

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

04/09/13

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

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

SPECIAL PRESENTATION:

The following St. Augustine's 5th Grade Girls' Division CYO Basketball Champions were recognized and congratulated for their achievements.

Samantha Waletzky	Alexandra Gamez	Jenna Sta Cruz
Tanasha Mills	Mia Vincini	Laura Botto
Julianna Basile	Elizabeth Dwyer	Charlette Ayala
Gabriella Cipriano	Olivia Woods	Kelly OSullivan

Coaches- Steve Botto & Dan O'Sullivan

On motion of Co. Hoehmann seconded by Co. Lasker, the Public Hearing Re: Proposed Local Law entitled: "A Local Law Amending Chapters 93, 109, 112, 125, 126, 136, 149, 173, 180, 200, 202, 205, 208, 216, 220, 226, 231, 236, 239, 244, 248, 250, 258, 270, 278, & 290." was opened, time: 8:12 pm, closed 8:25 pm.

RESOLUTION NO. (119-2013) ADOPTED

The Town Clerk read several letters submitted by Town residents into the record complimenting the Town for their response to snow cleanup and thanking the Town Board and the Clarkstown employees for their service and responsiveness.

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

Tom Nimick, New City

Regarding Item #1, Accepting Minutes of Special Town Board Meeting, he asked for a full and independent audit of the Town Attorney's office.

Ralph Sabatini, New City

As a Clarkstown Resident Opposed to Patronage, he spoke about plans to serve the Town Board with a lawsuit should they not motion to conduct above mentioned audit.

Marge Hook, New City

Item #10, Hi Tor Animal Care Center, she feels the Hi Tor Board should be scrutinized more.

Police Chief Sullivan explained the police personnel changes and the Deputy Comptroller explained Item #6, Funds for Salt Spreading Dump Bodies. Regarding Item #10, Supervisor Gromack responded that we have asked the County to step up and do more with regard to the Hi Tor Animal Shelter. The Town Attorney explained Item #12, the agreement concerning Wolfe Landing Subdivision. She also explained that Item #30 authorizes an appraisal to ascertain the value the Middlewood Senior Housing Complex and Item #13 was to correct some typographical and scrivener errors on the Zoning Map. Supervisor Gromack addressed Item #1, stating that it is ludicrous to suggest an audit of the Town Attorney's office as we have one of the finest Town Attorneys in the State of New York and the people are well served by her and her staff.

RESOLUTION NO. (119-2013)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, a proposed local law entitled,
 “A LOCAL LAW AMENDING CHAPTER 93 (ALCOHOLIC BEVERAGES), AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION), AMENDING CHAPTER 112 (GRAFFITI), AMENDING CHAPTER 125 (DOGS AND OTHER ANIMALS), AMENDING CHAPTER 126 (MASSAGE ESTABLISHMENTS), AMENDING CHAPTER 136 (EXPLOSIVES), AMENDING CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE), AMENDING CHAPTER 173 (LITTERING AND POSTING), AMENDING CHAPTER 180 (MEMORIAL DAY ACTIVITIES), AMENDING CHAPTER 200 (PARKING), AMENDING CHAPTER 202 (PARKS & RECREATION FACILITIES), AMENDING CHAPTER 205 (NOISE), AMENDING CHAPTER 208 (PEDDLING, HAWKING AND SOLICITING), AMENDING CHAPTER 216 (PROPERTY MAINTENANCE), AMENDING CHAPTER 220 (QUARRYING AND BLASTING), AMENDING CHAPTER 226 (RECYCLING), AMENDING CHAPTER 231 (SANITARY LANDFILLS), AMENDING CHAPTER 236 (SEWERS), AMENDING CHAPTER 239 (SHOPPING CARTS), AMENDING CHAPTER 244 (SIGN CONTRACTORS, LICENSING OF), AMENDING CHAPTER 248 (SOLID WASTE TRANSPORTATION AND DISPOSAL), AMENDING CHAPTER 250 (STREETS AND SIDEWALKS), AMENDING CHAPTER 258 (SWIMMING POOLS), AMENDING CHAPTER 270 (TREE PRESERVATION), AMENDING CHAPTER 278 (VEHICLES AND TRAFFIC)AND AMENDING CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilman George Hoehmann, at a Town Board meeting held on March 5, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 5, 2013, directed that a public hearing be held on April 9, 2013, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on April 1, 2013, 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 March 28, 2013;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. – 2013 entitled:

“A LOCAL LAW AMENDING CHAPTER 93 (ALCOHOLIC BEVERAGES), AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION), AMENDING CHAPTER 112 (GRAFFITI), AMENDING CHAPTER 125 (DOGS AND OTHER ANIMALS), AMENDING CHAPTER 126 (MASSAGE ESTABLISHMENTS), AMENDING CHAPTER 136 (EXPLOSIVES), AMENDING CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE), AMENDING CHAPTER 173 (LITTERING AND POSTING), AMENDING CHAPTER 180 (MEMORIAL DAY ACTIVITIES), AMENDING CHAPTER 200 (PARKING), AMENDING CHAPTER 202 (PARKS & RECREATION FACILITIES), AMENDING CHAPTER 205 (NOISE), AMENDING CHAPTER 208 (PEDDLING, HAWKING AND SOLICITING), AMENDING CHAPTER 216 (PROPERTY MAINTENANCE), AMENDING CHAPTER 220 (QUARRYING AND BLASTING), AMENDING CHAPTER 226 (RECYCLING), AMENDING CHAPTER 231 (SANITARY LANDFILLS), AMENDING CHAPTER 236 (SEWERS), AMENDING CHAPTER 239 (SHOPPING CARTS), AMENDING CHAPTER 244 (SIGN CONTRACTORS, LICENSING OF), AMENDING CHAPTER 248 (SOLID WASTE TRANSPORTATION AND DISPOSAL), AMENDING CHAPTER 250 (STREETS AND SIDEWALKS), AMENDING CHAPTER 258 (SWIMMING POOLS), AMENDING CHAPTER 270 (TREE PRESERVATION), AMENDING CHAPTER 278 (VEHICLES AND TRAFFIC)AND AMENDING CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN”

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

RESOLUTION NO. (119-2013) continued

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.

RESOLUTION NO. (120-2013)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of March 5, 2013 and the Special Town Board Meeting of April 2, 2013 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. (121-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town has received \$816,901.77 from the Rockland County Sewer District #1, \$3,463.89 from D.A.R.E. donations and \$4,867 from the State of New York,
NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8760-409-0-84-9 (Capital-Sewer Pump Station & Collection System Upgrade) by \$816,901.77 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$3,463.89 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-10-3060-0 (Capital-NYS Archives Grant) and Expense Account H-8758-409-0-82-37 (Capital Project-Records Management Archive Project) by \$4,867 and

WHEREAS, it is necessary to amend certain budgets,
NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account A-1430-438-0 (Personnel-Maintenance Agreements) and increase Expense Account A-1430-319-0 (Personnel-Misc Supplies) by \$500 and be it

FURTHER RESOLVED, to decrease Expense Accounts A-3120-110-0 (Police-Salaries) by \$6,605.50, A-3120-409-0 (Police-Fees for Services) by \$6,000, A-3120-438-0 (Police-Maintenance Agreements) by \$6,000 and increase Expense Account A-3989-409-0 (Emergency Operations-Fees for Services) by \$18,605.50 and be it

FURTHER RESOLVED, to decrease Contingency Account A-1990-505 by \$30,000 and increase Expense Accounts A-3989-409-0 (Emergency Operations-Fees for Services) by \$20,000 and A-3989-209-0 (Emergency Operations-Other Equipment) by \$10,000.

RESOLUTION NO. (121-2013) 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. (122-2013)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Patricia H. Smith, 332 Strawtown Road, New City, New York – Recreation Supervisor – Parks & Recreation Department – is hereby accepted – effective and retroactive to March 31, 2013.

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. (123-2013)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation of Anthony Rizzetta, 57 Endicott Street, Congers, New York – Crossing Guard (full-time) - Clarkstown Police – is hereby accepted - effective and retroactive to March 12, 2013.

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. (124-2013)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Joseph Maragliano, 109 School Street, Upper Nyack, New York – is hereby appointed to the position of Crossing Guard (full-time) – Police Department - at the current 2013 hourly rate of \$19.04., per crossing – effective and retroactive to April 1, 2013.

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. (125-2013)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Charles T. Delo, 59 Sherwood Drive, Nanuet, New York – Police Lieutenant (Detective) – Clarkstown Police Department is hereby accepted – effective and retroactive to March 30, 2013.

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. (126-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09099 Police Lieutenant – Clarkstown Police Department – which contains the name of Jeffrey M. Wanamaker,

NOW, therefore, be it

RESOLVED, that Jeffrey M. Wanamaker, 650 Andover Road, Valley Cottage, New York – is hereby appointed to the position of (Promotional) (Permanent) Police Lieutenant – Clarkstown Police Department – at the current 2013 annual salary of \$176,107., - effective and retroactive to April 1, 2013.

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. (127-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09066 Police Sergeant Clarkstown Police Department – which contains the name of Christopher L. Brigando,

NOW, therefore, be it

RESOLVED, that Christopher L. Brigando, 64 Radcliff Drive, New City, New York – is hereby appointed to the position of (Promotional) (Permanent) Police Sergeant – Clarkstown Police Department – at the current 2013 annual salary of \$146,113., - effective and retroactive to April 1, 2013.

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. (128-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of William J. Cunnane,

NOW, therefore, be it

RESOLVED, that William J. Cunnane, 123 Sleepy Hollow Lane, Congers, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer – Clarkstown Police Department effective and retroactive to March 20, 2013.

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. (129-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Michael A. Feltham,

NOW, therefore, be it

RESOLVED, that Michael A. Feltham, 22 Verdin Drive, New City, New York, is hereby appointed to the position of (Permanent) Police Officer – Clarkstown Police Department – at the current 2013 annual salary \$71,275., - effective and retroactive to April 8, 2013.

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. (130-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Eric W. Levy,

NOW, therefore, be it

RESOLVED, that Eric W. Levy, 9-D Heritage Drive, New City, New York, is hereby appointed to the position of (Permanent) Police Officer – Clarkstown Police Department – at the current 2013 annual salary \$71,275., - effective and retroactive to April 8, 2013.

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. (131-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Aaron D. Gould,

NOW, therefore, be it

RESOLVED, that Aaron D. Gould, 208 Brittany Court, Valley Cottage, New York - is hereby cleared for a (Permanent) appointment to the position of Police Office – Clarkstown Police Department effective and retroactive to March 20, 2013.

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. (132-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Michael G. Graham,

NOW, therefore, be it

RESOLVED, that Michael G. Graham, 12 Randy Lane, New City, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer – Clarkstown Police Department - effective and retroactive to March 20, 2013.

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. (133-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Steven Quinones,

NOW, therefore, be it

RESOLVED, that Steven E. Quinones, 76 Western Highway, West Nyack, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer – Clarkstown Police Department effective and retroactive to March 20, 2013.

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. (134-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Matthew J. Sheehy,

NOW, THEREFORE BE IT RESOLVED, that Matthew J. Sheehy, 376 Route 304, Bardonia, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer – Clarkstown Police Department effective and retroactive to March 20, 2013.

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. (135-2013)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Patricia E. Parke, 162 Foltim Way, Congers, New York – is hereby reappointed to the position of Member – Traffic & Traffic Fire Safety Advisory Board – at the current 2013 annual salary of \$2,800., term effective and retroactive to April 1, 2013 and to expire on March 31, 2018.

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. (136-2013)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Victoria Como, 37 York Drive, New City, New York – is hereby appointed to the position of (part-time) Clerk Typist – Personnel Department – at the 2013 hourly rate of \$19.85., effective April 9, 2013.

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. (137-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on March 5, 2013, that the position of Recreation Information Clerk #500605 – (encumbered by Constance Zayac) can be reclassified to the position of Recreation Information Clerk II,

NOW, therefore, be it

RESOLVED, that the position of Recreation Information Clerk – is hereby reclassified to the position of Recreation Information Clerk II – Parks and Recreation Department effective and retroactive to April 8, 2013.

RESOLUTION NO. (137-2013) continued

FURTHER RESOLVED, that Constance Zayac, 96 E. George Avenue, Pearl River, New York – is hereby appointed (promotional)(provisional) to the position of Recreation Information Clerk II – Parks and Recreation Department – at the current 2013 annual salary of \$59,650., effective and retroactive to April 8, 2013.

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. (138-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on March 7, 2013 that the position of Solid Waste Facility Attendant #500723 (encumbered by Christopher Hughes) can be reclassified to the position of Motor Equipment Operator II,

NOW, THEREFORE BE IT RESOLVED, that the position of Solid Waste Facility Attendant -Solid Waste Facility – is hereby reclassified to the position of Motor Equipment Operator II – effective and retroactive to April 9, 2013.

FURTHER RESOLVED, that Christopher Hughes, 616 Gateway Drive, Valley Cottage, New York – is hereby appointed (promotional) (permanent) to the position of Motor Equipment Operator II – Solid Waste Facility – at the current 2013 annual salary of \$64,974., effective and retroactive to April 8, 2013.

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. (139-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on March 7, 2013 that the position of Solid Waste Facility Attendant #500877 (encumbered by Joseph Maggino) can be reclassified to the position of Motor Equipment Operator I,

NOW, therefore, be it

RESOLVED, that the position of Solid Waste Facility Attendant Solid Waste Facility – is hereby reclassified to the position of Motor Equipment Operator I – effective and retroactive to April 8, 2013.

FURTHER RESOLVED, that Joseph Maggino, 2 Stone Court, Congers, New York – is hereby appointed (promotional) (permanent) to the position of Motor Equipment Operator I – Solid Waste Facility – at the current 2013 annual salary of \$67,690., effective and retroactive to April 8, 2013.

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. (140-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request from Mr. Robert Stritmater, Director of Automated Systems, for a reallocation of the title Security Administrator (Town), that is currently a grade 27 to be reallocated to a grade 31. Mr. Stritmater feels the title was incorrectly graded at the time the title was established.

NOW, THERFORE BE IT RESOLVED, that the Town Board has reviewed the request and has determined that the title of Security Administrator (Town), - Data Processing Department – should be reallocated to a grade 31.

FURTHER RESOLVED, that Robert Paul Jr., 26 Ohio Avenue, Congers, New York – who presently encumbers the position of Security Administrator (Town) – Data Processing – is now appointed to a grade 31 and his salary will reflect the 2013 current annual salary of \$84,844., effective April 9, 2013.

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. (141-2013)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation of Jason M. Vogel,68 High Tor Road, New City, New York – Member – Historical Review Board - is hereby accepted - effective and retroactive to March 29, 2013.

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. (142-2013)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Jennifer A. Knecht, 512 Spook Hollow Road, Upper Nyack, New York – is hereby appointed to the position of Crossing Guard (Substitute) – Police Department - at the current 2013 hourly rate of \$19.04., per crossing – effective April 15, 2013.

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. (143-2013)

Co. Lasker offered and Co. Hausner seconded

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

RESOLUTION NO. (143-2023) continued

BID # 2-2013 – FIREWORKS DISPLAY

is hereby awarded to: FIREWORKS EXTRAVAGANZA
174 ROUTE 17 NORTH
ROCHELLE PARK, NJ 07662

PRINCIPALS: JOHN SAGARIA

as per their proposed total project cost of \$17,000.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of General Liability Insurance
- e) Certificate of Fireworks Display 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.

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. (144-2013)

Co. Lasker offered and Co. Hausner seconded

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

BID #3-2013 – SWIMMING POOL CHEMICALS

is hereby awarded to: SLACK CHEMICAL CO., INC.
465 SO. CLINTON STREET
CARTHAGE, NY 13619

PRINCIPALS: ROBERT STURTZ
JEAN STURTZ

BEL-AQUA POOL SUPPLY INC.
20 COMMERCE DRIVE
NEW ROCHELLE, NY 10801

PRINCIPALS: MARTIN SILVER
SUSAN WISAN

COMMERCIAL CLEARWATER
P.O. BOX 909
PLANDOME, NY 11030

PRINCIPALS: PAUL ROBERT MEILINK, PRESIDENT

MAIN POOL AND CHEMICAL CO., INC.
110 COMMERCE ROAD
DUPONT, PA 18641

PRINCIPALS: THOMAS O'MALLEY
THERESA O'MALLEY

as per the attached item/price schedule

RESOLUTION NO. (144-2013) 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. (145-2013)

Co. Lasker offered and Co. Hausner seconded

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

BID# 4-2013 – ATHLETIC FIELD AND TURF MAINTENANCE

is hereby awarded to: FIELD PRO ENTERPRISES, LLC
 17 WHITMAN PLACE
 MONROE, NY 10950
 PRINCIPAL: NATALE NUOVO JR.

as per their proposed total cost of \$32,960.00 and be it

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

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

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

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. (146-2013)

Co. Lasker offered and Co. Hausner seconded

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

BID #5-2013 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

RESOLUTION NO. (146-2013) continued

- is hereby awarded to: JOHN DEERE LANDSCAPES
1385 EAST 36TH STREET
CLEVELAND, OH 44114-1849
- PRINCIPALS: A PUBLIC CORPORATION

- PENNINGTON SEED, INC.
9327 US ROUTE 1 SUITE J
LAUREL, MD 20723
- PRINCIPALS: A PUBLIC CORPORATION

- POLLACK PAINT INDUSTRIES, INC.
119 WOODWORTH AVENUE
YONKERS, NY 10701
- PRINCIPALS: ROBERT M POLLACK

- SHEMIN NURSERIES INC.
42 OLD RIDGEBURY ROAD, 3RD FL
DANBURY, CT 068140
- PRINCIPALS: SHEMIN NURSERIES HOLDING CORP

- ORGANIC RECYCLING INC.
117A ROUTE 303
TAPPAN, NY 10983
- PRINCIPALS: BENG LEONY OOI
BENG HOE OOI

as per the attached item/price schedule

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. (147-2013)

Co. Lasker offered and Co. Hausner seconded

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

BID #6-2013 – FIRST AID/SAFETY SUPPLIES

- is hereby awarded to: EVER READY FIRST AID
101-01 FOSTER AVENUE
BROOKLYN, NY 11236
- PRINCIPALS: MICHAEL PERL
BEN PERL

- EMERGENCY MEDICAL PRODUCTS, INC.
5235 INTERNATIONAL DRIVE, SUITE B
CUDAHY, WI 53110
- PRINCIPALS: BRADLEY G. SMITH – GENERAL MANAGER

- HENRY SCHEIN MATRIX, INC.
P.O. BOX 194
WARETOWN, NJ 07858
- PRINCIPALS: A PUBLIC CORPORATION

RESOLUTION NO. (147-2013) continued

PRINCIPALS: ZAMS, INC.
 200 NORTH MAIN STREET
 FREEPORT, NY 11520
 ZUBAIDA RATCHER

PRINCIPALS: MEDCO SUPPLY COMPANY
 500 FILLMORE AVENUE
 TONAWANDA, NY 14150
 REBECCA HERNANDEZ – BID COORDINATOR

as per the item/price schedule on file in 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. (148-2013)
 Co. Hausner offered and Co. Lasker seconded

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

RFP #7-2013 – LICENSE TO OPERATE FOOD AND REFRESHMENT
 CONCESSION STANDS AT TOWN PARKS

is hereby awarded to: RJENS
 16 CHESTER AVENUE
 CONGERS, NY 10920

PRINCIPAL: JUNE RUCKEL

as per their proposed annual fee, payable to the Town of Clarkstown, of \$10,500.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Certificate of Commercial Liability
- c) Certificate of Commercial Automobile Liability Coverage
- d) Certificate of Worker's Compensation insurance coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Superintendent of Recreation and Parks

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. (149-2013)
Co. Lasker offered and Co. Hausner seconded

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

BID#14A-2013 – TREE STUMP REMOVAL & DISPOSAL AT VARIOUS LOCATIONS, CLARKSTOWN, NY

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. (150-2013)
Co. Lasker offered and Co. Hausner seconded

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

BID#15-2013 – HEREFORD LANE DRAINAGE IMPROVEMENTS

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. (151-2013)
Co. Lasker offered and Co. Hausner seconded

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

BID#16-2013 – DENVER DRIVE DRAINAGE IMPROVEMENTS

RESOLUTION NO. (151-2012) continued

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. (152-2013)

Co. Hoehmann offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 9, 2013, AUTHORIZING THE ACQUISITION OF SALT SPREADING DUMP BODIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$260,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$260,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire salt spreading dump bodies, including plow equipment and attachments, leaf boxes and other appurtenances. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$260,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$260,000 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 \$260,000 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. 28 of the Law, is fifteen (15) years.

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

RESOLUTION NO. (152-2013) continued

(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 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 April 9, 2013, 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 April 9, 2013, authorizing the acquisition of salt spreading dump bodies, stating the estimated maximum cost thereof is \$260,000, appropriating said amount for such purpose, and authorizing the issuance of \$260,000 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:

RESOLUTION NO. (152-2013) continued

FIRST: AUTHORIZING said Town to acquire salt spreading dump bodies, including plow equipment and attachments, leaf boxes and other appurtenances; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$260,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$260,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$260,000 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 fifteen (15) 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 \$260,000 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.

Justin Sweet
Town Clerk

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. (153-2013)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

RESOLUTION NO. (153-2013) continued

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning March 22, 2013 to March 22, 2015, as follows:

Sponsor: Yaboo Fence Company
95 West Nyack Way
West Nyack, NY 10994

Road: .06 mile segment of West Nyack Way
from Route 59 to West Nyack Road
West Nyack, NY 10994

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Yaboo Fence Company will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning March 22, 2013 to March 22, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Yaboo Fence Company, to remove trash from the roadways.

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. (154-2013)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, Meadowlark Drive, a dead end Town road off of Bobwhite Lane that ends at the BOCES complex has been the subject of a number of police complaints from residents due to parking, drinking and littering by teenagers, and

WHEREAS, currently, there are no parking restrictions at this location which would afford police better enforcement authority, and

WHEREAS, this issue has been brought to the attention of the Code & Zoning Enforcement Officer by Town Clerk Justin Sweet via residents of Meadowlark Drive, and appropriately investigated,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install two "NO PARKING" signs at the 'half' "T" Dead End of Meadowlark Drive where it terminates into the BOCES emergency egress gate, one at the end and one at the side and that a copy of this resolution be forwarded to the Superintendent of Highways and the Chief of Police for implementation and enforcement, respectively.

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. (155-2013)
Co. Borelli offered and Co. Hausner seconded

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

A “No Parking Here To Corner” sign, on Lenox Avenue, 30 feet from Lake Road, Congers, NY, per the NYS DOT’s Manual of Uniform Traffic Control Devices, § 221.5 a P1 – 9; and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Superintendent of Highways, Wayne Ballard, for implementation, and to 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. (156-2013)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from: Goldkirch Partners I, L.P., dated October 5, 2004, conveying the following road:

Hemlock Drive, Congers - 1,190 L.F. + 140 foot diameter cul-de-sac

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Goldkirch Partners are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk’s Office.

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. (157-2013)
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2013 and terminating on December 31, 2013, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$33,000.00 for year to be paid quarterly upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

RESOLUTION NO. (157-2013) continued

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

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. (158-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the subdivision/site plan known as Wolfe Landing (64.07-1-9.2), Wolfe Landing, LLC has provided a conservation easement and a stormwater control facility maintenance agreement, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyances; and the Town Attorney has advised that the documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement, dated March 19, 2013, and the conservation easement, dated January 3, 2013, from Wolfe Landing, LLC and ordered them recorded in the Rockland County Clerk’s Office at the expense of the grantor/applicant.

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. (159-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Wolfe Landing, LLC has provided an Affordable Housing Restrictive Declaration of Covenant and Agreement to the Town of Clarkstown pursuant to Section 290-7.1K(2) of the Town Code of the Town of Clarkstown, which was one of the conditions required to be met by the zone change approved by the Town Board on October 18, 2011, and

WHEREAS, the Town Attorney has found that said Covenant and Agreement conforms to the intent of Section 290-7.1K(2) and is in acceptable form for recording;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the Affordable Housing Restrictive Declaration of Covenant and Agreement provided by Wolfe Landing, LLC and orders same recorded in the Rockland County Clerk's Office at the expense of the applicant.

RESOLUTION NO. (159-2013) 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. (160-2013)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Zoning Map Committee, consisting of the Town Attorney, Building Inspector and Town Planner, was established by Town Board Resolution No. 431-2011 adopted on August 2, 2011, and

WHEREAS, the Town Attorney, Building Inspector and Town Planner have investigated zoning map transcription errors which apparently occurred in 1999 as a result of Town Board initiated zone changes made in connection with the implementation of the Town of Clarkstown Comprehensive Plan adopted September 28, 1999, which, upon investigation by the Committee, has disclosed that the following properties located in Congers, New York, were erroneously included in said zone changes, and were depicted on the December 26, 1999 revised Zoning Map in the wrong districts:

MAP NO: 44.15-1-80 – a small portion of this lot was mistakenly placed in the R-22 district, but should be placed in the PO district;

MAP NO: 44.15-1-81 - mistakenly placed entirely in PO district, but should be in the PO district on the northerly side and R-22 district on the southerly side;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs that the errors on the Zoning Map be corrected to depict the following properties: 44.15-1-80 – PO District; 44.15-1-81 – PO District/North side and R-22 District/South side as being in their correct Districts, and be it

FURTHER RESOLVED, that the GIS Coordinator is hereby authorized and directed to make the necessary adjustments to the Zoning Map and that the affected property owners be notified by mail that the map has been corrected.

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. (161-2013)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, as a condition to the granting of a special permit, DMF Holding Corp., successor in interest to SMK Homebuilders, Inc., has provided a rental preference agreement and covenant for the Congers Overlay District with respect to property located at 49 Lake Road, Congers, New York 10920 (tax map 44.15-3-60), and

WHEREAS, the Town Attorney has recommended acceptance of said conveyance and advised that the documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the rental preference agreement and covenant provided by DMF Holding Corp., and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the rental preference agreement and covenant from DMF Holding Corp. in connection with the Congers Overlay District and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

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. (162-2013)

Co. Lasker offered and Co Borelli seconded

WHEREAS, Makan Land Development Two LLC submitted a payment of \$5,223.00 for a Building Permit Fee (No. 13-262) for property located at 39 Highway Avenue, Congers, New York, more particularly described as Tax Map No. 44.20-2-53, and

WHEREAS, the Building Inspector has advised that the fees for review, processing and inspection for the above permit are \$3,268.00 and has recommended a refund of the amount of overpayment of \$1,955.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a refund of the overpayment in the amount of \$1,955.00 to Makan Land Development Two LLC, P.O. Box 979, Harriman, NY 10926 to be charged to Account No. B 02-6-2555-0.

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. (163-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, TD Bank, N.A. furnished a Developer's Performance Bond secured by Letter of Credit No. 095192070030 in the amount of \$1,000,000.00 to the Town of Clarkstown to cover public improvements and other facilities as shown on the final plat of Commerce Bank North, New City, designated as Tax Map 51.7-1-24, and

RESOLUTION NO. (163-2013) continued

WHEREAS, the First Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has advised that the Letter of Credit is no longer required as all the work has been completed in an acceptable manner;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendations of the First Deputy Director of the Department of Environmental Control and the Superintendent of Highways, the Town Board hereby authorizes release of Letter of Credit No. 095192070030 in the amount of \$1,000,000.00.

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. (164-2013)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, Woolley Excavating & Site Development, Inc. has requested a refund of Sign Permit Fee (No. 13-7) paid in the amount of \$250.00 for a sign permit, which was submitted in error, and

WHEREAS, the Building Inspector has advised that the permit application was withdrawn before it was fully processed and recommends a full refund of \$250.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$250.00 to Woolley Excavating & Site Development, Inc. to be charged to Account No. B 02-6-2555-0.

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. (165-2013)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received a proposal from Orange & Rockland Utilities, Inc. for the installation of two streetlights in the Yellowstone Fields Subdivision, in West Nyack, New York, and

WHEREAS, the location of the streetlights have been reviewed and approved, and the Director of Environmental Control recommends acceptance of the proposal;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Director of Environmental control, the Town Board of the Town of Clarkstown hereby accepts the proposal from Orange & Rockland Utilities, Inc., for the installation of two streetlights at the Yellowstone Fields Subdivision, in West Nyack, New York, for a total increase to the Town of Clarkstown of \$325.44 per year, plus fuel adjustment charges.

RESOLUTION NO. (165-2013) 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. (166-2013)

Co. Hausner offered and Co. Borelli seconded

Whereas, the Town Board of the Town of Clarkstown has, via resolution, previously authorized the Director of the Department of Environmental Control to retain the services of Cal Mart Enterprises, Inc. of Congers, New York to perform work to correct an adverse drainage condition within an existing Town drainage easement, and

Whereas, it is necessary to lower the grade of an additional drainage structure and regrade the surrounding area located within the same drainage easement to further alleviate the ponding of surface runoff; and

Whereas, this additional work was due to unforeseen field conditions; and

Whereas, the Department of Environmental Control has solicited a proposal from Cal Mart Enterprises, Inc. to perform this additional 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 allotment for this project be increased by \$1,980.00, the amount of said proposal, to a new total of \$6,974.00; 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. (167-2013)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board authorizes the extension of a license agreement with the Rockland County Radio Control Club for use of the former site of the Clarkstown Sanitary Landfill, now capped, for a period of one year commencing March 31, 2013 and ending on March 31, 2014, for the nominal fee of \$1.00 per year, provided that all residents wishing to participate in club activities continue to be eligible for membership, and all the other terms and conditions in the license agreement, including providing the required proof of insurance, shall remain in full force and effect.

RESOLUTION NO. (167-2013) 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. (168-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 197-2011, adopted on April 12, 2011, the Town Board authorized the Supervisor to enter into an agreement with Henningson, Durham & Richardson Architecture Engineering, P.C. (hereinafter "HDR"), successor to Lawler, Matusky & Skelly Engineers, to provide services related to fill issues on certain property located at 139 Massachusetts Avenue, Congers, New York (52.8-3-53.1), and

WHEREAS, HDR has submitted a proposal, dated February 28, 2013, for additional services requested by the Town in support of the work previously performed, including additional meetings and document preparation, and

WHEREAS, these additional services also relate to the adjoining property located at 141 Massachusetts Avenue, Congers, New York (52.8-3-53.2), and

WHEREAS, the Town Attorney has reviewed said proposal and advised that the additional services are required and finds it acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 197-2011 is hereby amended to reflect that the fee for the additional services performed by HDR shall be \$4,000.00 and shall include the property located at 141 Massachusetts Avenue, Congers, New York, and be it

FURTHER RESOLVED, that the total fee paid to HDR for professional services related to fill issues on the properties located at 139 and 141 Massachusetts Avenue, Congers, New York shall not exceed \$6,600.00, and shall be a proper charge to Account No. A 1420 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. (169-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Alex Vursta v. The Assessor, The Board of Assessors and The Board of Assessment Review of The Town of Clarkstown and The Town of Clarkstown, and Clarkstown Central School District, Index No(s).7208/08, 6950/09, 7565/10, 31183/11 and 33720/12, affecting parcel designated as Tax Map 34.18-2-49 and more commonly known as 100 Phillips Hill Road, New City, New York for the year(s) 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown School District, who believe the best interests of the Town and the School District are being served;

RESOLUTION NO. (169-2013) continued

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 34.18-2-49 be reduced for the year(s) 2008/09, 2009/10 and 2010/11 from \$410,000.00 to \$348,500.00 at a total cost to the Town of \$4,074.25;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 34.18-2-49 be reduced for the year(s) 2011/12 and 2012/13, from \$410,000.00 to \$307,500.00 at a total cost to the Town of \$5,211.50;
- 3. Reimbursement for the year(s) 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13 on the parcel described as Tax Map 34.18-2-49, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
- 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. (170-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the West Nyack Fire engine Co. #1 Inc. has requested permission to have a licensed fireworks display on May 19, 2013 and hold a carnival from May 16, 2013 through May 19, 2013 at Germonds Park, West Nyack, NY, and

WHEREAS, Police Chief Michael Sullivan,, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to West Nyack Fire Engine Co. # 1 to sponsor a fireworks display at Germonds Park on May 19, 2013 subject to the following conditions:

- 1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;
- 2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than \$5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;
- 3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
- 4. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's February 22, 2013 memo; and
- 5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

RESOLUTION NO. (170-2013) 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. (171-2013)

Co. Hausner offered and Co. Hoehmann seconded

Whereas, an adverse drainage condition exists within the right-of-way at #141 Helene Road in Valley Cottage; and

Whereas, said adverse drainage conditions results in potentially hazardous icing on Helene Road; and

Whereas, the Department of Environmental Control has prepared a plan to install approximately twenty-two linear feet of trench drain, tying in an existing four (4) inch diameter private drain line to said trench drain to alleviate said adverse drainage condition; and

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

Whereas, the Department of Environmental Control has received five (5) proposals in response to its solicitation; and

Whereas, the Department of Environmental Control has reviewed said proposals and found 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

MRJ Excavating, Inc.
7 Beaver Court
New City, New York 10956

having submitted the lowest proposal, to perform this work in accordance with said proposal in the amount of \$9,810.00; 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. (172-2013)
Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown did establish a Deferred Compensation Plan for employees, and

WHEREAS, the Town currently has a contract with MassMutual, 1298 State Street, Springfield, MA 01111, successor in interest to The Hartford Life Insurance Company, to act as the administrative services agency and financial organization for the Town's deferred compensation plan and the Reliance Trust Company as the trustee of the aforesaid plan, which is due to expire on August 4, 2013, and

WHEREAS, MassMutual has offered to extend their contract with the Town for a period of one (1) year from August 4, 2013 to August 3, 2014, and

WHEREAS, the Deferred Compensation Committee has reviewed MassMutual's one year extension offer and has recommended that the Town accept this offer;

NOW, THEREFORE, be it

RESOLVED, that the one (1) year extension period for a Deferred Compensation Plan, at no cost to the Town of Clarkstown, is to be awarded to MassMutual and Reliance Trust Company, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form acceptable to the Town Attorney and the Town's Deferred Compensation Committee, with MassMutual and Reliance Trust Company.

