

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

07/02/2014

8:00 pm

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

Supervisor declared the Town Board meeting opened. Assemblage saluted the flag. The Deputy Town Clerk read the role.

On motion of Co. Hoehmann seconded by Co. Lasker the Town Board went into Executive Session to discuss a pending legal matter. On motion of Co. Hausner seconded by Co. Hoehmann the Town Board returned from Executive Session, time: 9:07 p.m.

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

Stephen Levine, Congers

He spoke about Item 5c, Ohio Avenue Drainage Improvements; feels this is a result of building in wetland areas. He asked for clarification of Item 13, Property Maintenance, and Item 14, Emergency Storage Facility.

Tom Nimick, New City

Inquired about withdrawn Item 2d, Nancy Willen's resignation, did this position go to a committee?

Mary King, Valley Cottage

She complained about the Board going into Executive Session and keeping everyone waiting.

Kevin Hobbs, New City

He asked about Item 5d, Hamlet Streetscape Lighting.

Frank Grandel, New City

Asked for clarification of Item 6, CSEA agreement, and Item 12, Korn Rosenbaum audit and he inquired about the costs of Item 14, Emergency Storage Facility.

The Supervisor explained that Item 2d was withdrawn because Ms. Willen's position is an appointed position, and therefore accepting her resignation does not have to go through the Town Board. For that same reason this does not have to go before a committee. Item 5d, is a bid for streetscape lighting poles that we like to keep on hand should a pole need to be replaced due to being damaged or knocked down. Regarding Item 6, the Town Attorney explained that the CSEA agreement allows employees who retire an option to remain in the eye and dental plan if they want to continue to pay for it, but this is not costing the Town anything. The Comptroller clarified that the audit referred to in Item 12 is to insure that information regarding 3rd party reimbursements from the ambulance corps is flowing correctly. The Town Attorney explained that Item 13 has to do with Chapter 216-9(B) which allows the Town to maintain property when the owners are no longer taking care of vacant properties thus presenting a public health hazard in terms of high grass and rodents, etc. The Town then places a lien on the property in order to recoup the maintenance costs. Regarding Item 14, the Supervisor explained that since the Emergency Storage Facility is being paid for by the Rockland County Sewer District, we are using the same firm that the sewer district uses for the this phase of the project. Regarding the Executive Session he explained that they try to make them as brief as possible or hold them at the end of the meetings, but this was not an option tonight.

RESOLUTION NO. (280-2014)
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of June 10, 2014 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. (281-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Kristy Miranda, 8 Nancy Drive, New City, New York – Police Radio Dispatcher (CAD) – Police Department is hereby granted, as per her request, a Family Medical Leave of Absence effective and retroactive to June 05, 2014.

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. (282-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Carol Maraia, 2 Conklin Drive, Stony Point, New York – Courier – Parks & Recreation - is hereby accepted – effective and retroactive to June 28, 2014.

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. (283-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Charles Quinn, 233 Corbett Road, Montgomery, New York – Police Officer – Police Department - is hereby accepted - effective and retroactive to June 28, 2014.

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. (284-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Robert Donaldson, 47 North Grant Ave, Congers, New York – Police Lieutenant – Police Department – is hereby accepted - effective and retroactive to June 30, 2014.

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. (285-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Chelsea Tosto, 3 Kristoffer Court, New City, New York – is hereby appointed to the position of Courier – Parks & Recreation Department – at the current 2014 annual salary of \$35,434. effective and retroactive to June 30, 2014.

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. (286-2014)
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 Ms. Jo Anne Pedersen, Superintendent of Parks and Recreation, for a reallocation of the title Computer Network Specialist, that is currently a grade 28 to be reallocated to a grade 29.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Computer Network Specialist - Parks and Recreation Department – should be reallocated to a grade 29.

FURTHER RESOLVED, that Lawrence Berkowitz, 4 Brisman Drive Thiells, New York – who presently encumbers the position of Computer Network Specialist – Parks and Recreation Department – is now appointed to a grade 29 and his salary will reflect the 2014 current annual salary of \$104,532., effective July 02, 2014.

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. (287-2014)

Co. Hausner offered and Co. Hoehmann seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the North Rockland Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2014-2015 school year, and be it

FURTHER RESOLVED, that the North Rockland Central School District shall pay \$2,300 for each child duly enrolled in the Universal Pre-Kindergarten Program.

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. (288-2014)

Co. Hausner offered and Co. Hoehmann seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the Nyack School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2014-2015 school year, and be it

FURTHER RESOLVED, that the Nyack Central School District shall pay \$2,420 for each child duly enrolled in the Universal Pre-Kindergarten Program.

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. (289-2014)

Co. Hausner offered and Co. Hoehmann seconded

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

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

NOW, THEREFORE, be it

RESOLUTION NO. (289-2014) continued

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the Clarkstown Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2014-2015 school year, and be it

FURTHER RESOLVED, that the Clarkstown Central School District shall pay \$2,350 for each child duly enrolled in the Universal Pre-Kindergarten Program.

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. (290-2014)
Co. Borelli offered and Co. Lasker 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 Bardonia Four Corners site plan (tax map 58.10-2-96), Achilles Ligeras has provided a stormwater control facility maintenance agreement to the Town, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the 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 nunc pro tunc from Achilles Ligeras in connection with the Bardonia Four Corners site plan 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. (291-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID#20A-2014 – CRUM CREEK ROAD LOW FLOW CHANNEL REPLACEMENT

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.

RESOLUTION NO. (291-2014) 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. (292-2014)

Co. Lasker offered and Co. Hausner seconded

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

BID#23-2014 – FANWOOD LANE/BRANCHVILLE ROAD 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. (293-2014)

Co. Lasker offered and Co. Hausner seconded

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

BID#24-2014 – JOLLIFFE LANE/OHIO AVENUE 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. (294-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID#25-2014 – HAMLET STREETScape LIGHTING FIXTURES -
CONGERS, VALLEY COTTAGE & NANUET

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. (295-2014)
Co. Borelli offered and Co. Hausner seconded

WHEREAS, the Town Board of the Town of Clarkstown wishes to enter into a Memorandum of Agreement with the CSEA Inc. with regard to the CSEA Employee Benefit Fund;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the terms of the aforesaid Memorandum of Agreement between the Town of Clarkstown and CSEA Inc., Local 1000, AFSCME, AFL-CIO, Clarkstown Unit 835200 and hereby authorizes the Town Supervisor to execute a Memorandum of Agreement consistent with the terms thereof.

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. (296-2014)
Co. Lasker offered and Co. Hoehmann 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 Newman Subdivision (43.06-1-77), Laurence J. Newman and Nancy Newman have provided a conservation easement to the Town, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the conservation easement from Laurence J. Newman and Nancy Newman in connection with the Newman Subdivision and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of the recording fee.

RESOLUTION NO. (296-2014) 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. (297-2014)

Co. Hausner offered and Co. Hoehmann seconded

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

BID #21-2014 – SCHRIEVER LANE CHANNEL IMPROVEMENTS

is hereby awarded to: GIRLS GONE GREEN, LLC
617 N. BROADWAY
UPPER NYACK, NY 10960

PRINCIPAL: JENNIFER CHAITIN

as per their proposed project cost not to exceed \$110,684.00 plus an 18% 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-8767-400-409-0-90-11, 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. (298-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, 732 Route 304 Realty Corp. has petitioned the Town Board to abandon an existing sewer easement on their property located at 732 Route 304, New City, New York, in connection with their application to the Planning Board for approval of the Hard Wok Shopping Center Site Plan (51.18-2-47, 48, 49, 50), and

WHEREAS, the Deputy Department of Environmental Control has advised that the existing sewer easement located on said property, which was conveyed to the Town of Clarkstown by the prior owner in connection with the construction of Lateral Sewer District No. 23 in New City, is no longer required, and

WHEREAS, the Deputy Director of the Department of Environmental Control recommends abandoning said sewer easement located on the parcels located at 732 Route 304, New City, New York and designated as tax map 51.18-2-47, 48 and 49, a metes and bounds for which is annexed hereto, at such time as the new private sewer line is in place and functional;

NOW, THEREFORE, be it

RESOLVED, the Supervisor is hereby authorized to execute Abandonment of Sewer Easement Agreement with 732 Route 304 Realty Corp., the current owner of the affected property, abandoning the existing easement and extinguishing the Town's interest at such time as the new private sewer line is in place and functional as confirmed by the Town Department of Environmental Control, and be it

FURTHER RESOLVED, that said Abandonment of Sewer Easement Agreement is hereby ordered recorded in the Office of the Rockland County Clerk at the Town's expense.

