

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/23/10

8:00 P.M.

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

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

SPECIAL PRESENTATION: Nanuet All-Stars Girl's Softball Team was recognized for State Championship win.

Public Hearing #1 re: Petition of Jeanmarie Grahn for Change of Zone. On motion of Co. Hoehmann, seconded by Co. Hausner, hearing opened 8:15 P.M. On motion of Co. Hausner, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was closed 8:30 P.M. RESOLUTION NO. (586-2010)

Public Hearing #2 re: Bid #35-2010- "Congers-Valley Cottage Ambulance Corps. Building Upgrade funded by the Congers-Valley Cottage Ambulance District." On motion of Co. Hoehmann, seconded by Co. Hausner, hearing opened 8:30 P.M. On motion of Co. Hausner, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was continued to December 14, 2010. RESOLUTION NO. (587-2010)

Supervisor opened the meeting to public comments regarding agenda items.

Guy Gervasi- West Nyack

Regarding agenda item #12b-f, asked if there was a difference in responsibilities from an MEO I to MEO II and why more HMS I positions are needed if we already have fourteen?

Wayne Ballard- Superintendent of Highways

Regarding agenda item #12b-f, stated there were added responsibilities for the MEO II positions; a few people did not score well on the test for the HMS I positions and moved down, two others moved up, and one retired, so it was an even swap.

Joe Tradullo- New City

Regarding agenda item #20, asked for further clarification.

Supervisor Gromack

Regarding agenda item #20, stated it is a four year agreement at 2%, 2.5%, 2%, and 1.5%, new people coming in do contribute, and as people retire, the unit will be phased out and not replaced through this bargaining unit; there'll be a separate contract individually.

RESOLUTION NO. (586-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AMENDING THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN FOR JEANMARIE GRAHN PROPERTY FROM THE LS DISTRICT TO THE R-22 DISTRICT (MAP 35.9-1-14)

WHEREAS, JEANMARIE GRAHN has submitted a petition to the Town Board of the Town of Clarkstown, requesting a change of zone of her property located at 305 Old Route 304, New City, New York, from the LS District to the R-22 District, which property is designated on the Clarkstown Tax Map as 35.9-1-14, and WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on October 19, 2010, provided for a public hearing on November 23, 2010, at 8:00 P.M., to consider the application of Jeanmarie Grahn to amend the Zoning Local Law of the Town of Clarkstown by redistricting the property, designated on the Clarkstown Tax Map as 35.9-1-14, from the LS District to the R-22 District, and WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to SEQRA by the Town of Clarkstown Planning Board, and which the Town Board has discussed and considered in making its decision herein, and WHEREAS, the Town of Clarkstown Planning Board reviewed the petition at their July 28, 2010 meeting and recommended approval of the zone change, subject to certain recommendations as set forth in the Planning Board's July 28, 2010 resolution, and WHEREAS, the Rockland County Department of Planning, by letter dated June 22, 2010, recommended approval of the requested zone change subject to certain modifications, including, 1) a review must be completed by the County of Rockland Department of Highways and all required permits obtained from them, and 2) recommend that the Town of Clarkstown take a comprehensive look at all of the parcels within this LS zone, and determine whether the other lots should also be rezoned to more accurately depict their current use and avoid spot zoning just one parcel, and WHEREAS, by their resolution dated July 28, 2010, the Town of Clarkstown Planning Board adhered to the County Planning Department's modification Nos. 1 and 2 and recommended that a comprehensive study of all the Town's LS districts should be undertaken as a part of the implementation of the Comprehensive Plan, and WHEREAS, the Town of Clarkstown Planning Board recommended approval of the petition and further concluded that the proposed zone change is consistent with the Town's Comprehensive Plan; NOW, THEREFORE, be it RESOLVED, that based upon the August 5, 2010 report of the Town of Clarkstown Planning Board, acting as agent to the Town Board as lead agency, it is hereby determined that this action is an Unlisted Action, and the Town

RESOLUTION NO. (586-2010) continued

Board hereby further determines that the proposed change of zone for the subject premises shall not have any significant adverse impact on the environment and hereby adopts the attached Negative Declaration, and be it FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 35.9-1-14, situate in the Hamlet New City, from the LS District to the R-22 District, which property is more particularly described on the attached Schedule "A," subject to the following conditions and recommendations:

1. The applicant shall comply with modification No. 1 as set forth in the Rockland County Planning Department's letter dated June 22, 2010;
2. The applicant shall investigate the ownership of the adjacent gore strip to the north, which if incorporated into the subject property could add some need bulk to the lot, as it is currently undersized for the R-22 zone;
3. The applicant shall attempt to gain access to Knapp Lane to avoid the need to develop another driveway along South Mountain Road/Old Route 304 particularly close to the intersection;

and be it

FURTHER RESOLVED, that based upon the Clarkstown Planning Board's recommendation, the Town Board directs that a comprehensive study of all the Town's LS districts should be undertaken as a part of the implementation of the Comprehensive Plan, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare an Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being near Centenary, Town of Clarkstown, County of Rockland and State of New York and being more fully bounded and described as follows:

BEGINNING at a point in the northerly line of Old Route 304, which point is marked by a spike driven in the ground and which point marks the intersection of the easterly line of a private road known as Knapp Lane with the northerly line of Old Route 304 running thence along the said easterly line of said private road, North 7° 56' West a distance of 35.7 feet; thence North 26° 00' East 57.2 feet to an iron pipe set in the ground; thence turning and running along land now or formerly of Traponeze, South 56° 54" East 146.6 feet to an iron pipe; thence turning and running along lands now or formerly of Mangel, South 20° 1' West 79.42 feet to an iron pipe set in the northerly line of Old Route 304; thence turning and running along the northerly line of Old Route 304, North 59° 20' West, a distance of 133.11 feet to the point or place of BEGINNING.

