

**TOWN OF CLARKSTOWN**  
**TOWN BOARD MEETING**  
December 11, 2012 - 8:00 p.m.  
Town Hall Auditorium  
AGENDA

**SALUTE TO THE FLAG**

**SPECIAL PRESENTATION:**

- Youth Police Academy Graduation

**PUBLIC HEARING:**

1. Proposed Local Law entitled "Amendment to Chapter 290 (Zoning) of the Code of the Town of Clarkstown and the Town Zoning Map with respect to Neighborhood Shopping"

**CLERK CALLS THE ROLL**

**PUBLIC COMMENTS REGARDING AGENDA ITEMS:**

(Limited to 3 minutes per person)

**RESOLUTIONS:**

1. Accepting the Minutes of the November 8, 2012 and November 20, 2012 Town Board Minutes as submitted by the Town Clerk.
2. Authorizing the following Personnel changes:
  - a) Sick Leave of Absence: Joseph Berry, MEO II, Clarkstown Highway Department.
  - b) Appointment (Promotional/Provisional): Laura A. Gilroy, Principal Account Clerk, Office of the Town Comptroller.
3. Authorizing the Purchasing Agent to advertise for:  
~ Bid #43-2012 – Work Clothing
4. Authorizing the Supervisor and the Chief of Police to enter into an Agreement with the County of Rockland regarding "STOP-DWI" Funds for the November 21, 2012 Sobriety Checkpoint.
5. Authorizing Execution and Acceptance of Maintenance Agreement regarding Rockland MHA Holding Site Plan (52.19-2-15)
6. Extending Agreement with H2M Group to Provide Engineering Services concerning the Clarkstown Transfer Station.

**ADDITIONAL TENTATIVE RESOLUTIONS:**

7. Obtaining Insurance Coverage from CLG Insurance.
8. Awarding Work for Resetting and Installation of Rip-Rap – Lake Lucille Dam, New City.
9. Granting Certificates of Registration:  
12-38 – Pearl River Plumbing d/b/a Bertussi's  
12-39 – Vito's Plumbing & Heating, Inc., d/b/a Mr. Plumber
10. Waiving the Notice Requirement in §64 of the New York State ABC Law with Respect to a Liquor License for City Line Family Restaurant (Main Street, New City)
11. Authorizing the Supervisor to enter into the following Agreements:
  - a) H2M Group - Engineering Services concerning Improvements to Lake Nanuet Pool Complex Drainage System.
  - b) Partners in Safety, Inc. – Drug and Alcohol Testing Program.

**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,

"AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO NEIGHBORHOOD SHOPPING"

was introduced by Councilperson Hoehmann, at a Town Board meeting held on November 8, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 8, 2012, directed that a public hearing be held on December 11, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 11, 2012, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on December 4, 2012, and

WHEREAS, by resolution adopted September 4, 2012, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, 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 November 29, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by Jose Simoes, Principal Planner for the Town of Clarkstown, as agent for the Town Board, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Planning Department provided their written report on October 16, 2012 recommending the following modifications:

1. Re-lettering of the subsections under Section 290-6.
2. Revision of the LEED certification levels in Section 290-7.4.D.1.ii. to reflect the correct terminology for green building standards.
3. Under Section 290-7.4.G.(1)i., if the site is located on a State or County road, then appropriate highway agency must review and approve the location of the proposed shelter to ensure safety issues are addressed, and Rockland County Department of Public Transportation should also review the proposed shelter to ensure the location is suitable for embarking and disembarking from the bus, safe for the bus to pull over and stop, is handicapped accessible and connects to a sidewalk, and

WHEREAS, Jose Simoes, Town Planner, by memo dated December 5, 2012, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and

the Comprehensive Plan in that it encouraged creating commercial and mixed-use developments that compliment their surrounding neighborhoods, and

WHEREAS, by resolution dated November 14, 2012, the Town of Clarkstown Planning Board recommended in favor of the proposed local law subject to the Town Board requesting that NYSDOT consider reducing the speed limit on Route 304 in the vicinity of Germonds Road, and modification of the proposed local law to eliminate the option of the special permit for mixed use on Route 304, and

WHEREAS, the proposed local law has been revised to address the Clarkstown Planning Board's concerns and the Rockland County Planning Department's modifications;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Planner, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is an unlisted action under SEQRA, and (2) the proposed action shall not have any significant impact on the environment, and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

FURTHER RESOLVED, that the Town Board hereby directs the Planning Board to request that the NYSDOT consider reducing the speed limit on Route 304 in the vicinity of Germonds Road, and be it

FURTHER RESOLVED, that Local Law No. - 2012 entitled:

"AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO NEIGHBORHOOD SHOPPING"

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 was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Dated: December 11, 2012

TB 12-11 TA RES Adopt LL-Amend Chap 290 Neighborhood Shopping-pm

A handwritten signature in cursive script, appearing to read "A. J. Gromack", is located in the lower right quadrant of the page.



RESOLVED, that the Town Board Minutes of November 8, 2012 and November 20, 2012 are hereby accepted, as submitted by the Town Clerk.

DATED: December 11, 2012

RESOLVED, that in accordance with Article XVIII,  
Section 3 (k) of the Labor Agreement between the Town of  
Clarkstown and the Clarkstown Unit of the C.S.E.A., Joseph  
Berry, 82 Massachusetts Avenue, Congers, New York - Motor  
Equipment Operator II - Highway Department - is hereby  
granted an extended Sick Leave of Absence - at one-half  
pay - effective and retroactive to December 8, 2012 thru  
January 9, 2013

DATED: December 11, 2012  
P

RESOLVED, that Laura A. Gilroy. 40 Pine Street,  
New City, New York - is hereby appointed to the (promotional)  
(provisional) position of Principal Account Clerk - Office  
of the Town Comptroller - at the current 2012 annual salary of  
\$45,955., - effective and retroactive to December 10, 2012.

DATED: December 11, 2012

P

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

BID#43-2012 – WORK CLOTHING

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

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

DATE: December 11, 2012

*awm*

RESOLUTION AUTHORIZING THE SUPERVISOR AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING STOP-DWI FUNDS FOR THE NOVEMBER 21, 2012 SOBRIETY CHECKPOINT

WHEREAS, the County of Rockland has appropriated funds for the STOP-DWI Program, and

WHEREAS, the Town of Clarkstown has been notified by letter dated November 16, 2012, that funds have been reserved for the Town of Clarkstown's sobriety checkpoint held on November 21, 2012 in the amount of \$1,000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement, dated November 16, 2012, with the County of Rockland for the STOP-DWI Program, to accept funds in the amount of \$1,000 for the November 21, 2012 sobriety checkpoint, subject to the conditions stated in the agreement.

Dated: December 11, 2012

TB 12-11 TA RES STOP-DWI Funds-11-21-12-pm

*awm*

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF  
MAINTENANCE AGREEMENT REGARDING  
ROCKLAND MHA HOLDING SITE PLAN (52.19-2-15)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Rockland MHA Holding, Inc. site plan (52.19-2-15), Rockland MHA Holding, Inc. has provided a stormwater control facility maintenance agreement to the Town, and

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from Rockland MHA Holding, Inc. in connection with the Rockland MHA Holding, Inc. site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: December 11, 2012

TB 12-11 TA RES Rockland MHA Stormwater Agree-pm

*awm*

RESOLUTION EXTENDING AGREEMENT WITH H2M GROUP TO PROVIDE ENGINEERING SERVICES CONCERNING THE CLARKSTOWN TRANSFER STATION

WHEREAS, as part of the sale of the Clarkstown Transfer Facility to the Rockland County Solid Waste Management Authority, a Host Community Agreement was negotiated and one of the provisions allowed the Town to conduct an oversight program of the RCSWMA operation for a period of seven (7) years and

WHEREAS, by Resolution Nos. 634-2009, 655-2010 and 676-2011 the Town Board authorized H2M Group to perform said services for the years 2010, 2011, and 2012, and

WHEREAS, H2M has submitted a proposal, dated December 3, 2012, to continue to perform oversight services at the three facilities for the year 2013, and

WHEREAS, the Director of the Department of Environmental Control has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an extension agreement with H2M, in a form approved by the Town Attorney, to perform professional engineering services regarding the oversight program of the RCSWMA operation at three facilities for the year 2013, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed \$70,000.00 for the year 2013, and shall constitute a proper charge to Account No. SR 8160-409-0, and be it

FURTHER RESOLVED, that pursuant to the Host Community Agreement, the Rockland County Solid Waste Management Authority shall reimburse the Town of Clarkstown for H2M's services.

Dated: December 11, 2012

*awm*

RESOLUTION OBTAINING INSURANCE COVERAGE FROM  
CLG INSURANCE

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to purchase through CLG Insurance, insurance coverage including Commercial General and Automobile Liability, Excess Liability, Property, and Excess Workers Compensation, for a period of one year, commencing on January 1, 2013 and expiring December 31, 2013, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$1,280,000 and be it

FURTHER RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to enter into a claims-administration agreement with PMA Management Corporation, for a period of one year, commencing on January 1, 2013 and expiring December 31, 2013, and be it

FURTHER RESOLVED, that the cost of said agreement shall not exceed \$80,000.

Dated: December 11, 2012





**RESOLUTION AWARDING WORK FOR  
RESETTING AND INSTALLATION OF RIP-RAP - LAKE LUCILLE DAM  
NEW CITY**

WHEREAS, due to extreme run-of over the constructed embankment, the rip-rap bank stabilization at the Lake Lucille Dam has been eroded, and

WHEREAS, the staff of the Department of Environmental Control have inspected the existing condition and determined that the rip-rap must be reset and supplemented, and a curb be installed to direct run-off into the street catch basins, and

WHEREAS, proposals were solicited from four Contractors to perform the necessary work, and

WHEREAS, three Contractors responded with proposals to perform said work, and

WHEREAS, the lowest qualified proposal was received from Pinebrook Industries, in the amount of \$8,500.00 for base work and \$1,500 for added alternate work, for a total price of \$10,000.00;

NOW THEREFORE, BE IT RESOLVED that RESETTING AND INSTALLATION OF RIP-RAP -LAKE LUCILLE DAM is hereby awarded to:

***Pinebrook Industries  
49 Rolling Ridge Road  
New City, New York 10956***

for the proposed cost of **\$10,000.00**, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8765-409-0-88-26, and

BE IT FURTHER RESOLVED that this work and amount are a proper charge to the Lake Lucille Aquatic Improvement District, and shall be apportioned among the benefitted properties of that District.

Dated: December 11, 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:

Pearl River Plumbing d/b/a/ Bertussi's  
60-70 Dexter Plaza  
Pearl River, New York 10965  
Louis Bertussi, Vice President

Vito's Plumbing & Heating, Inc. d/b/a Mr. Plumber  
39 South Main Street  
New City, New York 10956  
Vito Martorana, President

NOW, THEREFORE, be it

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

12-38 PEARL RIVER PLUMBING d/b/a BERTUSSI'S  
12-39 VITO'S PLUMBING & HEATING INC. d/b/a MR. PLUMBER

DATED: December 11, 2012

TB 12-11-12 TA RES Certificate of Registration Sewers-sk

*awm*

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64  
OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A  
LIQUOR LICENSE FOR CITY LINE FAMILY RESTAURANT  
(MAIN STREET, NEW CITY)

WHEREAS, John F. Gillespie, President of jfg &  
associates, Inc., has advised the Town by letter dated  
December 4, 2012, pursuant to Section 64-2(a) of the  
Alcoholic Beverage Control Law, that City Line Family  
Restaurant has applied for an on-premises liquor license at  
254 S. Main Street, New City, New York, and

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

WHEREAS, the Town Board does not intend to comment  
upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty  
day notice requirement contained in Section 64 of the  
Alcoholic Beverage Control Law, and states that it does not  
intend to offer any comments regarding the application of  
City Line Family Restaurant for a license at premises  
located at 254 S. Main Street, New City, New York.

Dated: December 11, 2012

*awm*

11A

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR  
ENGINEERING SERVICES CONCERNING IMPROVEMENTS TO LAKE NANUET POOL  
COMPLEX DRAINAGE SYSTEM

WHEREAS, by Resolution No. 198-2011, the Town Board authorized an agreement with H2M Group to investigate the periodic flooding which occurred into the vicinity of the Lake Nanuet Pool Complex by evaluating the drainage system along Lake Nanuet Drive and the State Route 304, and

WHEREAS, H2M discovered that the existing drainage pipe was undersized and a major contributor to flooding of the pool and recommended replacing the existing pipe with a larger capacity box culvert, and

WHEREAS, by Resolution No. 589-2011, the Town Board authorized the Supervisor to enter into an agreement with H2M Group to provide engineering services in connection with the replacement of the piping system in the vicinity of the Lake Nanuet Pool Complex for a fee not to exceed \$49,500.00, and

WHEREAS, during the construction of the new culvert under Lake Nanuet Drive, H2M Group encountered several unanticipated issues that impacted the project schedule and resulted in additional construction observation and management time, and

WHEREAS, H2M Group has submitted a proposal, dated November 6, 2012, to provide additional necessary construction observation and administration services,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the agreement with H2M to increase the construction administrations/observation budget as per the proposal, and be it

FURTHER RESOLVED, that the fee for these additional services shall not exceed the sum of \$9,000, and shall constitute a proper charge to Account No. H-8759-409-0-83-27.

Dated: December 11, 2012

TB 12-11-12 TA RES H2M additional services Lake Nanuet Drainage-kh

*awm*

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN  
AGREEMENT WITH PARTNERS IN SAFETY, INC.  
CONCERNING THE DRUG AND ALCOHOL TESTING PROGRAM

WHEREAS, PARTNERS IN SAFETY, INC. has submitted a proposal for the renewal of an agreement with the Town of Clarkstown, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and

WHEREAS, John W. Coyle, Safety Manager, has recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form satisfactory to the Town Attorney, with Partners in Safety, Inc., 800 Route 17M, Middletown, New York, for the period commencing January 1, 2013 and terminating on December 31, 2013, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional and other liability insurance coverage, as required by the Town Attorney, and be it

FURTHER RESOLVED, that the fee for the year 2013, for such services, shall be \$3,798.50, with additional hourly fees in accordance with said proposal dated November 2012, which fees shall be charged to Account No. A 9000-409.

Dated: December 11, 2012

