

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/02/12

8:00 PM

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

SPECIAL PRESENTATION: New City/Congers-Suffern Softball All-Stars Team

The team and their coaches were recognized for winning the Eastern Regional Championship. The following girls were presented with certificates from the Town Board.

Jenna R. Davida	Kimberly M. Kaufman	Kristen D. Tarantino
Julianna M. Diaz	Kaitlyn M. Kean	Abigail H. Zaslov
Kaitlyn M. Fudge	Megan C. Keaveney	Jenna R. O'Reilly
Sasha N. Goldstein	Halle Medici	
Samantha P Kaner	Lily J. Medici	

The girls and their coaches, Tom Keaveney, Ed Fudge, and Carol Diaz were congratulated for their achievements.

On motion of Co. Hausner seconded by Co. Lasker Public Hearing #1 re: "A Local Law Amending Chap 290 (Zoning) with Respect to Accessory Housing) was rescinded.

On motion of Co. Hausner seconded by Co. Lasker Public Hearing #2 re: "Amendment to Chapter 251 (Wireless Communications Facilities Law) was opened, time: 8:25 pm, closed 8:27 pm.

RESOLUTION NO. (440-2012) ADOPTED

On motion of Co. Hausner seconded by Co. Lasker Public Hearing #3 re: Proceeding Pursuant to Town Code, Chapter 216 (Maintenance of Property) was opened, time: 8:25 pm, closed 8:27 pm.

RESOLUTION NO. (441-2012) ADOPTED

REPORT TO THE TOWN BOARD

TRAFFIC COUNTS: VICINITY OF NEWPORT DRIVE/SAMUEL ROAD, NANUET

Captain Antony Ovchinikoff read the traffic study reports in connection with Newport Drive/Samuel Road.

There were traffic counts and speed counts conducted in the Newport Drive area of Nanuet for periods prior to and after the Samuel Road breakaway barrier installation.

During a 74 hour period in May on Newport Drive northbound, those counts were 1,007 vehicles with an average speed of 33 mph, and southbound during the same 74 hrs, there were 979 vehicles with an average speed of 33 mph.

For 96 hours, from September 27 to October 1, on Newport Drive southbound 325 vehicles were counted with an average speed of 29 mph; that was down from 1,007 vehicles. Northbound, 499 vehicles were counted with an average speed of 32 mph; that was down from 979 vehicles.

On Looser Drive there was concern that vehicles would use that from Newport Drive to get to Duryea. For an 82 hour period in May there were 388 vehicles counted eastbound and 445 vehicles counted westbound and the average speed was either 17 or 19 mph. The counts that concluded yesterday, this was for an additional 14 hours, counted 123 vehicles going east and 158 going west. So those counts are also down considerably and the speed remains the same at around 17, 19, 21 mph.

The other counts we have are for South Pascack Road south of Scotland Hill. Back in June studies showed 5,721 vehicles over a 74 hr period and the recent counts were 5, 887 for a 96 hr period. So there were 22 more hours but the counts were about the same, so you could say that was a significant decrease.

Those are the counts. We think it has had its desired effect; traffic volume is down and the speeds are around the same.

Town Attorney Amy Mele stated that when the Board had a public meeting on the possibility of the installation of the breakaway barrier at Samuel Road the original thought was to install a temporary barrier so we could do the traffic counts before and after the barrier was erected. We got complaints from the Village of Chestnut Ridge who asked that we install the breakaway barrier before we were able to conduct the traffic counts in the Fall because they were concerned that in the rare event of mutual aid, the temporary barriers might be difficult to circumnavigate. With these counts I think you are in a position to adopt a determination under the State Environmental Quality Review Act. I have prepared a resolution which was circulated to you in your packets. We believe that the counts performed by the police department bear out our original conclusion which was that Newport Drive was being used as a cut-through secondary or arterial road. The traffic counts were much higher originally than what would be expected on a residential road. After the barrier, the traffic counts were more in line with what would be expected on a residential roadway. So this resolution is ready for you to vote on tonight should you wish.

On motion of Co. Lasker seconded by Co. Borelli, the resolution was adopted.

(RESOLUTION NO. 442-2012 ADOPTED)

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

Brian Borell, Exec. Dir., Rockland County School Boards Assoc.

Regarding Item 6, he thanked the Board for waiving the 1% collection fee charged to the school districts. He has seen public education come under attack from all sides and he feared this fee would be seen as another part of the school tax bill. He believes this fee is nothing more than new revenue stream and that the generation of more funds should appear on the Town tax bill, not the school tax bill. He was disappointed in the manner this was done and that more than \$2 million was taken from the taxpayers.

Tom Nimick, New City

Regarding Items 6 and 12, the decision to waive the fee on school tax and the announcement of the budget, he stated that deliberations about these items should have been done in public and he felt this was a deliberate violation of the Open Meetings law. He asked the Board about the possibility of rescinding the recent decision to establish the part time position in the highway department and stated that not doing so would indicate their approval the position.

Adam Kurland, Attorney, representing AAA Carting

Regarding Item 31, rejecting the bid of AAA Carting, he urged the Board not to adopt this resolution. He stated that AAA could save the Town \$2.5 million over 5 years. He addressed and disputed a number of items in the resolution.

Fred Rogish, Tall Oaks Lane, New City

Regarding Item 28, Mr. Rogish cited problems with parking at the "T" turnaround on Tall Oaks Lane and asked that the motion be tabled pending further review. He handed out packets with further information to the Board.

Linda Torelli, Tall Oaks Lane, New City

She complained about Mr. Rogish excessively calling the police and the resultant parking tickets whenever landscaping trucks, prom limos, pool maintenance trucks, etc., park on the street. She stated the majority of residents on the street signed a petition to remove the No Parking signs as they serve no purpose, other than to allow bullying by Mr. Rogish.

Dan Rogish, (formerly of Tall Oaks Lane)New City

Spoke about parking problems due to neighbors with daycare centers, batting cages and illegal rentals. He stated that if the codes are not going to be enforced the signs should remain.

Joe De Rocco, Tall Oaks Lane, New City

He has a batting cage in his backyard which is perfectly legal and there is no daycare in his home. He spoke of Mr. Rogish harassing home improvement workers as well as his children. He stated he had four tickets issued this month and he is selling his house because he can't live there anymore.

Tom Termini, formerly of Tall Oaks Lane

Stated he was harassed by Mr. Rogish for the 12 years he lived there. He feels there should be action taken against the Rogishes for recording videos of people in the neighborhood for no reason.

Marge Hook, New City

She asked if Items 21a & b, part time bus driver and temporary clerk typist, are new jobs. She also asked for an explanation of Item 23, Hearing Officer and Item 30, Donation Agreement.

Mrs. Rogish, Tall Oaks Lane, New City

Spoke of problems in the "T" turnaround due to cars, kids playing basketball and an illegal apartment .

Steven Levine, Congers

Regarding Items 17 and 20, drainage issues, he asked about the costs and who was doing the work. With reference to Samuel Road, he finds it drastic to put up a barrier.

Frank Grandel, New City

He asked for more details on Items 7a, Employee Assistance Program; 7b, Solar Installation; 7c Harbridge Consulting Group; 7d Wireless Communication Facilities; 8c, H2M Feasibility Studies and 14, Central Nyack Drainage Project.

Pat Cardelene, AAA Carting

Regarding Item 31, he feels there is a lot of potential savings here, probably close to \$1 million a year decrease in what you are currently paying now.

Regarding Item 6, the Supervisor stated that action will be taken tonight to waive that fee.

Regarding Item 7a, the Town Attorney stated that the Safety Manager could address this better and asked Mr. Grandel to call to set up a time to talk more about that. Regarding 7b, she stated that this is a preliminary discussion with the NYS Power Authority to explore the availability of funding for solar installations and possible assistance in the purchase of our street lights.

The Comptroller explained that Item7c was in connection with the requirement to have actuary services performed in order to determine post-employment benefits other than pensions.

The Town Attorney explained that Item7d relates to the Local Law we adopted earlier in the evening which basically conforms to the Court's order; this is a resolution to discontinue that lawsuit.

Regarding Item 8, the Supervisor stated every project that goes out has to be reviewed by an independent firm to decide whether it needs a Project Labor Agreement and the cost of those reviews vary based on the size of the project. Regarding Item 14, in connection with a project in

Central Nyack, this is to expand the services so we can combine the drainage and revitalization jobs under one project. This is more cost effective.

Town Attorney explained that both Item 17 and 20 have to do with the Department of Environmental Conservation soliciting proposals for drainage issues. In both instances, they chose the low proposal and neither reached the bidding threshold.

The Supervisor explained that Item 21a was not a new position but merely adding another part-time bus driver to the pool as a result of a retirement and Item 21b is appointing a temporary clerk typist to fill in for a maternity leave.

The Town Attorney explained that Item 23 has to do with the Town's authority to appoint a hearing officer to conduct disciplinary hearings in connection with police department charges and this resolution designates former Judge Sherwood to conduct that hearing.

Regarding Item 28, the Code Enforcer Joel Epstein stated that in August the Town Board received a petition from the residents of Tall Oaks Lane requesting that the original resolution from the year 2000 be rescinded because there was no demonstration of any parking nuisance at the dead end of Tall Oaks Lane.

Regarding Item 30, Authorizing Donation Agreement, the Supervisor explained that the Town is in negotiations with Wells Fargo and will conclude some agreements that will transfer some property and funds to the Town; there will be no cost to the Town.

Regarding Item 31, rejecting the bid from AAA carting, the Town Attorney explained that this was reviewed by another Town Attorney whose opinion is that they did not meet the specifications of the bid.

RESOLUTION NO. (439-2012) (This resolution number was not used)

RESOLUTION NO. (440-2012)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilman George Hoehmann, at a Town Board meeting held on August 21, 2012, and

WHEREAS, the purpose of this Local Law is to conform to the U.S. District Court's March 26, 2009 Order in the matter entitled, New York SMSA Limited Partnership d/b/a Verizon Wireless, et al. v. Town of Clarkstown, et al., E.D.N.Y. Docket No. 07 CV 7637, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 21, 2012 directed that a public hearing be held on October 2, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law and,

WHEREAS, notice of said hearing was duly prepared and published in the Journal News, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 24, 2012, and

WHEREAS, on August 21, 2012, the Town Board declared itself lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”), and directed HDR/LMS, Town Consultant, to act as its agent with respect to SEQRA review, and

WHEREAS, the Local Law was referred to the Rockland County Department of Planning pursuant to GML §239 M and L on August 21, 2012, and

WHEREAS, by letter dated September 21, 2012, the Rockland County Department of Planning recommended approval of the Local Law, and

RESOLUTION NO. (440-2012) continued

WHEREAS, on September 25, 2012, the Town Board received a Full Environmental Assessment Form and proposed Negative Declaration prepared by HDR/LMS, Inc. pursuant to SEQRA, which the Town Board has reviewed and considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that pursuant to NYCRR Part 617.11, the Town Board hereby adopts the Negative Declaration attached

hereto as Exhibit "A," and hereby directs the Town Attorney to file and distribute in accordance with SEQRA, and be it

FURTHER RESOLVED, that Local Law No. 4 – 2012 entitled:

“A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

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

(See Negative Declaration next page)

PROPOSED
Prepared October 2, 2012

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number:
Tax ID Number: N/A

Date: October____, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law.

The Town of Clarkstown Town Board as lead agency has determined that the proposed action described below will not have a significant environmental impact, and a Draft Environmental Impact Statement will not be prepared

Name of Action Amendments to Wireless Communication Facilities Local Law

SEQRA Status: Unlisted Action

Description of Action: The action under consideration is the adoption of amendments to the existing wireless communications law of the Town. The previous amendments provide for an Antenna Advisory Board to assist the Planning Board in the review of applications and as a source of information regarding changes in technology. The previous amendments also include screening criteria to assist Town staff and agencies in evaluating individual proposals for wireless communication facilities. **The previously adopted wireless communication law was amended in 2009 by removing the administrative preference given to alternative technologies. Amendments to the current wireless communications law considered for adoption are based on additional considerations and discussions with carrier representatives, including proposed modifications to screening criteria and application processing. Amendments are described in the accompanying document.**

Location: Potentially eligible sites are located throughout the Town.

Reasons Supporting this Determination:

1. The Town Board has determined that this proposed action is an Unlisted action. The amendment to the local law is a Town Board responsibility. No other agency has permit approval.
2. The Town Board has reviewed a Full Environmental Assessment Form (EAF), Parts I, II, and III.
3. Public Hearings were held on January 23, 2007, September 22, 2009, and October 2, 2012, at which times the public had an opportunity to comment regarding the proposed amendments.

4. The nature of the action, an amendment to the existing local law, can only be examined in a generic sense. When individual applications are made for wireless communication facilities on individual sites an environmental analysis will be made relating to the particular site. From a generic perspective, two potential environmental impacts have been identified – visual impact and impacts on parks and open spaces. Both of these are examined in a report entitled “Town of Clarks town Wireless Siting Plan”, prepared by HDR/LMS, dated January 2007, (which is part of the environmental record). The screening criteria and the information required to be submitted for an application sets a baseline for an evaluation of these two impacts, and others that may be unique to specific sites.
5. The Town Board has carefully reviewed potential environmental impacts of the adoption of amendments to the wireless communication facilities local law and has determined that the proposed action will not create any significant adverse impacts and that mitigation is not necessary.

For further information:

Contact Person: Alexander J. Gromack, Town Supervisor

Address: 10 Maple Avenue, New City, NY 10956

Telephone Number: (845) 639-2050

A Copy of This Notice is Sent to:

Town Clerk
Town Planning Board
Rockland County Department of Planning

RESOLUTION NO. (441-2012)

Co. Lasker offered and Co Borelli seconded

WHEREAS, by Resolution 412-2012 of August 21, 2012, the Town Board authorized the Town Attorney to initiate a Property Maintenance Proceeding against the property known as 159 Massachusetts Avenue, Congers (52.8-3-59), and

WHEREAS, a public hearing was held on October 2, 2012 pursuant to this matter, and

WHEREAS, by report of the Code and Zoning Enforcement Officer dated October 2, 2012 the Violations on the property have been abated via voluntary compliance of the property owner,

NOW THEREFORE be it **RESOLVED**, that the Town Board hereby discontinues the proceeding without liens or costs to the property owner.

RESOLUTION NO. (441-2012) 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. (442-2012)

Co. Lasker offered and Co Borelli seconded

WHEREAS, the Town Board has received requests from residents to address speeding and traffic volumes on Newport Drive in the hamlet of Nanuet, and

WHEREAS, the Supervisor and the Town Board have held numerous meetings with stakeholders and has received petitions lobbying for action to address said issues, including, among other measures, the erection of a breakaway barrier on Samuel Road at the Clarkstown/Ramapo Town boundary, and

WHEREAS, traffic studies conducted by the Clarkstown Police Department indicated that the volume of traffic on Newport Drive, a local residential road, was significantly higher than expected, indicating that Newport Drive was being utilized as a “cut through” by residents of neighboring developments who opted to traverse Newport Drive rather than utilizing Pascack Road, a County secondary road designed as an arterial roadway, and

WHEREAS, the Board announced a Workshop to be held on May 1, 2012 to discuss the installation of said barrier on Samuel Road at the Clarkstown/Ramapo Town boundary and distributed notice of said Workshop to numerous potential interested agencies and individuals, including, but not limited to, the County of Rockland (and various departments therein), the Village of Chestnut Ridge as well as affected school districts and emergency first responders, and

WHEREAS, on May 15, 2012, by Resolution No. 229-2012 (as revised by Resolution No. 358-2012), the Town Board authorized the installation of the breakaway barrier on Samuel Road, and directed that the Clarkstown Police Department take post-installation traffic counts and report their findings to the Town Board at its regularly scheduled meeting in October, and

WHEREAS, the Town originally installed a temporary barrier pending the results of the pre- and post-installation traffic studies, however, the Town received complaints from the Village of Chestnut Ridge administration, who maintained that the temporary barriers would be difficult to circumvent in the rare event mutual aid required emergency service vehicles to enter other jurisdictions, and

WHEREAS, in response to said concerns, the Town installed the breakaway barrier prior to the completion of the traffic counts, and

WHEREAS, the Clarkstown Police Department has completed the traffic counts, which establish that the traffic volumes on Newport Drive have decreased since the installation of the barrier and that there is no demonstrable increase in the traffic volumes on Duryea Lane, and

WHEREAS, the Board has classified the proposed action as an unlisted action under the provisions of 6 NYCRR Part 617, and

WHEREAS, the Board has ordered a short EAF be prepared to identify and evaluate potential adverse environmental impacts of the reversion of Samuel Road to a dead end street, and

WHEREAS, the Board has reviewed and discussed the EAF and has determined that there are no potential significant adverse environmental impacts which might result from the proposed action;

NOW THEREFORE BE IT

RESOLUTION NO. (442-2012) continued

RESOLVED that the Clarkstown Town Board, based on review of proposed action and the potential adverse environmental impact thereof, makes a determination that the proposed action, the installation of a breakaway barrier on Samuel Road at the Clarkstown/Ramapo Town boundary, will not result in any adverse environmental impact, and adopts a negative declaration under the provisions of 6NYCRR Part 617, and be it

FURTHER RESOLVED, that, based upon the traffic data gathered by the Clarkstown Police Department, as well as the input from emergency service providers and residents, deems it in the best interest of the health, safety and welfare of its residents that the breakaway barrier erected on Samuel Road remain a permanent installation.

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. (443-2012)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the Town Board Minutes of August 21, 2012 and the Special Town Board Minutes of September 4, 2012 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. (444-2012)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on August 28, 2012 that the position of Senior Clerk Typist #501073 – Town Clerk Office (encumbered by Joanne Castaldo) can be reclassified to the position of Principal Clerk Typist,
NOW, therefore, be it

RESOLVED, that the position of Senior Clerk Typist – Town Clerk Office – is hereby reclassified to the position of Principal Clerk Typist – effective and retroactive to October 1, 2012.

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. (445-2012)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Joanne Castaldo, 10 Eldor Avenue, New City, New York – is hereby appointed (promotional) (permanent) to the position of Principal Clerk Typist – Office of the Town Clerk – at the current annual salary of \$60,984., effective and retroactive to October 1, 2012.

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. (446-2012)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Dolores Avaras, 145 Little Tor Road, New City, New York - is hereby reappointed to the position of Member – Board of Assessment Review – term effective and retroactive to October 1, 2012 and to expire on September 30, 2017 – at the per diem rate of \$175., per attendance, when the board is in session.

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. (447-2012)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the resignation of Jean M. Luther, 270 Old Haverstraw Road, Congers – Crossing Guard (Full Time) – Clarkstown Police – is hereby accepted – effective and retroactive to September 4, 2012.

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. (448-2012)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the resignation of Thomas A. Trevor, 18 Tarry Hill Drive, New City, New York – Member – Planning Board – is hereby accepted – effective and retroactive on September 30, 2012.

RESOLUTION NO. (448-2012) 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. (449-2012)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the resignation of Nicholas Zoda, 2 South Park Lane, Nanuet, – Crossing Guard (Substitute) – Clarkstown Police –Department is hereby accepted – effective and retroactive to September 4, 2012.

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. (450-2012)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, a resident of New York Avenue, Congers, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a physical survey of the surrounding property directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole #61053/41564 ;

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

In front of house # 113 New York Avenue, Congers
(Install one (1) each - 5,800 lumen 70 watt sodium vapor street light

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

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. (451-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Town Board Resolution 428-2012 regarding Stop Signs at Ember and Scher Drives was adopted in error, and

WHEREAS the Traffic & Traffic Fire safety Advisory Board has recommended it be rescinded and a corrected resolution be adopted,

NOW, THEREFORE BE IT RESOLVED, that Town Board Resolution 428-2012 is hereby rescinded in its entirety and a copy of this resolution be forwarded to the Superintendent of Highways for information.

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. (452-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Resolution No. 435-2012 was adopted by the Town Board on September 4, 2012 in error;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby rescinds Resolution No. 435-2012 in its entirety.

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. (453-2012)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Traffic & Traffic Fire Safety Advisory Board has recommended that the following Stop Sign and Stop Line be installed:

On Ember Drive, New City at the "T" intersection where Ember Drive runs north into Scher Drive

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install the abovementioned Stop Sign and Stop Line and that a copy of this resolution be forwarded to the Superintendent for installation and the Chief of Police for enforcement.

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. (454-2012)
BY MOTION OF THE ENTIRE TOWN BOARD:

Alexander J. Gromack, Supervisor
Shirley Lasker, Councilwoman
Frank Borelli, Councilman
George Hoehmann, Councilman
Stephanie Hausner, Councilwoman

WHEREAS, Town Law §37 provides that the Town of Clarkstown shall charge a 1% collection fee for the collection of school district taxes unless said fee is waived by resolution of the Town Board, and

WHEREAS, the Town Board wishes to waive the 1% collection fee charged to the school districts;

NOW, THEREFORE, be it

RESOLVED, that, pursuant to Town Law §37, the Town Board of the Town of Clarkstown hereby waives the 1% collection fee commencing with the 2013-2014 school tax year.

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. (455-2012)

Co. Hausner offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for an Employee Assistance Program covering all employees and members of their immediate families, for the twenty-four (24) month period commencing October 1, 2012 and terminating on September 30, 2014, in a form satisfactory to the Town Attorney, and be it

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

FURTHER RESOLVED, that the fee of \$19,692.00 per year for such services shall be charged to Account No. A 8840-424, and be it

FURTHER RESOLVED, that either party may terminate the agreement on thirty (30) days written notice.

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. (456-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown wishes to explore financing opportunities related to solar installation and the Town's potential purchase of its street lighting inventory, and

WHEREAS, the Town has received an Energy Services Program Agreement from the Power Authority of the State of New York, which would explore these opportunities;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an Energy Services Program Agreement with the Power Authority of the State of New York to explore said financing and potential purchase.

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. (457-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB Statement No. 45 (Accounting and Financial Reporting by Employers for Postemployment Benefits other than Pension) for fiscal year ending December 31, 2012, and

WHEREAS, Harbridge Consulting Group, LLC, One Lincoln Center, Syracuse, NY is an actuarial consulting firm providing services to public entities related to benefit plans, GASB 45, and

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

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement for four years with Harbridge Consulting Group, LLC in a form acceptable to the Town Attorney, at a cost not to exceed \$13,000 for 2012, \$2,000 for 2013, \$13,500 for 2014 and \$2,000 for 2015, which cost shall be a proper charge to Account No. A 9000-400-409 0.

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. (458-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, pursuant to an Order of the U.S. District Court, dated March 26, 2009, in the matter entitled, *New York SMSA Limited Partnership d/b/a Verizon Wireless, et al. v. Town of Clarkstown, et al.*, E.D.N.Y. Docket No. 07 CV 7637, the Town of Clarkstown and various wireless carriers negotiated a settlement agreement with regard to wireless communication facilities;

RESOLUTION NO. (458-2012) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a settlement agreement, in a form approved by the Town Attorney, in order to effectuate the settlement with the wireless carriers.

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. (459-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 632-2011, adopted December 13, 2011, the Town Board set the Town Board Meeting and Workshop Meeting schedule for the year 2012, and

WHEREAS, the Town Board wishes to move the scheduled December 27, 2012 meeting to December 20, 2012;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 632-2012 by moving the December 27th meeting to December 20, 2012 (Thursday) at 12 Noon.

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. (460-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution adopted on August 21, 2012, the Town Board authorized the preparation of the preliminary appraisal for the tax certiorari proceeding regarding SIK Real Estate LLC' as being identified as map, block and lot number 58.10-2-17, more commonly known as 445 Route 304, Bardonia, NY, for the years 2010/11 and 2011/12, and

WHEREAS, a typographical error was made relating to the address,

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 394-2012 is hereby amended to state the correct address of SIK Real Estate, LLC (map number 58.10-2-17), is 455 Route 304, Bardonia, NY.

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. (461-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 681-2008, adopted on October 21, 2008, as amended by Resolution Nos. 281-2009, 395-2011, and 529-2011, adopted on May 19, 2009, July 19, 2011 and October 4, 2011, respectively, the Town Board authorized an agreement with the H2M Group to perform feasibility studies to determine whether a Project Labor Agreement is warranted on certain projects, and

WHEREAS, the Town Board has requested H2M to perform additional feasibility studies, and

WEHREAS, the Town Board has received a proposal from H2M Group dated September 25, 2012, to continue to prepare feasibility analysis and project labor agreements on a project by project basis;

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, 254 South Main Street, New City, New York, to conduct additional feasibility studies for public works projects for the period October 2, 2012 through December 31, 2013 and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$75,000.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that the fee for the studies shall be charged to the capital account for the public works 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. (462-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

ANGEL LANDSCAPING INC.
50 Rennert Lane
Bardonia, New York 10954
Miguel Arias, Owner

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

12-34 ANGEL LANDSCAPING INC.

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. (463-2012)

Co. Hausner offered and Co. Lasker seconded

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

BID # 35-2012 – RIDGE ROAD CULVERT BY-PASS

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

as per their proposed total project cost not to exceed \$174,000.00 plus 15% contingency and be it

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-16, 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. Borelli Yes
 Co. Hoehmann. Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (464-2012)

Co. Lasker offered and Co. Hausner seconded

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

BID # 37-2012 – LAKE NANUET PARK SEWER RELOCATION

is hereby awarded to: CAL MART ENTERPRISES
4 BURTS ROAD
CONGERS, NY 10920
PRINCIPAL: CARL V. WORTENDYKE
MARTIN C. WORTENDYKE

as per their proposed total project cost not to exceed \$498,498.00 plus 15% contingency and be it

RESOLUTION NO. (464-2021) continued

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8759-400-409-0-84-9, 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. (465-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution #270-2012 the Town Board authorized advertising for bids for Bid #29-2012 –Central Nyack Drainage Improvements – Phase II and

WHEREAS, bids were to be received by the Purchasing Department on September 13, 2012 by 11:00 a.m. and

WHEREAS, the Town is rejecting all bids received, now therefore be it

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

BID #29A-2012 – CENTRAL NYACK DRAINAGE IMPROVEMENTS – PHASE II

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _____ 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 Department of Environmental Control at the above address.

RESOLUTION NO. (465-2012) 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. (466-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town Clerk has received the Tentative Budget from the Town Comptroller and presented same to the Town Board in accordance with the provisions of Town Law §106, and

WHEREAS, pursuant to Resolution No. 632-2011, adopted by the Town Board on December 13, 2011, the Town Board scheduled a Town Board meeting for November 8, 2012, at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and

WHEREAS, the Town Board of the Town of Clarkstown has proposed a local law to override the limit on the amount of real property taxes that may be levied by the Town of Clarkstown pursuant to General Municipal Law § 3-c and to allow the Town of Clarkstown to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c;

NOW, THEREFORE, be it

RESOLVED, that the Tentative Budget, as received by the Town Clerk, is hereby designated the Preliminary Budget and the Town Clerk is directed to prepare 25 copies of the Budget, for public distribution pursuant to Town Law §106, 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 8, 2012 at 7:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Board hereby schedules a public hearing for November 8, 2012, at 7:00 p.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2013, and be it

FURTHER RESOLVED, that the Town Attorney prepare notices of such statutory hearings and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law.

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. (467-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, Clarkstown Police Officer XXXXXXXXXXXXXXXX was issued departmental disciplinary charges which he received on September 11, 2010, (the “Disciplinary Charges”) and

WHEREAS, Police Officer XXXXXX was afforded a hearing before a neutral hearing officer, and

RESOLUTION NO. (467-2012) continued

WHEREAS, the hearing officer issued his Opinion and Award dated August 16, 2012,
and

WHEREAS, the Town Board examined the Opinion and Award of the hearing officer
which sustained certain charges and recommended in favor of a penalty of a five (5) day
suspension without pay, and

WHEREAS, the Town Board has determined that the Opinion and Award is fair and
reasonable;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board finds Police Officer
XXXXXXXXXX guilty of Charges 1 and 3 and not guilty of Charge 2 of the Disciplinary Charges
and adopts the hearing officer's recommendation that the misconduct be punished by the
imposition of a five (5) day suspension without pay.

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. (468-2012)

Co. Hoehmann offered and Co. Hausner seconded

Whereas, the Town Board of the Town of Clarkstown has, by resolution, previously awarded a
contract to McLaren Engineering Group of West Nyack, New York to provide engineering
services for the Central Nyack Drainage Improvement Project - Dam and Detention Basin, the
Central Nyack Off-Site Wetlands Mitigation Project and the Central Nyack Drainage
Improvement Project - Phase II; 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,
landscaping design and related construction services relating to these projects; and

Whereas, changes in the scope of work for these projects have resulted in revisions to the
respective designs including revised construction drawings and specifications, additional meeting
attendance, preparation of project presentations, preparation of project renderings and additional
expenses not included in the original amount approved for this work; and

Whereas, McLaren Engineering Group has submitted a proposal for additional professional
design phase services, including those performed by Behan Planning Associates, LLC, for the
increased 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
\$122,500.00 without further Town Board resolution; and

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

RESOLUTION NO. (468-2012) 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. (469-2012)

Co. Lasker offered and Co Borelli seconded

WHEREAS, the Department of Environmental Control installed a drainage system in the hamlet of Congers in the vicinity of Highway Avenue, Joliffe Lane and Wisconsin Avenue in 2009, and

WHEREAS, subsequent to the work, certain trees needed to be removed in an effort to improve the function of the drainage system, and

WHEREAS, the Department of Environmental Control solicited Requests for proposals from qualified contractors and has selected the low bidder for the necessary tree work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Department of Environmental Control to retain the services of:

Northern Tree Service, Inc., 12 Lindberg Road, Stony Point, NY 10980

to perform the work in accordance with their proposal for an amount not to exceed \$2500.00, and be it

FURTHER RESOLVED, that this amount shall be a proper charge to Account No. A 8730-432-0.

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. (470-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, a review of parking shortages on Maple Avenue in the vicinity of the Police and Courts Building at 20 Maple Avenue has led the Chief of Police to recommend that the "Two-Hour Parking" restriction on the east side of Maple Avenue from Demarest Avenue to First Street be removed, and

WHEREAS, ample additional off street parking has been provided in the area to include the Municipal Lot at Maple Avenue and First Street and the Maple Avenue Lot west of the Verizon Building,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to remove the Two Hour Parking restrictive signage on the east side of Maple Avenue from Demarest Avenue south to First Street.

RESOLUTION NO. (470-2012) 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. (471-2012)

Co. Hausner offered and Co. Hoehmann seconded

Whereas, an existing catch basin located within a Town drainage easement in the backyard of the residence at 186 West Mary Lane, Valley Cottage, New York has collapsed and represents a potential safety hazard; and

Whereas, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to rebuild the catch basin and effect repairs to the surrounding area that was disturbed as a result of the collapse; and

Whereas, the Department of Environmental Control has received and reviewed proposals from these three (3) qualified contractors and finds them 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

*Cal Mart Enterprises, Inc.
4 Burts Road
Congers, New York 10920*

having submitted the lowest proposal, to perform this work in accordance with said proposal in the amount of **\$10,100.00**; and

Be It Further Resolved that the amount for this work shall not be increased without further resolution by the Town Board of the Town of Clarkstown; and

Be It Further Resolved that this shall be a proper charge to account # **H-8755-400-409-0-79-1**

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. (472-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Milton B. Shapiro, et ano v. Town of Clarkstown its Assessor and Board of Assessment Review, Index No(s). 7972/09 and 10089/10, affecting parcel designated as Tax Map 58.17-1-97 and more commonly known as 75 North Middletown Road, Nanuet, New York for the year(s) 2009/10 and 2010/11, and

RESOLUTION NO. (472-2012) continued

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 Nanuet Union Free 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 58.17-1-97 be reduced for the year(s) 2009/10 from \$226,200 to \$183,625 at a cost to the Town of \$948.46;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.17-1-97 be reduced for the year(s) 2010/11 from \$226,200 to \$198,250 at a cost to the Town of \$659.23;
3. Reimbursement for the year(s) 2009/10 and 2010/11 on the parcel described as Tax Map 58.17-1-97, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (473-2012)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, a Project for South Main Street in the Town of Clarkstown, identified as PIN 8760.50 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clarkstown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction supervision, and construction inspection;

NOW, THEREFORE, the Clarkstown Town Board, duly convened, does hereby

RESOLVE, that the Clarkstown Town Board hereby approves the above-subject project, and be it

FURTHER RESOLVED, that the Clarkstown Town Board hereby authorizes the Town of Clarkstown to pay in the first instance 100% of the non-federal share of the cost of construction, construction supervision, and construction inspection work for the Project or portions thereof, and be it

RESOLUTION NO. (474-2012) continued

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to install the drainage in accordance with their plan; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Pinebrook Industries and has found it to be acceptable;

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Pinebrook Industries for their low proposal of \$14,250.00;

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of **Pinebrook Industries** to perform this work in accordance with their proposal for an amount not to exceed **\$14,250.00**; and be it

FURTHER RESOLVED that this amount shall be a proper charge to account # H 8765 409-88-20, and be it

FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by 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. (475-2012)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Joseph P. McDonald, 3 Third Street, Congers, New York – is hereby appointed to the position of (part time) Municipal Bus Driver – Clarkstown Mini Transportation at the 2012 hourly rate of \$20.16., - effective October 2, 2012.

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. (476-2012)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Dawn La Fasciano, 5 Elrod Drive, West Nyack, New York – is hereby appointed (temporary) Clerk Typist – Police Records Department on a position #9999 – at the hourly rate of \$19.41 – effective October 9, 2012 to November 9, 2012.

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. (477-2012)
Co. Lasker offered and Co Borelli seconded

WHEREAS, there has been established in the Town of Clarkstown a cemetery known as the NYACK RURAL CEMETERY, INC., which association maintains a public cemetery at 176 Route 59, Central Nyack, New York, Town of Clarkstown, County of Rockland and more particularly described as Tax Map, Block and Lot # 65.7-3-53 and owns real property in said Town, and

WHEREAS, said association has under its care certain funds for perpetual care, permanent maintenance, special trust and general use, deposited with Hennion & Walsh, 2001 Route 46, Waterview Plaza, Parsippany, NJ 07054, and

WHEREAS, the association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery, and

WHEREAS, the cemetery association has requested that the Town of Clarkstown, pursuant to Section 1506(j) of the NYS Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets,

Now THEREFORE be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the conveyance of the cemetery premises and the transfer of the assets from the cemetery association, and that such conveyance shall be subject to all agreements as to lots sold and all trusts, restrictions and conditions upon the title or use of the real property or assets, and be it

FURTHER RESOLVED that the Town Board authorizes the Town Attorney and the Comptroller to pursue the required legal and accounting work pursuant to Section 1506(j) of the NYS Not-for-Profit Corporation Law to consummate this conveyance.

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. (478-2012)
Co. Lasker offered and Co Borelli seconded

WHEREAS, there has been established in the Town of Clarkstown a cemetery known as the NANUET CEMETERY ASSOCIATION, INC., which association maintains a public cemetery on Church Street in the Hamlet of Nanuet, Town of Clarkstown, County of Rockland more particularly described as 240 South Middletown Road, Nanuet (Tax Map, Block and Lot # 64.9-3-2.1) and owns real property in said Town, and

WHEREAS, said association has under its care certain funds for perpetual care, permanent maintenance, special trust and general use, deposited in Key Bank and First Niagara Bank, and

WHEREAS, the association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery, and

WHEREAS, the cemetery association has requested that the Town of Clarkstown, pursuant to Section 1506(j) of the NYS Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets,

Now THEREFORE be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the conveyance of the cemetery premises and the transfer of the assets from the cemetery association, and that such conveyance shall be subject to all agreements as to lots sold and all trusts, restrictions and conditions upon the title or use of the real property or assets, and be it

FURTHER RESOLVED that the Town Board authorizes the Town Attorney and the Comptroller to pursue the required legal and accounting work pursuant to Section 1506(j) of the NYS Not-for-Profit Corporation Law to consummate this conveyance.

RESOLUTION NO. (478-2012) 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. (479-2012)

Co. Hausner offered and Co. Lasker seconded

RESOLVED, that William Sherwood, Esq. is hereby designated to conduct a disciplinary hearing in connection with the departmental charges dated September 20, 2012 issued by the Town of Clarkstown Police 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. (480-2012)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the unimproved extension of Vine Street, Central Nyack, north of #75 West Broadway, is a pedestrian alleyway which is utilized to access Highview Court and Pine Street, and

WHEREAS, this commonly used access way can become an attractive nuisance due to illegal dumping leading to a hazardous and unsightly condition as well as increased maintenance by Town forces,

NOW, THEREFORE be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a "No Dumping" sign at the terminus of the unimproved portion of Vine Street at the Right of Way of West Broadway, Central Nyack.

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. (481-2012)

Co. Hausner offered and Co. Lasker seconded

Whereas, an adverse drainage condition exists within the area of an existing Town drainage easement in the rear yard of #15 The Rise in Congers, New York; and

Whereas, the Department of Environmental Control has made an inspection and formulated a plan to alleviate said adverse drainage condition; and

RESOLUTION NO. (481-2012) continued

Whereas, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to perform this work in accordance with that plan; and

Whereas, The Department of Environmental Control has received three (3) proposals in response to its solicitation and, upon review, finds them 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

Cal Mart Enterprises, Inc.
4 Burts Road
Congers, New York 10920

having submitted the lowest proposal, to perform this work in accordance with said proposal in the amount of \$4,994.00; and

Be It Further Resolved that the amount for this work shall not be increased without further resolution by the Town Board of the Town of Clarkstown; and

Be It Further Resolved that this shall be a proper charge to account # H-8765-409-88-21.

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. (482-2012)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, the Traffic and Traffic Fire Safety Advisory Board has recommended that a Stop Sign and Stop Line be installed at the eastern terminus of Snowdrop Drive, New City where it intersects with Goebel Road, and

WHEREAS, said Board made an investigation of the area and it was determined that such installation is warranted,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a Stop Sign and Stop Line, a R1-1 sign as per the Traffic Sign Handbook for Local Road, on Snowdrop Drive, eastbound, where it terminates into Goebel Road, New City, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Superintendent of Highways for implementation.

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. (483-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, Chief of Police Michael Sullivan has recommended entering into an agreement with Jay Lorah, DO, beginning September 1, 2012 through December 31, 2013, upon the terms and conditions set forth therein;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes an agreement with Jay Lorah, DO, as referred to herein, for the period September 1, 2012 through December 31, 2013 upon the terms and conditions set forth therein; and be it

FURTHER RESOLVED, that per the agreement, the police surgeon is an independent contractor and compensation for said services shall be at the rate of Fifteen Hundred Dollars (\$1,500.00) per month for services as Police Surgeon, which services shall be charged to Account No. A3120-409.

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. (484-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town Board, in response to a petition and letter from a number of residents of Tall Oak Lane, New City requested an investigation by the Office of the Zoning Administrator to review the necessity for a “No Parking in the “T” Turn Around” sign, and

WHEREAS, the results of that investigation, which included inspections and interviews with the affected residents, indicate that the sign authorized by Town Board Resolution #498-2000 is not necessary and causes undue restrictions to the abutting residents’ use of this dead end street,

NOW THEREFORE BE IT RESOLVED, that Town Board Resolution 498-2000 is hereby rescinded in its entirety and be it,

FURTHER RESOLVED, that the Superintendent of Highways is directed to remove the sign and the Chief of Police is hereby notified for information and adjustments to patrol tasking and enforcement, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Traffic and Traffic Fire Safety Advisory Board for information.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann No
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (486-2012)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the TOWN OF CLARKSTOWN, herein called the “Municipality,” after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachment for the CLARKSTOWN SANITARY LANDFILL, Site No. 344001, herein called the “Project,” is desirable, is in the public interest, and is required in order to implement the Project, and

WHEREAS, Article 27-1313 of the Environmental Conservation Law (ECL) authorizes State assistance to municipalities for Inactive Hazardous Waste Disposal Site Remedial Program Municipal Assistance projects by means of a State Assistance Contract (SAC) and the Municipality deems it to be in the public interest and benefit under this law to enter into contract therewith;

NOW, THEREFORE, be it resolved by the TOWN BOARD OF THE TOWN OF CLARKSTOWN:

- (1) That Alexander J. Gromack, Supervisor of the Town of Clarkstown, is the representative authorized to act in behalf of the Municipality in all matters related to this project. The representative is authorized to make application, execute the State Assistance Contract, sign requests for reimbursement and submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project.
- (2) That the Municipality understands it is responsible for 100% of the eligible incurred costs of the Project in the first instance and must submit appropriate payment request to be reimbursed for an amount not to exceed 75% of the eligible incurred costs of the Project resulting in the Municipality ultimately funding its share of the eligible incurred costs.

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. (486-2012)
Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Office of the Town Attorney renewed a long standing enforcement action in December 2011 pursuant to Chapter 216 of the Town Code (Maintenance of Property) for the remediation of the property known as 139 Massachusetts Avenue, Congers (Tax Map, Block and Lot # 52.8-3-53.1) and,

WHEREAS, the owner of the property, Wells Fargo Bank, NA, 1 Home Campus, West Des Moines, Iowa 50328 has responded to this action by offering to enter into a Donation Agreement with the Town which includes the remittance of remediation costs, in lieu of complying with the violation, and

WHEREAS, the Town Attorney recommends the pursuit of this avenue to consummate the remediation and the abatement of the violation,

NOW THEREFORE be it RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the Donation Agreement with Wells Fargo Bank and be it

FURTHER RESOLVED, that the Town Board hereby assigns the Director of Environmental Control to act as agent of the Town Board to perform the necessary filing and recommendation pursuant to the State Environmental Quality Review Act for the Town Board's determination regarding the acquisition of this property.

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. (487-2012)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown, via Bid No. 12-2012, solicited bids for Residential Refuse and Bulk Collection Services for One, Two, and Three Family Homes in the Unincorporated Portion of the Town of Clarkstown; and

WHEREAS, the Town received two bids in response to its solicitation; and

RESOLUTION NO. (487-2012) continued

WHEREAS, the initial submission by the apparent low bidder, AAA Carting & Rubbish Removal, Inc. (“AAA”), did not satisfy or address several of the conditions set forth in the bid; and

WHEREAS, specifically, AAA’s bid was deficient in the following respects:

- A) AAA is not a licensed carter in the Town of Clarkstown, did not submit evidence of a legal joint venture with a licensed carter, nor evidence that any subcontractor of AAA was a licensed carter in the Town of Clarkstown (see, General Conditions Section, paragraph 2);
- B) Neither AAA, nor its “joint venture” partner, Clarkstown Carting Co., Inc. (“CCCI”) has at least five (5) years prior experience providing backdoor collection services to entire communities with populations equal to or greater than the Town of Clarkstown (see, Specifications, “Bidder Qualifications”);
- C) The three (3) roll off containers listed in the bid were clearly insufficient to provide twice weekly backdoor collection services to 26,000 residences, as required by the Specifications, Service Requirements, subparagraphs 2 and 5;
- D) The Contractor failed to specify an office in the Town staffed by at least one person during the hours of 7:30 through 5:30 pm Monday through Friday, and 1:00 pm on Saturday (see, Agreement, Article 2 Scope of Services, Subparagraph 2.2.1); and

WHEREAS, by letter dated August 13, 2012, the Town pointed out the deficiencies in AAA’s bid, and asked for a written response by August 17, 2012; and

WHEREAS, by letter dated August 16, 2012, AAA responded to the Town’s August 13, 2012 letter, however, its response was deficient in several respects, specifically:

- a) a signed, notarized joint venture agreement was not provided;
- b) AAA stated that it would provide a “performance bond” in the amount of \$2,500,000 in satisfaction of the Performance Security Requirements under Article 6, Performance Security in the Agreement, however, that section specifically requires the posting of an irrevocable letter of credit in the sum of \$2,000,000;
- c) Not only did AAA acknowledge it was unlicensed in the Town, but the Town had received several complaints that AAA was nonetheless engaging in the carting business within the Town. The Town requested that AAA respond to these complaints and AAA stated that it was allowing its equipment to be used by CCCI, a licensed carter. No identification markings were apparent on said equipment which would identify it as being used by a licensed carter;
- d) Neither AAA nor its “joint venture” provided satisfactory evidence of five (5) years experience providing back door collection services to communities with populations greater than or equal to the Town;
- e) Neither AAA nor its “joint venture” provided satisfactory documentation that it possessed the equipment, personnel and financial resources to fulfill the bid specifications;
- f) AAA did not provide a valid business address; and

WHEREAS, by letter dated August 24, 2012, the Town again provided AAA with the opportunity to address the unresolved issues with respect to its bid, and requested written responses by August 30, 2012; and

WHEREAS, by letter dated August 29, 2012, AAA responded to the Town’s August 24, 2012 letter, however, again, several issues were not adequately addressed including the conduct of business without a license which conduct continues to date; and

WHEREAS, on August 10, 2012, AAA applied for a license with the Town of Clarkstown Sanitation Commission; and

WHEREAS, consistent with its usual practice, the Sanitation Commission scheduled a preliminary hearing on October 3, 2012, and advised AAA that it would not schedule a public hearing to consider its license application until three pending violations were resolved via appropriate adjudication;

RESOLUTION NO. (487-2012) continued

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted by AAA in response to Bid No. 12-2012 is hereby rejected as being deficient on the following grounds:

1. AAA is not a licensed carter within the Town of Clarkstown, and the "Joint Venture Agreement" submitted by AAA subsequent to the bid opening fails to specify the manpower, equipment or financial contribution of its joint venture partner, CCCI, other than the use of CCCI's license;
2. A careful review of the documents submitted by AAA and the records of CCCI indicates that CCCI has never engaged in the collection of backdoor residential waste as required by the bid specifications;
3. AAA has failed to post a letter of credit in the amount of \$2,000,000 or cash deposit in that amount as required by Bid Section 6.7 and instead submitted a letter from Key Bank stating that if AAA made application for said letter of credit which was approved, that Key Bank would seek to issue same within two (2) weeks from approval;
4. Neither AAA nor CCCI have demonstrated the required five (5) year backdoor experience in servicing a town with a population size equal or greater to the Town of Clarkstown, nor have they demonstrated the capital equipment or manpower necessary to fulfill the bid specifications; and be it

FURTHER RESOLVED, that the Authorized Purchasing Agent is hereby directed to negotiate with the sole remaining bidder in an attempt to secure a more competitive price, within the parameters set forth in *Fischback & Moore, Inc. v. New York City Transit Authority*, 79 AD2d 14, 435 NYS2d 984 (2nd Dept, 1981); and be it

FURTHER RESOLVED, that if the Authorized Purchasing Agent is unable to secure terms acceptable to the Town, he is hereby authorized to reject the sole remaining bid and re-bid 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. (488-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Town Board wishes to enter into a license agreement with United Water New York to allow the Town to proceed with two (2) adopt-a-spot agreements at the east and west side of the Freedom Causeway;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a license agreement with United Water New York which allows two (2) adopt-a-spots to be created at the east and west side of the Freedom Causeway.

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. (489-2012)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Congers Fire District has requested a refund of Building Permit Fee (No. 12-1010) paid in the amount of \$174.00 for property located at 40 North Harrison Avenue, Congers, New York, more particularly described as Tax Map No. 44.11-2-21, and

WHEREAS, the Building Inspector has advised that the permit application was submitted in error and recommends a full refund of \$174.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$174.00 to the Congers Firehouse to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Permit.

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 public comments.

Stan Hoyer, W Nyack

He spoke about the 6% tax increase and stated the Town should be reducing expenses. He suggested reducing salaries, reducing the number of town cars, laying off personnel and suggested the council members volunteer rather than collect a salary.

Steve Levine, Congers

He stated he would like to see term limits on the ballot. Regarding the solar energy field he expressed concerns about the solar panels wearing out over time. He also asked about the status of 139-141 Massachusetts Avenue.

Frank Grandel, New City

He spoke about the 6% tax increase and suggested the Board stand up to union salary and benefit demands.

Ralph Sabatini, New City

He asked what the Town is planning to do to offset costs shifted from the County. He stated there has been no mention of any cost cutting in Clarkstown.

Richard Sena, Bardonia

He asked what responsibility the Town Board has assumed since the Police Commission disbanded.

Brian Borell

He asked the Board if they would authorize school districts in the future to collect school taxes if they could do so at little or no cost to the Town. He stated that this fee was unjustifiable and questioned how much money it costs to collect taxes.

Thomas Leonard, Congers

He spoke about the Conservative Party holding its convention on Yom Kipper and asked the elected officials to reject the conservative line on the ballot to show their disdain for this.

Fred Rogish, New City

He questioned whether the Board has good insight on what they are voting on and complained about his inability to get a copy of a petition against the sign on Tall Oaks Lane. He stated he did not understand what caused Mr. Peachey to change his opinion about this sign.

Guy Gervasi, Clarkstown Taxpayers

He referred to a secret meeting attended by members of various political parties as collusion. He spoke about politicians who have been imprisoned in NYS, and about political patronage jobs. He questioned the hiring for the part time Highway position and asked whether he got a Town car with that job.

Mrs. Rogish, New City

She spoke about the No Parking in the "T" Turnaround sign being stolen numerous times.

Kevin Hobbs, New City

In reference to the proposed budget, he asked why Clarkstown does not have to stay within the 2% tax cap.

Marge Hook, New City

Regarding the fleet manager position, she asked whether performance reviews were going to be done and when the public was going to be informed of his projected savings.

Pat Godfrey, New City

Spoke about the proposed 6% tax increase and stated that we have a spending problem in Clarkstown.

Dylan Schlossberg, Congers

Spoke about the tax increases and suggested the Town should be run more like a business. He stated drastic action must be taken to keep tax increases to a minimum.

Amy Durbin, Congers

She stated that it is voter suppression when politicians run on every line, when they hire party leaders for positions under the special bargaining unit, when they violate open meetings law and when they ignore petitions for term limits.

Tom Nimick, New City

He asked the Supervisor about the budget deliberations. Regarding a meeting referred to in the newspaper, he asked for an explanation of how that complied with the requirements of the open meetings law.

Regarding the budget the Supervisor stated that all five Town Boards are in a major battle with the County. After we adopted our budget in 2012, the County shifted costs that were not part of our budget. We didn't have the revenue to make up these costs so we imposed the processing fee. Any money collected is going to Rockland County. We are not happy that we have to turn over \$2 to \$4 million to the County. He stated the Town has been run in a fiscally efficient manner and was okay before Rockland County imposed their costs on us and suggested the County should be hearing from people about this. He stated that we have about 73 less employees than when he started and he is proud of the dedicated hard working Town employees who are doing more with less.

Co. Hoehmann addressed some financing options for solar installations.

The Supervisor addressed the 1% processing fee and expressed surprise at Mr. Borrell's comments in light of the fact that this Town has eliminated this fee and never collected it before. The Supervisor had never seen him speak at the other Towns who have been collecting these fees for years nor had he ever heard him talk about this in his presence when he was a NYS Assemblyman. He suggested Mr. Borrell should be going to the other four towns that are collecting this fee. As far as the school district collecting the taxes, the Town is doing that for free, and we think that is a pretty good price.

Regarding cost cutting, we recently passed a resolution that consolidates the three Town garages and in 2014 we will be consolidating the Receiver's office with the Town Clerk's office. We are doing innovative things every day.

Regarding Mr. Nimick's question about a private meeting, the Supervisor stated that when a person gets elected to office they don't lose their constitutional rights; they don't lose their right to join groups. Regarding the Conservative primary his understanding was that their convention

was held after Yom Kipper ended but you can certainly ask Mr. Lettre any further questions. Regarding Mr. Gervasi's comments about a secret meeting, he reiterated that it's the right of elected officials to assemble and have private meetings like any other citizen. He also stated that to characterize all elected officials based on imprisoned politicians is an unfair characterization. Mr. Ballard clarified that there is no car involved with the Constituent Assistant position.

Regarding the question of staying within the 2% tax cap, unfortunately the State does not live by their standard. The bills that have the most dramatic impact on our budget are the healthcare and pension bills from the State; and they are in the double digits. In response to Mr. Godfry we want to do everything we can to lower the tax burden on our residents and again it is a familiar story that the County is affecting the towns' budgets. Regarding questions about budget deliberations, individual council members, department heads and a host of other people have had input with the Comptroller, the Director of Finance and myself in coming up with a tentative budget that we are able to put forth tonight.

As far as comments regarding the part time Highway position, Co. Borelli stated that Mr. Ballard is in control of his budget and it is not up to the Town Board to micromanage his department.

Co. Lasker stated times are hard and we have been doing the best we can under extraordinarily difficult circumstances. She suggested people go to the Legislature and question the need for County government if they are shifting all the costs back to the Town. She suggested the school districts and the towns work together and tell Albany to cut costs up there.

Co Hoehmann reiterated that we have not been in violation of the open meetings law.

There being no one wishing to be heard, on motion of Co. Borelli seconded by Co. Hausner the Town Board meeting was adjourned, time: 10:18 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall 10/02/12 8:21 PM

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

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

The Town Clerk read the notice of public hearing. The Supervisor made the following statement:

Rather than asking for a motion to open the public hearing, I would like to make a few comments.

The Town of Clarkstown has been proactive in addressing the housing needs of our residents. I'd like to commend our housing committee for the many initiatives they've taken and continue to take to ensure that the housing demands of our residents are met. Initiatives that include:

1. Housing surveys identifying particular needs of seniors and young adults
2. Developing Housing goals and objectives of the 2009 Comprehensive Plan
3. Developing the Hamlet Center Senior Housing Zoning which allows small scale (20 to 40 units) senior citizen developments in all of the Town's Hamlet Centers
4. Working on redeveloping the Congers Gas Station into a senior citizen housing development; and
5. Working with Cambridge Systematics on the State Corridor Study to develop limited housing opportunities for commercial properties

The local law we have been asked to consider tonight would allow for a limited number of Clarkstown senior citizens to apply for an accessory apartment in their home. We have had several public meetings on this issue, and I along with the town board members have personally met with volunteers, emergency personnel and seniors regarding this issue. What we have learned from these discussions is that accessory housing has not proven to be a major benefit in assisting with our housing needs in Clarkstown. What we have heard from residents is that they'd like to see more Middlewoods, more hamlet senior housing, and housing for volunteer first responders. Moreover, while we believe that much of the opposition to this initiative is based on misinformation, it does not appear that our residents, as a whole, embrace this concept at this time, and that our efforts would be better spent focusing on some of the other priority needs being studied by our Town Planning Board and Housing Committee. Thus, I am going to propose that we do not open the public hearing on accessory housing, but rather rescind the public hearing. Do I have a motion?

On motion of Co. Hausner seconded by Co. Lasker, the public hearing was rescinded.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

10/02/12

8:25 PM

Present:

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

**Proposed Local Entitled: "A Local Law to Amend Chapter 251(WIRELESS
COMMUNICATION FACILITIES)**

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

The Town Attorney explained that several years ago the Town amended our Wireless Communications siting law because we had noticed a proliferation of cell tower applications and we wanted to be better able to regulate the location and siting of those towers. We came up with what we thought was a very good law that ranked sites based upon their aesthetic impact. The carriers as a whole sued the Town and, unfortunately, the Second Circuit disagreed with our interpretation on certain segments of the law. The law still has a lot of components to help the Town but this particular local law is to amend the law to remove those provisions that the Court found trampled upon the Telecommunications Act. Our consultant HDR/LMS Engineering acted as your agent for SECA review and determined it is an unlisted action. They have attached a negative declaration to their EAF for your review and consideration. She advised the Board that they were in a position to adopt this tonight if they wished to do so.

The Supervisor asked if there was anyone wishing to speak on this matter. There being no one wishing to appear, on motion of Co. Borelli seconded by Co. Hausner, the Public Hearing was closed, time: 8:27 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

RESOLUTION NO. (440-2012) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

10/02/12

8:30 PM

Present:

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

Chapter 216 Proceeding (Maintenance of Property) 159 Massachusetts Avenue, Congers

On motion of Co. Lasker seconded by Co. Borelli, the public hearing was opened.

Code Enforcement Officer, Joel Epstein, explained that this is a Chapter 216 Maintenance of Property proceeding initiated by his office for property located at 159 Massachusetts Avenue in Congers. The public hearing was set on August 21, the defendant was appropriately served and notice was posted. Since initiation of the proceeding on August 21 and through negotiations with his office, the property owner made arrangements with a private contractor to perform the required maintenance and as of today the property is currently in compliance. There is no requirement for liens on the property and the voluntary compliance abating the violation was performed by the defendant at no cost to the Town. Therefore, he requested that the Board adopt the resolution to discontinue the property maintenance proceeding.

The Supervisor asked if there was anyone wishing to speak on this matter.

Steven Levine, Congers

He is glad that this is going to be resolved and that the Board is going to rescind this action.

There being no one further wishing to be heard, on motion of Co. Lasker seconded by Co. Borelli, the public hearing was closed, time: 8:35 pm

Respectfully submitted,

Justin Sweet
Town Clerk

RESOLUTION NO. (441-2012) ADOPTED
