

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING
November 17, 2015, 7:00 pm
Town Hall Auditorium
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC HEARINGS:

Designating Cropsey House and Barn as a Historical Site.

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Adopting the 2016 Budget for the Town of Clarkstown.
2. Authorizing the Supervisor to Enter into an Agreement with Rev. David Lothrop to Serve as Police Chaplain.
3. Accepting Easement for Installation and Maintenance of Sewer & Utility Lines in the Vicinity of Landmark Drive, Congers, NY (Tax Map 35.14-1-42.4 & 42.5)
4. Authorizing the Supervisor to Enter into an Agreement with Environmental Systems Research Institute, Inc.

ADDITIONAL RESOLUTIONS:

5. Authorizing the following Personnel Changes:
 - a) Resignation (Retirement): Ralph Lauria, Environmental Control Supervisor (Operations)
Dept. of Environmental Control
 - b) Appointment: Samantha Fisher, Clerk (P/T), Parks & Recreation
6. Authorizing additional work at Traphagen House (131 Germonds Road, W. Nyack)
7. Authorizing Amending Budget
8. Authorizing Amending *Highway Department* Budget
9. Granting Permission to the Highway Superintendent-Elect to Meet with Employees during Work Hours.
10. Authorizing Settlement of Tax Certiorari regarding Rt. 9W Ltd. (Tax Map 44.12/2/40)
11. Authorizing Change Order – Pump Station Upgrade Project – Laurel/Route 9W/Forest Brook

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 and Click on "Legal Matters~

(1)

RESOLUTION ADOPTING THE 2016 BUDGET
FOR THE TOWN OF CLARKSTOWN

WHEREAS, a public hearing, pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 2016, was duly scheduled and noticed for November 4, 2015 at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and determined to continue said public hearing on November 17, 2015, and

WHEREAS, the continuation of the public hearing was duly noticed and held on November 17, 2015 and the Town Board heard all persons desiring to be heard;

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, as adjusted, a copy of which is attached hereto, be and is hereby adopted as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1st day of January, 2016, and that such Budget, as so adopted, be entered in detail in the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2, and Section 231, Subd. 2 of the Town Law, and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County, pursuant to Section 115 of the Town Law and other applicable sections of the Town Law.

Dated: November 17, 2015

TB 11-17 TA RES Adopt Town Budget-2016-pm

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH REV. DAVID LOTHROP TO SERVE AS POLICE CHAPLAIN

WHEREAS, Chief of Police Michael Sullivan has recommended renewing an agreement with Rev. David Lothrop, to provide services to the Clarkstown Police Department as Police Chaplain for the calendar year 2016;

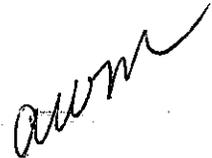
NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Rev. David Lothrop, in a form satisfactory to the Town Attorney, for the period January 1, 2016 to December 31, 2016, and be it

FURTHER RESOLVED, that compensation for said services shall be \$15,000 per year, and compensation for mileage at the approved rate for the calendar year 2016, all of which shall be charged to Account No. A 3120-409.

Dated: November 17, 2015

TB 11-17-15 TA RES Police-Rev. Lothrop--kh

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

RESOLUTION ACCEPTING EASEMENT FOR INSTALLATION AND MAINTENANCE OF SEWER AND UTILITY LINES IN THE VICINITY OF LANDMARK DRIVE, CONGERS, NEW YORK (TAX MAP 35.14-1-42.4 & 42.5)

WHEREAS, the Department of Environmental Control is performing installation and maintenance of sewer and utility lines under property owned by Long Clove Business Park Corp. located in the vicinity of Landmark Drive, Congers New York (Tax Map 35.14-1-42.4 & 42.5), and

WHEREAS, the Department of Environmental Control recommends acquiring an easement from Long Clove Business Park Corp. in a form approved by the First Deputy Director of the Department of Environmental Control and the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts an easement for installation of sewer and utility lines, subject to review and approval by the First Deputy Director of the Department of Environmental Control and the Town Attorney, from Long Clove Business Park Corp. and orders said easement to be recorded in the Rockland County Clerk's Office at the expense of the Town.

Dated: November 17, 2015

TB 11-17 TA RES Long Clove Easement-Landmark Dr-pm

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

WHEREAS, Environmental Systems Research Institute, Inc. (ESRI) has submitted a proposal dated November 5, 2015 to provide the Town with GIS software, support and training, and

WHEREAS, Jose Simoes, Principal Planner, and William Withington, GIS Coordinator, have reviewed the proposal and find it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Environmental Systems Research Institute, Inc., in a form satisfactory to the Town Attorney, to provide the Town with GIS software, support and training for the period January 9, 2016 through January 8, 2018, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed the total amount of \$150,000 for the three years, as authorized by the Principal Planner, which fee shall be charged to Account No. B 8020-226-0.

Dated: November 17, 2015

awm

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WHEREAS, Jose Simoes, Principal Planner, and William Withington, GIS Coordinator, have reviewed the proposal and find it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Environmental Systems Research Institute, Inc., in a form satisfactory to the Town Attorney, to provide the Town with GIS software, support and training for the period January 9, 2016 through January 8, 2018, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed the total amount of \$150,000 for the three years, as authorized by the Principal Planner, which fee shall be charged to Account No. B 8020-226-0.

Dated: November 17, 2015

awm

5A

RESOLVED, that the resignation (by retirement)
of Ralph Lauria, 3390 Fountainhead Ave., The Villages,
Florida, - Environmental Control Supervisor (Operations)
- Department of Environmental Control - is hereby accepted
effective and retroactive to August 29, 2015.

DATED: November 17, 2015
P

5B

RESOLVED, that Samantha Fisher, 55 Goebel Road,
New City, New York - is hereby appointed to the position
of Clerk (P/T) - Parks and Recreation - at the 2015 salary
\$19.81 per hour - effective and retroactive to November 12, 2015.

DATED: November 17, 2015

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RESOLUTION AUTHORIZING ADDITIONAL WORK AT
TRAPHAGEN HOUSE (131 GERMONDS ROAD, WEST NYACK)

WHEREAS, by resolution adopted by the Town Board on December 18, 2014, the Town Board appropriated \$20,000.00 to make certain improvements to the Traphagen House, 131 Germonds Road, West Nyack, which is owned by the Town of Clarkstown, and

WHEREAS, additional work is required in the house and asbestos removal and clean-up work in the basement needs to be done, and

WHEREAS, the Town Attorney has solicited proposals to perform the asbestos removal and clean-up work, and

WHEREAS, ASAP Project Coordinators, Inc. submitted a proposal in the amount of \$15,300.00, plus \$1,200.00 in the event the NYS Department of Labor approves an emergency clean-up, and

WHEREAS, the proposal has been reviewed by the Town Attorney, who has deemed it acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the additional required work and the asbestos removal and clean-up work be performed at 131 Germonds Road, West Nyack in an amount not to exceed \$25,000.00, and be it

FURTHER RESOLVED, that said amount shall be a proper charge to Account No.

H 8768-409-0-91-10.

Dated: November 17, 2015

TB 11-17 TA RES Asbestos Removal-Addtl Work131 Germonds Rd-pm

awm

RESOLUTION AUTHORIZING AMENDING BUDGET

WHEREAS, the Town has received \$244,370.08 from the Rockland County Sewer District #1,

NOW, THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Revenue) and Expense Account H-8760-409-0-84-9 (Capital-Sewer Pump Stations) by \$244,370.08.

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**RESOLUTION AUTHORIZING AMENDING
HIGHWAY DEPARTMENT BUDGET**

WHEREAS, various accounts in the Highway Department require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease DB-041-14-2999-0 (Highway-Unexpended Balances) by \$108,000 and increase Expense Accounts DB-5110-312-0 (Highway Dept-Auto Maintenance Supplies) by \$75,000 and DB-5110-447-0 (Highway Dept-Equipment Repairs) by \$33,000.

Dated November 17, 2015

L: TB 11-17 2015 COM RES Amending Highway Dept Budget

RESOLUTION GRANTING PERMISSION TO THE HIGHWAY SUPERINTENDENT-ELECT TO MEET WITH EMPLOYEES DURING WORK HOURS

WHEREAS, in an effort to facilitate a smooth transition, the Highway Superintendent-Elect, Frank DiZenzo, has requested permission to meet with office/administrative staff as well as HMS II and III personnel in the Highway Department for a minimal amount of time during regular work hours to familiarize himself with all the functions of the Highway Department, which would be beneficial to all the employees and residents of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Highway Superintendent-Elect Frank DiZenzo, office/administrative staff and HMS II and III personnel in the Highway Department to meet for a minimal amount of time during employees' regular work hours to allow him to familiarize himself with the Highway Department staff and functions and to facilitate a smooth transition in January.

Dated: November 17, 2015

TB 11-17 TA RES DiZenzo-Highway Dept-pm



**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING RT9W LTD.
TAX MAP NO.: 44.12/2/40**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, RT9W LTD. v. The Board of Assessors and/or The Assessor of The Town of Clarkstown and The Board of Assessment Review, Index No(s). 033673/2013, 033194/2014 and 033010/2015, affecting parcel designated as Tax Map No. 44.12/2/40 and more commonly known as 135 N. Route 9W, Congers, New York, for the year(s) 2013/14, 2014/15 and 2015/16, 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 Central 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. 44.12/2/40 be reduced for the year(s) 2013/14 from \$475,800 to \$418,700 at a cost to the Town of \$1,747.12;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 44.12/2/40 be reduced for the year(s) 2014/15 from \$475,800 to \$394,900 at a cost to the Town of \$2,556.30;

3. It is anticipated that for the year(s) 2015/16, the aforesaid adjustment will occur prior to January 2016 tax bills and no refund will be required;

4. Reimbursement for the year(s) 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 44.12/2/40, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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



Dated: November 17, 2015

TB 11-17-15 TA RES RT9W LTD. Settlement-dt

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**RESOLUTION AUTHORIZING CHANGE ORDER
PUMP STATION UPGRADE PROJECT
LAUREL / ROUTE 9W / FOREST BROOK
(BID NO. 15-2014)**

WHEREAS, by Resolution No. 346-2014, the Town Board awarded a contract to Fred Devins Construction, to construct improvements and new facilities at the Laurel Road, Route 9W and Forest Brook Sewer Pump stations, and

WHEREAS, during construction field conditions were found which required revisions to the designs and construction of portions of the contract work, and

WHEREAS, the Contractor has requested a change for additional work not included in the scope of work under the contract, and

WHEREAS, the project design Consultant has reviewed the requested change order for costs of additional work to date and has also reviewed potential additional work to properly complete the project and found the scope and terms acceptable;

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes Change Order #1 for additional work under the subject contract in the amount of \$185,629.85 and also authorizes an increase in the total contract amount from \$1,235,000.00 to \$1,420,629.85, and

BE IT FURTHER RESOLVED, that the cost for Change Order #1 shall be a proper charge to Account No. H 8760-409-0-84-9, and

BE IT FURTHER RESOLVED, that it is the intent of the Town Board that the cost of this additional work shall be reimbursed by the Rockland County Sewer District #1.

Dated: November 17, 2015

