

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

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

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.
- Proceeding Pursuant to Town Code, Chapter 216 (Maintenance of Property.)

REPORT TO THE TOWN BOARD:

- Traffic Counts: Vicinity of Newport Drive / Samuel Road, Nanuet
- Resolution Adopting a Determination of Significance under the Provisions of 6NYCRR Part 617 State Environmental Quality Review (SEQR) for the Installation of a Breakaway Barrier on Samuel Road at the Clarkstown/Ramapo Town Line.

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:
 - a) Appointment (Part Time): Joseph P. McDonald, Municipal Bus Driver, Clarkstown Mini Trans
 - b) Appointment (Temporary): Dawn LaFasciano, Clerk Typist, Police Records Department
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
25. Authorizing the Director of the Department of Environmental Control to Retain the Services of a Private Contractor to Perform Corrective Drainage Work at #15 The Rise, Congers, New York
26. Authorizing the Installation of a "Stop" Sign and "Stop" Line, Snowdrop Drive, New City.
27. Authorizing the Chief of Police to Execute an Agreement with Jay Lorah, DO, to act as Police Surgeon commencing September 1, 2012 through December 31, 2013.
28. Rescinding Resolution No. 498-2000 regarding Parking Restrictions at Tall Oak Lane, New City.
29. Authorizing the Supervisor to enter into Contract Amendment No. 8 with the New York State DEC, with respect to Remediation of the Clarkstown Sanitary Landfill.
30. Authorizing the Supervisor to Execute a Donation Agreement.
31. Rejecting Bid made by AAA Carting & Rubbish Removal, Inc. in Response to Bid #12-2012.
32. Authorizing the Supervisor to Execute a License Agreement with United Water New York regarding Adopt-a-Spots on the Freedom Causeway.
33. Authorizing Refund of Building Permit Fee to Congers Firehouse for Property (Tax Map 44.11-2-21)

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

*****PLEASE NOTE*****

Additional items may be added to this agenda

(To View Actual Resolutions, go to Town Clerk's Website – Legal Notices)

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2012

WHEREAS, a proposed local law entitled,

"A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman George Hoehmann, at a Town Board meeting held on August 21, 2012, and

WHEREAS, the purpose of this Local Law is to conform to the U.S. District Court's March 26, 2009 Order 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, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 21, 2012 directed that a public hearing be held on October 2, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law and,

WHEREAS, notice of said hearing was duly prepared and published in the Journal News, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the

Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 24, 2012, and

WHEREAS, on August 21, 2012, the Town Board declared itself lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), and directed HDR/LMS, Town Consultant, to act as its agent with respect to SEQRA review, and

WHEREAS, the Local Law was referred to the Rockland County Department of Planning pursuant to GML §239 M and L on August 21, 2012, and

WHEREAS, by letter dated September 21, 2012, the Rockland County Department of Planning recommended approval of the Local Law, and

WHEREAS, on September 25, 2012, the Town Board received a Full Environmental Assessment Form and proposed Negative Declaration prepared by HDR/LMS, Inc. pursuant to SEQRA, which the Town Board has reviewed and considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that pursuant to NYCRR Part 617.11, the Town Board hereby adopts the Negative Declaration attached

hereto as Exhibit "A," and hereby directs the Town Attorney to file and distribute in accordance with SEQRA, and be it

FURTHER RESOLVED, that Local Law No. - 2012

entitled:

"A LOCAL LAW TO AMEND CHAPTER 251 (WIRELESS COMMUNICATIONS FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

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

The Clerk of the Town of Clarkstown is hereby directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Dated: October 2, 2012

TB 10-02 TA RES Adopt LL - Amend 251 Wireless-pm

A handwritten signature in black ink, appearing to be 'Awm', is located in the lower right quadrant of the page.

PROPOSED
Prepared October 2, 2012

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number:
Tax ID Number: N/A

Date: October _____, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law.

The Town of Clarkstown Town Board as lead agency has determined that the proposed action described below will not have a significant environmental impact, and a Draft Environmental Impact Statement will not be prepared

Name of Action Amendments to Wireless Communication Facilities Local Law

SEQRA Status: Unlisted Action

Description of Action: The action under consideration is the adoption of amendments to the existing wireless communications law of the Town. The previous amendments provide for an Antenna Advisory Board to assist the Planning Board in the review of applications and as a source of information regarding changes in technology. The previous amendments also include screening criteria to assist Town staff and agencies in evaluating individual proposals for wireless communication facilities. **The previously adopted wireless communication law was amended in 2009 by removing the administrative preference given to alternative technologies. Amendments to the current wireless communications law considered for adoption are based on additional considerations and discussions with carrier representatives, including proposed modifications to screening criteria and application processing. Amendments are described in the accompanying document.**

Location: Potentially eligible sites are located throughout the Town.

Reasons Supporting this Determination:

1. The Town Board has determined that this proposed action is an Unlisted action. The amendment to the local law is a Town Board responsibility. No other agency has permit approval.
2. The Town Board has reviewed a Full Environmental Assessment Form (EAF), Parts I, II, and III.
3. Public Hearings were held on January 23, 2007, September 22, 2009, and October 2, 2012, at which times the public had an opportunity to comment regarding the proposed amendments.

4. The nature of the action, an amendment to the existing local law, can only be examined in a generic sense. When individual applications are made for wireless communication facilities on individual sites an environmental analysis will be made relating to the particular site. From a generic perspective, two potential environmental impacts have been identified – visual impact and impacts on parks and open spaces. Both of these are examined in a report entitled “Town of Clarks town Wireless Siting Plan”, prepared by HDR/LMS, dated January 2007, (which is part of the environmental record). The screening criteria and the information required to be submitted for an application sets a baseline for an evaluation of these two impacts, and others that may be unique to specific sites.

5. The Town Board has carefully reviewed potential environmental impacts of the adoption of amendments to the wireless communication facilities local law and has determined that the proposed action will not create any significant adverse impacts and that mitigation is not necessary.

For further information:

Contact Person: Alexander J. Gromack, Town Supervisor

Address: 10 Maple Avenue, New City, NY 10956

Telephone Number: (845) 639-2050

A Copy of This Notice is Sent to:

Town Clerk
Town Planning Board
Rockland County Department of Planning

RESOLUTION AUTHORIZING THE DISCONTINUANCE OF A PROPERTY MAINTENANCE PROCEEDING PURSUANT TO CHAPTER 216

WHEREAS, by Resolution 412-2012 of August 21, 2012, the Town Board authorized the Town Attorney to initiate a Property Maintenance Proceeding against the property known as 159 Massachusetts Avenue, Congers (52.8-3-59), and

WHEREAS, a public hearing was held on October 2, 2012 pursuant to this matter, and

WHEREAS, by report of the Code and Zoning Enforcement Officer dated October 2, 2012 the Violations on the property have been abated via voluntary compliance of the property owner,

NOW THEREFORE be it **RESOLVED**, that the Town Board hereby discontinues the proceeding without liens or costs to the property owner.

Dated: October 2, 2012
TB 10-02 TA RES Discontinue Chap 216 159 Mass Ave--jje

A handwritten signature in black ink, appearing to be 'AWM', is located in the lower right quadrant of the page.

SAMUEL
ROAD

RESOLUTION ADOPTING A DETERMINATION OF SIGNIFICANCE UNDER THE PROVISIONS OF 6NYCRR PART 617 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) FOR THE INSTALLATION OF A BREAKAWAY BARRIER ON SAMUEL ROAD AT THE CLARKSTOWN/RAMAPO TOWN LINE

WHEREAS, the Town Board has received requests from residents to address speeding and traffic volumes on Newport Drive in the hamlet of Nanuet, and

WHEREAS, the Supervisor and the Town Board have held numerous meetings with stakeholders and has received petitions lobbying for action to address said issues, including, among other measures, the erection of a breakaway barrier on Samuel Road at the Clarkstown/Ramapo Town boundary, and

WHEREAS, traffic studies conducted by the Clarkstown Police Department indicated that the volume of traffic on Newport Drive, a local residential road, was significantly higher than expected, indicating that Newport Drive was being utilized as a "cut through" by residents of neighboring developments who opted to traverse Newport Drive rather than utilizing Pascack Road, a County secondary road designed as an arterial roadway, and

WHEREAS, the Board announced a Workshop to be held on May 1, 2012 to discuss the installation of said barrier on Samuel Road at the Clarkstown/Ramapo Town boundary and distributed notice of said Workshop to numerous potential interested agencies and individuals, including, but not limited to, the County of Rockland (and various departments therein), the Village of Chestnut Ridge as well as affected school districts and emergency first responders, and

WHEREAS, on May 15, 2012, by Resolution No. 229-2012 (as revised by Resolution No. 358-2012), the Town Board authorized the installation of the breakaway barrier on Samuel Road, and directed that the Clarkstown Police Department take post-installation traffic counts and report their findings to the Town Board at its regularly scheduled meeting in October, and

WHEREAS, the Town originally installed a temporary barrier pending the results of the pre- and post-installation traffic studies, however, the Town received complaints from the Village of Chestnut Ridge administration, who maintained that the temporary barriers would be difficult to circumvent in the rare event mutual aid required emergency service vehicles to enter other jurisdictions, and

WHEREAS, in response to said concerns, the Town installed the breakaway barrier prior to the completion of the traffic counts, and

WHEREAS, the Clarkstown Police Department has completed the traffic counts, which establish that the traffic volumes on Newport Drive have decreased since the installation of the barrier and that there is no demonstrable increase in the traffic volumes on Duryea Lane, and

WHEREAS, the Board has classified the proposed action as an unlisted action under the provisions of 6 NYCRR Part 617, and

WHEREAS, the Board has ordered a short EAF be prepared to identify and evaluate potential adverse environmental impacts of the reversion of Samuel Road to a dead end street, and

WHEREAS, the Board has reviewed and discussed the EAF and has determined that there are no potential significant adverse environmental impacts which might result from the proposed action;

NOW THEREFORE BE IT

RESOLVED that the Clarkstown Town Board, based on review of proposed action and the potential adverse environmental impact thereof, makes a determination that the proposed action, the installation of a breakaway barrier on Samuel Road at the Clarkstown/Ramapo Town boundary, will not result in any adverse environmental impact, and adopts a negative declaration under the provisions of 6NYCRR Part 617, and be it

FURTHER RESOLVED, that, based upon the traffic data gathered by the Clarkstown Police Department, as well as the input from emergency service providers and residents, deems it in the best interest of the health, safety and welfare of its residents that the breakaway barrier erected on Samuel Road remain a permanent installation.

DATED: OCTOBER 2, 2012

TB 10-02 TA RES Negative Declaration-Samuel Rd-pm

awm

/

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

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

amm

RESOLUTION WAIVING THE 1% COLLECTION FEE
For the Collection of School Districts Taxes

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 a 1% collection fee for the collection of school district taxes 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 commencing with the 2013-2014 school tax year.

Dated: October 2, 2012

7A

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

alwm

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

avm

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 27th 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

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

allm

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



//

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 PUBLIC HEARINGS

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, and

WHEREAS, the Town Board of the Town of Clarkstown has proposed a local law to override the limit on the amount of real property taxes that may be levied by the Town of Clarkstown pursuant to General Municipal Law § 3-c and to allow the Town of Clarkstown to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c;

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 a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on November 8, 2012 at 7:00 p.m., or as soon thereafter as possible, relative to such proposed local law, 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 notices of such
statutory hearings 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

allm

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 XXXXXXXXXXXX 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

awm

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 cursive script, appearing to read "awm", 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

RESOLVED, that Dawn La Fasciano, 5 Elrod Drive, West Nyack, New York - is hereby appointed (temporary) Clerk Typist - Police Records Department on a position #9999 - at the hourly rate of \$19.41 - effective October 9, 2012 to November 9, 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

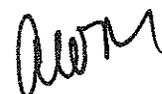
WHEREAS, the association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery, and

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



RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A PRIVATE CONTRACTOR TO PERFORM CORRECTIVE DRAINAGE WORK AT #15 THE RISE, CONGERS, NEW YORK

Whereas, an adverse drainage condition exists within the area of an existing Town drainage easement in the rear yard of #15 The Rise in Congers, New York; and

Whereas, the Department of Environmental Control has made an inspection and formulated a plan to alleviate said adverse drainage condition; and

Whereas, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to perform this work in accordance with that plan; and

Whereas, The Department of Environmental Control has received three (3) proposals in response to its solicitation and, upon review, 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 **\$4,994.00**; and

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

Be It Further Resolved that this shall be a proper charge to account # **H-8765-409-88-21**.

Dated: **October 2, 2012**

K:\shared\Town Board Resolutions\October 12\TB 10-02-12 DEC RES Dover Road-The Rise Drainage Improvements

awm

**RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGN AND
STOP LINE, SNOWDROP DRIVE, NEW CITY**

WHEREAS, the Traffic and Traffic Fire Safety Advisory Board has recommended that a Stop Sign and Stop Line be installed at the eastern terminus of Snowdrop Drive, New City where it intersects with Goebel Road, and

WHEREAS, said Board made an investigation of the area and it was determined that such installation is warranted,

NOW, THEREFORE, be it **RESOLVED**, that the Town Board hereby authorizes the Superintendent of Highways to install a Stop Sign and Stop Line, a R1-1 sign as per the Traffic Sign Handbook for Local Road, on Snowdrop Drive, eastbound, where it terminates into Goebel Road, New City, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Superintendent of Highways for implementation.

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

awm

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE AN AGREEMENT WITH JAY LORAH, DO, TO ACT AS POLICE SURGEON COMMENCING SEPTEMBER 1, 2012 THROUGH DECEMBER 31, 2013

WHEREAS, Chief of Police Michael Sullivan has recommended entering into an agreement with Jay Lorah, DO, beginning September 1, 2012 through December 31, 2013, upon the terms and conditions set forth therein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an agreement with Jay Lorah, DO, as referred to herein, for the period September 1, 2012 through December 31, 2013 upon the terms and conditions set forth therein; and be it

FURTHER RESOLVED, that per the agreement, the police surgeon is an independent contractor and compensation for said services shall be at the rate of Fifteen Hundred Dollars (\$1,500.00) per month for services as Police Surgeon, which services shall be charged to Account No. A3120-409.

Dated: October 2, 2012

TB 10-02 TA RES Police Surgeon – Lorah-pm

awm

**RESOLUTION RESCINDING RESOLUTION #498-2000 REGARDING
PARKING RESTRICTIONS AT TALL OAK LANE, NEW CITY**

WHEREAS, the Town Board, in response to a petition and letter from a number of residents of Tall Oak Lane, New City requested an investigation by the Office of the Zoning Administrator to review the necessity for a "No Parking in the "T" Turn Around" sign, and

WHEREAS, the results of that investigation, which included inspections and interviews with the affected residents, indicate that the sign authorized by Town Board Resolution #498-2000 is not necessary and causes undue restrictions to the abutting residents' use of this dead end street,

NOW THEREFORE be it RESOLVED, that Town Board Resolution 498-2000 is hereby rescinded in its entirety and be it,

FURTHER RESOLVED, that the Superintendent of Highways is directed to remove the sign and the Chief of Police is hereby notified for information and adjustments to patrol tasking and enforcement, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Traffic and Traffic Fire Safety Advisory Board for information.

DATED: October 2, 2012
TB 10-02 TA RES Tall Oak Lane Rescind 498-200--jje

Qum

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO CONTRACT AMENDMENT NO. 8, WITH THE NEW YORK STATE DEC, WITH RESPECT TO REMEDIATION OF THE CLARKSTOWN SANITARY LANDFILL

WHEREAS, the 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 attachment for the CLARKSTOWN SANITARY LANDFILL, Site No. 344001, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project, and

WHEREAS, Article 27-1313 of the Environmental Conservation Law (ECL) authorizes State assistance to municipalities for Inactive Hazardous Waste Disposal Site Remedial Program Municipal Assistance projects by means of a State Assistance Contract (SAC) and the Municipality deems it to be in the public interest and benefit under this law to enter into contract therewith;

NOW, THEREFORE, be it resolved by the TOWN BOARD OF THE TOWN OF CLARKSTOWN:

- (1) That Alexander J. Gromack, Supervisor of the Town of Clarkstown, is the representative authorized to act in behalf of the Municipality in all matters related to this project. The representative is authorized to make application,

execute the State Assistance Contract, sign requests for reimbursement and submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project.

- (2) That the Municipality understands it is responsible for 100% of the eligible incurred costs of the Project in the first instance and must submit appropriate payment request to be reimbursed for an amount not to exceed 75% of the eligible incurred costs of the Project resulting in the Municipality ultimately funding its share of the eligible incurred costs.

Dated: October 2, 2012

TB 10-02 TA RES State Assistance #8-pm

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A DONATION AGREEMENT

WHEREAS, the Office of the Town Attorney renewed a long standing enforcement action in December 2011 pursuant to Chapter 216 of the Town Code (Maintenance of Property) for the remediation of the property known as 139 Massachusetts Avenue, Congers (Tax Map, Block and Lot # 52.8-3-53.1) and,

WHEREAS, the owner of the property, Wells Fargo Bank, NA, 1 Home Campus, West Des Moines, Iowa 50328 has responded to this action by offering to enter into a Donation Agreement with the Town which includes the remittance of remediation costs, in lieu of complying with the violation, and

WHEREAS, the Town Attorney recommends the pursuit of this avenue to consummate the remediation and the abatement of the violation,

NOW THEREFORE be it **RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute the Donation Agreement with Wells Fargo Bank and be it

FURTHER RESOLVED, that the Town Board hereby assigns the Director of Environmental Control to act as agent of the Town Board to perform the necessary filing and recommendation pursuant to the State Environmental Quality Review Act for the Town Board's determination regarding the acquisition of this property.

Dated: October 2, 2012
TB 10-02 TA RES Wells Fargo Donation--jje

ajm

RESOLUTION REJECTING BID MADE BY AAA CARTING & RUBBISH
REMOVAL, INC. IN RESPONSE TO BID #12-2012

WHEREAS, the Town of Clarkstown, via Bid No. 12-2012, solicited bids for Residential Refuse and Bulk Collection Services for One, Two, and Three Family Homes in the Unincorporated Portion of the Town of Clarkstown; and

WHEREAS, the Town received two bids in response to its solicitation; and

WHEREAS, the initial submission by the apparent low bidder, AAA Carting & Rubbish Removal, Inc. ("AAA"), did not satisfy or address several of the conditions set forth in the bid; and

WHEREAS, specifically, AAA's bid was deficient in the following respects:

- A) AAA is not a licensed carter in the Town of Clarkstown, did not submit evidence of a legal joint venture with a licensed carter, nor evidence that any subcontractor of AAA was a licensed carter in the Town of Clarkstown (see, General Conditions Section, paragraph 2);
- B) Neither AAA, nor its "joint venture" partner, Clarkstown Carting Co., Inc. ("CCCI") has at least five (5) years prior experience providing backdoor collection services to entire communities with populations equal to or greater than the Town of Clarkstown (see, Specifications, "Bidder Qualifications");

- C) The three (3) roll off containers listed in the bid were clearly insufficient to provide twice weekly backdoor collection services to 26,000 residences, as required by the Specifications, Service Requirements, subparagraphs 2 and 5;
- D) The Contractor failed to specify an office in the Town staffed by at least one person during the hours of 7:30 through 5:30 pm Monday through Friday, and 1:00 pm on Saturday (see, Agreement, Article 2 Scope of Services, Subparagraph 2.2.1); and

WHEREAS, by letter dated August 13, 2012, the Town pointed out the deficiencies in AAA's bid, and asked for a written response by August 17, 2012; and

WHEREAS, by letter dated August 16, 2012, AAA responded to the Town's August 13, 2012 letter, however, its response was deficient in several respects, specifically:

- a) a signed, notarized joint venture agreement was not provided;
- b) AAA stated that it would provide a "performance bond" in the amount of \$2,500,000 in satisfaction of the Performance Security Requirements under Article 6, Performance Security in the Agreement, however, that section specifically requires the posting of an irrevocable letter of credit in the sum of \$2,000,000;
- c) Not only did AAA acknowledge it was unlicensed in the Town, but the Town had received several complaints that AAA was nonetheless engaging in the

carting business within the Town. The Town requested that AAA respond to these complaints and AAA stated that it was allowing its equipment to be used by CCCI, a licensed carter. No identification markings were apparent on said equipment which would identify it as being used by a licensed carter;

d) Neither AAA nor its "joint venture" provided satisfactory evidence of five (5) years experience providing back door collection services to communities with populations greater than or equal to the Town;

e) Neither AAA nor its "joint venture" provided satisfactory documentation that it possessed the equipment, personnel and financial resources to fulfill the bid specifications;

f) AAA did not provide a valid business address; and

WHEREAS, by letter dated August 24, 2012, the Town again provided AAA with the opportunity to address the unresolved issues with respect to its bid, and requested written responses by August 30, 2012; and

WHEREAS, by letter dated August 29, 2012, AAA responded to the Town's August 24, 2012 letter, however, again, several issues were not adequately addressed including the conduct of business without a license which conduct continues to date; and

WHEREAS, on August 10, 2012, AAA applied for a license with the Town of Clarkstown Sanitation Commission; and

WHEREAS, consistent with its usual practice, the Sanitation Commission scheduled a preliminary hearing on October 3, 2012, and advised AAA that it would not schedule a public hearing to consider its license application until three pending violations were resolved via appropriate adjudication;

NOW, THEREFORE, BE IT

RESOLVED, that the bid submitted by AAA in response to Bid No. 12-2012 is hereby rejected as being deficient on the following grounds:

1. AAA is not a licensed carter within the Town of Clarkstown, and the "Joint Venture Agreement" submitted by AAA subsequent to the bid opening fails to specify the manpower, equipment or financial contribution of its joint venture partner, CCCI, other than the use of CCCI's license;
2. A careful review of the documents submitted by AAA and the records of CCCI indicates that CCCI has never engaged in the collection of backdoor residential waste as required by the bid specifications;
3. AAA has failed to post a letter of credit in the amount of \$2,000,000 or cash deposit in that amount as required by Bid Section 6.7 and instead submitted a letter from Key Bank stating that if AAA made application for said letter of credit which was approved, that Key Bank would seek to issue same within two (2) weeks from approval;
4. Neither AAA nor CCCI have demonstrated the required five (5) year backdoor experience in servicing a town

with a population size equal or greater to the Town of Clarkstown, nor have they demonstrated the capital equipment or manpower necessary to fulfill the bid specifications; and be it

FURTHER RESOLVED, that the Authorized Purchasing Agent is hereby directed to negotiate with the sole remaining bidder in an attempt to secure a more competitive price, within the parameters set forth in *Fischback & Moore, Inc. v. New York City Transit Authority*, 79 AD2d 14, 435 NYS2d 984 (2nd Dept, 1981); and be it

FURTHER RESOLVED, that if the Authorized Purchasing Agent is unable to secure terms acceptable to the Town, he is hereby authorized to reject the sole remaining bid and re-bid the project.

Dated: October 2, 2012

TB 10-02 TA RES Reject AAA Bid-pm

AWM

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE
AGREEMENT WITH UNITED WATER NEW YORK REGARDING
ADOPT-A-SPOTS ON THE FREEDOM CAUSEWAY

WHEREAS, the Town Board wishes to enter into a license agreement with
United Water New York to allow the Town to proceed with two (2) adopt-a-spot
agreements at the east and west side of the Freedom Causeway;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a
license agreement with United Water New York which allows two (2) adopt-a-spots to be
created at the east and west side of the Freedom Causeway.

Dated: October 2, 2012

TB 10-02 TA RES License Agree-United Water-pm

awm

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT
FEE TO CONGERS FIREHOUSE FOR PROPERTY KNOWN
AS TAX MAP NO. 44.11-2-21

WHEREAS, The Congers Fire District has requested a
refund of Building Permit Fee (No. 12-1010) paid in the
amount of \$174.00 for property located at 40 North Harrison
Avenue, Congers, New York, more particularly described as
Tax Map No. 44.11-2-21, and

WHEREAS, the Building Inspector has advised that the
permit application was submitted in error and recommends a
full refund of \$174.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building
Inspector, the Town Board hereby authorizes a full refund
of \$174.00 to the Congers Firehouse to be charged to
Account No. B 02-6-2555-0, subject to receipt and
cancellation of the Permit.

Dated: October 2, 2012

TB 10-02 TA RES Congers Firehouse Refund Fee-pm

awm