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. (299-2014)

Co. Hausner offered and Co. Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2014 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

(on file in Town 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. (300-2014)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2014 Assessment Roll for the Town of Clarkstown, and be it

RESOLUTION NO. (300-2014) continued

FURTHER RESOLVED, that said figures for such proportions are attached.

(on file in Town 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. (301-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Med3000, Inc. acts as the service organization for the Town of Clarkstown to process insurance claims for basic and advanced life support services provided by volunteer ambulance corps and Rockland Paramedic Service, Inc. and

WHEREAS, it is necessary that the Town of Clarkstown have a limited scope audit to obtain reasonable assurance that Med3000, Inc. has the necessary controls and procedures in place to provide reliance that the billing is proper, and

WHEREAS, Korn Rosenbaum LLP has submitted a proposal dated June 16, 2014 to perform such audit, which the Comptroller finds reasonable in scope and price,

NOW THEREFORE, be it

RESOLVED, that Supervisor Gromack is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn Rosenbaum, LLP, Certified Public Accountants, with offices at Palisades Office Park, 26 Firemen’s Memorial Drive, Pomona, New York, for a cost not to exceed \$5,000, to perform the limited scope audit referred to herein, as described in a proposal dated June 16, 2014.

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. (302-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Offices of the Building Inspector and Zoning Administrator have joined forces to field complaints and perform Town-wide inspections of the vacant, foreclosed, and/or abandoned properties in Clarkstown, the owners or responsible parties of which have failed to perform required lawn and landscape maintenance pursuant to Town of Clarkstown Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance) and

WHEREAS, appropriate diligence by Code Officials, to include but not limited to appropriate notice and posting, has been performed as required pursuant to Chapter 216-9(A), and

WHEREAS, the properties currently in violation are identified as follows:

- 96 Highway Ave, Congers (52.8-1-57 fka 126-C-5)
- 41 Medway Avenue, Congers (44.20-1-72 fka 126-B-22)
- 160 S. Conger Ave, Congers (52.7-1-55 fka 111-A-12.3)
- 9 Foxcroft Dr, Nanuet (58.5-2-42 fka 16-C-2.16)
- 69 Spring Brook Rd, Nanuet (57.7-3-3 fka 8-A-25.16)
- 20 Carriage Ln, Nanuet (63.6-3-38 fka 5-B-6.30)

RESOLUTION NO. (302-2014) continued

- 5 Pigeon Hill Rd, Nanuet (58.13-2-51 fka 15-E-43)
- 5 Linden Ct, New City (34.15-2-24 fka 80-A-18.16)
- 3 Little Brook Ln, New City (43.5-1-24 fka 40-A-60.2)
- 6 Oldfield Dr, New City (51.7-2-61 fka 57-C-4.3)
- 8 Tilda Ln, New City (51.6-3-26 fka 37-A-5.6)
- 111 Brewery Rd, New City (51.8-2-14 fka 76-A-16)
- 4 Templar Ct, New City (50.20-4-68 fka 165-A-4.28)
- 2 Summit Drive, New City (34.17-1-49 fka 23-A-11.1)
- 1 Brook Road, New City (33.16-2-37 fka 171-A-2)
- 73 W. Burda Place, New City (50.12-2-49 fka 167-A-6.1)
- 5 Kent Street, New City (51.14-2-79 fka 36-C-8.14)
- 9 Kent Street, New City (51.14-2-81 fka 36-C-8.12)
- 528 Kings Highway, Valley Cottage (59.6-3-48 fka 108-B-5.16)
- 960 Tilton Rd, Valley Cottage (52.11-2-32 fka 125-B-12.8)
- 11 Tena Place, Valley Cottage (59.7-3-25 fka 123-A-16.53)
- 17 Flower Ln, Valley Cottage (52.14-3-3.6 fka 114-A-16)
- 331 Fulle Drive, Valley Cottage (52.18-1-41 f/k/a 109-B-5.5)
- 18 Phillips Lane, West Nyack (64.8-2-27 fka 89-C-3.30)
- 210 Parrott Rd, West Nyack (51.16-1-51 fka 75-A-15)
- 85 Van Houten Flds, West Nyack (64.12-2-42 fka 70-B-13)