DETERMINATION OF SIGNIFICANCE
UNDER THE PROVISIONS OF 6NYCRR PART 617
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) FOR

PETITION TO REZONE JEANMARIE GRAHN PROPERTY FROM THE
LS DISTRICT TO THE R-22 DISTRICT (MAP 35.9-1-14)

WHEREAS, a Short Environmental Assessment Form (EAF) was received April 20, 2010 by the Department of Environmental Control, acting as technical Staff to the Planning Board, and

WHEREAS, said EAF was distributed to potential interested or involved agencies by letter dated May 25, 2010, and

WHEREAS, no involved agency objected to the Town Board being Lead Agency for coordinated review under the provisions of 6 NYCRR Part 617, whereby the Planning Board is therefore Lead Agency, and

WHEREAS, the Board reviewed the proposed action and identified no potential adverse environmental impacts due to the proposed action as the proposed rezoning to residential will have less environmental impact than the development of commercial properties, and

WHEREAS, at Public Hearing held on November 23, 2010 the application was reviewed and comment offered did not identify any additional potential adverse environmental impacts,

NOW THEREFORE BE IT RESOLVED that the Town Board, based on review of proposed action, and the mitigation of the potential adverse environmental impact thereof, makes a determination that the proposed action will not have an adverse environmental impact.

ACTION	JEANMARIE GRAHN - LS DISTRICT TO THE R-22 DISTRICT (MAP 35.9-1-14)
TYPE: UNLISTED	
EAF	Short
RECVD DATE	April 20, 2010
DIST DATE	May 25, 2010
NO. AGENCIES	6
HEAR. DATE	November 23, 2010

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

RESOLUTION NO. (587-2010)

Co. Lasker offered and Co. Hoehmann seconded

In the Matter of the Increase and Improvement of Facilities of the Congers/Valley Cottage Ambulance District, in the Town of Clarkstown, in the County of Rockland, New York, pursuant to Section 202-b of the Town Law.

ORDER CALLING FOR A FURTHER PUBLIC HEARING TO BE HELD ON December 14, 2010

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

RESOLUTION NO. (587-2010) continued

the "Town"), in the County of Rockland, New York; and

WHEREAS, public hearings have been duly called and held on the 19th day of October, 2010 and on this 23rd day of November, 2010 in relation to such increase and improvement of facilities; and

WHEREAS, it has now been determined that the estimated the maximum cost of such increase and improvement of facilities is \$4,000,000 and pursuant to Section 202-b of the Town Law a further public hearing is required for the purpose of discussing the construction of the project and the expenditure of said amount; and

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

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 10 Maple Avenue, New City, New York, on the 14th day of December, 2010 at 8:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District at the estimated maximum cost of \$4,000,000 and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

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

Exhibit A – NOTICE OF FURTHER PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Clarkstown, in the County of Rockland, State of New York, will meet at the Town Hall, 10 Maple Avenue, New City, New York, on December 14, 2010, at 8:00 o'clock P.M. (Prevailing Time), for the purpose of conducting a further public hearing in relation to the increase and improvement of facilities of Congers/Valley Cottage Ambulance District, consisting of the construction of a new headquarters building, including any ancillary or related work required in connection therewith, at the estimated maximum cost of \$4,000,000. Said public hearing shall be a continuation of the public hearing held on November 23, 2010.

At said further public hearing, the Town Board will hear all persons interested in said subject matter thereof.

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

RESOLUTION NO. (588-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the minutes of the Town Board Meeting of November 4, 2010 are hereby accepted as submitted by the Town Clerk.

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

RESOLUTION NO. (589-2010)

Co. Lasker offered and Co. Borelli seconded

RESOLUTION SCHEDULING TOWN BOARD WORKSHOPS AND TOWN BOARD MEETINGS FOR THE YEAR 2011

RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2011, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

*WORKSHOP MEETINGS

7:30 P.M. - Room 30l

January - 11

February - 1

March - 1

April - 5

May - 3

June - 7

July - 5

August - 2

Sept. - 13

October - 4

**November - 10 (Thursday @ 7:30 pm)

December - 6

TOWN BOARD MEETINGS

8:00 P.M. - Auditorium (Except where noted)

January - 4 (Reorganization)

January - 18

February - 8

March - 15

April - 12

May - 17

June - 14

July - 19

August - 16

Sept. - 20

October - 18

**November - 10 (Thursday @ 7 pm)

November - 22

December - 13

December - 29 (Thursday @ 12 Noon)

* Police Department matters will be discussed at the Workshop Meetings.