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. (173-2013)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town Board wishes to enter into a maintenance agreement with regard to Town's sewer pump stations; and

WHEREAS, Goosetown Communications has submitted a proposal for an equipment rental agreement, and the Department of Environmental Control and the Data Processing Department have reviewed said proposal, and find it acceptable in terms of scope and price;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with Goosetown Communications, 58 North Harrison Avenue, Congers, NY 10920, to provide rental equipment in connection with the Town's sewer pump stations; and be it

FURTHER RESOLVED, that fee for said services and equipment shall not exceed \$171,000.00 and shall constitute a proper charge to Account No. # B-8110430.

On roll call the vote was as follows:

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

RESOLUTION NO. (174-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, by Resolution No. 624-2012, adopted December 20, 2012, the Town Board established and adopted fee schedules for 2013 for various departments and boards within the Town of Clarkstown, and

WHEREAS, the Town Planner from the Planning Department has advised that some fees were inadvertently omitted from the fee schedules for 2013 and recommends that the Town Board include said fees in the 2013 fee schedules;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 624-2012 to include the following fees on the 2013 fee schedules:

- Route 304 Special Permit \$250
- Wireless Telecommunication Category A & B Sites \$500
Facilities Special Permit Category C Sites \$1,000
Category D Sites \$1,500
- Appearance before \$500 per appearance
Antenna Advisory
Review Board

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. (175-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Councilperson _____, 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 NEW CITY HAMLET ZONING AND THE TOWN ZONING MAP"

and

WHEREAS, the proposed local law is amend Chapter 290 by creating a new section within the Town of Clarkstown Zoning Code, Section 290-7.4, New City Hamlet Zoning of the Clarkstown Town Code, and to amend the zoning map;

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 May 7, 2013 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. (176-2013)

Co. Hoehmann offered and Co. Hausner seconded

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Avenue, New City, New York, in said Town of Clarkstown, on April 9, 2013.”

P R E S E N T:

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

-----X
 In the Matter of a Road Improvement Project for a portion of RIDGE ROAD, Valley Cottage, New York.

ORDER CALLING FOR A PUBLIC HEARING

-----X

WHEREAS, the Town Board, on its own motion, pursuant to Section 200 of the Town Law, shall consider a road improvement project for a portion of a street known as Ridge Road, Valley Cottage, New York, which is located east of Ridge Road and more particularly described in the attached petition, and shall schedule a public hearing to consider said road improvement project, which improvements shall consist of sidewalks, curbs, gutters and culverts benefiting properties shown on the Clarkstown Tax Map as 52.15-1-16, (owned by Petitioner, Jason Ruffo); Clarkstown Tax Map 52.15-1-17 (owned by Ellen Saliani and Catherine O’Brien); Clarkstown Tax map 52.15-1-18 (owned by Andrew Lazaroff), and Clarkstown Tax map 52.15-1-19 (owned by Steven J. Tarangelo), and the approximate total length of said frontage along said roadway is approximately 746.23 lineal feet of frontage;

NOW, THEREFORE, be it

ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on June 4, 2013, at 8:00 p.m., or as soon thereafter as possible, relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along Landau Estates, in the time and manner required by law, and it is

FURTHER ORDERED, that the amount to be expended for the improvement shall include the cost of the proceeding to acquire so much land as may be necessary to lay out such road as well as all other associated clerical, legal, surveying and engineering costs involved in any and all proceedings related to the acquisition of land pursuant to Town Law Section 200-12, and be it

FURTHER ORDERED, 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

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare a cost estimate for the necessary road improvement of LANDAU ESTATES, New City, New York, to be presented at the time of the public hearing on June 4, 2013, and be it

RESOLUTION NO. (176-2013) continued

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare preliminary and definite plans as and when necessary.

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. (177-2013)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town Board wishes to obtain an appraisal of the Middlewood Senior Housing Complex located in Nanuet, New York, and

WHEREAS, the Town Attorney solicited an appraisal from Beckmann Appraisals, Inc., which she has reviewed and found acceptable in terms of scope and price, and recommends hiring the firm to perform said appraisal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to retain Beckmann Appraisals, Inc. to appraise the Middlewood Senior Housing Complex located in Nanuet, New York, and be it

FURTHER RESOLVED, that the fee for said appraisal shall not exceed \$7,500.00 as per his proposal dated March 20, 2013 and shall be a proper charge to Account No. A 1420 409.

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 public comment.

Tom Nimick, New City
Spoke about a Notice of Claim being served on the Town Board.

Lynn Teger, Haverstraw
Had questions on tentative resolutions and question on Item #28, New City Hamlet Zoning.

Jim Flynn, Nanuet
He had a question about the firing of Mr. Savino.

Joe Ciardullo, New City
He had comments on the Town's hiring process.

Mark Brenner, New City
Inquired as to why Mr. Savino was rehired for 2013.

Steven Levine, Congers
He spoke about property issues on property adjoining his.

