

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/13/11

8:48 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.

On motion of Co. Lasker seconded by Co. Hoehmann, the Public Hearing re:
Construction of Sewer Improvements in the Town of Clarkstown was opened, time: 8:48
p.m.; closed 8:48 p.m. RESOLUTION NO. (476-2011) ADOPTED

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

Amy Durbin, Congers
Asked about Item #2a, 2b. & Item #12

Supervisor responded that Item #2a, creation of 10 part time court attendants, is in response to a request for increased security at the courts. Attendants would man the magnetometer to detect presence of weapons. This would create a pool of 10 people , but only 2 at a time would be working. This is the most cost effective way to do this, as part timers do not receive benefits. Item 2b, appointment of a police radio dispatcher, fills a vacancy that was created through retirement and Item #12 is for a bucket loader for the highway department.

Frank Grandel, New City
Asked for and explanation of Item #3, transfer of funds.

Supervisor explained that this was accepting funds from a State Grant and transferring funds within the police department from seizure funds to equipment purchase funds.

Marge Hook, New City
Asked for an explanation of Item #14, Youth Employment Program,

Joanne Pederson, Superintendent of Parks and Recreation, explained that this is a program where the County trains youths to go into jobs. They work 6 weeks for 4 hours a day for \$7.50 per hour, half of which we get from the County.

Guy Gervasi, West Nyack
Asked about Item #15, agreement with H2M to evaluate drainage problems on Jeffrey Court.

Town Attorney Mele explained that we are looking to see if there is anything we can do to mitigate the flooding in that area.

Jim Finn, West Nyack
Stated that United Water doesn't care and something has to be done to help those people in West Nyack with the flooding problems.

Joe Ciardullo, New City
Questioned Item #18, upgrade of the Network Core Switching Appliance, how much would that cost.

Supervisor Gromack responded that this controlled all the hardware and software systems in the building and it would cost \$85,000.

RESOLUTION NO. (476-2011)

Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK,
ADOPTED SEPTEMBER 13, 2011, APPROVING THE
CONSTRUCTION OF SEWER IMPROVEMENTS ON MAIN STREET
IN NEW CITY, WITHIN THE UNINCORPORATED AREA OF THE
TOWN OUTSIDE OF ANY VILLAGES, WHICH AREA HAS BEEN
DETERMINED TO BE THE BENEFITED AREA, AND MAKING
OTHER DETERMINATIONS IN CONNECTION THEREWITH

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), proposes to construct sewer improvements, consisting of the replacement of sewer lines on Main Street in New City, including furnishings, equipment, machinery and apparatus required in connection therewith (the "Sewer Improvement"), all within the unincorporated area of the Town outside of any villages, which has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared by the Town's Department of Environmental Conservation, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$750,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the entire unincorporated area of the Town outside of any villages, which the Town Board has determined to be the Benefited Area, which assessments shall be levied and collected at the same time and manner as other Town charges, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the Town Board determined to proceed with the construction of such Sewer Improvement and adopted an Order on August 16, 2011, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying September 13, 2011, at 8:00 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, 10 Maple Avenue, New City, New York, as the place where, the Town Board would meet to consider the proposed construction of such Sewer Improvement and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the proposed construction of the Sewer Improvement was duly held by the Town Board on this 13th day of September, 2011, commencing at 8:00 o'clock P.M. (Prevailing Time) at the Town Hall, 10 Maple Avenue, New City, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Sewer Improvement; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law, and in connection therewith the Town Board has determined that the project is a Type II action for purposes of SEQRA and no further environmental review is required; and

RESOLUTION NO. (476-2011) continued

Now, therefore, upon the evidence given at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the entire unincorporated area of the Town outside of any villages is hereby determined to be the benefited area for purposes of Article 12-C of the Town Law (herein referred to as the "Benefited Area");

(b) the notice of public hearing was published and posted as required by law, and is otherwise sufficient;

(c) all the property in the Benefited Area is benefited by the Sewer Improvement and all the property benefited by the Sewer Improvement is included in the proposed Benefited Area; and

(d) it is in the public interest to construct the Sewer Improvement, within the Benefited Area, at the estimated maximum cost of \$750,000.

Section 2. The construction of the Sewer Improvement within the Benefited Area is hereby approved, and such facilities are hereby authorized to be constructed within the entire unincorporated area of the Town outside of any villages.

