

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

10/04/11

8:00 P.M.

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

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

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

Frank Grandel, New City

Asked for an explanation of Item 2, Transfer of Funds, and Item 10, agreement with East Ramapo for Universal Pre-Kindergarten Program.

Supervisor Gromack explained where the funds were being transferred to and from. Town Attorney Mele explained Item 10 is an agreement whereby the East Ramapo School District pays us for any of their students who live in Clarkstown and participate in the Universal Pre Kindergarten program.

Amy Durbin, Congers

Inquired if Items 7 and 8 were referring to the same tower site. She also asked for an explanation of Item 16, Maintenance Agreement with Mercedes Benz, and Item 13a & b, Tax Certioraris.

The Supervisor confirmed that Item 7 and 8 were for the same tower site and Town Attorney Mele explained that Item 16 is an agreement in conjunction with the final site plan of Mercedes Benz, whereby they agree to maintain storm water management. Regarding Items 13a & b, these authorize the Town to sign documents necessary to effectuate tax certiorari settlements for Omni Parc Condominiums and L&L Main Street, LLC. Item 13a, Omni Parc, will not cost the Town of Clarkstown anything as it is in East Ramapo.

Co. Borelli spoke about Item 3, Setting Public Hearing for Preliminary Budget.

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RESOLUTION NO. (525-2011)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of September 13, 2011 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

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RESOLUTION NO. (526-2011)  
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$224,804.01 from the County of Rockland and \$2,701.24 from Seized Property

NOW THEREFORE BE IT, RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Rev) and Expense Account H-5111-409-4-16 (Capital Projects-New City Downtown Revitalization) by \$224,804.01 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (General Fund-Seized Property) and Expense Accounts A-3120-225-1 (Police-Communication Equipment) by \$2,701.24 and

WHEREAS, various accounts need additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease Account DB-5110-378-0 (Highway-Culverts/Pipes) and increase DB-5110-408-0 (Highway-Building Repairs) by \$1,000.

On roll call the vote was as follows

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

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RESOLUTION NO. (527-2011)  
Co. Hausner offered and Co. Lasker seconded

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

WHEREAS, pursuant to Resolution No. 589-2010, adopted by the Town Board on November 23, 2010, the Town Board scheduled a Town Board meeting for November 10, 2011, at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York;

NOW, THEREFORE, BE IT RESOLVED, that the Tentative Budget, as received by the Town Clerk, is hereby designated the Preliminary Budget and the Town Clerk is directed to prepare 25 copies of the Budget, for public distribution pursuant to Town Law §106, and be it

FURTHER RESOLVED, that the Town Board hereby schedules a public hearing for November 10, 2010, at 7:00 p.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2012, and be it

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

FURTHER RESOLVED, that at said Special Meeting, the Town Board may consider other business if it wishes.

On roll call the vote was as follows

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

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RESOLUTION NO. (528-2011)  
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, John Kalogiannis, President of Deval Inc. D/B/A Thruway Deli, has advised the Town Clerk by letter dated September 20, 2011, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that Deval Inc. D/B/A Thruway Deli has applied for an on-premises liquor license at 328 W. Route 59, Nanuet, New York, and

WHEREAS, to expedite processing said corporation's license application, John Kalogiannis has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;  
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Deval Inc. D/B/A Thruway Deli for a license at premises located at 328 W. Route 59, Nanuet, 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

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RESOLUTION NO. (529-2011)  
Co. Hausner offered and Co. Borelli seconded

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

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

WEHREAS, the Town Board has received a proposal from H2M Group dated September 14, 2011, to continue to prepare feasibility analysis and project labor agreements on a project by project basis;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement, in a form approved by the Town Attorney, with H2M Group, 175 Pinelawn Road, Suite 308, Melville, New York, to conduct additional feasibility studies for public works projects for the period October 4, 2011 through December 31, 2012 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

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RESOLUTION NO. (530-2011)  
Co. Lasker offered and Co. Hoehmann seconded

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

BID#40-2011 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

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

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RESOLUTION NO. (531-2011)  
Co. Lasker offered and Co. Hoehmann seconded

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

BID#41-2011 – NANUET HAMLET 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

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RESOLUTION NO. (532-2011)  
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Project Engineer that

BID # 54-2009 – MOUNTAINVIEW EMERGENCY COMMUNICATIONS TOWER SITE IMPROVEMENTS (Contract E)

RESOLUTION NO. (532-2011) continued

is hereby awarded to: HVS, LLC  
54 S. LIBERTY DRIVE  
STONY POINT, NY 10980  
PRINCIPAL: JAMES J. MULLEN

as per their proposed total project cost not to exceed \$526,019.00 plus 10% contingency and be it

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

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

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

FURTHUR RESOLVED, that this emergency project shall be under the supervision of the Project Engineer, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8754-400-409-0-78-41, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds with partial reimbursement by the County of Rockland and Orange and Rockland Utilities, Inc.

On roll call the vote was as follows

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

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RESOLUTION NO. (533-2011)  
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Project Engineer that

BID # 54A-2009 – MOUNTAINVIEW EMERGENCY COMMUNICATIONS  
TOWER SITE IMPROVEMENTS (Contract G)

is hereby awarded to: LORENCIN CONTRACTING CORP  
17 SCHRIEVER LANE  
NEW CITY, NY 10956

RESOLUTION NO. (532-2011) continued

PRINCIPAL: LORRAINE DINARDI

as per their proposed total project cost not to exceed \$418,000.00 plus 10% contingency and be it

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

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

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

FURTHER RESOLVED, that this emergency project shall be under the supervision of the Project Engineer, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8754-400-409-0-78-41, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds with partial reimbursement by the County of Rockland and Orange and Rockland Utilities, Inc.

On roll call the vote was as follows

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

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RESOLUTION NO. (534-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, the Town Board, by Resolution No. 337-2009, adopted on June 16, 2009, and amended by Resolution No. 584-2009, adopted November 24, 2009, authorized an agreement with the H2M Group, to provide engineering services for Task 1, the investigative phase, and Task 2, the design phase of the project concerning the site improvements/communications shelter at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and

WHEREAS, H2M has submitted a proposal dated August 29, 2011 to provide construction oversight services, inspections, testing, quality control and additional services associated with the Town's decision to rebid the general construction portion of the project, which the Town Attorney has reviewed and found to be reasonable in terms of scope and price;

RESOLUTION NO. (534-2011) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 337-2009, as amended by Resolution No. 584-2009, by authorizing the H2M Group to perform additional engineering services for the project pursuant to its proposal dated August 29, 2011, for an additional cost not to exceed \$41,100.00 plus reimbursable expenses, which shall constitute a proper charge to Account No. H 8754-409-0-78-41, and which sum shall be partially reimbursed by Orange & Rockland Utilities and the County of Rockland.

On roll call the vote was as follows

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

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RESOLUTION NO. (535-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, Cynthia A. Sheridan and Scott Siegler have requested a partial refund of Building Permit Fee (No. 10-656) paid in the amount of \$1,610.00 for property located at 4 Rockford Drive, West Nyack, New York, more particularly described as Tax Map No. 58.8-2-22, because the building permit was never issued and an amended plan is now being filed for review and processing, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of both processing review fees totaling \$725.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$885.00, of the \$1,610.00 total Building Permit fee which was paid, to Cynthia A. Sheridan and Scott Siegler, 4 Rockford Drive, West Nyack, New York, 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

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RESOLUTION NO. (536-2011)

Co. Lasker 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 East Ramapo Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the East Ramapo Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2011-2012 school year, and be it

RESOLUTION NO. (536-2011) continued

FURTHER RESOLVED, that the East Ramapo Central School District shall pay \$265.50 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  
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RESOLUTION NO. (537-2011)

Co. Lasker offered and Co. Hoehmann 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

WHEREAS, the following group wishes to adopt a specified Town location for an additional two year period beginning October 20, 2011 to October 20, 2013, as follows:

Sponsor: Mr. Landscape, Inc.  
 P.O. Box 974  
 New City, NY 10956

Location: Both sides of Blue Heron Road @ South Pascack Road  
 Nanuet, New York 10954

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which 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 with the entity referred to herein, for an additional period of two (2) years beginning October 20, 2011 to October 20, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows

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

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RESOLUTION NO. (538-2011)  
Co. Hoehmann offered and Co. Lasker seconded

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

NOW, therefore, be it

RESOLVED, that Brian J. Dunne, 28 North Fremont Avenue, Nanuet, New York – is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2011 annual salary of \$67,841., effective October 10, 2011.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann... . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (539-2011)  
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Daniel P. Maloney,

NOW, therefore, be it

RESOLVED, that Daniel P. Maloney, 15 Van Nostrand Place, Nanuet, New York – is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2011 annual salary of \$67,841., effective October 10, 2011

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann... . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (540-2011)  
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Kathleen S. Gavin,

NOW, therefore, be it

RESOLVED, that Kathleen S. Gavin, 23 Hall Avenue, New City, New York – is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2011 annual salary of \$67,841., effective October 10, 2011

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann... . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (541-2011)  
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Sean T. Mannix,

NOW, therefore, be it

RESOLVED, that Sean T. Mannix, 950 Sierra Vista Lane, Valley Cottage, New York – is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2011 annual salary of \$67,841., effective October 10, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (542-2011)  
Co. Hoehmann offered and Co. Lasker seconded

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

NOW, therefore, be it

RESOLVED, that Thomas J. Latorre III, 4 Pigeon Hill Road, Nanuet, New York – is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2011 annual salary of \$67,841., effective October 10, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (543-2011)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Eileen Daly, 15 Westgate Boulevard, New City, New York is hereby reappointed to the position of Member – Board of Assessment Review – term effective and retroactive to October 1, 2011 and to expire on September 30, 2016 – at the per diem rate of \$175., per attendance, when the Board is in session.

On roll call the vote was as follows

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

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RESOLUTION NO. (544-2011)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Steven Maneri, 9 Whitman Place, Monroe, New York – Highway Maintenance Supervisor I – Highway Department - is hereby accepted effective and retroactive to September 29, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (545-2011)  
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Andrew Grosso, 24 Wayland Way, Rock Tavern, New York 12575 – Police Officer – Clarkstown Police Department – is hereby accepted effective and retroactive to September 22, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (546-2011)  
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, URARN Associates, have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map Nos. 52.15-1-84.1 and 52.15-1-84.2, and more commonly known as 616 Corporate Way and 618 Corporate Way, Valley Cottage, New York, respectively, for the years 2008/09, 2009/10 and 2010/11; and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing a trial appraisal, if necessary, at a fee not to exceed \$10,000.00, and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

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RESOLUTION NO. (547-2011)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Omni Parc Condominium I, II, Board of Managers v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Clarkstown, and The Town of Clarkstown, Index No(s). 5882/06, 5735/07, 7285/08, 6939/09 and 7577/10, affecting parcel designated as Tax Map 57.14-3-3./10-800, and more commonly known as Omni Parc Drive, Nanuet, New York, for the year(s) 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.14-3-3./10-800 for the year(s) 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11;
2. The agreed upon reductions are only against the restricted assessed values and the assessed values remain unchanged for all years, hence, there is no cost to the Town of Clarkstown;
3. 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

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RESOLUTION NO. (548-2011)  
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, L & L Main Street LLC v. The Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 6506/08, 6388/09, 6731/10 and 4972/11, affecting parcel designated as Tax Map 43.19-1-15 and more commonly known as 151 South Main Street, New City, New York for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12; 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. (548-2011) 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 43.19-1-15 be reduced for the year(s) 2008/09 from \$650,000.00 to \$490,500.00 at a cost to the Town of \$3,251.34;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-15 be reduced for the year(s) 2009/10 from \$650,000.00 to \$480,300.00 at a cost to the Town of \$3,780.48;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-15 be reduced for the year(s) 2010/11 from \$650,000.00 to \$488,000.00 at a cost to the Town of \$3,820.93;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-15 be reduced for the year(s) 2011/12 from \$650,000.00 to \$451,500.00 at no cost to the Town of Clarkstown;

5. Reimbursement for the year(s) 2008/09, 2009/10, 2010/11 and 2011/12 on the parcel described as Tax Map 43.19-1-15, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

6. 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

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RESOLUTION NO. (549-2011)  
Co. Hoehmann offered and Co. Lasker 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 "Stop" sign and a "Stop Line" (per sec. 211.3, a R1-1A sign of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected on the eastside of Wells Avenue at the Wells/Brenner intersection, Congers, New York

and be it

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

On roll call the vote was as follows

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

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## RESOLUTION NO. (550-2011)

Co. Hausner offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED OCTOBER 4, 2011, AUTHORIZING THE CONSTRUCTION OF SITE IMPROVEMENTS AT THE MOUNTAINVIEW EMERGENCY COMMUNICATIONS TOWER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,040,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,040,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct site improvements at the Mountainview Emergency Communications Tower, consisting of the installation of new steel service buildings and electrical service. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,040,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,040,000 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 \$1,040,000 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. 11 (a) of the Law, is thirty (30) 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.

## RESOLUTIN NO. (550-2011) continued

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on October 4, 2011, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted October 4, 2011, authorizing the construction of site improvements at the Mountainview Emergency Communications Tower, stating the estimated maximum cost thereof is \$1,040,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,040,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct site improvements at the Mountainview Emergency Communications Tower, consisting of the installation of new steel service buildings and electrical service; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,040,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$1,040,000 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;

RESOLUTION NO. (550-2011) continued

SECOND: AUTHORIZING the issuance of \$1,040,000 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 thirty (30) 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 \$1,040,000 serial bonds will exceed five (5) years;

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

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

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

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

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

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RESOLUTION NO. (551-2011)  
Co. Hoehmann 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 Mercedes Benz of Nanuet site plan (58.18-1-5), Mercedes Benz of Nanuet has provided a storm water control facility maintenance agreement, and

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

NOW, THEREFORE, be it

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

RESOLUTION NO. (551-2011) continued

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the storm water control facility maintenance agreement from Mercedes Benz of Nanuet in connection with the Mercedes Benz of Nanuet 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

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RESOLUTION NO. (552-2011)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists on Hereford Lane in West Nyack as a result of storm water runoff coming from the French Farms property (51.16-2-1) during severe rainstorms; and

WHEREAS, The Town of Clarkstown owns the property known as "French Farms" (51.16-2-1); and

WHEREAS, the Department of Environmental Control has prepared a plan to construct a berm along a portion of the south side of the French Farms property in order to detain stormwater runoff on Town property; and

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

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

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Danny Clapp Landscaping, Inc. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Danny Clapp Landscaping, Inc. for their low proposal of \$18,750.00; and

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

Danny Clapp Landscaping, Inc.  
P.O. Box 222  
West Nyack, NY 10994

to perform this work in accordance with their proposal for an amount not to exceed \$18,750.00; and

FURTHER RESOLVED that this amount shall be a proper charge to account H 8762 409 0 8617.

RESOLUTION NO. (552-2011) continued

On roll call the vote was as follows

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

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Msgr. Weber of the Clarkstown Board of Ethics delivered his report to the Town Board. They were awaiting receipt of an Ethics form from one more official at which point they will be 100% compliant.

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Co. Borelli spoke about flooding in the Town and clearing out streambeds in an effort to alleviate some of it.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Lasker the Town Board meeting was adjourned, time: 8:15 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk