

**TOWN OF CLARKSTOWN**  
**TOWN BOARD MEETING**  
**March 3, 2015 – 8:00 pm**  
Town Hall Auditorium  
**AGENDA**  
(Tentative)

**SALUTE TO THE FLAG**

**CLERK CALLS THE ROLL**

**SPECIAL PRESENTATION:**

- Clarkstown Youth Court

**PUBLIC HEARINGS:**

- *Continuation:* Proposed Local Law entitled: “A Local Law Amending the Zoning Map of the Town of Clarkstown, Nanuet Hamlet Commercial Zone”
- 2015 Community Development Block Grant Funds

**PUBLIC COMMENTS REGARDING AGENDA ITEMS:**

(Limited to 3 minutes per person)

**RESOLUTIONS:**

1. Approving Town Board Minutes of February 3, 2015 as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes:
  - a) Appointment: Aaron Izquierdo, Senior Groundswoker, Parks & Recreation Department.
  - b) Appointment: Rabbi Jill Hackell, Member, Board of Ethics.
  - c) Re-Appointment: Rudolph Yacyshyn, Vice-President, Planning Board.
  - d) Appointment: Paul P. Greenblath, Crossing Guard, Police Department.
3. Awarding the following Bids:
  - Bid #4-2015 – Athletic Field and Turf Maintenance
  - Bid #12-2015 – Weed Control Spraying
4. Accepting Proposal of CLG Insurance with Respect to Insurance Coverage of the Mini-Trans Bus System of the Town of Clarkstown.
5. Accepting Proposal for Engineering Services for Engineering Assessment of the Lake Lucille Dam, New City.
6. Authorizing Refund of Building Permit Fee to RO-DYL Realty, LLC for Property known as Tax Map No. 44.15-3-10

7. Authorizing Acceptance of Deed for Road Widening regarding Shields Property Subdivision (Tax Map 64.18-3-2)
8. Authorizing Change Order #1, Contract-G, General Construction, Bid #15-2014G, CLKT 13-06, Pump Station Upgrade Project, Road Pump Station, Forest Brook Road Pump Station and Route 9W Congers Pump Station.
9. Authorizing Settlement of a Tax Certiorari regarding TMCD Realty Corp. (Tax Map No: 51.11-4-73).
10. Authorizing Special Counsel to Appeal to the Appellate Division Regarding Ballard --v- Town of Clarkstown.
11. Authorizing Release of Escrow Funds for Stormwater Control Facility Maintenance Agreement (Eden Park Homes Subdivision – 64.07-1-8)
12. Authorizing Installation of Street Lighting:  
Pole #59217/42180 located between house #22 & 28 Joyce Drive, New City

**ADDITIONAL TENTATIVE RESOLUTIONS:**

**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, Click on Legal Matters\*\*\***

1

RESOLVED, that the Town Board Minutes of February 3, 2015, are hereby  
accepted, as submitted by the Town Clerk.

DATED: March 3, 2015

2A

RESOLVED, that Aaron Izquierdo, 16 New York Avenue,  
Congers, New York - is hereby appointed to the (perm) position  
of Senior Groundswoker - Parks and Recreation Department -  
at the 2015 annual salary of \$44,735., effective March 03,  
2015.

DATED: March 3, 2015

P

2B

RESOLVED, that the appointment of Rabbi Jill Hackell,  
33 Brookline Way, New City, New York - Member - Board of  
Ethics - at the annual salary of \$2,270. - is hereby  
accepted effective March 3, 2015.

DATED: March 3, 2015  
P

20

RESOLVED, that Rudolph Yacyshyn, 48 Washington Circle,  
New City, New York - is hereby reappointed to the position  
of Vice Chairman - Planning Board - term effective and  
retroactive to January 15, 2015 and to expire on January 15,  
2016 - at the current 2015 annual salary of \$3,570.

DATED: March 3, 2015

P

20

**RESOLVED, that Paul P. Greenblath, 56 Newport Drive, Nanuet,  
New York – is hereby appointed to the position of Crossing Guard  
(substitute) - Police Department - at the 2015 rate of \$19.81 per crossing  
effective March 3, 2015.**

**DATED: March 3, 2015**

**P**

3A

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Recreation and Parks that

BID# 4-2015 – ATHLETIC FIELD AND TURF MAINTENANCE

is hereby awarded to: FIELD PRO ENTERPRISES, LLC  
17 WHITMAN PLACE  
MONROE, NY 10950  
PRINCIPAL: NATALE NUOVO JR.

as per their proposed total cost of \$33,875.00

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

DATED: March 3, 2015

*awm*

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID # 12-2015 - WEED CONTROL SPRAYING

is hereby awarded to: MAJESTIC LAWN & LANDSCAPE, INC.  
424 BUENA VISTA ROAD  
NEW CITY, NY 10956  
PRINCIPAL: JOSEPH HOLLAND III, PRESIDENT

as per their proposed project cost of \$50,000.00 and be it

FURTHER RESOLVED, that the Town shall have the option to extend the agreement an additional three years and be it

FURTHER RESOLVED, that changes in contract prices from 2016 through 2018 shall be based on the Consumer Price Index (CPI) 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 be under the supervision of the Public Works Administrator.

DATED: MARCH 3, 2015

*awm*

RESOLUTION ACCEPTING PROPOSAL OF CLG INSURANCE WITH RESPECT  
TO INSURANCE COVERAGE OF THE MINI-TRANS BUS SYSTEM OF THE  
TOWN OF CLARKSTOWN

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 for the Mini-Trans bus system of the Town of Clarkstown, including Automobile Liability, Automobile Physical Damage Coverage, and Automobile Excess Liability Coverage, for a period of one year, commencing March 14, 2015 and expiring March 14, 2016, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$105,127 to be charged to Account No. CS 1910-420.

Dated: March 3, 2015

*awm*

**RESOLUTION ACCEPTING PROPOSAL FOR ENGINEERING SERVICES  
FOR ENGINEERING ASSESSMENT OF THE  
LAKE LUCILLE DAM, NEW CITY**

WHEREAS, the Town holds an easement over the Lake Lucille Dam per the requirements of the grant for reconstruction of the Dam, and

WHEREAS, the revisions to 6 NYCRR Part 673.13 require the preparation of an Engineering Assessment by a Professional Engineer every ten years, and

WHEREAS, said Engineering Assessment was due to be performed in 2014, and

WHEREAS, Brooker Engineering PLLC prepared the original analysis and design of the improvements to the Dam which were constructed in 2000, and

WHEREAS, Brooker Engineering PLLC has submitted a proposal dated February 6, 2015 to perform said Engineering Assessment in the amount of \$25,000.00, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control finds the proposal acceptable in terms of scope and price and recommends acceptance of said proposal;

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Brooker Engineering PLLC, in a form satisfactory to the Town Attorney, to provide the engineering services to prepare and submit an Engineering Assessment to the NYS DEC Dam Safety Section in an amount not to exceed \$25,000.00 effective and retroactive to February 23, 2015, and

BE IT FURTHER RESOLVED that the fees authorized above shall be charged to Account No. H 8765-409-0-88-26, and

BE IT FURTHER RESOLVED that the fees authorized above shall be a proper charge to the Lake Lucille Aquatic Improvement District.

Dated: March 3, 2015



RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT  
FEE TO RO-DYL REALTY LLC FOR PROPERTY KNOWN  
AS TAX MAP NO. 44.15-3-10

WHEREAS, Edward Bertolino of RO-DYL Realty LLC has requested a refund of ZBA Permit Fee (No. 14-3950) paid in the amount of \$400.00 for property located at 44-46 Lake Road, Congers, New York, more particularly described as Tax Map No. 44.15-3-10, and

WHEREAS, the Building Inspector has advised that the ZBA permit application was submitted in error and recommends a full refund of \$400.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$400.00 to RO-DYL Realty LLC to be charged to Account No. B 02-6-2555-0.

Dated: March 3, 2015

TB 03-03 TA RES RO-DYL Refund Fee-pm

*awm*

RESOLUTION AUTHORIZING ACCEPTANCE OF DEED FOR ROAD WIDENING  
REGARDING SHIELDS PROPERTY SUBDIVISION  
(TAX MAP 64.18-3-2)

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 Shields Property subdivision (tax map 64.18-3-2), Cherry Valley Builders, Inc. has provided a deed for road widening to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyance, subject to review and approval of the Department of Environmental Control and the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the First Deputy Director of the Department of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts the deed for road widening from Cherry Valley Builders, Inc. in connection with the Shields Property subdivision, subject to review and approval of the Department of Environmental Control and the Town Attorney, and orders it recorded in the Rockland County Clerk's Office at the expense of the applicant.

Dated: March 3, 2015

TB 03-03 TA RES Shields Subd Deed-pm

*awm*

**RESOLUTION AUTHORIZING CHANGE ORDER #1, CONTRACT-G, GENERAL CONSTRUCTION, BID #15-2014G, CLKT 13-06, PUMP STATION UPGRADE PROJECT, LAUREL ROAD PUMP STATION, FOREST BROOK ROAD PUMP STATION AND RT. 9W CONGERS PUMP STATION**

**WHEREAS**, the Town's Engineering Consultant, H2M Engineers and Architects, 538 Broad Hollow Road, 4<sup>th</sup> Floor, East Melville, New York 11747 has performed a re-evaluation of the pump requirements for the Rt. 9W Congers Pump Station, and

**WHEREAS**, their re-evaluation has determined that the pump motors should be changed to a variable speed drive (VFD) motor to provide for additional flow capabilities, and

**WHEREAS**, the Contractor for the project, Fred Devens Construction, 403 Stonetown Road, Ringwood, New Jersey 07456 has submitted a proposal for the additional cost associated with the change in the pump motors, and

**WHEREAS**, the Town's Consultant has reviewed the proposal for the change in motors and finds it to be acceptable in terms of scope and price, and

**WHEREAS**, the additional cost for the change in motors is \$15,654.95;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Change Order #1, Contract – G, General Construction for Bid#15-2014, CLKT 13-06 is hereby approved for the additional cost of \$15,654.95, and

**BE IT FURTHER RESOLVED**, that the total cost for Contract G, General Construction shall not exceed \$1,250,654.95, and

**BE IT FURTHER RESOLVED**, that the cost for the project is being reimbursed by the Rockland County Sewer District #1.

Dated: March 3, 2015

*awm*

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI  
REGARDING TMCD REALTY CORP  
TAX MAP NO.: 51.11-4-73**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, TMCD Realty Corp. v. the Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 4979/11, 033544/12, 033420/13 and 032897/14, affecting parcel designated as Tax Map No. 51.11-4-73 and more commonly known as 490 Route 304, New City, New York for the year(s) 2011/12, 2012/13, 2013/14 and 2014/15, and

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

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

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 No. 51.11-4-73 be reduced for the year(s) 2011/12 from \$414,400 to \$275,800 at a cost to the Town of \$3,410.15;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 51.11-4-73 be reduced for the year(s) 2012/13 from \$414,400 to \$277,900 at a cost to the Town of \$3,581.72;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 51.11-4-73 be reduced for the year(s) 2013/14 from \$414,400 to \$280,500 at a cost to the Town of \$4,097.01;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 51.11-4-73 be reduced for the year(s) 2014/15 from \$414,400 to \$272,000 at a cost to the Town of \$4,499.60;

5. Reimbursement for the year(s) 2011/12, 2012/13, 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 51.11-4-73, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

Dated: March 3, 2015

TB 03-03-15 TA RES TMCD Realty Corp. Settlement-dt

*awm*

RESOLUTION AUTHORIZING SPECIAL COUNSEL TO APPEAL TO THE APPELLATE DIVISION REGARDING BALLARD V. TOWN OF CLARKSTOWN

WHEREAS, the Town Board wishes to appeal to the Appellate Division from an Order of the Supreme Court, Rockland County in an action entitled "Wayne Ballard v. Town of Clarkstown", Index No. 2224/12, and

WHEREAS, the Town Attorney will review a proposal from the law office of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, as Special Counsel to the Town Board, to appeal said matter to the Appellate Division;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, in a form approved by the Town Attorney, to appeal to the Appellate Division from the Decision of the lower Court, and be it

FURTHER RESOLVED, the fee shall not exceed \$30,000 without further authorization from the Town Board and shall constitute a proper charge to Account No. A-1420-409.

Dated: March 3, 2015

TB 03-03 TA RES Wilson Elser-Supts Appeal-pm



RESOLUTION AUTHORIZING RELEASE OF ESCROW FUNDS FOR  
STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT  
(EDEN PARK HOMES SUBDIVISION – 64.07-1-8)

WHEREAS, Eden Park Homes, LLC provided escrow in the amount of \$26,760 as security for a Stormwater Control Facility Maintenance Agreement, dated January 20, 2010, which escrow was subsequently reduced to \$2,500 by Resolution No. 496-2013 adopted on December 19, 2013, in connection with the Eden Park Homes Subdivision (64.07-1-8), and

WHEREAS, the First Deputy Director of the Department of Environmental Control has advised that pursuant to the agreement, the five (5) year maintenance period has expired and the escrow funds are no longer required;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the First Deputy Director of the Department of Environmental Control, the escrow funds in the amount of \$2,500.00 being held as security for the Stormwater Control Facility Maintenance Agreement may now be released.

Dated: March 3, 2015

TB 03-03 TA RES Release Escrow-Eden Pk Stormwater-pm

**WHEREAS**, a resident of Joyce Drive, New City, NY 10956 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 #59217/42180;

**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:

1. Pole #59217/42180 located between house #22 & #28 Joyce Drive, New City.  
Install one (1) each - 5,800 lumen 70 watt sodium vapor street light on Pole 59217/42180.

**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 \$14.56 per month for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

Dated: March 03, 2015