Section 3. The maximum amount proposed to be expended for said Sewer Improvement is \$750,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the entire unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area, which assessments shall be levied and collected at the same time and in the same manner as other Town charges, to pay the principal of and interest as said bonds as the same shall become due and payable.

Section 4. It is hereby determined the annual cost of operation and maintenance of the Sewer Improvement shall be paid by a charge upon the entire unincorporated area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges.

Section 5. Permission of the New York State Comptroller is not required with respect hereto, the amount of \$750,000 being less than one-tenth of one per centum of the full valuation of taxable real property in the Town, outside of any villages.

Section 6. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days after adoption, in the office of the County Clerk of Rockland County.

Section 7. This resolution shall take effect immediately.

* * *

On roll call the vote was as follows

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

RESOLUTION NO. (477-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of August 16, 2011 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (477-2011) continued

On roll call the vote was as follows

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

RESOLUTION NO. (478-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on August 23, 2011 that ten (10) positions of Court Attendant (part-time) – can be created,

NOW, therefore, be it

RESOLVED, that the ten (10) positions of (part-time) Court Attendant - Town Justice – is hereby created – effective

On roll call the vote was as follows

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

RESOLUTION NO. (479-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08062 (Contingent Permanent) – Police Radio Dispatcher (CAD) – which contains the name of Joseph N. Koester,

NOW, therefore, be it

RESOLVED, that Joseph N. Koester, 10 North Edsall Avenue, Nanuet, New York – is hereby appointed to the position of –(Contingent-Permanent) Police Radio Dispatcher – Clarkstown Police Department – at the current annual salary of \$56,042., effective and retroactive to September 12, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (480-2011)
Co. Lasker offered and Co Hausner. seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Pamela McQuade, 3 Jeffrey Court, West Nyack, New York –Principal Clerk Stenographer – Parks and Recreation - is hereby granted an extension of her Sick Leave of Absence – at one half pay – effective and retroactive to September 9, 2011 thru October 9, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (481-2011)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Elizabeth A. Kelly, 3 Edgebrook Court, New City, New York – is hereby granted a (2nd) (provisional) (promotional) appointment to the position of Principal Clerk Typist – Department of Environmental Control – at the current 2011 annual salary of \$57,177., - effective September 13, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (482-2011)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation by (retirement) of Kathleen T. Borriello, 3 Ewright Lane, Montgomery, New York, 12549 – Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to August 27, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (483-2011)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Kimberly Lillo, 15 Bontecou Road, Stony Point, New York, Clerk Typist – Office of the Town Clerk - is hereby granted, As per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective and retroactive to September 2, 2011 thru November 24, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (484-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$122,797 from the Dormitory Authority of the State of New York and \$7,419 from Seized Property,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-10-3989-0 (Capital-Community Projects) and Expense Account H-8760-409-0-84-24 (Capital Projects-Synthetic Ice Rink) by \$122,797 and

FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (General Fund-Seized Property) and Expense Accounts A-3120-230-0 (Police-Communication Equipment) by \$4,175 and A-3120-293-0 (Police-Law Enforcement Equipment) by 3,244 and

WHEREAS, various accounts need additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-1680-313-0 (Data Processing-Office Supplies & Printing) and increase Account A-1680-207-0 (Data Processing-Uniforms) by \$1,000 and be it

FURTHER RESOLVED, to decrease Account DA-5130-447-0 (Highway-Equipment Repairs) and increase Account DA-5140-379-0 (Highway-Signs/Fences) by \$4,000 and be it

FURTHER RESOLVED, to decrease DB-5110-424-0 (Highway-Contractual Expenses) and increase Account DB-5110-438-0 (Highway-Maintenance Agreements) by \$1,000.

On roll call the vote was as follows

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

RESOLUTION NO. (485-2011)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR A GRANT FROM THE HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL ON BEHALF OF THE ROCKLAND FARM ALLIANCE, INC.

WHEREAS, by Resolution No. 319-2010, adopted June 15, 2010, the Town of Clarkstown entered into an agreement with the County of Rockland to grant a license to The Rockland Farm Alliance, Inc. to operate an agricultural operation on approximately five (5) acres of land on property owned by the County of Rockland and Town of Clarkstown, commonly known as Cropsey Farm; and

WHEREAS, The Rockland Farm Alliance, Inc. wishes to obtain a grant from The Hudson River Valley Greenway Communities Council for monetary assistance in carrying out the project, known as The Cropsey Community Farm, and has asked the Town of Clarkstown to be its sponsor for such grant; and

WHEREAS, as a prerequisite for applying for such grant, Clarkstown must be designated as a Greenway Community; and

WHEREAS, by Resolution No. 895-2002, adopted October 22, 2002, the Town Board of the Town of Clarkstown endorsed the designation of the Town of Clarkstown as a Greenway Community.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the submission of an application to the Hudson River Valley Greenway for a grant in the amount of \$40,000.00 for the continued development of the Cropsey Community Farm; and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute said application on behalf of the Town of Clarkstown and take all actions necessary to implement this resolution; and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 8, 2011.

On roll call the vote was as follows

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

RESOLUTION NO. (486-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS the Town of Clarkstown has awarded Bid #29-2011 for the South Main Street Sewer Relocation Project, and

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

WHEREAS the Director of the Department of Environmental Control has obtained a proposal from Maser Consulting, P.A. for the construction administration services, and

WHEREAS the Director of the Department of Environmental Control has reviewed the proposal and found it to be reasonable.

NOW THEREFORE BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to obtain the services of Maser Consulting, P.A., 777 Chestnut Ridge Road, Chestnut Ridge, New York 10977 in accordance with their proposal dated August 18, 2011, and be it

RESOLUTION NO. (486-2011) continued

FURTHER RESOLVED that the cost for the construction engineering administration services shall be charged to account H-5111-400-409-0-4-16 at a cost not to exceed \$25,000.00, and be it

FURTHER RESOLVED that the fees for said services shall be reimbursed by the Rockland County Sewer District #1.

On roll call the vote was as follows

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

RESOLUTION NO. (487-2011)
Co. Hoehmann offered and Co. Borelli seconded

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

BID#35-2011 – CLARKSTOWN POLICE UNIFORMS

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. (488-2011)
Co. Hoehmann offered and Co. Borelli seconded

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

BID#36-2011 – PAPER AND PLASTICS SUPPLIES

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

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

RESOLUTION NO. (488-2011) continued

On roll call the vote was as follows

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

RESOLUTION NO. (489-2011)

Co. Hoehmann offered and Co. Borelli seconded

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

BID#37-2011 – HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (490-2011)

Co. Hoehmann offered and Co. Borelli seconded

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

BID#38-2011 – SQUADRON BLVD ROAD 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. (491-2011)

Co. Borelli offered and Co. Lasker seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of one (1) year, continuing from September 25, 2011 to September 25, 2012, as follows:

Sponsor: Tilcon New York Inc.
162 Old Mill Road
West Nyack, NY 10994

Roads: .4 mile segment of Old Mill Road, from
Tilcon's Driveway to Snake Hill Road Bridge,
and
.8 mile segment of Crusher Road beginning at
bridge over West Shore Railroad to corner of
Casper Hill Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Tilcon New York, Inc. will continue to perform a public service in removing trash from above roadways that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of one (1) year continuing from September 25, 2011 to September 25, 2012, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Tilcon New York Inc. to remove trash from the roadways.

On roll call the vote was as follows

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

RESOLUTION NO. (492-2011)

Co. Borelli offered and Co. Lasker seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, continuing from September 1, 2011 to September 1, 2013, as follows:

RESOLUTION NO. (492-2011) continued

Sponsor: Clarkstown Sunrise Rotary Club
P.O. Box 9292
Bardonia, NY 10954

Road: 0.6 mile segment of West Nyack Road, from
Route 304 to the west end of St. Anthony's Church
Nanuet, NY 10954

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from September 1, 2011 to September 1, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the above named to remove trash from the roadway.

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. (493-2011)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Forest Ridge Town Home Condominium v. Cathy Conklin, Assessor and Board of Assessment Review for The Town of Clarkstown, Index No(s). 6632/07, 8271/08, 7513/09 and 10081/10, affecting parcel designated as Tax Map 59.20-1-12./10 through 59.20-1-12./470 and more commonly known as 1- 49 Forest Ridge Road, Central Nyack, New York for the year(s) 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 Nyack Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.20-1-12./10 through 12./470 be reduced for the year(s) 2007/08 from \$7,780,100.00 to \$7,641,300.00 at a cost to the Town of \$2,533.37;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.20-1-12./10 through 12./470 be reduced for the year(s) 2010/11 from \$7,780,100.00 to \$7,654,000.00 at a cost to the Town of \$2,477.37;

RESOLUTION NO. (493-2011) continued

3. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.20-1-12./10 through 12./470 for the year(s) 2008/09 and 2009/10;

4. Reimbursement for the year(s) 2007/08 and 2010/11 on the parcel described as Tax Map 59.20-1-12./10 through 12./470 , 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;

5. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (494-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, parking on Margaret Court, Valley Cottage has been intense due to the Valley Cottage Elementary School utilizing it as an auxiliary parking facility during school hours, and

WHEREAS, the traffic lane at times has been narrowed to a single lane causing delivery, maneuverability and emergency vehicle access issues as well as an inconvenience to residents, and

WHEREAS, parking too close to New Lake Road on the east side caused sight distance problems, and

WHEREAS, an investigation was made and it was found that the request for a prohibition of parking on the west side of Margaret in front of all the homes and a prohibition of parking near the corner on the east side at the intersection of New Lake Road is substantiated,

NOW, THEREFORE be it RESOLVED that the Superintendent of Highways is hereby authorized to install

“No Parking
8:00 a.m.-4:00 p.m.
School Days”

on the entire west side of Margaret Court, Valley Cottage and a “No Parking Here to Corner” sign on the east side Margaret Court thirty feet south of New Lake Road, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways for implementation, and to the Traffic & Traffic Fire Safety Advisory Board for information, and to the Chief of Police for information and enforcement purposes.

RESOLUTIN NO. (494-2011) continued

On roll call the vote was as follows

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

RESOLUTION NO. (495-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE ITEMS LISTED BELOW PURSUANT TO THE
 BOND ACTS ENACTED IN 1965, 1972 AND 1996 AND THE ENVIRONMENTAL
 PROTECTION FUND, AS WELL AS FEDERAL GRANT AWARDS AVAILABLE
 FOR SUCH PROJECTS
 (WATER QUALITY IMPROVEMENT PROJECTS AND
 NONAGRICULTURAL NONPOINT SOURCE PROJECTS)

WHEREAS, Town of Clarkstown herein called the “Municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project, and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY Town Board of the Town of Clarkstown:

1. That the Supervisor of the Town of Clarkstown, or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make applications, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and the State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution take effect immediately.

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. (496-2011)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, by Resolution No. 59-2011 adopted by the Town Board on January 18, 2011, Bid No. 41-2010 was awarded to West-Con Contracting, (the "Contractor") for Germonds Park Ballfield Expansion for a total contract price of \$396,600.00, and

WHEREAS, it was necessary to increase the height of the fencing along right & left field from 6 ft. to 12 ft. high, and

WHEREAS, change orders for said work have been submitted by the Contractor in the total amount of \$22,566.60, and

WHEREAS, the change orders have been reviewed by the Superintendent of Recreation and Parks, as well as the project engineer, who have deemed them acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the allowance for this project be increased from the original bid amount of \$404,000.00 to \$426,566.00 to reflect the additional cost of the change orders, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H-8761-409-0-85-14.

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. (497-2011)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, by Resolution No. 59-2011 adopted by the Town Board on January 18, 2011, Bid No. 41-2010 was awarded to West-Con Contracting, (the "Contractor") for Germonds Park Ballfield Expansion for a total contract price of \$396,600.00, and

WHEREAS, certain unforeseen circumstances arose requiring additional work to correct the water main, and

WHEREAS, change orders for said work have been submitted by Paul Bitts Co. in the total amount of \$7,400.00, and

WHEREAS, the change orders have been reviewed by the Superintendent of Recreation and Parks, who have deemed them acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the allowance for this project be increased from the original bid amount of \$396,600.00 to \$404,000.00 to reflect the additional cost of the change order, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H-8761-409-0-85-14.

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. (498-2011)
 Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE
 CLARKSTOWN HIGHWAY DEPARTMENT

WHEREAS, the Superintendent of Highways has recommended the purchase of a front loader as follows:

<u>Quantity</u>	<u>Vehicle</u>	<u>Estimated Cost</u>	<u>Estimated Total Cost</u>
1	930H with Coupler Cab/AC 2.7 yd GP Bucket with BOCE	\$121,300.00	
1	Optional Tink Claw for Loader (with hooks)	\$18,200.00	
			\$139,500.00

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

FURTHER RESOLVED, that said equipment shall be procured as per State Bid #40603-22063, and be it

FURTHER RESOLVED, that the purchase of said equipment, in an amount not to exceed \$139,500.00 in the aggregate be charged to Account No. H-8762-409-0-86-8, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this purchase through the issuance of municipal 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. (499-2011)
 Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING FIRE LANE DESIGNATIONS AT
 VILLAGE SQUARE PROPERTIES

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown at

719 West Nyack Rd.
 West Nyack, NY 10994
 71-A-4
 64.08-3-28

By the installation of fire lane designations, and

RESOLUTIN NO. (499-2011) continued

WHEREAS, Michael Coratolo, managing Member, has requested that the Town of Clarkstown designate said fire lanes:

NOW, THEREFORE, BE IT RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (500-2011)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING FIRE LANE DESIGNATIONS AT
MERCEDES BENZ OF NANUET

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown at

99 Route 304
Nanuet, NY 10954
33-B-13
58.18-1-5

By the installation of fire lane designations, and

WHEREAS, Michael Coratolo, managing Member, has requested that the Town of Clarkstown designate said fire lanes:

NOW, THEREFORE, BE IT RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (501-2011)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the County of Rockland has approved a Youth Bureau budget to fund a youth employment program which is open to residents between the ages of fourteen and eighteen who have annual family incomes that do not exceed two hundred percent of federally established poverty guidelines; and

WHEREAS, the program members receive \$7.25 per hour with the County of Rockland reimbursement of \$3.63 per hour, from July 3, 2011 through July 2, 2012 and,

WHEREAS, the Superintendent of Recreation and Parks has recommended this program for adoption in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, acting on behalf of its Youth Bureau, for the period July 3, 2011 through July 2, 2012, in a form approved by the Town Attorney, to employ qualified residents in accordance with the requirements contained in the agreement , and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No. A7141-114.

On roll call the vote was as follows

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

RESOLUTION NO. (502-2011)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH H2M TO EVALUATE DRAINAGE PROBLEMS ON JEFFREY COURT, WEST NYACK, NEW YORK

WHEREAS, there have been recurring flooding problems on Jeffrey Court, West Nyack, New York, during moderately intense storm events, and an investigation has shown that flooding may be due to surcharging of the drainage channel located behind the homes; and

WHEREAS, the Town wishes to address this issue by reviewing previous design and construction documents for the drainage channel, and H2M has submitted a proposal to evaluate these documents and report their findings and recommendations;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to provide engineering services to evaluate previous design plan documents for Demarest Kill Creek, and to report their findings and recommendations for improvements and/or additional areas of study required, pursuant to its proposal dated August 17, 2011, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$23,600.00, and will be charged to Account No. A 1420 409.

On roll call the vote was as follows

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

RESOLUTION NO. (503-2011)

Co. Borelli offered and Co. Lasker seconded

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

BID # 24A-2011 – QUASPECK PARK DRAINAGE IMPROVEMENT PROJECT

is hereby awarded to: MONTANA CONSTRUCTION CORP, INC.
80 CONTANT AVENUE
LODI, NJ 07644
PRINCIPAL: LINDA S. BALLERINI
VINCENT SANTAITE

as per their proposed total project cost not to exceed \$5,095,111.00 plus 15% contingency and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8755-400-409-0-79-1, 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. (504-2011)
Co. Borelli offered and Co. Hoehmann seconded

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

BID#39-2011 – TWO (2) SALT SPREADERS WITH PLOW
AND WING PLOW ATTACHMENTS

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. (505-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Director of Automated Systems has advised that the Network Core Switching Appliance is in need of upgrading, and

WHEREAS, the Network Core Switching Appliance is a critical component of the town network controlling all computers, phones and other network components, and has been in service on a twenty four hour seven day basis approaching 7 years, and

WHEREAS, the Director of Automated Systems has recommended the upgrade and requests that funds be appropriated for said upgrade, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Director of Automated to proceed with the necessary upgrade, and be it

FURTHER RESOLVED, that the total cost for the upgrade shall not exceed \$85,000.00 without further authorization of the Board and shall constitute a proper charge to capital project H-8759-409-0-85-12, and be it

FURTHER RESOLVED, that all hardware, software and service be purchased via current approved New York State OGS contract PT59009, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (506-2011)

Co. Borelli offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 13, 2011, AUTHORIZING CONSTRUCTION OF DRAINAGE IMPROVEMENTS IN CONNECTION WITH THE QUASPECK PARK DRAINAGE IMPROVEMENTS PROJECT; STATING THE ESTIMATED REVISED MAXIMUM COST THEREOF IS \$4,640,000; APPROPRIATING \$1,200,000 IN ADDITION TO THE \$3,440,000 HERETOFORE APPROPRIATED FOR SUCH PURPOSE; AND AUTHORIZING THE ISSUANCE OF \$1,200,000 SERIAL BONDS, IN ADDITION TO THE \$3,440,000 SERIAL BONDS HERETOFORE AUTHORIZED

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct drainage improvements in connection with the Quaspeck Park drainage improvements project, including installation of storm drainage lines, culverts and catch basins and other related work. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,640,000 and \$1,200,000 in hereby appropriated for such purpose, in addition to the \$3,440,000 heretofore appropriated. The plan of financing includes the issuance of \$1,200,000 serial bonds to finance said additional appropriation, in addition to the \$3,440,000 serial bonds heretofore authorized pursuant to the bond resolution adopted by the Town Board on May 17, 2011, 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 \$1,200,000 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 additional 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

RESOLUTION NO. (506-2011) continued

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

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 13, 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 September 13, 2011, authorizing the construction of drainage improvements in connection with the Quaspeck Park drainage improvements project; stating the estimated revised maximum cost thereof is \$4,640,000; appropriating \$1,200,000 in addition to the \$3,440,000 heretofore appropriated for such purpose; and authorizing the issuance of \$1,200,000 serial bonds, in addition to the \$3,440,000 serial bonds heretofore authorized,"

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

FIRST: AUTHORIZING said Town to construct drainage improvements in connection with the Quaspeck Park drainage improvements project including installation of storm drainage lines, culverts and catch basins and other related work;

RESOLUTION NO. (506-2011) continued

STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$4,640,000; APPROPRIATING \$1,200,000 for such purpose, in addition to the \$3,440,000 heretofore appropriated; and STATING the plan of financing includes the issuance of \$1,200,000 serial bonds to finance said additional appropriation, in addition to the \$3,440,000 serial bonds heretofore authorized pursuant to the bond resolution adopted by the Town Board on May 17, 2011, 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;

SECOND: AUTHORIZING the issuance of \$1,200,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said additional appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,200,000 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.

DATED: September 13, 2011

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. (507-2011)
Co. Borelli offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED SEPTEMBER 13, 2011,
APPROPRIATING \$750,000 FOR THE CONSTRUCTION OF
SEWER IMPROVEMENTS ON MAIN STREET IN NEW CITY,
IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF
\$750,000 SERIAL BONDS OF SAID TOWN TO FINANCE
SAID APPROPRIATION

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board"), proposes to construct sewer improvements, consisting of the replacement of sewer lines on Main Street in New City, including furnishings, equipment, machinery and apparatus required in connection therewith (the "Sewer Improvement"), all within the unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared by the Town's Department of Environmental Conservation, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$750,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the entire area of the Town outside of any villages, which assessments shall be levied and collected at the same time and in the same manner as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct said Sewer Improvement within the Benefited Area, and ordered that such Sewer Improvement be constructed at the estimated maximum cost of \$750,000; and

WHEREAS, the annual cost of operation and maintenance of said Sewer Improvement shall be paid by a charge upon the entire unincorporated area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges; and

WHEREAS, permission of the New York State Comptroller is not required with respect hereto, the amount of \$750,000 being less than one-tenth of one per centum of the full valuation of taxable real property in the Town, outside of any villages;

NOW, THEREFORE, BE IT, RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by a favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$750,000 for the construction of the Sewer Improvement, as described in the Recitals hereto, within the Benefited Area, in accordance with the map, plan, and report referred to in the Recitals hereto, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$750,000 to finance said appropriation and the levy and collection of assessments from the several lots and parcels of land within the Benefited Area, which assessments shall be levied and collected at the same time and in the same manner as other Town charges, to pay the principal of and interest as said bonds as the same shall become due and payable.

RESOLUTION NO. (507-2011) continued

Section 2. Serial bonds of the Town in the principal amount of \$750,000 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 "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$750,000 serial bonds are authorized to be issued, within the limitations of Section 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 serial 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 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 without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance 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 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 any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, 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 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. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "JOURNAL-NEWS," a newspaper having general circulation within the Town and hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory

RESOLUTION NO. (507-2011) continued

notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This resolution shall take effect immediately.

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. (508-2011)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for October 4, 2011 immediately following the workshop meeting scheduled for 7:30 p.m. on said day in Room 301 of the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York. The purpose of said meeting is as follows:

Authorizing the advertisement of various bids, and any such other matter that the Town Board may wish to consider.

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. (509-2011)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO FILE AN APPLICATION, AND ENTER INTO AN AGREEMENT WITH NEW YORK STATE, FOR A GRANT FOR THE CONSTRUCTION OF THE KAYAK AND CANOE LAUNCH AT WESTERN HIGHWAY, WEST NYACK, NEW YORK

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has established funds for local governments to apply for a grant associated with the development of projects in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and

WHEREAS, the Clarkstown Parks and Recreation Commission has proposed the construction of a Kayak and Canoe Launch, with amenities, to be located on vacant Town land adjacent to the CSX Railroad tracks, located at Western Highway and west shore of the Hackensack River, West Nyack, New York, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that the Town enter into an agreement with the State to apply for said grant;

WHEREAS, the Town Board of the Town of Clarkstown wishes to file an application with New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in a form approved by the Town Attorney, for a grant not to exceed \$135,000.00, to support

RESOLUTIN NO. (509-2011) continued

the construction of the Kayak and Canoe Launch at Western Highway, West Nyack, New York, and

WHEREAS, upon approval of the application by the State, the Town shall execute an agreement for financial assistance for the project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to apply to the New York State Office of Parks, Recreation and Historic Preservation, for a grant in the amount not to exceed \$135,000.00, and to enter into an agreement and any required supporting documents, in a form approved by the Town Attorney, to obtain funding to support the construction of the Kayak and Canoe Launch at Western Highway, West Nyack, 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. (510-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has established funds for local governments to apply for a grant associated with the development of projects in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and

WHEREAS, the Clarkstown Parks and Recreation Commission has proposed the development of trails and outdoor amenities on Town property known as the Davenport Preserve, at Saw Mill Road and Buena Vista Road, New City, New York, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that the Town enter into an agreement with the State to apply for said grant;

WHEREAS, the Town Board of the Town of Clarkstown wishes to file an application with New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in a form approved by the Town Attorney, for a grant not to exceed \$300,000.00, to support the development of trails and outdoor amenities on the Davenport Preserve property, and

WHEREAS, upon approval of the application by the State, the Town shall execute an agreement for financial assistance for the project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to apply to the New York State Office of Parks, Recreation and Historic Preservation, for a grant in the amount not to exceed \$300,000.00, and to enter into an agreement and any required supporting documentation, in a form approved by the Town Attorney, to obtain funding to support the development of trails and outdoor amenities on Town property known as the Davenport Preserve, at Saw Mill Road and Buena Vista Road, New City, New York, and if appropriate.

On roll call the vote was as follows

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

Supervisor opened the meeting for public comments.

Jim Finn, West Nyack

Spoke about poor news coverage of the recent hurricane on Channel 12. Feels there is a need for better media coverage of what is going on in the Town to provide information to the people who live here.

Frank Grandel, New City

Regarding the West Nyack flooding, wasn't there \$2 million given to address flooding when the Palisades Mall was built?

Supervisor said a project was completed using those funds in the area near Shoprite on Route 59, which is what it was earmarked for. The area of Klein Avenue in West Nyack is something that has to be dealt with on a State and Federal level and the Army Corp would have to undertake and fund it. This is something we have brought up many times but they are not willing to fund the project. Congressman. Elliot Engel is looking into this.

Marge Hook, New City

Spoke about flooding in her home years ago and the positive work the Town did to alleviate it. She also alerted the Board to a problem with missing street signs.

Guy Gervasi, West Nyack

Asked if there would be a notice if the Town Board holds a Public Hearing on term limits.

Town Attorney Mele stated whenever the Town Board sets a Public Hearing they are required to publish a notice in the newspaper prior to the meeting date.

There being no one further wishing to speak, on motion of Co. Hoehmann seconded by Co. Hausner, the Town Board Meeting was adjourned, time: 9:14 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/13/11

8:48 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

Construction of Sewer Improvements in the Town of Clarkstown

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

Supervisor opened the meeting for public comment; no one appeared.

On motion of Co. Hoehmann seconded by Co. Borelli, the public hearing was closed,
8:48 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk