

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

08/05/2014

8:00 pm

Present: Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli,
George Hoehmann & Stephanie Hausner
Amy Mele, Town Attorney
Justin Sweet, Town Clerk

Supervisor declared the Town Board meeting opened. Assemblage saluted the flag. The Town Clerk read the role.

On motion of Co. Hoehmann seconded by Co. Hausner the public hearing re: Proposed Local Law entitled: "'A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAXIMUM BUILDING HEIGHT FOR SENIOR HOUSING AND AAR ZONING DISTRICTS" was opened, time: 8:04 p.m., closed, 8:45 p.m.

Continuation: Proposed Local Law entitled: "AMENDMENT TO CHAPTER 243 (SIGNS) AND CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO COMMERCIAL OFFICE AND COMMERCIAL OFFICE SUPPORT", continued 8:45 p.m., closed 9:10 p.m.

On motion of Co. Lasker seconded by Co. Borelli, the public hearing re: APPLICATION OF ST. JOHN'S EPISCOPAL CHURCH FOR A SPECIAL PERMIT TO CONDUCT A CHILD DAY CARE was opened, time: 9:11, closed 9:25 p.m.

The Supervisor opened the meeting for public comment on the agenda items.

Tom Nimick, New City

Asked for clarification on Item 2p regarding a sick leave of absence for a Highway employee and Item 7, reporting resolution of elected and appointed officials.

Steven Levine, Congers

Asked for clarification on Item 12, public hearing for term limits and Items 10j, 3 and 21c regarding remediation on Massachusetts Avenue.

Marge Hook, New City

She stated Items 2r and 2s, regarding Board appointments should be pulled until attendance is reviewed. Regarding Item 8 she inquired as to where the Barry Subdivision was and inquired about the dog waste signs referred to in Item 7.

Lon Hofstein, New City

Spoke in favor of Item 12, term limits, and also of implementing a "two-hat" rule.

Matt Brennan, New City

Stated that term limits should be done on a State as opposed to a Town level and feels the "two-hat rule" should also be decided on a State level.

Frank Grandel, New City

Inquired as to the costs associated with Item 24, property purchases, and Item 4, appraisal for tax certiorari. He asked for clarification on Items 13 and 20, regarding the emergency storage facility and objected to the various board reappointments.

George Rumelt, New City

Regarding Item 12, he agrees with the idea of term limits.

Pat Godfrey, New City

Thanked the Board for putting forth Item 12, term limits.

Jim Flynn, Nanuet

Regarding Item 10j, asked who we are billing for all of the remediation on Massachusetts Avenue. He thanked the Board for Item 12, terms limits, and asked for clarification of Item 7, reporting resolution for elected officials.

Regarding Boards and Commissions, the Supervisor stated we will be having a workshop in September relating to a host of issues but irrespective of that, appointments can go forward. Regarding the sick leave resolution for a Highway employee, the Town Attorney stated that we have always done this for any employee at the Town Board level as a mechanism to insure that the comptroller has something to go by in order to pay them during the leave time; this is more of a CSEA contractual issue but a good point was raised and we will look into it to see if we should do these at the department level. Regarding attendance record of a ZBA member appointed tonight, Co. Hausner stated that the member had only missed 2 meetings in the last 2 years. The Supervisor stated that Mr. Sullivan will provide a report on attendance at the workshop. In reference to Items 3, 10j and 24 regarding costs of remediation on Massachusetts Avenue parcels, the Town Attorney stated that the Town already owns one of the parcels as the bank paid the Town to take it. Therefore we have \$50,000 dedicated to the cleanup; after it is cleaned up we can sell it. As far as the other parcel, any cleanup will be a lien on that property so we hope that at the end of the day we will be whole. She explained that Item 4 is due to the fact that when we cannot get a petitioner to settle we have to go out and get an appraisal if they go to trial. She explained that Item 7, the reporting resolution, is a State comptroller form that they require we fill out. As far as boards and commission members, they have an option to pay into the pension system; obviously they cannot claim full-time credit but some members chose to participate, some don't. The Barry Donohue subdivision, Item 8, is located on Ridge Road in Valley Cottage. Regarding Item 12, setting a public hearing for term limits, the Supervisor stated there can be more discussion on that in September. Co. Hoehmann stated he would like to have that resolution extended to all elected officials in the Town of Clarkstown and additionally would like to ensure that no future Town Board could easily repeal it; therefore, he suggested putting some type of appeal provision in that resolution. Regarding Items 13 and 20 having to do with the emergency storage facility, one is just an agreement for use of property at no cost to the Town and the other relates to an environmental review of the project. Regarding Item 17, dog waste signs, Joel Epstein explained that this is a grassy strip where residents have been complaining for some time about people's failure to pick up after their dogs; the sign costs are nominal as they are made in-house. Regarding Item 24, the purchase of two parcels in West Nyack, the Supervisor explained these were for the West Nyack Downtown Revitalization Project; the actual purchase price is lower than what was stated in the resolution.

RESOLUTION NO. (311-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAXIMUM BUILDING HEIGHT FOR SENIOR HOUSING AND AAR ZONING DISTRICTS"

RESOLUTION NO. (311-2014) continued

was introduced by Councilperson Hoehmann at a Town Board meeting held on June 10, 2014, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 10, 2014, directed that a public hearing be held on August 5, 2014, 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 August 5, 2014, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on July 29, 2014, and

WHEREAS, by resolution adopted June 10, 2014, 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 July 25, 2014, 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, which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Planning Department provided their written report on July 9, 2014 remanding the matter for local determination as the proposed local law will have no adverse impacts on any County-wide interests, and

WHEREAS, Jose Simoes, Town Planner, by memo dated July 28, 2014, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and the Town's Comprehensive Plan in that it will ensure that maximum permitted building heights are consistent with the maximum heights in the areas surrounding these developments. This amendment will safeguard the character of the community's neighborhoods by setting the maximum building height for these projects in residential districts and hamlet centers at 35', while establishing a maximum building height of 45' in commercial districts, and

WHEREAS, by resolution dated July 23, 2014, the Town of Clarkstown Planning Board recommended in favor of the proposed local law;

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 Local Law No. – 2014 entitled:
"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAXIMUM BUILDING HEIGHT FOR SENIOR HOUSING AND AAR ZONING DISTRICTS"

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:

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes
- *****

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

RESOLUTION NO. (312-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 243 (SIGNS) AND CHAPTER 290 (ZONING)
OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN
ZONING MAP WITH RESPECT TO COMMERCIAL OFFICE AND
COMMERCIAL OFFICE SUPPORT"

was introduced by Councilperson Hausner at a Town Board meeting held on February 4, 2014,
and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on
February 4, 2014, directed that a public hearing be held on May 6, 2014, 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
May 6, 2014 and said public hearing was continued on June 10, 2014 and again to August 5,
2014, and

WHEREAS, notice of said hearing and continuations were duly prepared and published
in the Journal News on April 28, 2014, June 2, 2014 and July 29, 2014, respectively, and

WHEREAS, by resolution adopted February 4, 2014, 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 July 25, 2014, 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,
which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Planning Department provided their written reports on
April 23, 2014, June 10, 2014, and July 21, 2014, which report was superseded by their July 23,
2014 report, recommending modifications to the proposed draft of the local law, which the Town
has addressed, and

WHEREAS, Jose Simoes, Town Planner, by memo dated July 29, 2014, found that the
proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and
the Town's Comprehensive Plan in that it provides for commercial office and commercial office
support to certain areas within the Town to allow for increased commercial development
flexibility within and around the Town's largest office and industrial parks, and limited retail
sales to support commercial mixed use in campus like settings, and

WHEREAS, by resolution dated July 23, 2014, the Town of Clarkstown Planning Board
recommended in favor of the proposed local law and further recommended, with the concurrence
of the Special Board, that the Town Board exercise its right to override two (2) of the Rockland
County Department of Planning's comments, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code
by a majority plus one vote of the Board in contravention of the recommendations of the
Rockland County Department of Planning, dated April 23, 2014, June 10, 2014 and July 21,
2014, superseded by their July 23, 2014 report, because the Town Board believes the majority of
the Rockland County Planning Department's recommendations were addressed and incorporated
in the current draft of the local law, except for the following comments:

The April 23, 2014 Comment #24 and June 10, 2014 Comment #2: The County
recommended that the Town make the zoning line comport with the property
boundaries, as is the usual case; and

WHEREAS, the Town Planning Department recommended override of this
comment based on the following reasoning: although the zoning district boundary does not
coincide with the property line for parcel 52.19-1-2, the property in question at the end of
Green Avenue would be more appropriately developed for residential use or act as a buffer
to the proposed Commercial Office uses to the north, rather than allowing the intrusion of
Commercial Office uses into a residential area;

RESOLUTION NO. (312-2014) continued

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 a Type I action under SEQRA, and (2) the proposed action shall not have the potential to adversely affect 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 a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

FURTHER RESOLVED, that Local Law No. – 2014 entitled:
"AMENDMENT TO CHAPTER 243 (SIGNS) AND CHAPTER 290 (ZONING)
OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN
ZONING MAP WITH RESPECT TO COMMERCIAL OFFICE AND
COMMERCIAL OFFICE SUPPORT"

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:

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

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

RESOLUTION NO. (313-2014)
Co. Lasker offered and Co Borelli seconded

WHEREAS, St. John’s Episcopal Church, by Gary McCorry, Senior Warden of the Church, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17Z of the Zoning Local Law, to conduct a Child Day Care Center on a portion of premises known as Tax Map 52.13-1-33, for property located at 365 Strawtown Road, New City, New York, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on August 5, 2014 at 8:00 P.M., or as soon thereafter as possible, to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Principal Town Planner, Jose Simoes, which states that there appears to be no physical alterations proposed for the site and that the project is an unlisted action that does not present the potential for significant environmental impact, and

WHEREAS, the Town Board has discussed and considered Mr. Simoes’ report in making its decision herein, and

WHEREAS, the Rockland County Planning Department recommended approval with certain modifications by letter dated July 1, 2014, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated July 1,2014, recommended approval of the proposed special permit, which the Board has considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes dated July 28, 2014, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit for St. John’s Episcopal Church shall not have any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

RESOLUTION NO. (313-2014) continued

FURTHER RESOLVED, that the Planning Board Resolution dated April 9, 2014, as amended by Planning Board Resolution dated June 25, 2014, concurs with the Rockland County Planning Board’s modifications #1, #3 & #4 and the Town Board hereby directs that said modifications be incorporated into the applicant’s final site plan approval. The Rockland County Planning Board’s modification #2 was a typographical error which has been clarified and corrected by the applicant, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

- 1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
- 2. Will not cause undue traffic congestion or create a traffic hazard;
- 3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses expressly permitted as of right in the same district;
- 4. Will not adversely affect the character of/or property values in the area;
- 5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town; and
- 6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a Child Day Care Center on the above described property owned by St. John’s Episcopal Church is hereby GRANTED to the petitioner subject to the following conditions:

- 1. Petitioner must comply with Section 290-11(C) and Section 290-17(Z) of the Zoning Ordinance of the Town of Clarkstown;
- 2. The approval is further subject to final site plan approval by the Town of Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (314-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the Town Board Minutes of July 2, 2014 are hereby accepted, as submitted by the Town Clerk.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (315-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation of Catherine Nowicki, 149 North Middletown Road, Nanuet, New York – Economic Development Specialist (PT) – Department of Economic Development – is hereby accepted effective and retroactive to July 31, 2014.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (316-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Raymond McIvor, 4 Conrad Court, Montvale, New Jersey – Senior Groundswoker – Parks & Recreation – is hereby accepted effective and retroactive to July 28, 2014.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (317-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Robert Lynn, 8 Barry Court, Valley Cottage, New York, – Police Officer – Police Department – is hereby accepted effective and retroactive to August 02, 2014.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (318-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Christopher Goodyear, 19 Strawtown Road, West Nyack, New York – Police Sergeant – Police Department – is hereby accepted effective and retroactive to July 05, 2014.

RESOLUTION NO. (318-2014) continued

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (319-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Lorraine McGrath, 13 Catawba Drive, West Nyack, New York, – Police Officer (Det) – Police Department – is hereby accepted effective and retroactive to July 05, 2014.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (320-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation of Rabbi Jeffrey Abraham, 308 Front Street, Upper Nyack, New York – Member – Board of Ethics – is hereby accepted effective and retroactive to June 30, 2014.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (321-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Corry Doyle,
NOW, therefore, be it

RESOLVED, that Corry Doyle, 25 Reservoir Drive, New City, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883 - effective August 11, 2014.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (322-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Kyle McKiernan,

NOW, therefore, be it

RESOLVED, that Kyle McKiernan, 26 Jeffrey Court, West Nyack, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective August 11, 2014.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (323-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Shaun Weaver,

NOW, therefore, be it

RESOLVED, that Shaun Weaver, 23 The Rise, Congers, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective August 11, 2014.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (324-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Timothy Woolley,

NOW, therefore, be it

RESOLVED, that Timothy Woolley, 155 Third Street, New City, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective August 11, 2014.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (325-2014)

Co. Lasker offered and Co. Hausner seconded

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., Mariann Kilduff, 6 Old State Road, #58, Highland Falls, New York - Municipal Bus Driver – Mini-Trans Department is hereby granted a Sick Leave of Absence at one-half pay effective and retroactive to July 26, 2014 thru September 26, 2014.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (326-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Gregory Barra, 42 Thompson Drive, Washingtonville, New York – Auto Mechanic & Body Repairer – Town Garage – is hereby granted a leave of absence without pay effective and retroactive to July 18, 2014 thru August 18, 2014.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (327-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Brian Tesseyman, 6 Kelvin Court, Nanuet, New York - is hereby reappointed to the position of Member – Parks Board & Recreation Commission – at the current annual salary of \$3,366.00 - term effective August 16, 2014 and to expire on August 15, 2021.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (328-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Edward Bertolino, 65 Kings Highway, Congers, New York - is hereby reappointed to the position of Member – Parks Board & Recreation Commission – at the current annual salary of \$3,366.00 - term effective August 16, 2014 and to expire on August 15, 2021.

RESOLUTION NO. (328-2014) continued

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (329-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Mark Maraia, 2 Brook Hill Drive, West Nyack, New York - is hereby reappointed to the position of Member – Zoning Board of Appeals – at the current annual salary of \$5,814.00 - term effective August 18, 2014 and to expire on August 17, 2019.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (330-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of C.S.E.A., Nicholas Massa, 36 West Clarkstown Road, New City, New York – Motor Equipment Operator II – Highway Department is hereby granted a Sick Leave of Absence at half pay effective August 25, 2014.

On roll call the vote was as follows:

- Co. Lasker Abstained
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (331-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Edward J. Guardaro, Jr., 9 Emerald Drive, Valley Cottage, New York – is hereby reappointed to the position of Member – Zoning Board of Appeals – at the 2014 annual salary of \$5,814., - term effective August 5, 2014 and to expire on August 04, 2019.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (332-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation of Darcy Casteleiro, 204 Radcliff Drive, Upper Nyack, New York - Member - Historical Review Board - is hereby accepted effective and retroactive to August 4, 2014.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (333-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Darcy Casteleiro, 204 Radcliff Drive, Upper Nyack, New York – is hereby appointed to the position of Member – Zoning Board of Appeals – at the current 2014 annual salary of \$5,814 - term effective August 5, 2014 and to expire on August 4, 2019.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (334-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, in 2001 Lawler, Matusky & Skelly Engineers studied fill placed on certain property located at 139 Massachusetts Avenue, Congers, New York (52.8-3-53.1), and recommended that the entire fill be removed; and

WHEREAS, the Town was recently granted Court permission to enter upon 139 and 141 Massachusetts Avenue to remove fill; and

WHEREAS, Henningson, Durham & Richardson Architecture Engineering, P.C. (hereinafter “HDR”), successor to Lawler, Matusky & Skelly Engineers, has submitted a proposal, dated May 30, 2014, to provide bid-phase assistance and oversight services associated with the excavation and off-site disposal of soil and fill materials at said properties and prepare a final engineering report; and

WHEREAS, the Director of Environmental Control has reviewed the proposal and finds it acceptable in terms of scope and price,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized the enter into an agreement with HDR, in a form approved by the Town Attorney, to provide services related to fill issues on certain property located at 139 and 141 Massachusetts Avenue, Congers, New York, and be it

FURTHER RESOLVED, that the fee for these services shall not exceed the sum of \$29,000.00, and shall be a proper charge to Account No. H 8751-409-0-75-34.

RESOLUTION NO. (334-2014) continued

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (335-2014)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, TMCD Realty Corp. has commenced tax certiorari proceedings against the Town of Clarkstown 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 and 2013/14; and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Valuation Plus, Inc. be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,600; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (336-2014)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, Skene Law Firm, P.C., attorneys for BJ’s Restaurant Operations Company d/b/a BJ’s Restaurant & Brewhouse, has advised the Town by letter dated July 22, 2014, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that BJ’s Restaurant Operations Company d/b/a BJ’s Restaurant & Brewhouse has applied for an on-premises liquor license at 1119 Fashion Drive, Nanuet, New York, and

WHEREAS, to expedite processing said corporation’s license application, Skene Law Firm, P.C. 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 BJ’s Restaurant Operations Company d/b/a BJ’s Restaurant & Brewhouse for a license at premises located at 1119 Fashion Drive, Nanuet, New York.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (337-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the County of Rockland wishes to reimburse the Town of Clarkstown Police Department for costs incurred for members of the Police Department for attendance at the 2014 Tactical Officers Conference under the LETPP Homeland Security Grant Program in an amount not to exceed TWO THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS AND 94/100 CENTS (\$2,765.94);

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain reimbursement to the Town of Clarkstown Police Department in the amount not to exceed TWO THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS AND 94/100 CENTS (\$2,765.94) for attendance of members of the Police Department at the 2014 Tactical Officers Conference, and be it

FURTHER RESOLVED, that this Resolution will hereby be made retroactive to June 27, 2014.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (338-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a School Resource Officer Program has been proposed for Rockland BOCES and WHEREAS, the Board of Education of Rockland BOCES and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to Rockland BOCES on a full time basis as the School Resource Officer;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of Rockland BOCES, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to Rockland BOCES on a full time basis, for the period September 2, 2014 through June 26, 2015, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this resolution is subject to the financial contribution of Rockland BOCES to the Town of Clarkstown in the amount of \$120,000.00 for the School Resource Officer.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (339-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Rockland County STOP-DWI Program has been awarded a Crackdown Enforcement Grant from the New York State Governor's Traffic Safety Committee, administered by the New York State STOP-DWI Foundation, and

WHEREAS, the Town of Clarkstown has been notified by letter, dated June 30, 2014, from the Rockland County STOP-DWI Program that the Police Department of the Town of Clarkstown is eligible for a disbursement of THREE HUNDRED SIXTY-FOUR DOLLARS AND TWENTY-SIX CENTS (\$364.26) based on previous participation in the Memorial Day Enforcement Crackdown;

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 June 30, 2014, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of THREE HUNDRED SIXTY-FOUR DOLLARS AND TWENTY-SIX CENTS (\$364.26) for previously participating in the Memorial Day Enforcement Crackdown.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (340-2014)
Co. Lasker offered and Co. Hoehmann seconded

**Standard Work Day and Reporting Resolution
for Elected and Appointed Officials**

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

RS 2417-A
(Rev. 3/14)

BE IT RESOLVED, that the _____ Town of Clarkstown, _____ 30025 _____ hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

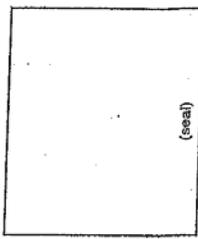
Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 only if member is in Tier 1	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-if Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials									
Supervisor	7	Alexander J. Gromack		file	<input type="checkbox"/>	11/14-12/31/15	No	39.71	<input type="checkbox"/>
Town Clerk	7	Justin Sweet		file	<input type="checkbox"/>	11/14-12/31/17	No	25.30	<input type="checkbox"/>
Town Council	7	Frank Borelli		file	<input type="checkbox"/>	11/12-12/31/15	No	17.95	<input type="checkbox"/>
Appointed Officials									
Town Attorney	7	Any Mills		file	<input type="checkbox"/>	11/14-12/31/15	Yes	N/A	<input type="checkbox"/>
Fired Deputy Town Attorney	7	Daniel N. Kraushaar		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>
Deputy Town Attorney	7	Keith J. Cornell		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, _____ Justin Sweet _____ secretary/clerk of the governing board of the _____ Town of Clarkstown _____ of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ day of _____ August _____ 20 _____ 14 _____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the _____ Town of Clarkstown _____ on this _____ day of _____ August _____ 20 _____ 14 _____ (Signature of the secretary or clerk)

Affidavit of Posting: I, _____ Justin Sweet _____ being duly sworn, deposes and says that the posting of the Resolution began on _____ (Date) _____ and continued for at least 30 days. That the Resolution was available to the public on the _____
 Employer's website at _____
 Official sign board at _____
 Main entrance secretary or clerk's office at _____



Justin Sweet

RESOLUTION NO. (341-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, as a condition to the approval of the final map with regard to the Barry Donohue Subdivision (52.15-1-10.2), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Ridge Road, Valley Cottage, New York, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyance; and the Town Attorney has advised that all documents are in proper legal form, except for the Consent of Mortgagee;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, deed dated June 26, 2014 from Barry and Kathleen Donohue to the Town of Clarkstown, gratuitously conveying a strip of land along Ridge Road, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk’s Office at the expense of the grantor, subject to receipt of the Consent of Mortgagee from the grantor.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (342-2014)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, an existing drain line located at the intersection of Old Brick Road and Red Hill Road has deteriorated and has caused a sink hole to develop within the roadway; and

WHEREAS, the Department of Environmental Control has prepared a plan to replace the existing deteriorated drain line; 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 Contracting Company LLC and has found it to be acceptable in terms of scope and price; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Pinebrook Contracting Company LLC for their low proposal of \$29,500.00;

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of PINEBROOK CONTRACTING COMPANY LLC to perform this work in accordance with their proposal for an amount not to exceed \$29,500.00; and

BE IT FURTHER RESOLVED that the Town has received reimbursement in the amount of \$15,009.80 from FEMA for the replacement of the drain line under FEMA disaster declaration 4020 (Hurricane Irene); and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that the remaining balance of this project not reimbursed by FEMA shall be funded by serial bonds; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H 8767-409-90-15.

RESOLUTION NO. (342-2014) continued

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (343-2014)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Highways that

BID # 13A-2013 – NORTH MAIN STREET AT CAVALRY DRIVE AND
 SQUARDON BOULEVARD , NEW CITY
 AUDIBLE PEDESTRIAN
 SIGNALS AND DETECTORS WITH TACTILE ARROWS AND LOCATOR TONES

is hereby awarded to: VERDE ELECTRIC MAINTENANCE CORP
 89 EDISON AVENUE
 MT. VERNON, NY 10550
 PRINCIPAL: GIULIO C. MONACO, JR., PRESIDENT

as per their proposed total project cost not to exceed \$44,960.00 plus a 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-8767-400-409-0-90-14, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fully fund this project with a Community Development Block Grant Program.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (344-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID # 10-2014 – 2014 ROADWAY RESURFACING PROGRAM

is hereby awarded to: TILCON NEW YORK INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: A PUBLIC COMPANY

as per their proposed total project cost not to exceed \$2,662,418.90 for parts 1, 2, 3, 4, 5 (Nanuet Train Station Parking Lot only), and 6 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 Clarkstown Highway Department, and be it

FURTHER RESOLVED, that a portion in the amount of \$250,000.00 will be funded by a grant from the State of New York provided by NYS Assemblyman Kenneth Zebrowski, and be it

FURTHER RESOLVED, that a portion in the amount of \$2,250,000.00 of this project shall constitute a proper charge to account number H-8767-409-0-90-15, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund a portion in the amount of \$2,250,000.00 of this project with the issuance of Serial Bonds.

FURTHER RESOLVED, that in the event funding shall become available from the County of Rockland Department of Transportation, that commuter parking lots located at Route 59 by Exit 14 of the NYS Thruway, North Middletown Road by Exit 10 of the Palisades Interstate Parkway, and Route 303 at Route 59 be repaved at a cost not to exceed \$374,727.98.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (345-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID #11-2014 – 2014 CONCRETE CURB AND SIDEWALK
REPLACEMENT PROGRAM

is hereby awarded to: BELLAVISTA CONSTRUCTION CORP
P.O. BOX 978
SUFFERN, NY 10901
PRINCIPAL: JOSE SILVA
MARLENE SILVA

as per their proposed total project cost not to exceed \$139,430.00 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 and be it

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (346-2014)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Project Engineer that

BID # 15-2014 – PUMP STATIONS UPGRADES ROUTE 9W, CONGERS;
LAUREL RD., CENTRAL NYACK; AND FOREST BROOK RD., NANUET

is hereby awarded as follows:

CONTRACT G – GENERAL CONSTRUCTION:

FRED DEVENS CONTRUCTION
403 STONETOWN ROAD
RINGWOOD, NJ 07456
PRINCIPAL: FRED DEVENS, PRESIDENT

as per their proposed total Base Bid price not to exceed \$1,235,000.00 plus a 10% contingency

RESOLUTION NO. (346-2014) continued

CONTRACT E – ELECTRICAL CONSTRUCTION:

PRINCIPAL: HVS, LLC
 55 W. RAILROAD AVENUE, BLDG #14N
 P.O. BOX 338
 GARNERVILLE, NY 10923
 ANGELA FANELLI
 NICOLE KOLLING
 JAMES MULLEN

as per their proposed total Base Bid price not to exceed \$480,450.00 plus a 10% 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 Clarkstown Department of Environmental Control and the Project Engineer, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-9, and be it

FURTHER RESOLVED, that this project shall be funded through proceeds from an inter-municipal agreement with the Rockland County Sewer District #1.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (347-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID #20A-2014 – CRUM CREEK ROAD LOW FLOW CHANNEL REPLACEMENT

RESOLUTION NO. (347-2014) continued

is hereby awarded to: UPSTATE CONCRETE & MASONRY CO., INC.
449 WEST MOMBASHA ROAD
MONROE, NY 10950
PRINCIPAL: ANGELO TONDO, PRESIDENT

as per their proposed project cost not to exceed \$149,900.00 plus an 18% 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-8767-400-409-0-90-7, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (348-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID # 22-2014 – STREAM CHANNEL IMPROVEMENTS
201 BARDONIA ROAD

is hereby awarded to: DANNY CLAPP LANDSCAPING, INC.
P.O. BOX 222
WEST NYACK, NY 10994
PRINCIPAL: DANIEL CLAPP, PRESIDENT

as per their proposed total project cost not to exceed \$83,695.00 plus a 18% contingency and be it

RESOLUTION NO. (348-2014) continued

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-8767-400-409-0-90-8, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (349-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID #23-2014 – FANWOOD LANE/BRANCHVILLE ROAD DRAINAGE IMPROVEMENTS

is hereby awarded to: M. INGANNAMORTE & SON, INC.
 211 LAROCHE AVENUE
 HARRINGTON PARK, NJ 07640

PRINCIPAL: JOHN INGANNAMORTE
 MICHAEL INGANNAMORTE
 FRANK INGANNAMORTE

as per their proposed project cost not to exceed \$180,000.00 plus an 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

RESOLUTION NO. (349-2014) continued

- 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-8767-400-409-0-90-9, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (350-2014)

Co. Lasker offered and Co. Hausner seconded

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

BID #24-2014 – JOLLIFFE LANE/OHIO AVENUE DRAINAGE IMPROVEMENTS

is hereby awarded to: M. INGANNAMORTE & SON, INC.
 211 LAROCHE AVENUE
 HARRINGTON PARK, NJ 07640
 PRINCIPAL: JOHN INGANNAMORTE
 MICHAEL INGANNAMORTE
 FRANK INGANNAMORTE

as per their proposed project cost not to exceed \$150,000.00 plus an 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

RESOLUTION NO. (350-2014) continued

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8767-400-409-0-90-10, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (351-2014)

Co. Lasker offered and Co. Hausner seconded

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

BID #25-2014 – HAMLET STREETScape LIGHTING FIXTURES -
CONGERS, VALLEY COTTAGE & NANUET

is hereby awarded to:

HVS, LLC
55 W. RAILROAD AVE, BILDG #14N
GARNERVILLE, NY 10923
PRINCIPALS: NANCY MULLEN
ANGELA FANELLI
NICOLE KOLLING
SHAUN MULLEN

As per their low bid price of \$82,500.00 for all 12 units and be it further
RESOLVED, the price for each unit as needed for the duration of the agreement is as follows:

Congers – entire fixture as depicted in Drawing #34392-1: \$41,250.00/SIX

Valley Cottage – entire fixture as depicted in Drawing #34817-1: \$27,500.00/FOUR

Nanuet – entire fixture as depicted in Drawings #206A2881-7
and B88786: \$13,750.00/TWO

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-8767-400-409-0-90-13, and be it

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

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (352-2014)
Co. Lasker offered and Co. Hausner seconded

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

BID # 19-2014 – MASSACHUSETTS AVENUE DEBRIS REMOVAL

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

as per their proposed total project cost not to exceed \$368,368.00 plus 10% 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 constitute a proper charge to account number H-8751-400-409-0-75-34, and be it

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

FURTHER RESOLVED, that any costs associated with the remediation of tax map parcel 52.8-3-53.2 shall be levied against the property in the form of a lien.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (353-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$228,722.60 from Rockland County Sewer District #1, \$26,000.00 from Seized Property and \$500.00 from Gifts and Donations (Nussbaum),

NOW THEREFORE BE IT RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8760-409-0-84-9 (Capital Projects-Sewer Pump Stations) by \$228,722.60 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (Federal-Seized Property) by \$26,000 and Expense Accounts A-3260-415-0 (Police-Special Investigations Expense) by \$20,000 and A-3120-409-0 (Police-Fees for Services) by \$6,000 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts and Donations) and Expense Account A-3140-319-0 (Canine-Misc Supplies) by \$500 and

WHEREAS, certain accounts require additional funding,

NOW THEREFORE BE IT,RESOLVED, to decrease A-3120-404-0 (Police-Travel Expenses) by \$4,500.00 and increase A-3220-414-0 (School Resource Officers-Conferences/Schools) by \$981.60, A-3220-423-0 (School Resource Officers-Association Dues) by \$955.00 and A-3220-404-0 (School Resource Officers-Travel Expenses) by \$2,563.40 and

BE IT FURTHER RESOLVED, to decrease A-7141-409-0 (Community Rec Centers-Fees for Services) and increase A-7141-306-0 (Community Rec Centers-Maintenance Supplies) by \$1,000.

On roll call the vote was as follows:

- Co. Lasker Yes
 - Co. Borelli Yes
 - Co. Hoehmann Yes
 - Co. Hausner. Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (354-2014)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, Supervisor Gromack, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

"TERM LIMITS - CHAPTER 263 OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to add a new section to the Town Code of the Town of Clarkstown which would limit the terms of any Clarkstown elected official elected in a regular election after January 1, 2015 to no more than eight consecutive years;

NOW, THEREFORE, be it

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 September 9, 2014 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

- Co. Lasker Yes
 - Co. Borelli Yes
 - Co. Hoehmann Yes
 - Co. Hausner. Yes
 - Supervisor Gromack Yes
- *****

RESOLUTION NO. (355-2014)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town of Clarkstown wishes to install an “Emergency Storage Facility” on property owned by United Water New York, Inc. located on the north side of New York State Route 304 approximately 800 feet southwest of Burts Road, Congers, New York, which property is designated on the Clarkstown Tax Map as Tax Map 35.18-1-2, and

WHEREAS, United Water New York, Inc. and the Town of Clarkstown have agreed to enter into a lease agreement/license and right of entry and indemnity agreement for this purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a lease/license and right of entry and indemnity agreement with United Water New York, Inc., in a form approved by the Town Attorney, and to execute any and all ancillary documents to effectuate said lease/license and right of entry for the purpose of installing and maintaining an “Emergency Storage Facility” on the aforementioned property.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (356-2014)
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the County of Rockland has, in cooperation and agreement with the Town of Clarkstown, applied for and received funds from the United States Government under Title 1 of the Housing and Community Development Act of 1974, as amended, Public Law 93-383; and for Program Year 2014,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2014 Community Development Block Grant Program funds to the Town of Clarkstown with regard to a Mini Trans Senior Transportation Vehicle in an amount not to exceed \$60,000.00.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (357-2014)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Historical Review Board of the Town of Clarkstown has proposed that the property and houses known as the Traphagen property and Traphagen and Vanderbilt Budke Houses, located at 131 Germonds Road, West Nyack, New York, which is designated on the Clarkstown Tax Map as Map 58.7-1-86, be designated as an historic site pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing will be held on September 9, 2014, at 8:00 P.M., or as soon thereafter as possible, at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the designation of the aforesaid property and houses as an historic site, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

RESOLUTION NO. (357-2014) continued

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (358-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, resident complaints from Casper Hill Road were brought to the attention of the Code & Zoning Enforcement Officer//Community Liaison, and

WHEREAS, pursuant to an investigation it appears that rush hour volumes at Snake Hill Road, West Nyack, which terminates into Old Mill Road, has caused the inadvertent blockage of Crusher Road during these high volume periods, and

WHEREAS, the Town Board wishes to improve traffic flow from Crusher Road;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install one "DO NOT BLOCK INTERSECTION" sign on the southeast corner of Snake Hill Road at the intersection of Crusher Road, West Nyack, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Superintendent of Highways and the Chief of Police for implementation and enforcement, respectively.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (359-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, a complaint investigation was performed by the Animal Control Officer in the vicinity of Crestwood Drive and Tor View Avenue, New City, whereby residents have observed dog walkers out of compliance with Chapter 125-4F of the Town Code (Dogs and Other Animals, Nuisance by failure to clean up), and

WHEREAS, the Animal Control Officer referred her findings and the resident requests for appropriate signage to warn errant dog walkers to the Code & Zoning Enforcement Officer//Community Liaison for resident interviews, verification and enforcement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install two (2) "DOG WASTE PROHIBITED" signs, one on Crestwood Drive in front of #38, the corner lot, and one on Tor View Avenue in front of the side yard of #38 at the grassy area.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (360-2014)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, a resident of Burda Avenue, New City, 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 #58860/40997 and pole #58841/41025;

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 #58860/40997 located south-west of lot #36 Burda Lane & north-west of lot #34 Burda Lane, New City.
- 2. Pole #58841/41025 located at the north-west corner of lot #33 Foxburn Street, New City.

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 \$13.91 per month for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (361-2014)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town Board by resolutions 950-2002 and 722-2007 authorized Brooker Engineering PLLC to perform Consulting Engineering and design services for flood control and stream improvements to the Demarest Mill Stream in West Nyack, and

WHEREAS, the construction work and stream improvements have been completed in accordance with those designs, and

WHEREAS, Flood Insurance Rate Maps do not yet reflect the changes to flood plains, flood zones and base flood elevations which are improved as a result of the work performed by the Town, and

WHEREAS, Brooker Engineering PLLC has submitted a proposal dated August 4, 2014 to perform consulting engineering services to prepare a Letter of Map Revision application on behalf of the Town to FEMA, in an amount not to exceed \$17,200.00, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control has recommended 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 necessary to prepare and submit a Letter of Map Revision application to the FEMA in an amount not to exceed \$17,200.00, and

RESOLUTION NO. (361-2014) continued

BE IT FURTHER RESOLVED that the Town Board authorizes the payment of LOMR application fee in the amount of \$5,300.00 per FEMA fee schedule, and

BE IT FURTHER RESOLVED that the fees authorized above shall be charged to Account No. H 8739-409-0-60-1.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (362-2014)

Co. Hausner offered and Co. Hoehmann seconded\

WHEREAS, a Full Environmental Assessment Form (EAF) has been prepared for the proposed action, and

WHEREAS, the Town Board of the Town of Clarkstown is the only involved agency for the purpose of SEQR, and is therefore Lead Agency, and,

WHEREAS, the Board reviewed the proposed action and identified potential small adverse environmental impacts due to the proposed action as follows:

Grading and Earthwork. The proposed plan would require disturbance of 1.72 acres of area for the construction of a pre-fabricated storage building with accessory driveways, with potential for erosion of soils. This is mitigated by the design and implementation of a sediment and erosion control plan in accordance with the requirements of the NYS Stormwater Management Design Manual and the NYSDEC General Permit for Stormwater Discharges from Construction Activities.

Stormwater Runoff. The proposed plan would construct 1.0 acres of building and driveway (impervious surface), increasing run-off. This is mitigated by the design and construction of stormwater management (water quality and water quantity) facilities in accordance with the requirements of the NYS Stormwater Management Design Manual and the NYSDEC General Permit for Stormwater Discharges from Construction Activities.

Removal of Vegetation. Construction of the proposed building and driveway requires the clearing of approximately 1.72 acres of existing wooded area on the site. This is mitigated by the installation of new screen plantings consisting of evergreen screening in an existing cleared area of the site, with additional supplemental understory screening in the existing wooded area between the proposed building and the residential properties to the west.

NOW THEREFORE BE IT RESOLVED that the Town Board, based on review of proposed action, identification of small potential environmental impacts and the mitigation provided to eliminate those impacts, determines that the proposed action will not have a significant impact on the environment and issues this negative declaration.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (363-2014)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 5, 2014, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$656,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$656,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various drainage improvements on Fanwood Lane/Branchville Road, Jolliffe Lane/Ohio Avenue, Bardonia Road and Crum Creek Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$656,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$656,000 bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$656,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements

RESOLUTION NO. (363-2014) continued

for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 5, 2014, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 5, 2014, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$656,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$656,000 to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct various drainage improvements on Fanwood Lane/Branchville Road, Jolliffee Lane/Ohio Avenue, Bardonia Road and Crum Creek Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$656,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$656,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$656,000 bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$656,000 bonds will exceed five (5) years;

RESOLUTION NO. (363-2014) continued

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 5, 2014

Justin Sweet
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

RESOLUTION NO. (364-2014)
Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 5, 2014, AUTHORIZING CONSTRUCTION AND INSTALLATION OF STREETScape LIGHTING FIXTURES IN CONNECTION WITH THE REVITALIZATION OF CONGERS, VALLEY COTTAGE AND NANUET, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$82,500, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$82,500 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct and install streetscape lighting fixtures in connection with the revitalization of Congers, Valley Cottage and Nanuet. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$656,000 and said amount is hereby appropriated for such purpose. The

RESOLUTION NO. (364-2014) continued

plan of financing includes the issuance of \$656,000 bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$82,500 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

RESOLUTION NO. (364-2014) continued

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Journal-News," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

* * *

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (365-2014)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 5, 2014, AUTHORIZING THE REMEDIATION OF THE PREMISES KNOWN AS 139 MASSACHUSETTS AVENUE, CONGERS, NEW YORK, PURSUANT TO THE DECISION AND ORDER OF THE SUPREME COURT OF THE STATE OF NEW YORK, ROCKLAND COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$405,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$405,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to remediate the hazardous materials on the premises known as 139 Massachusetts Avenue, Congers, New York, (Tax Map 52.8, Block 3, Lot 53.1 and Map 52.8, Block 3, Lot 53.2), pursuant to the Decision & Order of the Supreme Court of the State of New York, Rockland County, (Index No. 4430/002). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$405,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$405,000 bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$405,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of the applicable provisions of the Law, is five (5) years.

RESOLUTION NO. (365-2014) continued

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Journal-News," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

* * *

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (366-2014)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, parking near the intersection of Park Terrace and Collyer Avenue, New City was presented to the Traffic & Traffic Fire Safety Advisory Board (T&TFSAB) for investigation and review due to the narrowness of the street in this area, and

WHEREAS, the T&TFSAB performed the investigation and determined that parking on either side of Park Terrace near Collyer Avenue caused a traffic hazard that could be cured via enforceable "No Parking Here to Corner" signs, and

WHEREAS, the Town Board wishes to improve traffic safety;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install "NO PARKING HERE TO CORNER" signs on both sides of Park Terrace, New City, at a distance of thirty (30) feet from the intersection of Collyer Avenue, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Superintendent of Highways, the Chief of Police and the T&TFSAB for implementation, enforcement, and information, respectively.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (367-2014)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Town Board by resolution 39-2013 authorized Brooker Engineering PLLC to perform Consulting Engineering Services for Comprehensive Drainage Study of the Hackensack River basin in the Town of Clarkstown, and

WHEREAS, the Town was successful in securing a grant under FEMA HMGP-4085 to perform design of improvements and extension to the Klein Avenue Levee to provide flood protection to the impacted area of West Nyack, and

WHEREAS, the work performed to date by Brooker Engineering has determined that the levee can be improved to current FEMA standards, and

WHEREAS, Brooker Engineering PLLC has submitted a proposal dated August 4, 2014 to perform consulting engineering and design services to prepare construction documents and prepare permit applications for improvements to the Klein Avenue Levee, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control has recommended 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 consulting engineering and design services to prepare construction documents and prepare permit applications for improvements to the Klein Avenue Levee in an amount not to exceed \$181,000.00, and

BE IT FURTHER RESOLVED that the Town Board authorizes the payment of CLOMR application fee in the amount of \$6,050.00 per FEMA fee schedule, and

BE IT FURTHER RESOLVED that the fees authorized above shall be charged to Account No. H 8761-409-0-85-5.

RESOLUTION NO. (367-2014) continued

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (368-2014)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is in the process of designing the revitalization of downtown West Nyack; and

WHEREAS, the Town has identified certain parcels for potential acquisition which may be of value in the revitalization process, and

WHEREAS, Behan Planning Associates, LLC has recommended certain parcels of land be acquired as part of the West Nyack Downtown Revitalization Project and included among its recommendations are parcels described on the Clarkstown Tax Map as 64.08-3-39, which consists of .72 acres of vacant property, more commonly known as 716 West Nyack Road, West Nyack, New York, and 64.08-3-40, which consists of .34 acres of vacant property, more commonly known as 718 West Nyack Road, West Nyack, New York, both parcels reputedly owned by the owners of West Nyack Construction Corp., and

WHEREAS, the owners of said properties located at 716 and 718 West Nyack Road, West Nyack, New York, two of the properties identified by the Town (the "Parcels"), have indicated a willingness to negotiate a sale of said parcels, and

WHEREAS, the owners of the subject parcels have proposed to sell the subject properties to the Town of Clarkstown for a total of \$150,000 to permit their acquisition at or below the appraised value of the land;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to enter into a contract, in a form approved by the Town Attorney, to obtain the subject properties as part of the West Nyack Downtown Revitalization Project for a price not to exceed \$150,000, provided that all legal requirements regarding the acquisition of subject properties are complied with, and be it

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be charged to Account No. H 8760-409-0-84-34.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (369-2014)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is in the process of designing the revitalization of downtown West Nyack; and

WHEREAS, the Town has identified certain parcels for potential acquisition which may be of value in the revitalization process, and

WHEREAS, Behan Planning Associates, LLC has recommended certain parcels of land be acquired as part of the West Nyack Downtown Revitalization Project and included among its recommendations is parcel described on the Clarkstown Tax Map as 64.08-2-37, which consists of 1.10 acres of vacant property, more commonly known as 4A Phillips Lane, West Nyack, New York, reputedly owned by the Estate of William E.Vines, and

RESOLUTION NO. (369-2014) continued

WHEREAS, the owner of said property located at 4A Phillips Lane, West Nyack, New York, one of the properties identified by the Town (the "Parcel"), has indicated a willingness to negotiate a sale of said parcel, and

WHEREAS, the owner of the subject parcel has proposed to sell the subject property to the Town of Clarkstown for \$75,000 to permit its acquisition at or below the appraised value of the land;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to enter into a contract, in a form approved by the Town Attorney, to obtain the subject property as part of the West Nyack Downtown Revitalization Project for a price not to exceed \$75,000, provided that all legal requirements regarding the acquisition of the subject property are complied with, and be it

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be charged to Account No. H 8760-409-0-84-34.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner. Yes
Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments.

Matt Brennan, New City

He complained about allegedly exorbitant Town pool fees and lack of recreation for young adults.

Mike Plunkett, Pastor, Risen King Church

Spoke about a lawsuit the Town has filed against his church for unpermitted landscape work.

Frank Chan, Risen King Church elder, New City resident

Spoke about the potential devastating financial loss to the church that the above lawsuit will cause and asked the Town Board to reconsider their stance on this matter.

Ronnie Matthew, Church Member and Clarkstown resident

He also appealed to the Town to reconsider above lawsuit.

Tom Nimick, New City

He stated the Town Board should amend the Code of Ethics to prohibit allowing a party official to be an employee.

George Remult, New City

Spoke against implementing a "two hat" rule in Clarkstown.

Antonia Sambevski

She spoke in support of Frank Sparaco and feels certain board members are playing politics.

Brian Burrell, Valley Cottage

Thanked the Board for good utilization of taxpayer funds at Gilchrest Park and the Congers walkway.

Peter Aiston, New City

He stated that Town vehicles should have official plates.

Steven Levine, Congers

Thanked the Board for Massachusetts Avenue remediation. Spoke in favor of Highway Superintendent Wayne Ballard. He also stated that he feels there are petty politics going on against Frank Sparaco.

Marge Hook, New City

She read and submitted a statement with suggestions for cutting costs such as consolidating Town boards and monitoring hours worked for part time positions.

The Supervisor stated that it would not be proper to discuss an ongoing lawsuit in public. The Recreation Superintendent explained the change in family pool fees. The Supervisor stated that the ethics question brought up tonight will be addressed at the September or October workshop. He stated that the "two-hat" rule was not a topic on the agenda but we reached out to independent counsel regarding that and we should have something back in the next 30 days. He thanked Mr. Burrell for his comments on the Congers walkway. Chief Sullivan explained how the part time crossing guards are monitored. The Supervisor reminded Mr. Aiston that they had discussion about official plates when Mr. Aiston was a Clarkstown Police Officer and the answers he gave him then are the same now.

There being no one further wishing to be heard on motion of Co. Hoehmann seconded by Co. Lasker the Town Board went into Executive Session to discuss issues with pending reallocations, time: 10:36 p.m.

On motion of Co. Lasker seconded by Co. Hausner, the Town Board came out of Executive Session, time: 11:10 p.m.

On motion of Co. Hoehmann seconded by Co. Borelli, the Town Board Meeting was adjourned, time: 11:10 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING # 1

Town Hall

08/05/14

8: 04pm

Present: Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli, George Hoehmann
& Stephanie Hausner
Amy Mele, Town Attorney
Justin Sweet, Town Clerk

Re: : Proposed Local Law entitled: "A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAXIMUM BUILDING HEIGHT FOR SENIOR HOUSING AND AAR ZONING DISTRICTS"

Town Clerk, Justin Sweet, read the notice of public hearing. On motion of Co. Hoehmann seconded by Co. Hausner the public hearing was opened.

The Town Attorney explained that currently the maximum height for Senior Housing and AAR projects is 45 feet or 3 stories, whichever is less. The purpose of tonight's public hearing is to amend that requirement town-wide and decrease the maximum height to 35 feet for all residential development within MF-1, MF- 2, MF-3, R-10, R-15 and R-22.

The Town Planner, Joe Simoes, gave an in depth explanation of the proposed local law. He explained that this law is proposing that we cap the Senior Housing developments at 35 feet in order to conform to surrounding residential neighborhoods. In non-residential zones where there are office buildings and other commercial entities, the maximum height would remain at 45 feet. The Town Board directed that he prepare the SEQRA for this local law and in his opinion this is an unlisted action and will not have the potential to adversely affect the environment.

The Town Attorney asked Mr. Simoes to clarify this proposed local law with respect to an application for senior housing from Schimpf's Farm. He explained that this legislation would affect *any* senior complex by lowering the maximum height allowed, therefore if this legislation is passed it would cap that project at 35 feet -- as it would affect any AAR Zone or Senior Housing throughout the Town.

This legislation is not about Schimpf's Farm. Those plans are still in the preliminary stages and when and if they get to the Planning Board any residents surrounding that property would be notified and invited to come to the Planning Board meeting where discussions about the Schimpf's Farm application would be held. He invited anyone else who wanted an individual notice sent to them to call the Planning Department and request it. He also stated that his office is open to anyone wishing to review the plans.

The Supervisor invited anyone wishing to speak on this matter.

John McCue, West Nyack
He asked about minimum set back requirements.

Tom Larusso, West Nyack
He asked how many floors would be allowed.

Supervisor stated it has always been 3 floors, but we are now lowering the height to 35 feet. He stated specific questions about the Schimpf's Farm application could be better addressed at the Planning Board meeting.

Irene Tetecos, West Nyack
She wanted to confirm that this law affects nothing else but the building heights.

Pat McFadden, West Nyack

He expressed concern about emergency response time in this area.

Nancy Chan, West Nyack

She stated that the Schimpf's Farm property affects more than adjacent property owners because of the schools in the vicinity.

There being no one further wishing to be heard, on motion of Co. Lasker seconded Co. Hoehmann the public hearing was closed, time; 8:38 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING # 2

Town Hall

08/05/14

8: 45 pm

Present: Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli, George Hoehmann
& Stephanie Hausner
Amy Mele, Town Attorney
Justin Sweet, Town Clerk

Re: : *Continuation* - Proposed Local Law entitled: "AMENDMENT TO CHAPTER 243 (SIGNS) AND CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO COMMERCIAL OFFICE AND COMMERCIAL OFFICE SUPPORT "

Town Clerk, Justin Sweet, read the notice of public hearing.

The Town Attorney explained this is the third public hearing on this matter and it is being continued tonight. Basically this is intended to amend the zoning in some of our commercial campus-like settings to allow for some ancillary services and support for the various office buildings. There was much public comment at the previous meetings and we have tweaked the law in light of some of those comments.

Town Planner, Joe Simoes, explained the revisions that have been incorporated into the proposed law.

The Supervisor asked if there was anyone wishing to speak on this matter.

Steven Levine, Congers
Expressed concerns about increased floor space, increased emergency services, traffic and competition for business in the hamlet.

The Town Planner stated that traffic would actually be reduced as a result of this and he disagreed that it would negatively affect hamlet center businesses.

There being no one further wishing to speak on this matter, on motion of Co. Hausner seconded by Co. Hoehmann the public hearing was closed, time: 9:25 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING # 3

Town Hall

08/05/14

9:11pm

Present: Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli, George Hoehmann
& Stephanie Hausner
Amy Mele, Town Attorney
Justin Sweet, Town Clerk

Re: APPLICATION OF ST. JOHN'S EPISCOPAL CHURCH FOR A SPECIAL PERMIT TO
CONDUCT A CHILD DAY CARE

Town Clerk, Justin Sweet, read the notice of public hearing. On motion of Co. Lasker seconded by Co. Borelli the public hearing was opened.

Town Attorney explained this is an application for a special permit to conduct a child daycare center at St. John's Episcopal Church. St. John's had already been conducting a nursery school at the same site which did not require a special permit but the daycare does. They had a morning and afternoon preschool and now they want to do full-day daycare. There is no build-out of the site and no additional buildings; the hours will be slightly expanded; the church is already equipped with parking for parent drop-off so the net impact on the environment is basically nil.

The Town Planner stated that he reviewed the application pursuant to SEQRA. It appears that the proposed action will not have the potential for a significant environmental impact and the Planning Board recommended to the Town Board to issue the special permit .

The Supervisor asked if there was anyone wishing to speak on this matter.

Thelma Beauchemin, neighbor of St. John's Church
She had questions about proposed hours of the daycare and the number of children going there and expressed concerns about increased traffic.

Carolyn Donaldson, member, St. John's Church
She stated that St. John's has had nursery school there in the past and it has never been a problem.

The Town Planner stated that the maximum hours allowed would be Monday to Friday from 7 a.m. to 7 p.m. and the number of children would be limited to 40.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Lasker, the public hearing was closed, time: 9:25 p.m.

Respectfully submitted,

Justin Sweet
Town Clerk