

**TOWN OF CLARKSTOWN**  
**TOWN BOARD MEETING**  
October 2, 2012 - 8:00 p.m.  
Town Hall Auditorium  
AGENDA  
(Tentative)

**SALUTE TO THE FLAG**

**CLERK CALLS THE ROLL**

**PROCLAMATION:** "Freedom from Bullies Week" October 14-2012

**SPECIAL PRESENTATION:** New City/Congers-Suffern (9-10) Softball All-Stars Team

**PUBLIC HEARINGS:**

- (Continuation): Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to Accessory Apartments.
- Proposed Local Law entitled: "Amendment to Chapter 251 (Wireless Communications Facilities Law) of the Code of the Town of Clarkstown.
- Authorizing the Town Attorney to Institute a Proceeding Pursuant to Town Code, Chapter 216 (Maintenance of Property.)

**PUBLIC COMMENTS REGARDING AGENDA ITEMS:**  
(Limited to 3 minutes per person)

**RESOLUTIONS:**

1. Accepting Minutes of the Town Board Meeting of August 21, 2012 and the Special Town Board Meeting of September 4, 2012, as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes
  - a) Reclassification: Senior Clerk Typist to Principal Clerk Typist – Town Clerk's Office.
  - b) Appointment (Promotional/Permanent): Joanne Castaldo, Principal Clerk Typist, Town Clerk's Office.
  - c) Reappointment: Dolores Avaras, Member, Board of Assessment Review
  - d) Resignation: Jean M. Luther, Crossing Guard, Clarkstown Police Department.
  - e) Resignation: Thomas A. Trevor, Member, Planning Board
  - f) Resignation: Nicholas Zoda, Crossing Guard, Clarkstown Police Department
3. Authorizing Installation of a Street Light in front of House #113 New York Avenue, Congers.
4. Rescinding the following Resolutions:
  - a) No. 428-2012, adopted at the September 4, 2012 Town Board Meeting.
  - b) No. 435-2012, adopted at the September 4, 2012 Town Board Meeting.
5. Authorizing Installation of "Stop" Sign at Ember Drive, New City.
6. Waiving the 1% Collection Fee charged to the School Districts
7. Authorizing the Supervisor to enter into the following Agreements:
  - a) Employee Assistance Program Agreement with Nyack Hospital.
  - b) New York State Power Authority – Solar Installation
  - c) Harbridge Consulting Group
  - d) *Settlement* Agreement – Wireless Communication Facilities
8. Amending the following Resolutions:
  - a) No. 632-2011, adopted at the December 13, 2011 Town Board Meeting
  - b) No. 394-2012, adopted at the August 21, 2012 Town Board Meeting
  - c) No. 529-2011, adopted at the October 4, 2011 Town Board Meeting

9. Granting Certificate of Registration:  
12-34 – Angel Landscaping, Inc.
10. Authorizing the following Bid Awards:
  - a) Bid No. 35-2012 – Ridge Road Culvert By-Pass
  - b) Bid No. 37-2012 – Lake Nanuet Park Sewer Relocation
11. Authorizing the Purchasing Agent to Re-Advertise for the following Bid:  
- Bid No. 29A-2012 – Central Nyack Drainage Improvements – Phase III
12. Setting a Public Hearing for November 8, 2012 at 7pm – Town of Clarkstown Preliminary Budget for 2013
13. Adopting Hearing Officer’s Recommendation
14. Authorizing an Increase in the Allotment for Engineering Services for the Central Nyack Drainage Improvement Project
15. Authorizing Remedial Work Subsequent to Town Drainage Project
16. Authorizing the Removal of “Two Hour Parking “ signs on the east side of Maple Avenue from Demarest Avenue south to First Street
17. Authorizing the Director of the Department of Environmental Control to Retain the Services of a Private Contractor to Effect Repairs to an Existing Drainage Structure located at 186 West Mary Ann Lane, Valley Cottage
18. Authorizing Settlement of a Tax Certiorari regarding Milton B. Shapiro (tax map #58.17-1-97)
19. Authorizing Implementation and Funding of a Transportation Federal-Aid Project
20. Authorizing the Director of the Department of Environmental Control to Retain the Services of a Contractor to Install Drainage within the Town Roadway in the vicinity of 5 Bristol Court, New City.

**ADDITIONAL TENTATIVE RESOLUTIONS:**

21. Authorizing the following Personnel Change:  
~ Appointment (Part Time): Joseph P. McDonald, Municipal Bus Driver, Clarkstown Mini Trans
22. Accepting Conveyance of the following:
  - a) Nyack Rural Cemetery
  - b) Nanuet Cemetery
23. Designating Hearing Officer to Conduct Disciplinary Hearing
24. Authorizing Installation of “No Dumping” Sign, Vine Street, Central Nyack

**GENERAL PUBLIC COMMENTS:**  
(Limited to 3 minutes per person)

**\*\*\*PLEASE NOTE\*\*\***  
**Additional items may be added to this agenda**

***(To View Actual Resolutons, go to Town Clerk’s Website – Legal Notices)***

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RESOLVED, that the Town Board Minutes of August 21, 2012 and the Special  
Town Board Minutes of September 4, 2012 are hereby accepted, as submitted by  
the Town Clerk.

DATED: October 2, 2012

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

NOW, therefore, be it

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

DATED: October 2, 2012

P

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

Dated: October 2, 2012

P

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

DATED: October 2, 2012

P

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

DATED: October 2, 2012

P

2E

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

DATED: October 2, 2012  
P

2F

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

DATED: October 2, 2012  
P

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

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

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

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

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

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

Dated: October 2, 2012



4A

**RESOLUTION RESCINDING RESOLUTION 428-2012 ADOPTED AT  
SEPTEMBER 4, 2012 TOWN BOARD MEETING**

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

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

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

DATED: October 2, 2012  
TB 10-02 TA RES Rescind 428-2012--jje

*ajm*

4B

RESOLUTION RESCINDING RESOLUTION NO. 435-2012

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

NOW, THEREFORE, be it

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

Dated: October 2, 2012

TB 10-02 TA RES Rescind Res 435-2012-pm

*awm*

**RESOLUTION AUTHORIZING STOP SIGN INSTALLATION AT  
EMBER DRIVE, NEW CITY**

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

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

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

DATED: October 2, 2012  
TB 10-02 TA RES Ember Drive Stop Sign--jje

*ajm*

RESOLUTION WAIVING THE 1% COLLECTION FEE  
CHARGED TO THE SCHOOL DISTRICTS

BY MOTION OF THE ENTIRE TOWN BOARD:

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

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

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

NOW, THEREFORE, be it

RESOLVED, that, pursuant to Town Law §37, the Town Board of the Town of Clarkstown hereby waives the 1% collection fee and will not charge the school districts.

Dated: October 2, 2012

*awm*

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER  
INTO AN EMPLOYEE ASSISTANCE PROGRAM AGREEMENT  
WITH NYACK HOSPITAL

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

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

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

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

Dated: October 2, 2012

TB 10-2-12 TA RES-Nyack Hospital EAP agree-kh

*alum*

7B

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN  
AGREEMENT WITH THE NEW YORK STATE POWER AUTHORITY REGARDING  
SOLAR INSTALLATION

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

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

NOW, THEREFORE, be it

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

Dated: October 2, 2012

TB 10-02 TA RES NYS Power Auth - Solar-pm

*awm*

7c

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

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

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

**NOW, THEREFORE**, be it

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

DATED: October 2, 2012

*arm*

7D

RESOLUTION AUTHORIZING THE SUPERVISOR TO  
EXECUTE A SETTLEMENT AGREEMENT REGARDING  
WIRELESS COMMUNICATION FACILITIES

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

NOW, THEREFORE, be it

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

Dated: October 2, 2012

TB 10-02 TA RES Wireless Carriers Settlement Agree-pm

*awm*

8A

RESOLUTION AMENDING RESOLUTION NO. 632-2011  
(TOWN BOARD MEETING/WORKSHOP MEETING SCHEDULE FOR 2012)

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

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

NOW, THEREFORE, be it

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

Dated: October 2, 2012

TB 10-02 TA RES Amend TB meeting 2012 Sched-pm

awm

8B

**RESOLUTION AMENDING RESOLUTION NO. 394-2012**

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

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

NOW, THEREFORE, be it

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

Dated: October 02, 2012

TB 10-02-12 TA RES Amending SIK Real Estate, LLC Prelim. Appraisal-lh

*AWM*

8c

RESOLUTION AMENDING RESOLUTION NO. 529-2011 AUTHORIZING THE  
SUPERVISOR TO RETAIN THE H2M GROUP TO PERFORM ADDITIONAL  
FEASABILITY STUDIES

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement, in a form approved by the Town Attorney, with H2M Group, 254 South Main Street, New City, New York, to conduct additional feasibility studies for public works projects for the period October 2, 2012 through December 31, 2013 and be it

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

FURTHER RESOLVED, that the fee for the studies shall be charged to the capital account for the public works project.

Dated: October 2, 2012

TB 10-02 TA RES H2M amend feasibility studies-pm

awm

**RESOLUTION GRANTING CERTIFICATES OF REGISTRATION  
PURSUANT TO SECTION 236-48 OF THE TOWN CODE**

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

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

NOW, THEREFORE, be it

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

12-34 ANGEL LANDSCAPING INC.

DATED: October 02, 2012

TB 10-02-12 TA RES Certificates of Registration Sewers-dt

*awm*

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

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

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

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-16, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

DATED: October 2, 2012

*awm*

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

BID # 37-2012 – LAKE NANUET PARK SEWER RELOCATION

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

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

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8759-400-409-0-84-09, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

DATED: October 2, 2012



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

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

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

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

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

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

**FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Department of Environmental Control at the above address.

DATE: October 2, 2012

*allm*

RESOLUTION CONCERNING PRELIMINARY BUDGET FOR 2013  
AND SCHEDULING A PUBLIC HEARING

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

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

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 8, 2012, at 7:00 p.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, pursuant to Town Law Section 108 concerning the Clarkstown Preliminary Budget for 2013, and be it

FURTHER RESOLVED, that the Town Attorney prepare 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.

Dated: October 2, 2012

TB 10-02 TA RES Town Budget 2013-pm

*awm*

**RESOLUTION ADOPTING HEARING OFFICER'S RECOMMENDATION**

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

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

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

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

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

NOW, THEREFORE, be it

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

Dated: October 2, 2012

TB 10-02 TA RES XXXXXXXXX Penalty-pm

*awm*

**RESOLUTION AUTHORIZING AN INCREASE IN THE ALLOTMENT FOR  
ENGINEERING SERVICES FOR THE CENTRAL NYACK DRAINAGE  
IMPROVEMENT PROJECT**

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

**Whereas**, the Town of Clarkstown has directed McLaren Engineering Group to retain the services of Behan Planning Associates, LLC as a sub-consultant for the streetscape design, landscaping design and related construction services relating to these projects; and

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

**Whereas**, McLaren Engineering Group has submitted a proposal for additional professional design phase services, including those performed by Behan Planning Associates, LLC, for the increased scope of work; and

**Whereas**, the Department of Environmental Control has reviewed said proposal and finds it to be acceptable;

**Now, Therefore, Be It Resolved** that the Town Board of the Town of Clarkstown authorizes an increase in the allotment for engineering services for the Central Nyack Drainage Improvements in accordance with McLaren Engineering Group's proposal for an amount not to exceed **\$122,500.00** without further Town Board resolution; and

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

Dated: **October 2, 2012**

K:\shared\Town Board Resolutions\October 2\TB 10-2-12 DEC RES Central Nyack Storm Drain Project Engineering Services V

*QUM*

**RESOLUTION AUTHORIZING REMEDIAL WORK SUBSEQUENT TO TOWN DRAINAGE PROJECT**

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

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

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

**NOW, THEREFORE**, be it

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

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

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

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

DATED: October 2, 2012

TB 10-02 TA RES DEC Tree Work Highway Ave-jje



**RESOLUTION AUTHORIZING THE REMOVAL OF PARKING RESTRICTIVE SIGNAGE,  
MAPLE AVENUE, NEW CITY**

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

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

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

Dated: October 2, 2012

TB 10-02 TA RES Maple Ave Remove Two Hour Parking--jje

*awm*

**RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A PRIVATE CONTRACTOR TO EFFECT REPAIRS TO AN EXISTING DRAINAGE STRUCTURE LOCATED AT #186 WEST MARY LANE IN VALLEY COTTAGE**

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

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

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

**Now, Therefore, Be It Resolved** that the Director of the Department of Environmental Control is hereby authorized to retain the services of

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

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

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

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

Dated: **October 2, 2012**

*awm*

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI  
REGARDING MILTON B. SHAPIRO  
(TAX MAP NO. 58.17-1-97)

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

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.17-1-97 be reduced for the year(s) 2009/10 from \$226,200 to \$183,625 at a cost to the Town of \$948.46;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.17-1-97 be reduced for the year(s) 2010/11 from \$226,200 to \$198,250 at a cost to the Town of \$659.23;

3. Reimbursement for the year(s) 2009/10 and 2010/11 on the parcel described as Tax Map 58.17-1-97, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

Dated: October 2, 2012

TB 10-2 TA RES Milton B. Shapiro Settlement-lh

A handwritten signature in black ink, appearing to be "Milton B. Shapiro", is located in the bottom right corner of the page.

RESOLUTION AUTHORIZING IMPLEMENTATION AND FUNDING OF A  
TRANSPORTATION FEDERAL-AID PROJECT  
(SOUTH MAIN STREET, PIN 8760.50)  
RESOLUTION NUMBER: \_\_\_\_\_

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

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

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

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

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

FURTHER RESOLVED, that the sum of \$782,478 is hereby appropriated from Account No. H-5111-409-0-4-16 and made available to cover the cost of participation in the above phase of the Project, and be it

FURTHER RESOLVED, that in the event the full non-federal share costs of the project exceeds the amount appropriated above, the Clarkstown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid an/or applicable Marchiselli Aid on behalf of the Town of Clarkstown with the New York State Department of Transportation (NYSDOT) in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it

FURTHER RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Public Works Administrator, Town Engineer, Town Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the

Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement, and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it

FURTHER RESOLVED, this Resolution shall take effect immediately.

Dated: October 2, 2012

State of New York            )  
  ss. :  
County of Rockland        )

I, Justin Sweet, Clerk of the Town of Clarkstown, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Clarkstown Town Board at a meeting duly called and held at the Clarkstown Town Hall on October 2, 2012 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the Town of Clarkstown, New York, this \_\_\_\_\_ day of October, 2012.

\_\_\_\_\_  
Clerk, Town of Clarkstown

*awm*

**RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO INSTALL DRAINAGE WITHIN THE TOWN ROADWAY IN THE VICINITY OF 5 BRISTOL COURT, NEW CITY**

**WHEREAS**, an adverse drainage condition exists within the Town roadway in the vicinity of #5 Bristol Court; and

**WHEREAS**, The Department of Environmental Control has prepared a plan to install drainage in the roadway in order to ameliorate the condition; and

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

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

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

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

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

**FURTHER RESOLVED** that it is the intent of the Town Board that this project shall be funded by serial bonds.

**DATED:** October 2, 2012

*awm*

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

DATED: October 2, 2012

P

**RESOLUTION ACCEPTING CONVEYANCE OF THE NYACK RURAL CEMETERY**

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

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

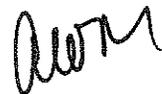
**WHEREAS**, the association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery, and

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

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

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

Dated: October 2, 2012  
TB 10-02 TA RES Nyack Rural Cemetery -- jje



**RESOLUTION ACCEPTING CONVEYANCE OF THE NANUET CEMETERY**

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

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

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

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

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

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

Dated: October 2, 2012  
TB 10-02 TA RES Nanuet Cemetery -- jje



RESOLUTION DESIGNATING HEARING OFFICER TO CONDUCT  
DISCIPLINARY HEARING (1)

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

Dated: October 2, 2012

TB 10-02 TA RES Disciplinary Hearing (1)-pm

*AWM*

**RESOLUTION AUTHORIZING THE INSTALLATION OF A "NO DUMPING" SIGN**

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

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

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

Dated: October 2, 2012

TB 10-02 TA RES No Dumping Sign Vine St, CN --jje