NOW, THEREFORE, be it RESOLVED, that subject to a reasonable grace period and final re-inspection, the Town Board hereby authorizes the Office of the Zoning Administrator, retroactive to May 1st, 2014, to arrange for the appropriate property maintenance through the tasking of available Town forces, subcontractors or agents to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with any and/or all associated debris removal, throughout the 2014 mowing and growing season, after which a bill of costs will be submitted to said office for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

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. (303-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, on May 6, 2014, the Town Board, by Resolution No. 238-2014, authorized the Supervisor to enter into an agreement with H2M Architects and Engineers, 254 South Main Street, Suite 500, New City, New York, (H2M), to perform professional architectural and engineering services for the design development and construction document phase for the new emergency storage facility, and

WHEREAS, the Town Board further resolved that the fee for said work shall not exceed \$412,300.00, and

WHEREAS, the proposal upon which the resolution was based neglected to include \$9,800.00 from DCAK-MSA Architecture + Engineering, P. C. to perform the feasibility study for the project,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with H2M, in a form approved by the Town Attorney, to perform professional engineering and architectural services relative to the storage facility project, which includes the construction of an 18,000 square foot one story pre-engineered metal building with 1,000 square foot of office/storage area within the building, during the design development and construction document phase of the project, and be it

RESOLUTION NO. (303-2014) continued

FURTHER RESOLVED, that the fee shall not exceed \$422,100.00 and constitute a proper charge to Account No. H-8760-409-0-84-9 and be it

FURTHER RESOLVED, that the Rockland County Sewer District #1 shall reimburse the Town of Clarkstown for the cost of said services.

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. (304-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, by Resolution No. 319-2010, adopted June 15, 2010, the Town Board authorized the Supervisor to enter into a license agreement with the County of Rockland and the Rockland Farm Alliance, Inc. to allow the use of approximately five (5) acres of the premises located at 230 South Little Tor Road, New City, New York and more commonly known as Cropsey Farm, designated on the Clarkstown Tax Map as 37-F-47, for organic farming and related educational programming from June 1, 2010 to no later than June 1, 2014, and

WHEREAS, the agreement was amended by letter amendment dated February 16, 2012 to permit the cultivation of an additional 6.33 acre field on the south side of Cropsey Farm, 220 South Little Tor Road, New City, New York, beginning March 1, 2012 and ending March 1, 2014, and

WHEREAS, the Town of Clarkstown and the County of Rockland are willing to extend the original agreement, dated June 28, 2010, as amended by letter agreement dated February 16, 2012, to operate an agricultural operation on the subject premises for an organic community supported agriculture and educational program, which the Town and the County have determined to be a benefit to the public;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amendment to the license agreement, in a form approved by the Town Attorney, with the County of Rockland and the Rockland Farm Alliance, Inc. to allow the use of the subject premises for organic farming and related educational programming from June 1, 2014 through June 1, 2020, and be it

FURTHER RESOLVED, that in consideration of the grant of the extension of the license agreement, the Rockland Farm Alliance, Inc. shall provide the Town with proof of Town of Clarkstown's insurance requirements, as set annually, naming the Town of Clarkstown as an additional insured, and be it

FURTHER RESOLVED, that the Rockland Farm Alliance, Inc. shall agree to defend and indemnify, and to hold harmless, the Town of Clarkstown and its employees and agents, from and against all claims, damages, losses and expenses including attorneys' fees, that shall or may result from the work performed by them on the premises, and be it

FURTHER RESOLVED, that all other terms and conditions set forth in the original agreement dated June 28, 2010, as further amended by letter amendment dated February 16, 2012, shall remain the same and in full force and effect.