** The November 10, 2011 Meeting will be a combination of Town Board Meeting and Workshop.

RESOLUTION NO. (589-2010) continued

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

RESOLUTION NO. (590-2010)
 Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2010 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,
 NOW THEREFORE BE IT,
 RESOLVED, that the 2010 budget is hereby amended.

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

RESOLUTION NO. (591-2010)
 Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Town has received \$81,956.25 and \$175,000 from the County of Rockland and \$9,205.29 from D.A.R.E. Donations,
 NOW THEREFORE BE IT,
 RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Rev) and Budget Account H-5111-409-0-4-16 (Capital-New City Downtown Revitalization) by \$81,956.25 and be it,
 FURTHER RESOLVED, to increase Revenue Account H-15-10-3989-0 (Capital-Community Projects) and Budget Account H-8757-409-0-81-27 (Capital Projects-Rt. 304 Commuter Parking Lot) by \$175,000 and be it,
 FURTHER RESOLVED, to increase A-01-9-2705-0 (General-Gifts & Donations) and A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$9,205.29 and

WHEREAS, various accounts need additional funding,
 NOW THEREFORE BE IT,
 RESOLVED, to decrease A-7210-219-0 (Refreshment Stands-Misc Equipment) and increase A-7210-419-0 (Refreshment Stands-Misc Services) by \$412.00

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

RESOLUTION NO. (592-2010)
 Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING CHANGE ORDER #1, PLAYGROUND EQUIPMENT AT ZUKOR PARK,
 ZUKOR ROAD, NEW CITY, NEW YORK

WHEREAS, the playground at Zukor Park, New City, New York is currently undergoing renovations,
 WHEREAS, in the course of performing it was determined that new swings and chains were required, and
 WHEREAS, Universal Play Systems has submitted the proposal for the swing and chains, and
 WHEREAS, the cost of the additional work is \$979.00
 NOW, THEREFORE, BE IT
 RESOLVED, that Change Order #1, Playground Equipment, for Bid #27 -2010 is approved for the additional cost of \$979.00, and
 BE IT FURTHER RESOLVED, that the total cost for Playground Equipment Equipment shall not exceed \$175,979.00, and
 BE IT FURTHER RESOLVED, that said additional cost shall be a proper charge to Account No. H8761-409-85-10.

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

RESOLUTION NO. (593-2010)
 Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AUTHORIZING CHANGE ORDER #1, FITNESS EQUIPMENT AT STREET COMMUNITY
 CENTER, ZUKOR ROAD, NEW CITY, NEW YORK

WHEREAS, Street Community Center on Zukor Road, New City, New York is furnishing the Stay Fit senior

RESOLUTION NO. (593-2010) continued

equipment and,

WHEREAS, in the course of performing the electrical work, it was determined that additional electric outlets were required, and

WHEREAS, the electrical contractor has submitted the proposal for the additional outlets, and

WHEREAS, the cost of the additional work is \$2,716.96

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1, Stay Fit Equipment, for Bid #29 -2010 is approved for the additional cost of \$2,716.96, and

BE IT FURTHER RESOLVED, that the total cost for Stay Fit Equipment shall not exceed \$32,716.96, and

BE IT FURTHER RESOLVED, that said additional cost shall be a proper charge to Account No. H 8761-409-85-8.

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (594-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION ESTABLISHING CAPITAL ACCOUNT FOR DATA PROCESSING TECHNOLOGY IMPROVEMENTS

WHEREAS, the Director of Automated Systems has advised that the growing number of Town Hall technology improvements are needed to replace outdated network, video and access control components for the purpose of enhancing security, and

WHEREAS, these technical improvements will utilize new state of the art software and hardware components that will streamline network resources, enhance video imagery, improve building access control by updating hardware and software components into a more efficient operating platform and substantially improve the town's security, and

WHEREAS, the Director of Automated Systems has recommended that these technological improvements be implemented and has requested that funds be appropriated for said improvements,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Director of Automated Systems to proceed with the necessary technological improvements and be it

FURTHER RESOLVED, that the total cost for the project shall not exceed \$82,000.00 without further authorization of the Board and shall constitute a proper charge to capital account H-8759-409-0-85-12 and be it

FURTHER RESOLVED, that all hardware, software and services shall be purchased via approved current New York State OGS contracts.

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

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (595-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF NO PARKING SIGNS ON DEMAREST AVENUE

WHEREAS, the Town of Clarkstown's Downtown New City Revitalization Project has been designed to promote pedestrian traffic, improve vehicle traffic flow and to benefit local merchants and the Town in general, and

WHEREAS, the design includes the alteration of the traffic flow for Demarest Avenue, creating a portion of it to be a one way street from South Main Street;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install the following:

"No Parking" signs on the northside of Demarest Avenue, New City, between South Main Street and Maple Avenue.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (596-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that Resolution No. 514-2010, adopted October 5, 2010, be rescinded due to a descriptive error; and be it

RESOLUTION NO. (596-2010) continued

FURTHER RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

"No Parking Anytime" signs (as per Sec. 221.5, signs of the NYS DOT Manual of Uniform Control Devices) on the east side of Demarest Avenue, Nanuet 15 ft. South and North from the center line of driveway of Map 64.9-1-63, 13 E. 45.1.

These signs to have directional arrows; refer to Sec. 221.4 for posting information paragraph (3), and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

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

RESOLUTION NO. (597-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

School Speed Limit signs as per sec. 212.4 of the NYS Manual of Uniform Traffic Devices, a R2-7 sign to read, "School Speed Limit 15 MPH". The signs shall be posted on the west side of Demarest Mill Rd., the Blue Rock School, West Nyack, NY and in accordance with requirements for linear speed limits (see Section 212.3 (3) of this Part) except that maximum spacing for intermediate signs should not exceed 1,100 ft.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, P.E., for implementation.

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

RESOLUTION NO. (598-2010)

Co. Lasker offered and Co. Hausner seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A GRANT FROM THE HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL ON BEHALF OF THE ROCKLAND FARM ALLIANCE, INC.

WHEREAS, by Resolution No. 319-2010, adopted June 15, 2010, the Town of Clarkstown entered into an agreement with the County of Rockland to grant a license to The Rockland Farm Alliance, Inc. to operate an agricultural operation on approximately five (5) acres of land on property owned by the County of Rockland and Town of Clarkstown, commonly known as Cropsey Farm; and

WHEREAS, by Resolution No. 355-2010, adopted July 6, 2010, the Supervisor was authorized to apply for a grant from the Hudson River Valley Greenway Communities Council on behalf of The Rockland Farm Alliance, Inc., in the amount of \$20,000.00 for the development of the Cropsey Community farm; and

WHEREAS, the Hudson River Valley Greenway Communities Council has notified the Town that it has approved funding for a \$20,000.00 matching grant to provide assistance for the Cropsey community farm.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into a Memorandum of Understanding between the Hudson River Valley Greenway Communities Council and the Town of Clarkstown for use in connection with the Rockland Farm Alliance Cropsey community farm project.

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

RESOLUTION NO. (599-2010)

Co. Hoehmann offered and Co. Lasker seconded

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH PARTNERS IN SAFETY, INC. CONCERNING THE DRUG AND ALCOHOL TESTING PROGRAM

WHEREAS, PARTNERS IN SAFETY, INC. has submitted a proposal for the renewal of an agreement with the Town of Clarkstown, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and

WHEREAS, John W. Coyle, Safety Manager, has recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form satisfactory to the Town Attorney, with Partners in Safety, Inc., 800 Route 17M, Middletown, New York, for

RESOLUTION NO. (599-2010) continued

the period commencing January 1, 2011 and terminating on December 31, 2011, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional and other liability insurance coverage, as required by the Town Attorney, and be it

FURTHER RESOLVED, that the fee for the year 2011, for such services, shall be \$3,656.50, with additional hourly fees in accordance with said proposal dated November 9, 2010, which fees shall be charged to Account No. A 9000-409.

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

RESOLUTION NO. (600-2010)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING EXECUTION OF INTERSECTION MONITORING AGREEMENT REGARDING STOP & SHOP SUPERMARKET COMPANY LLC SITE PLAN (43.11-2-38, 39, 40 & 41)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Stop & Shop Supermarket Company LLC (Bradlees Shopping Center Renovation) site plan, in the vicinity of Cavalry Drive and North Main Street, New City, New York (43.11-2-38, 39, 40 & 41), The Stop & Shop Supermarket Company LLC has provided an Intersection Monitoring Agreement, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyance; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the Intersection Monitoring Agreement provided by The Shop & Shop Supermarket Company LLC.

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

RESOLUTION NO. (601-2010)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Project Engineer that

BID # 28-2010 – CONGERS ROAD EXTENSION/DOWNTOWN NEW CITY RENOVATION PROJECT is hereby awarded to: TILCON NEW YORK, INC., 162 OLD MILL ROAD, WEST NYACK, NY 10994
PRINCIPAL: JOHN T. COONEY JR., VICE PRESIDENT

as per their proposed project cost as follows:

Price – Base Bid Phase II Construction Plan: \$1,974,874.00

Add alternate 1 – North Main Street: \$104,500.00

Add alternate 2 – Traffic Signal Plan: \$182,600.00

For a total project cost of \$2,261,974.00 plus an 18% contingency; and be

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

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

The Town of Clarkstown and the County of Rockland 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 Public Works Administrator, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-5111-400-409-0-4-16

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

RESOLUTION NO. (602-2010)

Co. Borelli offered and Co. Lasker seconded

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

RESOLUTION NO. (602-2010) continued

BID#7-2011 – TRAFFIC SIGNAL INSTALLATION NORTH MAIN STREET@ HERITAGE DRIVE

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New city, New York _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Authorized Purchasing Agent.

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

RESOLUTION NO. (603-2010)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #07142 (RCNCP) Chief Fire Safety Inspector – which contains the name of Vincent Narciso, NOW, therefore, be it RESOLVED, that Vincent Narciso is hereby appointed to the (permanent) (promotional) position of Chief Fire Safety Inspector, Building Department, at the current 2010 annual salary of \$93,480., effective November 22, 2010.

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

RESOLUTION NO. (604-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Kevin P. Fitzpatrick to the (permanent) (promotional) position of Motor Equipment Operator II – Highway Department – at the current 2010 annual salary of \$50,458., effective and retroactive to November 8, 2010.

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

RESOLUTION NO. (605-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of George C. Russo to the (permanent) (promotional) position of Motor Equipment Operator II – Highway Department – at the current 2010 annual salary of \$57,567., effective and retroactive to November 8, 2010.

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

RESOLUTION NO. (606-2010)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #10064 Highway Maintenance Supervisor I – which contains the name of Robert A. Klein, NOW, therefore, be it RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Robert A. Klein to the (permanent) (promotional) position of Highway Maintenance Supervisor I – Highway Department – at the 2010 annual salary of \$76,271., effective and retroactive to November 8, 2010.

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

RESOLUTION NO. (607-2010)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #10064 Highway Maintenance Supervisor I – which contains the name of Robert H. Hayes, NOW, therefore, be it

RESOLUTION NO. (607-2010) continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Robert H. Hayes to the (permanent) (promotional) position of Highway Maintenance Supervisor I – Highway Department – at the 2010 annual salary of \$68,726., effective and retroactive to November 8, 2010.

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

RESOLUTION NO. (608-2010)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #10064 Highway Maintenance Supervisor I – which contains the name of Kenneth J. Kunz, NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Kenneth J. Kunz to the (permanent) (promotional) position of Highway Maintenance Supervisor I – Highway Department – at the 2010 annual salary of \$68,726 effective and retroactive to November 8, 2010.

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

RESOLUTION NO. (609-2010)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #10074 Security Administrator (Town) – which contains the name of Robert M. Paul Jr., NOW, therefore, be it

RESOLVED, that Robert M. Paul Jr., is hereby appointed to the (permanent) (promotional) position of Security Administrator (Town) – Data Processing Department – at the current 2010 annual salary of \$65,741 – effective November 24, 2010.

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

RESOLUTION NO. (610-2010)

Co. Hausner offered and Co. Hoehmann seconded

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

BID #42-2010 – PURCHASE OF TWO (2) ASPHALT HOT BOXES EACH WITH TRAILER FOR CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to: FALCON ROAD MAINTENANCE EQUIPMENT
120 WALDO AVENUE
MIDLAND, MI 48642
PRINCIPALS: GRETCHEN GROULX
MICHAEL GROULX

As per their low bid proposal of \$47,034.00 and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8761-400-409-0 -85-16 and be it

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

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

RESOLUTION NO. (611-2010)

Co. Hausner offered and Co. Hoehmann seconded

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

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

is hereby awarded to

ARAMARK UNIFORM SERVICES
DIV. OF ARAMARK UNIFORM & CAREER APPAREL, INC.
115 NORTH FIRST STREET
BURBANK, CA 91502
PRINCIPALS: A PUBLIC CORPORATION

STAUFFER GLOVE AND SAFETY
361 E. SIXTH STREET
P.O. BOX 45
RED HILL, PA 18076
PRINCIPALS: W. RANDELL STAUFFER
JEFFREY STAUFFER
REBEKAH STAUFFER PUTERA

STRONGWEAR GARMENT CORP
191 PLAZA
TEANECK, NJ 07666
PRINCIPALS: GILBERT ORTIZ

As per price/item list (on file with Purchasing Department)

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

RESOLUTION NO. (612-2010)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Nanuet Ambulance Corps, long time occupant of 202 Main Street, Nanuet (64.9-1-60) has moved to its new quarters, and

WHEREAS, a stretch on the west side of Main Street encompassing three parking spaces was designated “No Standing Anytime” in order to provide space for the Ambulance vehicles to turn, and

WHEREAS, this designation and signage is no longer necessary and creating additional on street parking when available is important to local merchants and their customers, and

WHEREAS, the Town Superintendent of Highways has requested and obtained the approval of the Rockland County Superintendent of Highways to remove the signage on Main Street (County Route 33) and the County Superintendent has agreed to appropriately stripe the Road,

NOW, THEREFORE, be it RESOLVED,

That the Town Board hereby authorizes the Superintendent of Highways to coordinate and perfect the removal of the No Standing Anytime zone across from 202 Main Street, Nanuet and the area is to be included in the existing “Two Hour Parking” area as it is currently posted.

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

RESOLUTION NO. (613-2010)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION RE-REFERRING PETITION OF JOY BUILDERS, INC. FOR ABANDONMENT OF PORTION OF RTE. 45 AND RTE. 59 BY-PASS IN THE TOWN OF CLARKSTOWN, NEW YORK, TO THE CLARKSTOWN PLANNING BOARD

WHEREAS, by Resolution No. 274-2010 adopted at the Town Board meeting held on May 18, 2010, the Town Board referred an application made by Joy Builders, Inc. for abandonment of a certain portion of the highway known as Rte. 45 and Rte. 59 By-Pass, Town of Clarkstown, New York to the Clarkstown Planning Board, and WHEREAS, the Clarkstown Planning Board has been unable to come to a consensus on their recommendation; NOW, THEREFORE, be it

RESOLVED, that this matter is hereby re-referred to the Clarkstown Planning Board for their report and recommendation.

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

RESOLUTION NO. (614-2010)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING RELEASE OF SECURITY LOWES SITE PLAN – 57.12-1-47

WHEREAS, Lowe’s Home Centers, Inc. furnished to the Town of Clarkstown three (3) Letters of Credit (Letter of Credit No. SM226629W in the amount of \$250,000 for traffic mitigation; Letter of Credit No. SM226632W in the amount of \$12,000 for a traffic signal; and Letter of Credit No. SM227039W in the amount of \$75,000 for site restoration) to obtain final site plan approval and to secure the completion of improvements in the Lowes Site Plan, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, has advised that the security may be released, as some of the work required to be performed has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. SM226629W in the amount of \$250,000, Letter of Credit No.

RESOLUTION NO. (614-2010) continued
SM226632W in the amount of \$12,000 and Letter of Credit No. SM227039W in the amount of \$75,000 may be released to the guarantor.

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

RESOLUTION NO. (615-2010)
Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING RELEASE OF ESCROW LOWES SITE PLAN – 57.12-1-47

WHEREAS, ILY Properties, Inc. furnished to the Town of Clarkstown cash escrow in the amount of \$12,500 in the form of a personal check for a traffic study to be performed in connection with the Lowes Site Plan (57.12-1-47), and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown has advised that the review of the traffic study has been performed by John L. Sarna, P.E.;

NOW, THEREFORE, be it

RESOLVED, that after the invoice for the review of the traffic study performed by John L. Sarna, P.E. has been paid, the balance of this cash escrow may be released.

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

RESOLUTION NO. (616-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING CHANGE ORDER #1, IMPROVEMENTS AT VARIOUS PARKS, BASKETBALL COURT AND HANDBALL COURT WALL

WHEREAS, the basketball court in Central Nyack and the handball court at Congers, NY is currently undergoing renovations.

WHEREAS, in the course of performing it was determined that color coating was required, and

WHEREAS, JMK Enterprises has submitted the proposal for color coating the courts, and

WHEREAS, the cost of the additional work is \$15,145.08

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1, Improvements at Various Parks, for Bid #5 -2010 is approved for the additional cost of \$15,145.08, and

BE IT FURTHER RESOLVED, that the total cost for the basketball and handball court shall not exceed \$97,527.08

BE IT FURTHER RESOLVED, that said additional cost shall be a proper charge to Account No. H 8761-409-84-31

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

RESOLUTION NO. (617-2010)
Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE EAST RAMAPO CENTRAL SCHOOL DISTRICT CONCERNING UNIVERSAL PRE-KINDERGARTEN PROGRAM

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

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

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the East Ramapo Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2010-2011 school year, and be it FURTHER RESOLVED, that the East Ramapo Central School District shall pay \$268.50 for each child duly enrolled in the Universal Pre-Kindergarten Program.

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

RESOLUTION NO. (618-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION CONCERNING COLLECTIVE BARGAINING AGREEMENT FOR SPECIAL UNIT OF THE CLARKSTOWN CSEA

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Special Unit of the Clarkstown CSEA for a successor to the 2007 – 2010 Agreement between the parties, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated November 17, 2010, and

WHEREAS, the membership of the Union has ratified the terms of the Memorandum of Agreement, and WHEREAS, the Town Board has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute a collective bargaining agreement consistent with the terms thereof.

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

RESOLUTION NO. (619-2010)
Co. Lasker offered and Co. Hausner seconded

RESOLUTION AUTHORIZING LAWRENCE BROWN & CO. TO PREPARE AN AUDIT AND ACCOUNTING ON A TAX CERTIORARI MATTER REGARDING THE RETAIL PROPERTY TRUST, A MASSACHUSETTS BUSINESS TRUST (57.20-1-27; 57.20-2-59; 63.8-3-3; 63.8-3-6 and 63.8-3-8)

WHEREAS, The Retail Property Trust, a Massachusetts Business Trust v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 57.20-1-27; 57.20-2-59; 63.8-3-3; 63.8-3-6 and 63.8-3-8, and more commonly known as 75 W. Route 59, Nanuet, New York, for the year(s) 2010/11; and

WHEREAS, it is desirable to have an audit and accounting prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Lawrence Brown & Co. be retained for the purpose of preparing an auditing and accounting at a fee of \$110.00 per hour and not to exceed the amount of \$3,000.00; and such fee shall be charged to Account No. A-1420-439-1.

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

RESOLUTION NO. (620-2010)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (CAPITAL ONE, N.A. F/K/A NORTH FORK BANK – 43.15-1-41)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Capital One, N.A. f/k/a North Fork Bank v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Clarkstown, Index No(s). 4910/03; 4475/04; 5113/05; 5343/06; 5809/07; 6500/08; 6458/09 and 7274/10, affecting parcel designated as Tax Map 43.15-1-41 and more commonly known as 67 North Main Street, New City, New York, for the year(s) 2003/04; 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10 and 2010/11, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown 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 43.15-1-41 be reduced for the year(s) 2003/04 and 2004/05 from \$690,400 to \$586,840 at a cost to the Town of \$3,384.72 for both years;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-41 be reduced for the year(s) 2005/06 from \$690,400 to \$498,325 at a cost to the Town of \$3,481.86;
- 3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map

RESOLUTION NO. (620-2010) continued

43.15-1-41 be reduced for the year(s) 2006/07 from \$690,400 to \$447,469 at a cost to the Town of \$4,524.18;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-41 be reduced for the year(s) 2007/08 from \$690,400 to \$455,775 at a cost to the Town of \$4,931.79;

5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-41 be reduced for the year(s) 2008/09 from \$690,400 to \$468,700 at a cost to the Town of \$4,519.26;

6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-41 be reduced for the year(s) 2009/10 from \$690,400 to \$469,656 at a cost to the Town of \$4,917.60;

7. Reimbursement for the year(s) 2003 through 2010 on the parcel described as Tax Map 43.15-1-41, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (621-2010)

Co. Hausner offered and Co. Hoehmann seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 125 OF THE CODE OF THE TOWN OF CLARKSTOWN

WHEREAS, the NYS Legislature has eliminated the Department of Agriculture and Markets dog licensing responsibilities and has mandated that local municipalities assume the function on a local level by January 1, 2011, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to comply with this state legislation and amend Chapter 125 of the Town Code of the Town of Clarkstown to reflect the scope of the new regulations, and

WHEREAS, a Local Law entitled, "A Local Law Amending Chapter 125- 'Dogs and Other Animals' of the Code of the Town of Clarkstown," has been proposed to implement and codify the new responsibilities vested in the Office of the Town Clerk;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on December 14, 2010, at 12:01 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows

Co. Lasker Yes

Co. Hausner Yes

Co. Hoehmann. Yes

Co. Borelli. Yes

Supervisor Gromack Yes

RESOLUTION NO. (622-2010)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH FRANK P. AND LISA MILLER, 15 CARLEY COURT, WEST NYACK, NEW YORK, REGARDING ENCROACHMENT ON TOWN DRAINAGE EASEMENT

WHEREAS, , owners of premises located at 15 Carley Court, West Nyack, New York and more particularly described as Tax Map 58.19-1-9.22, have installed a fence and plantings that are encroaching into a Town drainage easement, and

WHEREAS, Dennis M. Letson, P.E., First Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachment described herein may remain provided the Town retains the right to order the encroachment removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owners, in a recordable form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the fence and plantings to remain within the Town's drainage easement, located at 15 Carley Court, West Nyack, New York and more particularly described as Tax Map 58.19-1-9.22, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owners or successors shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment or license to maintain same.

RESOLUTION NO. (622-2010) continued

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

RESOLUTION NO. (623-2010)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION AMENDING RESOLUTION NO. 627-2007 AWARDDING
BID NO. 48-2007 TO FRONTLINE COMMUNICATIONS

WHEREAS, by Resolution No. 627-2007, adopted October 23, 2007, the Town Board authorized the Supervisor to enter into an agreement with Frontline Communications to provide Internet bandwidth via fiber and MPLS to various town locations; and

WHEREAS, the current agreement with Frontline expires on December 17, 2010; and

WHEREAS, the Director of Automated Systems recommends renewing the agreement with Frontline for an additional five (5) years at the current pricing;

NOW, THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into a renewal agreement with Frontline Communications for a period of five (5) years commencing December 18, 2010; and be it

FURTHER RESOLVED, that the Agreement shall provide, among other things, that the Director of Automated Systems shall be permitted to add additional bandwidth at prices not to exceed those set forth in Exhibit "A" of the proposal; and be it

FURTHER RESOLVED, that the monthly fees for said services shall be an appropriate charge to A 3120 460-5 for the Police facility and A 3020 460-10 for other Town facilities.

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

RESOLUTION NO. (624-2010)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Town Board Resolution 222-2010 awarded bid #25-2010; Lexington Road/Christopher Drive Drainage improvements; and

WHEREAS, the existing storm drain system down-stream from the new detention system requires cleaning; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to perform the required work; and

WHEREAS, the Department of Environmental Control received two (2) proposals in response to its solicitation; and

WHEREAS, the low proposal from Russell Reid, Inc. has been reviewed by the Department of Environmental Control and found acceptable as follows:

a. Combination Jetvac truck @ \$250/hr (estimated time to complete job is 40 hours)	\$10,000.00
b. Easement machine @ \$475/day	\$2,375.00
c. Waste Disposal @ \$76/ton	\$7,500.00
d. 2 - Flex hose (160 ft. rolls) @ \$200.00/roll	\$400.00
Total Change Order Amount	\$20,275.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from \$295,041.00 to \$315,316.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H 8760 400 409 0 85 3

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

The Supervisor opened the meeting for general public comments.

Barry Goldberg- Goshen

Read and submitted a letter regarding Massachusetts Avenue properties and stated he filed a lawsuit against Steven Levine for libelous and slanderous statements he said were made at public meetings.

Joe Tradullo- New City

Commended the Town Board on departmental consolidation and asked if the town can't get rid of the town clerk's position, do the jobs of town clerk and superintendent of highways have to be elected positions?

Guy Gervasi- West Nyack

Thanked Co. Borelli and Co. Hoehmann for initializing departmental consolidation and the rest of the Town Board and Amy Mele for bringing it to fruition. Spoke against raises for town employees and asked for the Town Board members' positions on said raises.

Mike Hirsch- New City

Spoke in favor of the consolidation of town departments and reducing the town clerk's salary. Stated the Town of Orangetown used an independent group to look into reducing police salaries and the Town of Clarkstown should do the same. Asked if we can cut more of the police force?

Amy Durbin- Congers

Stated that she is requesting a written opinion from the New York State Bar Association and the New York State Ethics Committee on the issues of conflicts of interest regarding Keith Cornell, Deputy Town Attorney, and the CSEA and Amy Mele, Town Attorney, and her brother, Brian Wagner, Vice President of the CSEA.

Supervisor Gromack

Stated that he disagrees with Barry Goldberg, because there were numerous calls and meetings held with his attorney and Ms. Mele, but he does not feel that Mr. Goldberg deserves money from the town. If he thinks it's just, Mr. Goldberg should sue the town. The Town Clerk and Superintendent of Highway positions can be put on the ballot by referendum to be made appointed, not elected positions. There are pros and cons. Someone elected is responsible to the town and the people. Someone appointed, some may say their responsibility is only to the Town Board, but it is certainly something we can look at and discuss. The Town Board has been talking for a number of years and has looked for ways to consolidate. We are now presented with an opportunity to do so and we feel this will be a savings of upwards of \$500,000, if approved by the voters. Spoke about how proud he is of the work done by the Clarkstown Police Department and that the town continually strives to bring down costs. We have been in arbitration for over two years and we hope to hear soon what the retroactive contract will be for 2009 and 2010. The town is down twelve officers and continually looks for other ways to save. It is estimated that approximately \$60,000 - \$70,000 will be saved with the appointment of a new chief and captain. For the foreseeable future, the town will not be filling a lieutenant's position. For the fiscal year of 2011, we anticipate saving over \$300,000. The town won't come up with an artificial number to cut police positions, but do what's best for the Clarkstown Police Department and for the people of Clarkstown. When the salary schedule comes up for a vote, it will contain raises for CSEA employees and for employees who are not represented by CSEA. He stated he supports the raises and feels they are well deserved in the context of the budget for next year that is at 0%. Regarding a potential conflict of interest, we look every day at conflicts that may or may not exist in the Town of Clarkstown. Our review is that there is not a conflict with the duties that Mr. Cornell is carrying out with CSEA, nor is there a conflict with the work that the Town attorney, Amy Mele, is doing because of other individuals that work for the town.

Co. Borelli

Stated it is not fair to compare the Clarkstown Police Department to police departments from other towns that are in very different financial situations.

Co. Hoehmann

Stated that the current Chief of Police is taking a pay freeze, the Boards and Commission members are not taking raises, and there will be a cut in salary for the new Chief of Police and Police Captain. The salary schedule will not be voted upon until the Reorganization Meeting. A commitment has been made, that as police officers retire, decisions will be made based on safety needs.

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, 8:55 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

11/23/2010

8:15 P.M.

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

Public Hearing #1 re: Petition of Jeanmarie Grahn for Change of Zone.

On motion of Co. Hoehmann, seconded by Co. Hausner, hearing opened 8:15 P.M.

Amy Mele- Town Attorney
Gave an overview of the petition, stating it was for the petitioner's property only and no adjacent properties were being considered tonight.

Joe Simoes- Town Planner
Gave an overview of the petition and the Planning Board's findings.

Michael Rickli- New City, owner of the adjacent property
Submitted a letter and stated his concerns about having a residential property next to his commercial property and spoke against any rezoning of his property. He suggested any house built on petitioner's property should be built on the opposite side, due to commercial vehicles.

Brian Quinn- Attorney for the petitioner
Spoke on behalf of the applicant, asking the Town Board to grant the petition.

On motion of Co. Hausner, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was closed 8:30 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

11/23/2010

8:30 P.M.

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

Public Hearing #2 re: Bid #35-2010- "Congers-Valley Cottage Ambulance Corps. Building Upgrade funded by the Congers-Valley Cottage Ambulance District."

On motion of Co. Hoehmann, seconded by Co. Hausner, hearing opened 8:30 P.M.

Amy Mele- Town Attorney
Gave an overview of the bid, stating the hearing had been a continuation from the last meeting and recommended it be continued further until December 14, 2010.

On motion of Co. Lasker, seconded by Co. Hoehmann, and unanimously adopted, the public hearing was continued to December 14, 2010.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

RESOLUTION NO. (587-2010)