CHRIS LEIGH CONTRACTING
 293 DURKEE LANE
 EAST PATCHOGUE, NY 11772

PRINCIPAL: DOUGLAS MARANDA

as per their proposed project cost as follows:

Item #1: Three (3) Fiberglass Chlorine Tanks with accessories and installation:
\$60,048.00;

Item #3: Fiberglass Grating and installation: \$9,285.00 for a total proposed project cost not to exceed \$69,333.00 and be it

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

- a) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- b) Certificate of Automobile Liability Coverage
- c) Certificate of Worker's Compensation insurance coverage
- d) 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 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-8761-400-409-0-85-20 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	Absent
Co. Hausner	Yes
Co. Hoehmann	Yes
Co. Borelli	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (637-2010)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, United Parcel Service v. The Assessor and The Board of Assessment Review of The Town of Clarkstown and The Town of Clarkstown, Rockland County, New York, Index No(s). 5224/06, 6423/07, 7143/08, 6561/09 and 9253/10, affecting parcel designated as Tax Map 57.19-2-1 and more commonly known as Murray Hill Drive, Nanuet, New York for the year(s) 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 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 57.19-2-1 be reduced for the year(s) 2006/07, 2007/08, 2008/09 and 2009/10 from \$1,000,000 to \$700,000 each, at a cost to the Town of \$24,691.55;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.19-2-1 be reduced for the year(s) 2010/11 from \$1,000,000 to \$750,000, at no cost to the Town;

3. Reimbursement for the year(s) 2006/07, 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 57.19-2-1, 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 Absent
- Co. Hausner Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (638-2010)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, NEWCO DEVELOPMENT CO., LLC v. THE TOWN OF CLARKSTOWN, its ASSESSOR and BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN, Index No(s).4243/04, 4682/05, 5190/06, 5540/07, 6504/08, 6382/09 and 6727/10, affecting parcel designated as Tax Map 51.7-1-11 and more commonly known as 254 South Main Street, New City, New York for the year(s) 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10, 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 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 51.7-1-11 be reduced for the year(s) 2004/05 from \$2,429,775 to \$2,363,300 at a cost to the Town of \$1,168.92;
2. . The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-11 be reduced for the year(s) 2005/06 from \$2,429,775 to \$2,201,000 at a cost to the Town of \$4,147.14;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-11 be reduced for the year(s) 2006/07 from \$2,429,775 to \$2,164,500 at a cost to the Town of \$4,940.30;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-11 be reduced for the year(s) 2007/08 from \$2,429,775 to \$2,085,800 at a cost to the Town of \$7,230.31;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-11 be reduced for the year(s) 2008/09 from \$2,429,775 to \$2,207,300 at a cost to the Town of \$4,535.06;
6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-11 be reduced for the year(s) 2009/10 from \$2,429,775 to \$2,189,400 at a cost to the Town of \$5,354.93;
7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-11 be reduced for the year(s) 2010/11 from \$2,429,775 to \$2,135,000 at no cost to the Town;
8. Reimbursement for the year(s) 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 51.7-1-11, 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;

RESOLUTION NO. (638-2010) continued

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

RESOLUTION NO. (639-2010)

Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND
(REYNOLDS METALS DEVELOPMENT COMPANY SITE PLAN – 64.07-01-9)

WHEREAS, Palisades Medical and Professional Office Complex, LLC furnished to the Town of Clarkstown a Maintenance Bond secured by Cashier’s Check No. 8000724884 in the amount of \$10,552.00 to guaranty the road and improvements as shown on the final plat of the Reynolds Metals Development Company Site Plan (tax map designation 64.07-01-9), which was signed on September 27, 1999, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the Maintenance Bond in the amount of \$10,552.00, furnished in connection with the dedication of the road and improvements in the Reynolds Metals Development Company Site Plan (tax map designation 64.07-01-9), is hereby terminated; and the sum of \$10,552.00 may be released to the guarantor.

On roll call the vote was as follows

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

RESOLUTION NO. (640-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION ACCEPTING ROADS AND IMPROVEMENTS
IN THE TOWN OF CLARKSTOWN
(HIGHVIEW PARK SUBDIVISION – 64.13-2-48, 49 & 57)

RESOLVED, that upon the recommendations of the Deputy Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deeds from: Torsoe Properties, Inc., dated February 7, 2006, conveying the following roads:

May Place Extension 92 L.F. + “Hammerhead T” Turnaround
April Lane Extension 172 L.F. + “Hammerhead T” Turnaround
and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Highview Park are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk’s Office at the expense of the grantor; and be it

FURTHER RESOLVED, that the Performance Bond furnished to the Town by Torsoe Properties, Inc., secured by Letter of Credit No. 2221, in the amount of \$112,665.00 may be released, subject to the receipt of a Maintenance Guaranty, in a form approved by the Town Attorney, in the amount of \$5,633.00 in the form of cash and cash escrow in the amount of \$1,730.00 to guarantee completion of minor weather dependent work.

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

RESOLUTION NO. (641-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AGREEMENT WITH REV. DAVID LOTHROP, TO SERVE AS POLICE CHAPLAIN

WHEREAS, Chief of Police Peter Noonan has recommended renewing an agreement with Rev. David Lothrop, to provide services to the Clarkstown Police Department as Police Chaplain for the calendar year 2011;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Rev. David Lothrop, in a form satisfactory to the Town Attorney, for the period January 1, 2011 to December 31, 2011, and be it

RESOLUTION NO. (641-2010) continued

FURTHER RESOLVED, that compensation for said services shall be \$10,360 per year, and compensation for mileage at the approved rate not to exceed \$5,000 for the calendar year 2011, all of which shall be charged to Account No. A 3120-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (642-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE TOWN OF RAMAPO FOR USE OF POLICE RANGE

WHEREAS, Clarkstown Chief of Police, Peter Noonan, advised that the Town of Ramapo has authorized its Supervisor, pursuant to Resolution No. 658-2010, to extend a license agreement pursuant to the same terms and conditions for another year, with the Town of Clarkstown for use of the Town of Ramapo Firing Range Facility by the Clarkstown Police Department, and

WHEREAS, the Clarkstown Police Department wishes to extend the license agreement for the calendar year 2011;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a license agreement with the Town of Ramapo, in a form approved by the Town Attorney, for use of the Town of Ramapo's Police Range Facility by the Clarkstown Police Department for the calendar year 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (643-2010)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGN,
EAST STREET, WEST NYACK

WHEREAS, a local resident has identified the need for a Stop Sign where East Street, West Nyack outlets on to Townline Road, a County Road with high traffic intensity, and

WHEREAS, an investigation of the area was performed on behalf of the Supervisor and it was determined that such sign is warranted,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a Stop Sign on west side of East Street, West Nyack where it intersects with Townline Road, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (644-2010)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town has received \$751,300 from the Department of Energy, 45,693.33 from NYS Department of Transportation, \$13,638.40 from Allstate Insurance Co., \$2,414 from the State of New York and \$1,624.03 from DARE Donations

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-11-4998-0 (Capital-Federal Aid) and Budget Account H-5111-409-0-4-16 (Capital Projects-Downtown New City Revitalization) by \$751,300, and be it

FURTHER RESOLVED, to increase Revenue Account H-15-10-4989-0 (Capital-State Aid) and Budgetary Account H-8757-409-0-81-27 (Capital Projects-Rt. 304 Park & Ride Lot) by \$45,693.33, and be it

FURTHER RESOLVED, to increase Revenue Account H-15-8-2680-0 (Capital-Insurance Recoveries) and Budget Account H-5111-409-0-4-16 (Capital Projects-Downtown New City) by \$13,638.40, and be it

FURTHER RESOLVED, to increase Revenue Account H-15-10-3060-0 (State Aid-Records Management) and Budget Account H-8758-409-0-82-37 (Capital Projects-Records Management) by \$2,414, and be it

RESOLUTION NO. (644-2010) continued

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Budget Account A-3230-319-0 (DARE-Misc Equipment) by \$1,624.03.

On roll call the vote was as follows:

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

RESOLUTION NO. (645-2010)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB 10 (Government Accounting Standards Board) for fiscal year ending December 31, 2010, and

WHEREAS, Financial Risk Analysts, 27 Hartford Turnpike, Vernon, CT, is a actuarial consulting firm providing services to public entities related to self-insurance and GASB 10 and,

WHEREAS Edward J. Duer, Comptroller, has reviewed the proposal referred to herein and recommended acceptance of same;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement for one year with Financial Risk Analysts, in a form acceptable to the Town Attorney, at a cost not to exceed \$7,000 plus reasonable out-of-pocket expenses, which cost shall be a proper charge to Account No. CS 1722-400-409-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (646-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP
TO PROVIDE CONSTRUCTION TESTING/QUALITY CONTROL CONCERNING
THE RECONSTRUCTION OF THE CONGERS-VALLEY COTTAGE VOLUNTEER
AMBULANCE CORPS BUILDING

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, it is determined that additional services will be necessary for the management of the construction of the building and H2M Group submitted a proposal, dated, November 18, 2010, for construction testing and quality control; and

WHEREAS, the Public Works Administrator has recommended that the Town accept said proposal.

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the fee for said project shall not exceed \$80,000.00 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

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

RESOLUTION NO. (647-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AGREEMENT WITH DCAK-MSA ARCHITECTURE, PC, TO PROVIDE
ADDITIONAL SERVICES CONCERNINGTHE CONGERS-VALLEY COTTAGE
VOLUNTEER AMBULANCE CORPS BUILDING

WHEREAS, Resolution No. 533-2009, adopted October 20, 2009, and amended by Resolution No. 249-2010, adopted April 20, 2010, authorized the Supervisor to enter into an agreement with DCAK-MSA Architecture, P.C. to provide professional architectural and engineering services regarding the Congers-Valley Cottage Volunteer Ambulance Corps project, and

WHEREAS, it is determined that additional services will be necessary for quality control coordination, feasibility study and architectural review; and

WHEREAS, DCAK-MSA Architecture, P.C. has submitted a proposal to perform these services, and the Public Works Administrator has recommended that the Town accept their proposal.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with DCAK-MSA Architecture, P.C., in a form approved by the Town Attorney, to provide additional architectural services with respect to quality control coordination, feasibility study and architectural review of the ambulance corps building, pursuant to its revised proposal dated November 19, 2010, and be it

FURTHER RESOLVED, that the fee for said project shall not exceed \$114,637.00 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

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 architectural and engineering services portion, through the issuance of serial bonds.

On roll call the vote was as follows:

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

RESOLUTION NO. (648-2010)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND WITH
RESPECT TO THE CONSTRUCTION OF THE MOUNTAINVIEW CELL TOWER

WHEREAS, the Town of Clarkstown has constructed a cell tower used for not-for-profit emergency radio communication purposes located on property designated on the Tax Map as 59.15-1-7, and also known as 491 Mountainview Avenue, Valley Cottage, New York, and

WHEREAS, by the terms of a Cell Tower Cooperation Agreement between the Town of Clarkstown and the County of Rockland, the County has agreed to reimburse the Town of Clarkstown for the engineering, cost of construction of the existing tower and certain associated site work in the amount of \$825,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an Intermunicipal Agreement with the County of Rockland, in a form approved by the Town Attorney, which shall provide that the County of Rockland will reimburse the Town of Clarkstown \$825,000.00 for the engineering and construction costs of the Mountainview Cell Tower and certain site improvements.

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

RESOLUTION NO. (649-2010)
Co. Borelli offered and Co. Hoehmann seconded

AMENDMENT TO RESOLUTION NO. 144-2008 AUTHORIZING AN
INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND
CONCERNING RELOCATION OF SEWER INTERCEPTOR AT CONGERS LAKE

WHEREAS, by Resolution No. 144-2008, adopted March 11, 2008, the
Town Board authorized the Supervisor to enter into an Intermunicipal Agreement with
the County of Rockland, on behalf of the Rockland County Sewer District No. 1, to
reimburse the Town for plans and specifications concerning relocation of sewer
interceptor at Congers Lake in an amount not to exceed \$400,000.00; and

WHEREAS, the County has provided a first amendment to said agreement
to provide for an additional reimbursement in the amount of \$366,295.25;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to sign a First
Amendment to the Agreement between the County of Rockland and the Town of
Clarkstown, in a form approved by the Town Attorney, for an additional amount of
\$366,295.25, for a total not to exceed \$766,295.25, for reimbursement for relocation of
sewer interceptor at Congers Lake.

On roll call the vote was as follows:

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

RESOLUTION NO. (650-2010)
Co. Borelli 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

RESOLUTION NO. (650-2010) continued

BID # 46-2009 – HEATON’S POND PROJECT

is hereby awarded to:

A. SERVIDONE INC./B. ANTHONY CONTRUCTION CORP.
1364 ROUTE 9
CASTLETON, NY 12033

PRINCIPAL: MARK J. SERVIDONE, PRESIDENT

as per their proposed bid price of \$703,695.00 with add alternate of \$70.00/LF, not to exceed \$24,500.00, the total project cost not to exceed \$728,195.00 plus a 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 project shall be under the supervision of the Clarkstown Department of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number

H-8760-400-409-0-85-22, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds for the amount not reimbursed by FEMA.

On roll call the vote was as follows:

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

RESOLUTION NO. (651-2010)
Co. Borelli offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clerk of the Works that

BID #35-2010 – CONGERS/VALLEY COTTAGE AMBULANCE CORPS. BUILDING

is hereby awarded to: NIKKO CONSTRUCTION
 173 ROUTE 303
 VALLEY COTTAGE, NY 10989
 PRINCIPAL: MARIA D. STRANIERE
 RICHARD STRANIERE

as per their proposed total project cost not to exceed \$2,977,558.00 and be it FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

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

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it FURTHER RESOLVED, that this project shall be under the supervision of the Clerk of the Works.

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-25, 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 Absent
Co. Hausner Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (652-2010)
Co. Hausner offered and Co. Borelli seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
(WALD/PRESSER and WALD/SUPERIOR PROPERTIES OF NANUET LLC and
WALD PAVILION II LLC/SUPERIOR PROPERTIES OF NANUET LLC
(63.12-3-48 and 63.12-3-49)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Wald/Presser and Wald/Superior Properties of Nanuet LLC and Wald Pavilion II LLC/Superior Properties of Nanuet LLC v. The Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 4255/04, 4708/05, 5200/06, 5548/07, 6486/08, 6367/09 and 6703/10, affecting parcel designated as Tax Map 63.12-3-48 and 63.12-3-49 and more commonly known as 1-3 Orchard Street a/k/a 231 South Middletown Road, Nanuet, New York for the year(s) 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10, 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 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 63.12-3-48 be reduced for the year(s) 2004/05 from \$638,700 to \$549,700 at a cost to the Town of \$1,565.01;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 63.12-3-48 be reduced for the year(s) 2005/06 from \$638,700 to \$523,900 at a cost to the Town of \$2,081.05;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 63.12-3-48 be reduced for the year(s) 2006/07 from \$638,700 to \$513,400 at a cost to the Town of \$2,333.50;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 63.12-3-48 be reduced for the year(s) 2007/08 from \$638,700 to \$509,900 at a cost to the Town of \$2,707.36;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 63.12-3-48 be reduced for the year(s) 2008/09 from \$638,700 to \$542,300 at a cost to the Town of \$1,965.07;
6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 63.12-3-48 be reduced for the year(s) 2009/10 from \$638,700 to \$559,400 at a cost to the Town of \$1766.60;

RESOLUTION NO. (652-2010) continued

7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 63.12-3-48 be reduced for the year(s) 2010/11 from \$638,700 to \$564,300 at no cost to the Town;

8. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 63.12-3-49 for each of the year(s) 2008/09 and 2009/10;

9. Reimbursement for the year(s) 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 63.12-3-48, 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;

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

RESOLUTION NO. (653-2010)
Co. Hausner offered and Co. Borelli seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
(WALD PAVILION II, LLC 63.12-3-49)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Wald Pavilion II, LLC v. The Town of Clarkstown, its Assessor and Board of Assessment Review of The Town of Clarkstown Index No. 6701/10, affecting parcel designated as Tax Map 63.12-3-49 and more commonly known as 211-243 South Middletown, Road, Nanuet, New York for the year 2010, and

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

RESOLUTION NO. (653-2010) continued

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown 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 63.12-3-49 be reduced for the year 2010 from \$367,200.00 to \$320,200.00 at no cost to the Town;

2. 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 Absent

Co. Hausner Yes

Co. Hoehmann Abstained

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (654-2010)

Co. Hausner offered and Co. Borelli seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
(NEWTON ASSOCIATES – 43.15-1-22)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, NEWTON ASSOCIATES v. THE TOWN OF CLARKSTOWN, its ASSESSOR and BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN, Index No(s).4684/05, 5191/06, 5541/07, 6503/08, 6380/09 and 6725/10, affecting parcel designated as Tax Map 43.15-1-22 and more commonly known as 44 North Main Street, New City, New York for the year(s) 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

RESOLUTION NO. (654-2010) continued

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 43.15-1-22 be reduced for the year(s) 2005/06 from \$5,011,400 to \$4,588,000 at a cost to the Town of \$7,675.23;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-22 be reduced for the year(s) 2006/07 from \$5,011,400 to \$4,412,300 at a cost to the Town of \$11,157.22;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-22 be reduced for the year(s) 2007/08 from \$5,011,400 to \$4,130,300 at a cost to the Town of \$18,520.61;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-22 be reduced for the year(s) 2008/09 from \$5,011,400 to \$4,553,500 at a cost to the Town of \$9,334.10;

5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-22 be reduced for the year(s) 2009/10 from \$5,011,400 to \$4,633,000 at a cost to the Town of \$8,429.77;

6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-22 be reduced for the year(s) 2010/11 from \$5,011,400 to \$4,758,000 at no cost to the Town;

7. Reimbursement for the year(s) 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10, on the parcel described as Tax Map 43.15-1-22, 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. LaskerAbsent

Co. Hausner Yes

Co. Hoehmann..... Abstain

Co. Borelli.....Yes

Supervisor Gromack Yes

RESOLUTION NO. (655-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION EXTENDING AGREEMENT WITH H2M GROUP TO PROVIDE
ENGINEERING SERVICES CONCERNING THE CLARKSTOWN TRANSFER
STATION

WHEREAS, as part of the sale of the Clarkstown Transfer Facility to the Rockland County Solid Waste Management Authority, a Host Community Agreement was negotiated and one of the provisions allowed the Town to conduct an oversight program of the RCSWMA operation; and

WHEREAS, by Resolution No. 634-2009, adopted December 30, 2009, the Town Board authorized an agreement with Holzmacher, McLendon & Murrell, P.C. (H2M) to conduct an oversight program of the RCSWMA operation at three facilities (the transfer station site, compost site, and concrete crushing operations) for the year 2010; and

WHEREAS, H2M has submitted a proposal, dated December 6, 2010, to continue to perform oversight services at the three facilities for the year 2011; and

WHEREAS, the Director of Environmental Control has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an extension agreement with H2M, in a form approved by the Town Attorney, to perform professional engineering services regarding the oversight program of the RCSWMA operation at three facilities for the year 2011, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed \$70,000.00 for the year 2011, and shall constitute a proper charge to Account No. SR 8160-409-0, and be it

FURTHER RESOLVED, that the Rockland County Solid Waste Management Authority shall reimburse the Town of Clarkstown for said work.

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

RESOLUTION NO. (656-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO PERFORM IMPROVEMENTS TO THE DRAINAGE SYSTEM ON FLITT STREET, WEST NYACK

WHEREAS, an adverse drainage condition exists on Flitt Street, West Nyack; and

WHEREAS, the Department of Environmental Control has prepared a plan to ameliorate the adverse drainage condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform the work in accordance with the plan; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by MRJ Excavating, Inc. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to MRJ Excavating, Inc. for their low proposal of \$28,250.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of:

MRJ Excavating, Inc.
7 Beaver Court
New City, N.Y. 10956

to perform this work in accordance with their proposal for an amount not to exceed \$28,250.00; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

FURTHER RESOLVED that this amount shall be a proper charge to account H-8761-409-0-85-21

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

RESOLUTION NO. (657-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION OBTAINING INSURANCE COVERAGE FROM
CLG INSURANCE

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to purchase through CLG Insurance, insurance coverage including Commercial General and Automobile Liability, Excess Liability, Property, and Excess Workers Compensation, for a period of one year, commencing on January 1, 2011 and expiring December 31, 2011, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$1,085,000 and be it

FURTHER RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to enter into a claims-administration agreement with PMA Management Corporation, for a period of one year, commencing on January 1, 2011 and expiring December 31, 2011, and be it

FURTHER RESOLVED, that the cost of said agreement shall not exceed \$75,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (658-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A
MEMORANDUM OF UNDERSTANDING WITH THE NEW YORK STATE
WORKERS' COMPENSATION BOARD

WHEREAS, by Resolution No. 289-2009, adopted May 19, 2009, the Town Board granted the New York State Workers' Compensation Board permission to use the Town Justice Courtroom, 20 Maple Avenue, New City, New York, for the conduct of workers' compensation hearings, for a period of one year; and

WHEREAS, the parties desire to continue the relationship for the 2011 calendar year;

NOW, THEREFORE, BE IT

RESOLUTION NO. (658-2010) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Memorandum of Understanding with the New York State Workers' Compensation Board, in a form approved by the Town Attorney, for the period January 1, 2011 to December 31, 2011, and be it

FURTHER RESOLVED, that the State will provide liability insurance coverage and list the Town as an additional insured.

On roll call the vote was as follows:

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

RESOLUTION NO. (659-2010)
Co. Borelli offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 14, 2010, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS AT HEATON'S POND, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$840,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF \$840,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION AND AUTHORIZING ANY GRANT FUNDS RECEIVED FROM THE UNITED STATES OF AMERICA, THE STATE OF NEW YORK OR ANY OTHER SOURCE TO BE EXPENDED TOWARDS THE COST OF SAID PROJECT OR REDEMPTION OF THE TOWN'S BONDS OR NOTES ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE AMOUNTS TO BE COLLECTED FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS OR NOTES 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 drainage improvements at Heaton's Pond (the "Project"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$840,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$840,000 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. Any grant funds received from the United States of America, the State of New York or from any

RESOLUTION NO. (659-2010) continued

other source in connection with such project are authorized to be expended towards the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Serial bonds of the Town in the principal amount of \$840,000 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. 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 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:

RESOLUTION NO. (659-2010) continued

- (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 December 14, 2010, 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 December 14, 2010, authorizing the construction of drainage improvements at Heaton's Pond, stating the estimated maximum cost thereof is \$840,000, appropriating said amount for such purpose, authorizing the issuance of \$840,000 serial bonds of said Town to finance said appropriation and authorizing any grant funds received from the United States of America, the State of New York or any other source to be expended towards the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes,"

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

FIRST: AUTHORIZING said Town to construct drainage improvements at Heaton's Pond; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$840,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$840,000 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; and STATING that any grant funds received from the United States of America, the State of New York or any other source in connection with such project are authorized to be expended towards the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of \$840,000 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

RESOLUTION NO. (659-2010) continued

bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$840,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum. Section 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 Absent
 Co. Hausner Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (660-2010)
 Co. Borelli offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 14, 2010, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON PHILLIPS HILL ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$330,000, APPROPRIATING \$144,000 FOR SUCH PURPOSE, IN ADDITION TO THE \$186,000 HERETOFORE APPROPRIATED, AND AUTHORIZING THE ISSUANCE OF \$144,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID ADDITIONAL 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 drainage improvements on Phillips Hill Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$330,000 and \$144,000 is hereby

RESOLUTION NO. (660-2010) continued

appropriated for such purpose, in addition to the \$186,000 heretofore appropriated. The plan of financing includes the issuance of \$144,000 serial bonds of the Town to finance said additional 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 \$144,000 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. 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 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:

RESOLUTION NO. (660-2010) continued

- (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 December 14, 2010, 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 December 14, 2010, authorizing the construction of drainage improvements on Phillips Hill Road, stating the estimated maximum cost thereof is \$330,000, appropriating \$144,000 for such purpose, in addition to the \$186,000 heretofore appropriated, and authorizing the issuance of \$144,000 serial bonds of said Town to finance said additional appropriation," an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct drainage improvements on Phillips Hill Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$330,000; APPROPRIATING \$144,000 for such purpose, in addition to the \$186,000 heretofore appropriated; and STATING the plan of financing includes the issuance of \$144,000 serial bonds of the Town to finance said additional 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 \$144,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance a part of 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 \$140,000 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;

RESOLUTION NO. (660-2010) continued

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum. Section 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	Absent
Co. Hausner	Yes
Co. Hoehmann	Yes
Co. Borelli	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (661-2010)

Co. Borelli offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 14, 2010, AUTHORIZING THE REPLACEMENT OF CHLORINE TANKS AT LAKE NANUET IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$70,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$70,000 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 chlorine tanks at Lake Nanuet in the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$70,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$70,000 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 \$70,000 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.

RESOLUTION NO. (661-2010) continued

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. 32 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 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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together

RESOLUTION NO. (661-2010) continued

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.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Andrew Gioseffi- Congers-Valley Cottage Ambulance Corps
Thanked the Town board for getting the project under way.

Supervisor Gromack
Thanked the Congers-Valley Cottage Ambulance Corps.

Barry Goldberg- Goshen
Read and submitted a letter regarding Massachusetts Avenue properties.

Steven Levine- Congers
Asked for information regarding the Congers Lake Road construction and stated concerns about the wildlife.

Guy Gervasi- West Nyack
Spoke against the contract with the special bargaining unit and the raises and increased benefits given to department heads that are already highly compensated, while the average citizen is not getting raises and is having their benefits cut. Said that there is a perception that concessions were made in order to obtain the contract.

Marge Hook- New City, former volunteer for Hi-Tor Animal Care Center
Spoke about Hi-Tor Animal Shelter not being able to provide all the services they are contracted for and spoke against public funding being utilized under those circumstances. Submitted a letter to the Town Board.

Supervisor Gromack

Stated that Mr. Goldberg and the Town of Clarkstown obviously disagree, as the town is not going to simply write a check, as we do not feel that we did anything wrong. He suggested that Mr. Goldberg's attorney could initiate a lawsuit and allow a judge to decide.

Amy Mele, Town Attorney

Stated that she finds Mr. Goldberg's comments increasingly threatening and will be referring the matter to the Clarkstown Police Department. In under three minutes, he invoked the concept of our sudden death, skinning a cat, and having some penalty imposed on us outside the context of the legal system.

Supervisor Gromack

Stated that the trail at Congers Lake, which he had gotten grants for while in the NYS Assembly and was started by Supervisor Holbrook is being done in stages. The DEC mandated a dam project. The sewer line in the water was moved to the street for safety reasons and paid for by the Rockland County Sewer Department. The water level was lowered in order to do work by the town and there were some grants and competitive bids.

Jo Anne Pedersen- Superintendent of Recreation and Parks

Stated that Let It Grow was the contractor and inspections are regularly done by Mayo Lynch and the DEC.

Supervisor Gromack

Stated that Hi-Tor Animal Care Center is under the auspices of Rockland County. He has spoken with Rockland County Legislator Bierker on numerous occasions and raised concerns, but changes must come from the county, and moreso, from the County Executive Scott Vanderhoef.

Co.Hoehmann

Stated the town's department heads do a good job and he rejects any implication that concessions were made by the Town Board in order to obtain the contract with the special bargaining unit.

Supervisor Gromack

Stated that he is proud of all the town's employees and the department heads. We have all worked very hard to bring the best services to the people, who have indicated they are pleased with the services we provide. The 2011 Budget will reduce taxes and that can be attributed to the hard work of the department heads and all of the employees. We have reduced the workforce and every single department is doing extraordinary work during these difficult times to continue to provide the level of services that our residents want.

With no one wishing to speak further, on motion of Co. Hausner, seconded by Co. Hoehmann, and unanimously adopted, the Town Board Meeting was adjourned, 9:00 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall 12/14/10 8:35 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Frank Borelli, George Hoehmann & Stephanie Hausner
Amy Mele, Town Attorney
Pamela Sitomer, Deputy Town Clerk

Absent: Co. Shirley Lasker

Public Hearing #2 re: a) Continuation: "Congers-Valley Cottage Ambulance Corps.
Building Upgrade funded by the Congers-Valley Cottage Ambulance District." b)
Authorizing funds for the Congers-Valley Cottage Ambulance Corps. Building Upgrade.

On motion of Co. Borelli, seconded by Co. Hausner, hearing opened 8:35 P.M.

Amy Mele- Town Attorney
Gave an overview of the project. Said this was a continuation, thanked the ambulance
corps members present for their cooperation, said the scope of the project was reduced,
and SECOR determination was completed on the Planning Board level and still stands.

On motion of Co. Borelli, seconded by Co. Hoehmann, and unanimously adopted, the
public hearing was closed 8:40 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

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

Town Hall 12/14/10 9:00 P.M.

Present: Supervisor Alexander J. Gromack Council Members Frank Borelli, George Hoehmann & Stephanie Hausner Amy Mele, Town Attorney Pamela Sitomer, Deputy Town Clerk

Absent: Co. Shirley Lasker

On motion of Co. Hoehmann, seconded by Co. Hausner the special meeting was declared open, on motion of Co. Hausner, seconded by Co. Borelli, and unanimously adopted, the meeting was closed, time: 9:02 P.M.

Upon Motion duly made, seconded and carried, and by the affirmative vote of all present, it was,

RESOLUTION OF THE TOWN BOARD AUTHORIZING THE SIGNING OF HOUSING ASSISTANCE PAYMENTS BASIC RENEWAL CONTRACT WITH RESPECT TO THE CLARKSTOWN MIDDLEWOOD SENIOR CITIZENS' COMPLEX – HUD PROJECT

RESOLVED, that the Board of Directors of the Clarkstown Middlewood Housing Development Fund, Inc., hereby authorizes the signing of Housing Assistance Payments Basic Renewal Contract and Rent Schedules for the Middlewood Senior Citizens' Complex – HUD Project No. 012-44136-NP-WAH.

Respectfully submitted,

Pamela Sitomer Deputy Town Clerk