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. (305-2014)

Co. Hoehmann offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 2, 2014, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON SCHRIEVER LANE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$130,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$130,000 TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct drainage improvements on Schriever Lane. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$130,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$130,000 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. Bonds of the Town in the principal amount of \$130,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

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

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

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

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

RESOLUTION NO. (305-2014) continued

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 July 2, 2014, 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 July 2, 2014, authorizing the construction of drainage improvements on Schriever Lane, stating the estimated maximum cost thereof is \$130,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$130,000 to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct drainage improvements on Schriever Lane; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$130,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$130,000 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 \$130,000 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 bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$130,000 bonds will exceed five (5) years;

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

RESOLUTION NO. (305-2014) continued

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 2, 2014

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. (306-2014)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, a resident of Rinnie Road, Nanuet, 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 #58998/40712;

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:

- 1. Pole #58998/40712 located between house #23 & house #27 Rinnie Road, Nanuet.
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 \$13.91 per month for each sodium vapor fixture, plus market supply and 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. (307-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 681-2008, adopted on October 21, 2008, as amended by Resolution Nos. 281-2009, 395-2011, 529-2011 and 461-2012, adopted on May 19, 2009, July 19, 2011, October 4, 2011 and October 2, 2012 respectively, the Town Board authorized an agreement with H2M architects + engineers (H2M) , 254 South Main Street, Suite 500, New City, New York, to perform Feasibility Studies to determine whether Project Labor Agreements are warranted on certain projects, and

WHEREAS, the total fee to perform the Feasibility Studies and prepare Project Labor Agreements was not to exceed \$75,000.00, and

WHEREAS, completed Feasibility Studies and Project Labor Agreements on various major construction projects in the Town of Clarkstown have resulted in \$70,600.00 of the \$75,000.00 budget being utilized, and

WHEREAS, H2M has submitted a proposal, dated June 16, 2014, to continue to prepare Feasibility Studies and Project Labor Agreements for the major construction projects considered in the Town of Clarkstown, and

WHEREAS, this proposal offers a new \$75,000.00 cap at the same individual rates on a project by project basis as the last H2M proposal, dated September 25, 2012;

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 architects + engineers to conduct additional Feasibility Studies for public works projects through December 31, 2015, 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. (308-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 416-2009, adopted August 4, 2009, as amended by Resolution No. 75-2013, adopted February 5, 2013, and as further amended by Resolution No. 241-2014, adopted May 6, 2014, the Town Board authorized the Supervisor to enter into an Intermunicipal Agreement with the County of Rockland, through the Rockland County Sewer District No. 1, whereby, among other things, the Town of Clarkstown shall operate the pump stations involved in the Pump Station and Collection System Upgrade Project, and

WHEREAS, this project included standby power engine generators, and

WHEREAS, the Town of Clarkstown has approximately such 28 generators, and

WHEREAS, Power Performance Industries (PPI), 940 Nepperhan Avenue, Yonkers, New York, has submitted a proposal for a Generator Maintenance Service Agreement, and

WHEREAS, the cost associated with the Maintenance Agreement for these generators would be \$60,000.00 annually for 5 years for a total cost not to exceed \$300,000.00, and

WHEREAS, by Resolution No. 38 of 2014, adopted on June 5, 2014, the Board of Commissioners, Rockland County Sewer District No. 1, authorized the Executive Director to amend the Intermunicipal Agreement to include a maintenance agreement to cover the Town of Clarkstown’s standby power engine generators to be paid from the District’s operating budget;

NOW THEREFORE, be it

RESOLUTION NO. (308-2014) continued

RESOLVED, that the Supervisor is hereby authorized to enter into a Generator Maintenance Service Agreement with PPI for maintenance on the standby power generators for a period of five (5) full years at \$60,000.00 annually, for a cost not to exceed \$300,000.00, and be it

FURTHER RESOLVED, that the County of Rockland, through the Rockland County Sewer District No. 1, shall reimburse the Town for the total cost of the Generator Maintenance Service Agreement, and be it

FURTHER RESOLVED, that the Supervisor is authorized to sign the amended Intermunicipal Agreement with the County of Rockland, through the Rockland County Sewer District No. 1, to include the Maintenance Agreement to be paid from the District's operating budget.