Ralph Sabatini, New City
Congratulated Co. Hausner on not voting for Mr. Savino's appointment initially.

Marge Hook, New City

Spoke about the impropriety of Kathy Boudin working at Columbia University. We lost two good cops and a security officer in 1981 and this is a slap in the face of law enforcement.

Frank Grandel, New City

Had comments on spending and bonding.

Amy Durbin, Congers

Spoke about political issues.

Pat Godfrey, New City

Spoke about political issues and term limits.

Michael Hull, Bardonia

Asked Co. Borelli and Co. Hoehmann if they would move to have an independent audit conducted of the Town Attorney's office.

Regarding tentative Resolution #28, the Town Attorney explained that this is a Local Law to amend some of the zoning code. This was listed as tentative because the resolution had not been prepared by the time the agenda was posted on Friday night. Regarding document retention she explained that this is regulated by the MU-1 schedule. Capt. Sullivan explained the need for trained personnel for dispatcher positions and also why Auxilliary Officers cannot act as DARE officers.

Regarding Mr. Savino, Supervisor Gromack made the following statement for the record:

I would like to respond on behalf of the entire Town Board. We want to thank you for your comments regarding the contract termination of Mr. Savino's law firm.

First let me state that the entire Town Board is outraged regarding the events relating to Mr. Savino and the others charged with breaking our laws and violating the public's trust. And, that is why this Town Board took such quick and decisive action in terminating his outside contract.

It is also important to remember that the Town has answered many of these questions that have again been raised tonight on numerous occasions in the past.

Is it also important to note there has never been, none what-so-ever, any improprieties regarding Mr. Savino's firm and the work he performed on behalf of the Town of Clarkstown.

In fact, the firm has done a very professional job in representing the Town's tax cert cases over the past 15 months, handling hundreds of matters.

To set the record straight once again, Mr. Savino submitted a resume of interest in doing outside counsel work for the Town. When a position became available, he and his firm were one of several firms reviewed and considered.

He had the professional qualifications for the position and at a saving of \$75,000 per year. In reviewing the facts, his law license was in good standing with the State of New York and with the New York Bar Association; and there were no legal issues of any nature that the Town knew of that would prevent him or his law firm from practicing law and handling the many tax cert cases that came before the Town.

On April 2, 2013 it was revealed that Mr. Savino and others were the subject of a federal investigation. Very serious charges were filed against him.

That morning, the Town Board immediately held a special meeting as permitted by state law to review his firm's contract with the Town. By a unanimous vote of the Town Board, that contract was immediately terminated.

The Town Board took quick and decisive action based on the severity of the charges and the belief that in light of those charges Mr. Savino would be unable to fulfill the needed requirements of the contract with the Town.

The Town Attorney's office will temporarily cover all matters relating to any tax cert cases for the Town Assessor until new counsel is retained. This brings this matter to conclusion.

Co. Lasker made a statement regarding Mr. Savino and stated she does not agree with doing an audit of the Town Attorney's office and would not entertain a motion or vote to do an audit.

Regarding Mr. Savino, Co. Borelli stated he does not believe that the hiring process we followed was flawed and we can't be held responsible just because someone does an action outside of his role of a contracted firm. He also would not vote to audit the Town Attorney's office.

Regarding Mr. Savino, Co Hoehmann said he was hired in good faith and in the best interest of the Town, and he would not support a review of the Town Attorney's office.

Co. Hausner stated that initially she had expressed some concerns about hiring this firm, but no one on this board could have known Mr. Savino was being investigated by the FBI and when we found out we took swift and decisive action in canceling his contract with the Town. She sees no reason to audit the Town Attorney's office.

Regarding Mr. Savino, the Town Attorney stated that to shift the focus from someone who is alleged to have done something very wrong to a group of people who have done absolutely nothing wrong is truly unjust and she welcomed any inquires about her, her credentials, her responsibilities or her office.

There being no one further wishing to speak, on motion of the entire Town Board the meeting was adjourned in memory of Rudy Damonti, a man who so many thousands of people in and around the Town loved and who epitomized all that is good about public service, time: 10:45 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/09/13

8:12 pm

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

Re: Proposed Local Law entitled: "a Local Law Amending Chapters 93, 109, 112, 125, 126, 136, 149, 173, 180, 200, 202, 205, 208, 216, 220, 226, 231, 236, 239, 244, 248, 250, 258, 270, 278, & 290."

Town Clerk, Justin Sweet, read the notice of public hearing. On motion of Co. Hoehmann seconded by Co. Hausner the public hearing was opened.

Town Attorney explained that this is part of a continuing effort to update the Town Code to reflect current reality. This particular amendment deals with only the fine and penalty sections of the chapters that were mentioned. The other section that we are amending has to do with what we call "double woods" which is when a utility pole is placed in the right of way and a new utility pole is put up, some of the utilities get their service off the pole and some do not; the old pole can sit there for years. This section further defines what a double pole is and the penalties for failing to remove the pole. O & R submitted a letter dated April 9, 2013 offering some proposed revisions to the code. We will take this under advisement and if we feel it warrants a further amendment we would look into that. She submitted the letter to the Town Clerk as part of the record.

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

John Krieger, Deputy Fire Coordinator for Rockland County
As Chairman of the Rockland County Illegal Housing Task Force he supports the Town's efforts to go after slum lords.

Joe Ciardullo, New City
Feels the fines should be stricter and higher with regards to building and zoning violations as we can't afford to have firefighters and residents get hurt.

Marge Hook, New City
She inquired as to the amendment in Chapter 125.

The Town Attorney explained this addressed unlicensed dogs, barking and animals at large.

There being no one further wishing to be heard on motion of Co. Hoehmann seconded by Co. Hausner, the public hearing was closed, 8:25 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk