

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/18/11

8:00 P.M.

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

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

SPECIAL PRESENTATION: CLARKSTOWN ENVIRONMENTAL AWARDS

The Town Board recognized Naomi Camilleri for her work with the Rockland Farm Alliance and the Cropsey Community Farm and Laurie Seaman of Strawtown Studio for her work for the environment as an educator as well as a volunteer for many environmental causes. The Town Board presented birdhouses which will be installed along the walking trail in Congers in honor of Naomi and Laurie.

On motion of Co. Hoehmann seconded by Co. Lasker the Public Hearing Re: Petition of Wolfe Landing for a Zone Change was opened, time: 8:26, closed 8:40 pm.

RESOLUTION NO. 553-2011 ADOPTED

Supervisor opened the meeting for comments on the agenda items.

Amy Durbin, Congers
Questioned Item 4b, Bid Award for Police Uniforms, Item 19, Transfer of Funds and Item 8, Agreement with Clarkstown and the PBA for Blood Testing.

Frank Grandel, New City
Questioned Item 7, Heaton's Pond Project and Item 22, Demarest Kill Project.

Steven Levine, Congers
Questioned Item 13, Congers Lake Village Affordable Senior Housing.

Shirley Washington, Central Nyack
Spoke about Item 4c and 4d, Central Nyack Drainage and Wetlands project. She would like to see this project move forward .

Ralph Sabatini, New City
Asked how Item 4c, Central Nyack Drainage Project, and Item 6b, Dam and Detention Basin, impacts the Open Space initiative.

Kevin Hobbs, New City
Asked about Item 4c, Detention Basin Central Nyack.

Police Chief Sullivan explained that Item 4b is a bid for police uniforms. The regular uniform order was not put in in January so this is coming out of budgeted funds, they are not asking for additional money. As far as Item 19, transfer of funds, money is being transferred from Seizure Funds to pay for replacement police vests. Item 8, regarding Blood Testing, is an agreement that explains which medical procedures can be used during the Department's random drug testing.

In response to questions about the Central Nyack Projects, Co. Lasker explained that Central Nyack residents have been plagued by flooding. While she is and has been a proponent of the protection of open space, when it comes to a choice between saving pristine woodland and human life, she is going to chose the health, safety and welfare of the people of Central Nyack.

Additionally, with regard to the Central Nyack projects, Town Attorney, Amy Mele, stated that there is a reaction to an incendiary headline by the Journal News. Nothing is going on with the Central Nyack retention basin that is contrary to our open space program. In fact, it is entirely consistent with that program in that the open space plan calls for a reduction in flooding. Upon reading that newspaper article, people thought that the Hoover Dam was going in in Central Nyack and, in fact, its just a large earthen dam, the stream is not being redirected, the berm is going to be planted with indigenous grasses, its going to provide additional area for biodiversity and, in fact, it will provide passive recreation in the form of a walking trail, all of which are goals of the comprehensive plan. She has prepared a narrative regarding this and would be happy to provide a copy to anyone who would like it.

The Town Attorney also explained Item 13, Support for Proposed Congers Lake Village Affordable Senior Housing, which concerns the site of the gas station on Old Lake Rd. in Congers. There is a developer who has been working with the Rockland Housing Action Coalition who would like to purchase that property and develop small scale hamlet center senior housing. This resolution simply authorizes the Supervisor to execute a letter of support for this.

Dennis Letson, Deputy Director of Environmental Control, explained the Heaton Pond, Demarest Kill and Denver Drive projects. Item 7, has to do with the replacement of trees and some additional plantings that were removed as a result of an extensive dredging project last year at Heaton Pond. Item 22, Demarest Kill Stream, is a project that will be done to remove accumulated branches, trees, deadfall, existing debris and blockages. Item 10, Denver Drive project, is to remedy one of the existing culverts which has been a maintenance nightmare causing backups and roadway flooding.

RESOLUTION NO. (553-2011)

Co. Lasker offered and Co. Hoehmann seconded

**RESOLUTION APPROVING ZONE CHANGE REQUEST FOR WOLFE LANDING,
LLC, REDISTRICTING PROPERTY FROM THE LO DISTRICT TO THE AAR
DISTRICT, PREMISES DESIGNATED AS MAP 64.07-1-9.2**

WHEREAS, by Local Law No. 3-2007, the Town Board created the Active Adult Residence Zone (the “AAR Zone”), an unmapped floating zone designed to address the Town’s need for a range of fifty-five (55) and over housing, and

WHEREAS, the Generic Environmental Impact Statement prepared in connection with the adoption of the AAR Zone stated that the zoning was being implemented based upon the needs identified by the Town’s 1999 Comprehensive Plan and the 2002 Housing Study prepared for the Town, and

WHEREAS, the local law provides that an application for the establishment of an AAR Zone by amendment to the Town’s Zoning Local Law shall be made via a petition to the Town Board, and

WHEREAS, WOLFE LANDING, LLC (the “Petitioner”) has submitted a petition (the “Petition”) to the Town Board of the Town of Clarkstown, requesting a change of zoning from the LO District to the AAR District for premises designated on the Clarkstown Tax Map as 64.07-1-9.2, located at 2 Medical Park Drive, West Nyack, New York, to permit the construction of forty-three (43) patio homes for active adults (the “Project”), and

RESOLUTION NO. (553-2011) continued

WHEREAS, by resolution dated November 8, 2007, the Town Board authorized the Supervisor to review all AAR Petitions and convene personnel as he deemed necessary to conduct a thorough review of such applications, and

WHEREAS, the Supervisor created an in-house committee (the "Committee") consisting of legal, planning, engineering and building personnel to review the AAR Petitions in light of the criteria for rezoning as set forth in Section 290-7.1E(1)-(13) of the law, and

WHEREAS, Petitioner met with the Committee numerous times in 2011, and

WHEREAS, by Resolution dated July 19, 2011, the Town Board retained Tim Miller Associates to review the AAR Petition and make recommendations regarding potential improvements to the proposed Project, and

WHEREAS, the applicant met with Tim Miller Associates in addition to the Committee, and

WHEREAS, as a result of such meetings the Applicant gratuitously offered to provide certain additional amenities in order to bring the Project into compliance with the criteria for rezoning, and

WHEREAS, by resolution dated July 19, 2011, the Town Board declared itself lead agency pursuant to SEQRA and retained Tim Miller Associates as its agent to conduct the SEQRA review of the Project, and

WHEREAS, by memo dated October 12, 2011, Tim Miller Associates analyzed the Project for compliance with the AAR Zoning criteria and recommended that a public hearing be scheduled so that the Town Board could consider the Petition, and

WHEREAS, the Town Board by Resolution duly adopted on September 20, 2011, scheduled a public hearing for October 18, 2011 at 8:00 p.m., to consider the application of Petitioner for Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property owned by the Petitioner, designated on the Clarkstown Tax Map as 64.07-1-9.2, more particularly described on Schedule "A" herein, from the LO District to the AAR District, and

WHEREAS, notice of public hearing was duly published as required by law for October 18, 2011, at 8:00 p.m., and said hearing was duly commenced at the time and place specified in the notice, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the Committee, its consultants, and the public, and

WHEREAS, the Town Board has received a proposed negative declaration pursuant to SEQRA from its Planning Consultant, Tim Miller Associates, which lists the proposed Zone Change as an unlisted action for environmental review purposes, and concludes that implementing the AAR Zoning designation as proposed in the Petition will not create any significant adverse impacts, which the Board has discussed and considered in making its decision herein, and

WHEREAS, at the Planning Board meeting held on September 7, 2011, Principal Planner Jose Simoes offered the following comment on the appropriateness of the rezoning:

"The site is located 500 feet from Eden Park, a 34 unit AAR complex, built by the same developer. All of the criteria for rezoning met by Eden Park can be met by this development, most notably that it is located by a similar development (namely, Eden Park), has vehicular access (West Nyack Road and Medical Park Drive) and pedestrian access (existing and newly built sidewalks to West Nyack Hamlet Center) and is near public transportation (Eden Park bus stop), medical care (Palisades Medical across the street) and recreation (JCC)," and

WHEREAS, by letter dated August 8, 2011, the Rockland County Department of Planning indicated that the matter was not within their jurisdiction;

NOW, THEREFORE, be it

RESOLVED, that based upon the reports of Tim Miller Associates dated October 12, 2011 and October 18, 2011, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change shall not have any significant adverse impact on the environment, and hereby directs that the attached negative declaration be filed and distributed in accordance with the provisions of SEQRA, and be it

RESOLUTION NO. (553-2011) continued

FURTHER RESOLVED, that based on the reports of the Committee, and its consultants, and based upon all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

1. The property is eligible for AAR Zone designation;
2. The proposed zone change is consistent with the intent of the AAR Zone;
3. The Petition complies with the criteria set forth in Section 290-7.1E(1)-(3);
4. Pursuant to Section 290-7.1D(1), the applicant has proposed adequate mitigation measures so that the proposed development will not have any greater impact than the as-of-right development;

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 64.07-1-9.2, situate in the Hamlet of West Nyack, from the LO District to the AAR District, which is described on the attached Schedule "A" provided, however, that such zone change shall be subject to the following conditions:

1. The maximum number of units to be developed under the zone shall be forty-three (43), subject to site plan constraints;
2. The applicant shall submit an overall site plan for approval by the Planning Board;
3. Seven (7) of the units, specifically Unit Nos. 12, 27, 30, 33, 36 and 39 as indicated on the preliminary site plan, shall be "Affordable Units" as defined in Section 290-3 and shall comply with Section 290-7.1I(8);
4. The Planning Board shall ensure, in connection with the final site plan approval, compliance with Section 290-7.1K(2);
5. The applicant shall pay a fee in the amount of \$63.00 per unit, for a total sum of \$2,709.00 for 43 units, pursuant to Section 290-7.1F(3);
6. The applicant shall pay a fee of \$68,800, or \$1,600 per unit, in lieu of providing tangible community benefits. The applicant recognizes that said sum is fair and reasonable and was calculated based upon the value of improvements provided in connection with the Eden Park development. The Town reserves the right to utilize this contribution for off-site community benefits and improvements;
7. The retaining walls on the south side of the property are situated very close to the neighboring properties. The potential visual impact of these walls should be considered as well as the potential to damage trees existing on these properties. Five (5) significant trees have been located on these adjacent properties, most notable are two (2) 36 inch oaks. While tree protection fencing is being provided around these trees, they could very well not survive the construction of this development. The Planning Board shall ensure that arrangements are made between the applicant and these adjacent property owners to address this issue. In addition, the grading for the detention pond infringes on the Medical Park Drive right-of-way, a Town roadway. This issue shall be resolved by the Planning Board during the site plan process;
8. Fire Lanes shall be extended to cover the entrance off of Medical Park Drive;

RESOLUTION NO. (553-2011) continued

- 9. The Planning Board shall ensure, in connection with final site plan approval, compliance with the limitations on occupancy set forth in Section 290-7.1G(1)-(3);
- 10. The applicant shall contract with a qualified agency to administer, maintain and oversee the sale of affordable units;
- 11. The applicant shall pay to the Town money-in-lieu-of-land based on the actual number of units/bedrooms that may be approved by the Town Planning Board consistent with the Clarkstown Code,

and be it

FURTHER RESOLVED, that the Zone Change described herein is deemed to be effective upon compliance with all of the above items, and be it

FURTHER RESOLVED, that the GIS Coordinator for the Town of Clarkstown is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

FURTHER RESOLVED, that no amendment to the Town’s Comprehensive Plan is required, as the creation of the zone and zone change effectuated herein are consistent with the goals of the Town’s Comprehensive Plan.

On roll call the vote was as follows

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

RESOLUTION NO. (554-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of September 20, 2011 and October 4, 2011 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (555-2011)

Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Pamela McQuade, 3 Jeffrey Court, West Nyack, New York – Principal Clerk Stenographer – Parks and Recreation – is hereby granted an extension of her Sick Leave of Absence – at one half pay – effective and retroactive to October 10, 2011 thru November 10, 2011.

RESOLUTION NO. (555-2011) continued

On roll call the vote was as follows

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

RESOLUTION NO. (556-2011)

Co. Hoehmann offered and Co. Borelli seconded

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

BID#1-2012 – ATHLETIC AND RECREATION SUPPLIES

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (557-2011)

Co. Hoehmann offered and Co. Borelli seconded

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

BID#2-2012 – FIREWORKS DISPLAY

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (558-2011)
Co. Hoehmann offered and Co. Borelli seconded

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

BID#3-2012 – SWIMMING POOL CHEMICALS

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (559-2011)
Co. Hoehmann offered and Co. Borelli seconded

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

BID#4-2012 – ATHLETIC FIELD AND TURF MAINTENANCE SUPPLIES

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (560-2011)
Co. Hoehmann offered and Co. Borelli seconded

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

BID#5-2012 – GROUNDSKEEPING AND LANDSCAPE SUPPLIES

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

RESOLUTION NO. (560-2011) continued

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

On roll call the vote was as follows

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

RESOLUTION NO. (561-2011)

Co. Hoehmann offered and Co. Borelli seconded

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

BID#6-2012 – FIRST AID AND SAFETY SUPPLIES

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (562-2011)

Co. Lasker offered and Co. Hoehmann seconded

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

BID # 34-2011 – REFUSE PICK-UP SERVICE – TOWN FACILITIES

is hereby awarded to: SUPERIOR WASTE AND CARTING, INC.
634 ROUTE 303
BLAUVELT, NY 10913
PRINCIPAL: ADAM CHAITIN, PRESIDENT

as per the price/item schedule on file in the Purchasing Department, and be it

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

RESOLUTION NO. (562-2011) continued

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (563-2011)

Co. Lasker offered and Co. Hoehmann seconded

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

BID #35-2011 – UNIFORMS FOR CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to: ROSEN'S UNIFORM
 ONE NORTH STREET
 MIDDLETOWN, NY 10940
 PRINCIPALS: ADRIENNE SCHERZER-NADORASKI

as per the attached item/price schedule

It is the intention of the Town of Clarkstown to enter into an agreement providing price protection for a period of twenty-four (24) months from date of award on this contract. This agreement may be extended at the option of the Town of Clarkstown for an additional two year period.

On roll call the vote was as follows

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

RESOLUTION NO. (564-2011)
Co. Lasker offered and Co. Hoehmann seconded

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

BID # 31-2011 – CENTRAL NYACK DRAINAGE IMPROVEMENTS PROJECT
DAM AND DETENTION BASIN

is hereby awarded to: A/ SERVIDONE, INC./B. ANTHONY CONST. CORP. JV
1364 ROUTE 9
CASTLETON, NY 12033
PRINCIPAL: MARK J. SERVIDONE
ROBERT CAVALIERE

as per their proposed total project cost not to exceed \$4,235,635.00 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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8755-400-409-0-79-7, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (565-2011)
Co. Lasker offered and Co. Hoehmann seconded

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

BID # 32-2011 – CENTRAL NYACK OFFSITE WETLANDS MITIGATION PROJECT

is hereby awarded to: FOURMEN CONSTRUCTION INC.
 1008 MAIN STREET
 PEEKSKILL, NY 10566
PRINCIPAL: DAVID FURFARO
 THOMAS FURFARO

as per their proposed total project cost not to exceed \$399,507.00 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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8755-400-409-0-79-7, and be it

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

On roll call the vote was as follows

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann... Yes
 Co. HausnerYes
 Supervisor GromackYes

RESOLUTION NO. (566-2011)
Co. offered and Co. seconded

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

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO HAMLET CENTER SENIOR HOUSING"

and

WHEREAS, the proposed local law is to create a new section within the Town of Clarkstown Zoning Code, Section 290-17-O (B) PROJECTS WITHIN HAMLET CENTERS which will provide for a Town Board special permit process for the development of affordable senior housing within all hamlet centers, and to amend certain provisions of the Town Code relating to senior citizen housing;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on November 10, 2011 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published.

On roll call the vote was as follows

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

RESOLUTION NO. (567-2011)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, an adverse drainage condition exists within the Town drainage easement located on 19 & 23 North Fairview Avenue; 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 six (6) qualified contractors to perform the work in accordance with the plan; and

WHEREAS, the Department of Environmental Control has received six (6) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Frank Miller's Landscaping 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 Frank Miller's Landscaping Inc. for their low proposal of \$6,000.00; and

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

RESOLUTION NO. (567-2011) continued

Frank Miller’s Landscaping Inc.
15 Carley Court
West Nyack, N.Y. 10994

to perform this work in accordance with their proposal for an amount not to exceed \$6,000.00; 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-8762-409-0-8618

On roll call the vote was as follows

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

RESOLUTION NO. (568-2011)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown is currently in the process of soliciting proposals for Bid #31-2011 Central Nyack Drainage Improvement Project - Dam & Detention Basin; and

WHEREAS, construction engineering administration services are required to assist the Town with construction inspection; and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from McLaren Engineering Group to provide said construction engineering administration services; and

WHEREAS, the Director of the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of McLaren Engineering Group, 100 Snake Hill Road, West Nyack, New York 10994 in accordance with their proposal No. 105054 (Task 4) dated September 23, 2011; and

BE IT FURTHER RESOLVED that the cost for the construction engineering administration services shall not exceed \$263,000.00 without further Town Board resolution; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8755 - 409 - 79 - 7.

On roll call the vote was as follows

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

RESOLUTION NO. (569-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town of Clarkstown is currently in the process of soliciting proposals for Bid #31-2011 Central Nyack Drainage Improvement Project - Dam & Detention Basin; and

WHEREAS, construction engineering administration services are required to assist the Town with construction inspection; and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from McLaren Engineering Group to provide said construction engineering administration services; and

WHEREAS, the Director of the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of McLaren Engineering Group, 100 Snake Hill Road, West Nyack, New York 10994 in accordance with their proposal No. 105054 (Task 4) dated September 23, 2011; and

BE IT FURTHER RESOLVED that the cost for the construction engineering administration services shall not exceed \$263,000.00 without further Town Board resolution; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8755 - 409 - 79 - 7.

On roll call the vote was as follows

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

RESOLUTION NO. (570-2011)
Co. Hoehmann offered and Co. Borelli seconded

BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby approves a certain agreement between the Town of Clarkstown and the Rockland County Patrolmen’s Benevolent Association with regard to blood testing and authorizes the Supervisor to execute same.

On roll call the vote was as follows

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

RESOLUTION NO. (571-2011)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, an application has been made by Charles Elin that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare that a certain portion of the highway known as Columbus Avenue, Hamlet of Congers, Town of Clarkstown, New York, upon the grounds that same has never been constructed or used as a highway by the public and therefore the portion of said road may be deemed abandoned, and

WHEREAS, the applicant's petition further sought relief pursuant to Town Law §280(a)(4) to designate "access by right of way" as an open development area, and

WHEREAS, The Town Board of the Town of Clarkstown, by resolution adopted on August 16, 2011, provided for a public hearing on September 20, 2011, at 8:00 P.M., to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of a road known as Columbus Avenue, Congers, New York, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, the Rockland County Department of Planning, by letter dated June 14, 2011 recommended approval of the requested road abandonment without conditions since the proposed road abandonment will have no adverse impacts onto the State highway, the matter is remanded for local determination, and

WHEREAS, the Clarkstown Planning Board considered the matter at its regularly scheduled meeting on June 22, 2011, and recommended this portion of Columbus Avenue, Congers, be abandoned and demapped from the Official Map of the Town of Clarkstown provided that the Town Attorney's Office verifies that no portion of the proposed road abandoned constitutes parkland property; and

WHEREAS, the deeds prepared by the Town Attorney's Office for the Town's acquisition of Congers Lake Park show that only a portion of this section of Columbus Avenue was acquired as a part of that acquisition and the Town Attorney has confirmed that the area requested for abandonment does not include lands owned by the Town, and

WHEREAS, the Town Planning Board received correspondence dated June 22, 2011, from Deputy Director of Environmental Control Dennis Letson, P.E., advising that the project is an unlisted action, that, in and of itself, has no adverse environmental impact;

NOW, THEREFORE, be it

RESOLVED, that the Town Board agrees with the recommendation of the Rockland County Planning Department and the Town of Clarkstown Planning Board that the portion of Columbus Avenue, Congers, New York be abandoned; and be it

FURTHER RESOLVED, that that portion of Columbus Avenue described in Exhibit "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law in that such road has not been traveled or used by the public within the last six years, and be it

FURTHER RESOLVED, that pursuant to Town Law Section 273, the Official Map of the Town of Clarkstown is hereby amended by deleting there from that portion of Columbus Avenue, Congers, New York set forth in Exhibit "A" and be it

FURTHER RESOLVED, that the GIS Coordinator for the Town of Clarkstown is hereby authorized and directed to amend the Official Map as described in Exhibit "A", and be it

FURTHER RESOLVED, that the area which is the subject of this petition is hereby designated as an "open development area" consistent with Town Law Section 280(a)(4) to allow access to the rear lot by easement or right of way should the Planning Board grant subdivision approval to the parcel shown on the Tax Map of the Town of Clarkstown as Section 52.07, Block 2, Lot 58, and be it

FURTHER RESOLVED, that this resolution and the Certificate of Abandonment are hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office.

RESOLUTION NO. (571-2011) continued

On roll call the vote was as follows

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

RESOLUTION NO. (572-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 180-2011, adopted on April 5, 2011, the Town Board authorized an agreement with the H2M Group to provide engineering services to prepare contract documents for improvements to an existing drainage culvert under Denver Drive to address flooding, and

WHEREAS, as a result of the evaluation of the subject area, it was determined that the existing culvert would have to be replaced; and

WHEREAS, the Town Board has received a proposal from H2M Group, dated October 10, 2011, to revise the original scope of work to include the full replacement of the existing culvert with one sufficiently sized to convey runoff from a larger storm, and the First Deputy Director of Environmental Control has reviewed the proposal and finds it acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement, in a form approved by the Town Attorney, with H2M Group, 175 Pinelawn Road, Suite 308, Melville, New York, to perform additional engineering services in connection with replacing the Denver Drive culvert, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$12,700.00, without further authorization from the Town Board, and shall be charged to Account No. H 8762-409-0-86-7.

On roll call the vote was as follows

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

RESOLUTION NO. (573-2011)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, a portion of stream channel embankment within a Town drainage easement in the vicinity of 415 Phillips Hill Road is severely eroded ; and

WHEREAS, The severe erosion has caused the stream channel embankment to become unstable and has created a hazardous condition; and

WHEREAS, the Department of Environmental Control has prepared a plan to repair the eroded section of channel embankment; and

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

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

RESOLUTION NO. (573-2011) continued

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 \$10,925.00; 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, NY 10956

to perform this work in accordance with their proposal for an amount not to exceed \$10,925.00; and

FURTHER RESOLVED that this amount shall be a proper charge to account.
H 8760 400 409 0 84 7

On roll call the vote was as follows

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann... Yes
Co. HausnerYes
Supervisor GromackYes

RESOLUTION NO. (574-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, on June 7, 2011, the Town Board adopted Resolution No. 334-2011 approving a certain agreement regarding the buyback of military service credits, and

WHEREAS, the Town Board wishes to clarify the eligibility period;

NOW, THEREFORE, be it

RESOLVED, that the eligibility period for the June 7, 2011 military buyback agreement shall be for employees making application to the New York State Retirement System for military service credit between January 1, 2011 and November 30, 2011, and be it

FURTHER RESOLVED, that in the event of a conflict between this resolution and Resolution No. 334-2011, the terms of this resolution shall prevail.

On roll call the vote was as follows

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann... Yes
Co. HausnerYes
Supervisor GromackYes

RESOLUTION NO. (575-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Rockland Housing Action Coalition, Inc. (the "Applicant") has proposed developing a certain parcel know as "65 Lake Road" designated on the Town of Clarkstown Tax Map Section 44.15; Block 3 and Lots 41 and 42.1 in the hamlet of Congers, and

WHEREAS, at a workshop, the Senior Citizens Director underscored the need for affordable senior housing in the Town of Clarkstown, and the Comprehensive Plan Special Board, as well as its Subcommittee for Senior Housing, have expressed their support for the Project, and

WHEREAS, if the amendment to Local Law Chapter 290 is approved, the Applicant will have the right to submit an application to the Town Board for the approval of the proposed development;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby expresses its support for the Project, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute letter/letters of support as may be required by the applicant to secure funding, and be it

FURTHER RESOLVED, that nothing set forth in this resolution shall be construed so as to bind the Town Board with respect to future action concerning the Project.

On roll call the vote was as follows

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

RESOLUTION NO. (576-2011)
Co. Borelli offered and Co. Hoehmann seconded

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

BID # 30-2011 – JOSEPH LANE DRAINAGE IMPROVEMENTS

is hereby awarded to: ASCAPE LANDSCAPE AND CONST. CORP
634 ROUTE 303
BLAUVELT, NY 10913

PRINCIPAL: STUART CHAITIN, PRESIDENT

as per their proposed total project cost not to exceed \$58,121.00 plus 15% contingency and be it

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

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

RESOLUTION NO. (576-2011) continued

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-14, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (577-2011)

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

BID # 30-2011 – JOSEPH LANE DRAINAGE IMPROVEMENTS

is hereby awarded to: ASCAPE LANDSCAPE AND CONST. CORP
 634 ROUTE 303
 BLAUVELT, NY 10913
 PRINCIPAL: STUART CHAITIN, PRESIDENT

as per their proposed total project cost not to exceed \$58,121.00 plus 15% contingency and be it

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-14, and be it

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

RESOLUTION NO. (577-2011) continued

On roll call the vote was as follows

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

RESOLUTION NO. (578-2011)

Co. Lasker offered and Co. Hoehmann seconded

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

BID # 32-2011 – CENTRAL NYACK OFFSITE WETLANDS MITIGATION PROJECT

is hereby awarded to: FOURMEN CONSTRUCTION INC.
 1008 MAIN STREET
 PEEKSKILL, NY 10566
 PRINCIPAL: DAVID FURFARO
 THOMAS FURFARO

as per their proposed total project cost not to exceed \$399,507.00 plus 15% contingency and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8755-400-409-0-79-7, and be it

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

RESOLUTION NO. (578-2011) continued

On roll call the vote was as follows

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

RESOLUTION NO. (579-2011)

Co. Lasker offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED OCTOBER 18, 2011, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS IN CENTRAL NYACK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,330,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$5,330,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct drainage improvements in Central Nyack. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,330,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$5,330,000 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 \$5,330,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

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

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

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment

RESOLUTION NO. (579-2011) continued

of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on October 18, 2011, 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 October 18, 2011, authorizing the construction of drainage improvements in Central Nyack, stating the estimated maximum cost thereof is \$5,330,000, appropriating said amount for such purpose, and authorizing the issuance of \$5,330,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct drainage improvements in Central Nyack; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$5,330,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$5,330,000 serial bonds of the Town to finance said

RESOLUTION NO. (579-2011) continued

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 \$5,330,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$5,330,000 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	Yes
Co. Borelli	Yes
Co. Hoehmann	Yes
Co. Hausner	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (580-2011)

Co. Hoehmann offered and Co. Hausner seconded

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

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE HAMLET COMMERCIAL DISTRICT"

and

WHEREAS, the proposed local law is to amend Section 290-7.3 HAMLET COMMERCIAL DISTRICT of the Town of Clarkstown Zoning Code to exempt sites

RESOLUTION NO. (580-2011) continued

with pre-existing apartments over retail or professional office space from the requirement that they obtain site plan review;

NOW, THEREFORE, be it

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

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

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on November 22, 2011 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (581-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, the Town has received \$30,290.03 from Seized Property Funds from the County of Rockland,

NOW THEREFORE BE IT,RESOLVED, to increase Revenue Account A-01-11-4320-0 (General Fund-Seized Property) \$30,290.03 and Expense Accounts A-3120-307-0 (Police-Uniforms) by \$11,921.83 and A-3120-293-0 (Police-Law Enforcement Equipment) by \$18,368.20 and

WHEREAS, various accounts need additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease Expense Account B-3620-110-0 (Building-Salaries) and increase Expense Account B-3620-409-0 (Building-Fees for Services) in the amount of \$2,945.

On roll call the vote was as follows

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

RESOLUTION NO. (582-2011)

Co. Hausner offered and Co. Hoehmann seconded

Whereas, the Town Board of the Town of Clarkstown has, by resolution #276-2005, previously awarded a contract to McLaren Engineering Group of West Nyack, New York to provide engineering services for the Central Nyack Drainage Improvement Project; and

Whereas, as a condition of the permitting process for the subject project, the design of an off-site wetland mitigation area has been added to the scope of work; and

Whereas, the Town of Clarkstown has made the decision to incorporate hamlet revitalization improvements into the scope of work for the subject project; and

Whereas, the Town of Clarkstown has directed McLaren Engineering Group to retain the services of Behan Planning Associates, LLC as a sub-consultant for the streetscape design and related construction services; and

Whereas, the Town of Clarkstown has made the decision to separate the subject project into three individual projects, an Off-Site Wetland Mitigation Project, a Dam and Detention Basin Project and a Street Drainage and Streetscape Improvements Project, each with its own set of contract drawings and documents; and

Whereas, the scope of work for the engineering services for the Central Nyack Drainage Improvements has been significantly increased as a result of these actions, and

Whereas, the Department of Environmental Control has solicited a proposal from McLaren Engineering Group to cover the costs associated with this increase in the scope of work; and

Whereas, the Department of Environmental Control has reviewed said proposal and finds it to be acceptable;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes an increase in the allotment for engineering services for the Central Nyack Drainage Improvements in accordance with McLaren Engineering Group's proposal for an amount not to exceed \$254,300.00 without further Town Board resolution; and

Be It Further Resolved that this shall be a proper charge to account # H 8755 - 409 - 79 - 7.

On roll call the vote was as follows

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

RESOLUTION NO. (583-2011)

Co. offered and Co. seconded

WHEREAS, the Town Board has received a report, dated October 14, 2011, from John Canning, P.E., of VHB Engineering, Surveying and Landscape Architecture, PC, in which he concludes that re-installation of the midblock crosswalk adjacent to the Highview Elementary School is recommended as the safest alternative for crossing pedestrians;

NOW, THEREFORE BE IT

RESOLUTION NO. (583-2011) continued

RESOLVED, that the Superintendent of Highways is directed to install a crosswalk adjacent to the Highview Elementary School along Highview Avenue, 130 feet South of the intersection of Church Street; and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to install additional safety measures at the crosswalk as recommended by VHB Engineering.

On roll call the vote was as follows

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

RESOLUTION NO. (584-2011)

Co. offered and Co. seconded

WHEREAS, the Town has identified various debris and obstructions to proper stream flow in the Demarest Kill Stream in the area of Cypress Street, Cranford Drive and Bush Court, and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified Contractors to remove debris from the stream channel, and

WHEREAS, proposals have been received from 3 potential Contractors which were reviewed by the First Deputy Director, and

WHEREAS, the lowest cost proposal was submitted by Pinebrook Industries of New City, NY, and

WHEREAS, the Director of the Department of Environmental Control has recommended acceptance of said proposal,

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to retain Pinebrook Industries, to provide Stream Channel Debris Removal services for the Demarest Kill Stream, and be it further

RESOLVED that the fee for such services shall not exceed Eleven Thousand One Hundred Fifty (\$11,150.00) Dollars and shall be charged to Account No. H 8762-409-0-86-20.

On roll call the vote was as follows

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

RESOLUTION NO. (585-2011)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Director of Automated Systems and the Assessor have determined the Property Assessment Program (PAS) is in need of upgrading, and
WHEREAS, further analysis has also determined a need to enhance the PAS program to include an Assessment Validation Module as well as an online Web interface, and
WHEREAS, the Assessment Validation Module and PAS software products are required to indentify comparable properties to determine a reliable market value that enables defense of the assessed value against the assessment challenge(grievance), and
WHEREAS, the online Web interface will provide a simplified view of property information, and

WHEREAS, the Director of Automated Systems and the Assessor have recommended this upgrade and requests that funds be appropriated for this purpose, and
NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Software Consulting Associates for the installation of the necessary software upgrades, and be it

FURTHER RESOLVED, that the total cost for the upgrade shall not exceed \$45,000.00 without further authorization of the Board and shall constitute a proper charge to capital project H-8762-409-0-86-19, and be it

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

On roll call the vote was as follows

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

The Supervisor opened the meeting for general comments.

George Rumelt, New City
Asked for an explanation of the Highway Superintendent Referendum on changing the position from an elected one to an appointed one .

Steven Levine, Congers
Spoke about increasing the fees for the Zoning Variance requests, problems with zoning, illegally placed campaign signs, and problems with landfill on Massachusetts Avenue.

Frank Grandel, New City
Spoke about arbitration with the police union and his dissatisfaction with the negotiations outcome.

Marge Hook, New City
She spoke about the County Legislature’s plan to pass the Drug Enforcement Task Force and the Intel Unit costs back to the Towns. She feels this should not be done; it should stay under the County and should continue to come out of their budget.

Kevin Hobbs, New City
Suggested doing away with campaign signs entirely in the Town of Clarkstown. Also suggested the Town put out a proposal for someone other than John Maloney to direct the annual Senior Play. Asked whether campaign contributions can be taken from people who have bid work or contract work for the Town or from people who are involved in litigation with the Town.

Hermina Brea, New City

She asked about the possibility of a “No Right Turn” sign on Snake Hill Rd being removed.

Barry Goldberg, Goshen

He read and submitted a statement regarding the ongoing situation with his former property on Massachusetts Avenue, Congers.

Amy Durbin, Congers

She expressed dissatisfaction with employee health care costs, pensions and salaries and stated that she feels there is a spending problem in this Town.

Supervisor Gromack, in response to questions about the referendum on the Highway Supervisor stated he did not believe the Town Board has a specific position on that. It will be on the ballot for the people to decide. In crafting this there will be some minimal qualifications that, if enacted by the voters, anyone who applied for the position would have to meet a certain set of qualifications. This will be a judgment of the residents of Clarkstown if they want to move in that direction.

Co. Hoehmann responded to Mr. Levine that our departments are second to none and our comprehensive plan is being recognized as a model not just for Rockland County but for the nation. He disagreed with the comments about down zoning. He stated we do not downzone in Clarkstown, we protect our residents.

As far as the police arbitration, the Supervisor stated that we certainly worked in good faith to try and resolve the contract with the Clarkstown PBA for well over a year before we went to arbitration and that there were many things the PBA was looking for in arbitration that they did not get. Regarding the question about the Drug Task Force and Intel, these lend themselves to shared services as crime knows no boundaries and these two units have been successful in lowering the crime rate throughout Rockland County. The County now has huge deficits of over \$80 million so the County Executive is trying to put a lot of costs back on the Towns and all five towns are vigorously opposed to these shifts. Regarding campaign signs in right of way, we became proactive 3 or 4 years ago about reducing this. We are constantly doing steps to take down signs that are in the right of way and have collected well over 2,100 signs this season. Prior to the campaign season, we send out letters to all candidates regarding our strict sign law. Regarding campaign contributions we certainly follow all ethics and State laws on that. With reference to the “No right turn” sign on Snake Hill Road, there is going to be a public hearing in December to discuss the possibility of removing it. Regarding pension costs, a number of years ago Clarkstown was one of the first towns to get a contribution from new employees. We are certainly looking for leadership from the State to make reforms both in the pension system, arbitration and a host of others that Gov. Cuomo has put forth on his agenda. Regarding questions about the tax stabilization fund, we have been commended by Moody’s and Standard and Poors for having a stabilization fund and as we go through difficult economic times, like other towns, we are using some of that fund to reduce the tax burden on our residents. There was a question about overtime, certainly I think the Chief of Police can refute that its gone up triple, in fact, our hours have started to be reduced. One must remember that at the height of our Police Department we had 171 officers; we now have less than 163. Whenever you loose 10 to 15 officers, on any given day there could be some overtime because if an officer is on vacation or is sick, we have a responsibility to make sure the people are protected and some individual may have to do additional work to cover shifts.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was adjourned, time: 9:37 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/18/2011

8:26 P.M.

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

PETITION OF WOLFE LANDING, LLC FOR A CHANGE ZONE

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

Town Attorney, Amy Mele, explained that AAR Zone was created in 2007 to address the need for 55 & over housing in Clarkstown. This application for 43 patio homes is one parcel away from another AAR parcel, Eden Park, which was also developed by this same applicant.. At the expense of the applicant, the Town Board retained Tim Miller Associates to review the petition and make recommendations regarding potential improvements to the project. The applicant has agreed to add additional amenities in order to bring the project into compliance with the criteria for rezoning. The Town Board declared itself lead agency under SECA and retained Tim Miller to conduct the SECA review and they proposed a negative declaration for the proposed action. The Planning Board also reviewed this matter and has determined that all of the criteria for AAR zoning can be met at this site. In short the Planning Board and our agent for SECA have determined that the property is an appropriate candidate for rezoning to the AAR zone. It will include seven affordable units and there are some conditions that the Planning Board recommended that are also set forth in the resolution. In her opinion, the Town Board is in a position to vote on this tonight should they wish to do so.

The Supervisor opened the public hearing up for comments.

George DeTitta, West Nyack
Spoke in favor of this zone change and the need for Senior Housing.

Bert Steinberg, West Nyack
Spoke in favor of zone change and the need for Senior Housing.

Audrey Russo, Nanuet
Spoke in favor of zone change and the need for Senior Housing.

Barbara Steinberg, West Nyack
Spoke in favor of zone change and the need for Senior Housing

Gerry Matimore, West Nyack
He is in favor of zone change and stated that these home designs are great for seniors with disabilities.

There being no one further wishing to be heard, on motion of Co. Lasker seconded by Co. Hoehmann and unanimously adopted, the public hearing was closed, 8:40 pm.
(RESOLUTION NO 553-2011 ADOPTED)

Respectfully submitted,

Justin Sweet
Town Clerk