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. (309-2014)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, de Bruin Engineering P.C. has submitted a proposal, dated July 1, 2014, to provide professional engineering services with respect to improvements at the Germonds Park Pools, and

WHEREAS, the Superintendent of Recreation and Parks has reviewed the proposal and finds it reasonable in scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with de Bruin Engineering, 11 Union Avenue, Bethpage, New York, in a form approved by the Town Attorney, to perform professional engineering services with respect to improvements at the Germonds Park Pools, and be it

FURTHER RESOLVED, that the cost of the professional services to be performed shall not exceed \$14,000.00 and shall be charged to Account No. H-8767-409-90-12.

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. (310-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the County of Rockland wishes to reimburse the Town of Clarkstown Police Department for overtime for counter-terrorism training under the State Homeland Security Program (SHSP) and LETPP Homeland Security Grant Program in an amount not to exceed NINETY-SIX THOUSAND SIXTY-TWO DOLLARS AND NO CENTS (\$96,062.00),

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain overtime reimbursement to the Town of Clarkstown Police Department in the amount not to exceed NINETY-SIX THOUSAND SIXTY-TWO DOLLARS AND NO CENTS (\$96,062.00) for the period September 1, 2011 through August 31, 2014.

RESOLUTION NO. (310-2014) continued

On roll call the vote was as follows:

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

Jim Finn, Nanuet
Spoke about the salary of the confidential secretary position in the highway department.

George Remult, New City
Spoke about the hiring and firing of the Constituent Services Representative in Highway; feels it was a vindictive political act.

Tom Nimick, New City
Spoke about a hiring freeze and the need for prorated salaries for new hires.

Steve Levine, Congers
Asked about the status of the solar field and inquired as to the status of the remediation work on Massachusetts Avenue.

Pete Bradley,
Spoke about unfair promotional practices in the Highway Department.

Kevin Hobbs, New City
Spoke against the sale of Middlewood and asked Co. Lasker to clarify her statement regarding plans for money from proceeds from such a sale.

Marge Hook, New City
Spoke in support of Frank Sparaco.

Don Habeas
Spoke about the high salary for the confidential secretary position in the Highway Department and asked about the qualifications for the job.

Regarding the new confidential secretary position, the Supervisor reiterated that according to the Rockland County Department of Personnel, the Superintendent of Highway is the appointing authority for hiring. Highway Superintendent stated that he has always followed the civil service law and has done so for 16-1/2 years; he denied any unfair promotional practices. He gave a synopsis of the hiring process for the new confidential secretary and explained the job qualifications. He publicly thanked his outgoing confidential secretary, Nancy Willen, for all of her service to the Town.

Regarding the hiring freeze, the Supervisor stated that the workforce has been decreased by 78 employees. Highway Superintendent Ballard added that this number did not include 18 positions that were cut in his department in 2002. The Supervisor spoke about the CSEA system for filing vacant positions at specific salary ranges and the possibility at looking at a similar system for the few exempt positions in the Town. Co. Hoehmann stated that the ribbon-cutting ceremony for the solar field was scheduled for October 1 and it should be going live shortly thereafter.. The Town Attorney explained that the bid for the Massachusetts Avenue remediation would probably go out next month.

Regarding Middlewood, Co. Lasker explained that there was a unanimous decision on a resolution to look into selling Middlewood only if it would remain an affordable senior complex. There was much discussion by everyone about possible uses for any money received from such a sale.

Co. Borelli stated that the vote was only to explore the possibility of selling Middlewood and Co. Hoehmann stated that he was happy that this would be addressed thoroughly by a committee.

Co. Hoehmann and Co. Hausner both spoke about the need to look at grievances and promotional procedures brought up by some employees.

The Supervisor asked for a moment of silence in memory of Vincent Narciso, the Chief Fire Inspector, who passed away suddenly the night before and for the son of Planning Board Member, Gil Heim, Timothy Heim, who passed away last month. He asked everyone to stand and bow their heads in remembrance of them.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Hausner, the Town Board meeting was adjourned, time: 10:14 p.m

Respectfully submitted,

Joanne Castaldo
Deputy Town Clerk