

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

9/20/11

8:00 P.M.

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

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

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On motion of Co. Hoehmann seconded by Co. Lasker, Public Hearing #1 re: Petition of Ro-Dyll Realty for a Special Permit to allow three apartments over Retail Space in the Congers Overlay District was opened, time: 8:01p.m.; closed 8:03 p.m. RESOLUTION NO. (511-2011) ADOPTED

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On motion of Co. Lasker seconded by Co. Hoehmann, Public Hearing #2 re: Proposed Abandonment and/or Demapping of a portion of Columbus Avenue, Congers and Amendment to the Official Map was opened, time: 8:04p.m.; closed 8:05 p.m. RESOLUTION NO. (512-2011) ADOPTED

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On motion of Co. Hoehmann seconded by Co. Borelli, Public Hearing #3 re: Proposed Local Law installing a New Chapter and Amending Several Chapters of the Town Code was opened, time: 8:07.m.; closed 8:10.m. RESOLUTION NO. (511-2011) ADOPTED

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Supervisor opened the meeting for public comments on the agenda items.

Guy Gervasi, West Nyack  
Spoke in favor of term limits.

Jonathan Steckler, New City  
Spoke against term limits.

Town Attorney asked Director of Environmental Control, Luke Kalarical, to explain the South Mountain drainage project for a resident who had inquired about it earlier.

Dominic Caponegro, representing Rockland County Builders and Remodelers  
Spoke against term limits.

Kevin Hobbs, New City  
Complimented Joel Epstein on being out on Sunday morning removing signs from the right of way. Spoke in favor of allowing a vote on term limits.

Ernie Selzer, Bardonia  
Spoke in favor of term limits.

Bob Terry, New City  
Spoke in favor of term limits.

Matthew Brennan, New City  
Spoke about Orangetown's 30 day law regarding political signs; feels Clarkstown should adopt similar law.

Diane Holland, West Nyack  
Spoke about running for public office.

Stanley Hoyer, West Nyack  
Spoke in favor of term limits.

RESOLUTION NO. (511-2011)  
Co. Hoehman offered and Co. Lasker seconded

RESOLUTION AND SPECIAL FINDINGS GRANTING A SPECIAL PERMIT TO  
RO-DYLL REALTY LLC TO CONSTRUCT APARTMENTS OVER RETAIL SPACE  
IN THE CONGERS OVERLAY DISTRICT

WHEREAS, RO-DYLL Realty LLC has submitted a petition for a special permit to the Town Board of the Town of Clarkstown, pursuant to Section 151 of the Town Code of the Town of Clarkstown, to grant a special permit to allow three one-bedroom apartments above retail space. The property is located at 44-46 Lake Road, Congers, New York, and is located within the Congers Overlay District and designated on the Clarkstown Tax Map as 44.15-3-10, and

WHEREAS, by Resolution dated August 2, 2011, a public hearing was duly scheduled and thereafter held by the Town Board of the Town of Clarkstown on September 20, 2011, at which time all parties in interest were heard, and

WHEREAS, the Town Board has received a recommendation from the Clarkstown Planning Board, agent for the Town Board with respect to the New York State Environmental Quality Review Act (SEQRA), dated June 23, 2011, in which the Planning Board concluded that the proposed site plan, which included the special permit use, is an unlisted action and will not have a significant adverse environmental impact, and the Town Board has considered such report in making its decision herein, and

WHEREAS, the Town Board referred the petition to the Rockland County Commissioner of Planning for review, which advised, by memo dated June 14, 2011, that all required permits must be obtained from the County of Rockland Department of Highways, and

WHEREAS, the Town of Clarkstown Planning Board, by Resolution dated June 22, 2011, recommended that the Town Board grant the Petition;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Clarkstown Planning Board, dated June 23, 2011, the Town Board hereby determines that issuance of the special permit to RO-DYLL Realty LLC is an unlisted action and that the use allowed by the special permit will not have an adverse impact on the environment, and hereby adopts and reaffirms the negative declaration adopted by the Planning Board, and be it

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

1. The property is located within the Congers Hamlet Overlay District in which apartments over retail space are permitted by special permit of the Town Board, and the development furthers the goals and objectives of the Comprehensive Plan and shall be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. The proposed construction of the lot will improve the aesthetics of the parcel;
3. Potential impact includes Stormwater run-off and loss of existing vegetation;
4. Drainage analysis indicates that run-off is adequately mitigated by the installation of drywells;
5. Tree removal should be mitigated on-site as much as practicable by new landscaping, and by contribution to the tree fund as required by the Tree Protection Ordinance;

NOW, THEREFORE, be it

RESOLUTION NO. (511-2011) continued

RESOLVED, that a Special Permit to construct three (3) apartments over retail space in the Congers Overlay District as defined in Section 151 of the Town Code of the Town of Clarkstown is hereby GRANTED to the applicant subject to the following conditions:

- A. Applicant must comply at all times with Section 290-15 and all other applicable provisions of the Zoning Local Law of the Town of Clarkstown;
- B. Applicant shall return to the Clarkstown Planning Board for final site plan approval;
- C. Applicant shall comply with requirements of the Rockland County Department of Highways and obtain any required permits;
- D. That the Applicant shall comply with all requirements of its approved site plan and remain in compliance at all times;
- E. The Applicant shall comply with all other provisions of law with respect to the apartments over retail space, including, but not limited to, provisions regarding rental preferences, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting said 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

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RESOLUTION NO. (512-2011)

Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION CLOSING THE PUBLIC HEARING AND RESERVING DECISION CONCERNING PROPOSED ABANDONMENT AND/OR DEMAPPING OF A PORTION OF COLUMBUS AVENUE, CONGERS, NEW YORK, AND AMENDMENT TO THE OFFICIAL MAP

WHEREAS, an application has been made by Charles Elin that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare the unimproved portion of Columbus Avenue, north of Gilchrest Road, at the bend, approximately 140 feet west of NYS Route 303, Congers, New York be abandoned, upon the grounds that same has never been used by the public, and

WHEREAS, said street currently appears on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly unopened road be deleted from same, and

WHEREAS, a public hearing was duly held on September 20, 2011, at 8:00 P.M., to consider such application;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby closes the public hearing and reserves decision concerning the application of Charles Elin for the proposed abandonment and/or deletion from the official map of the unimproved portion of Columbus Avenue, north of Gilchrest Road, at the bend, approximately 140 feet west of NYS Route 303, Congers, New York.

RESOLUTION NO (512-2011) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (513-2011)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW CREATING CHAPTER 112 – SALE, PURCHASE  
 AND POSSESSION OF GRAFFITI IMPLEMENTS, AMENDING  
 CHAPTER 240 – SHOPPING CENTER PARKING AREAS,  
 AMENDING CHAPTER 216 – MAINTENANCE OF PROPERTY,  
 AMENDING CHAPTER 109 – BUILDING CONSTRUCTION  
 ADMINISTRATION AND AMENDING CHAPTER 136 –  
 EXPLOSIVES OF THE CODE OF THE TOWN OF CLARKSTOWN,”

was introduced by Councilman George Hoehmann, at a Town Board meeting held on August 16, 2011, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 16, 2011, directed that a public hearing be held on September 20, 2011, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on September 12, 2011, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 12, 2011;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6 – 2011 entitled:

“A LOCAL LAW CREATING CHAPTER 112 – SALE, PURCHASE  
 AND POSSESSION OF GRAFFITI IMPLEMENTS, AMENDING  
 CHAPTER 240 – SHOPPING CENTER PARKING AREAS,  
 AMENDING CHAPTER 216 – MAINTENANCE OF PROPERTY,  
 AMENDING CHAPTER 109 – BUILDING CONSTRUCTION  
 ADMINISTRATION AND AMENDING CHAPTER 136 –  
 EXPLOSIVES OF THE CODE OF THE TOWN OF CLARKSTOWN,”

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

On roll call the vote was as follows

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

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RESOLUTION NO. (514-2011)  
Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 23, 2011, that the position of Payroll Clerk and Data Entry Operator #500346 – can be reclassified to the position of Senior Payroll Clerk,

NOW, therefore, be it

RESOLVED, that the position of Payroll Clerk and Data Entry – is hereby reclassified to the position of Senior Payroll Clerk – Police Department – effective and retroactive to September 19, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (515-2011)  
Co. Hausner offered and Co. Lasker seconded

RESOLVED, that Samantha Correa, 334 Fulle Drive, Valley Cottage, New York – is hereby appointed to the position of (promotional) (provisional) Senior Payroll Clerk - Police Department – at the current 2011 annual salary of \$47,994., effective and retroactive to September 19, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (516-2011) **(FAILED)**  
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, Councilperson \_\_\_\_\_, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

"A LOCAL LAW TO ESTABLISH TERM LIMITS FOR ALL ELECTED OFFICES WITHIN THE TOWN OF CLARKSTOWN"

AND WHEREAS, this proposed local law is intended to prohibit all elected officials, with the exception of judicial offices, from serving more than twelve (12) consecutive years in any one (1) position;

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 October 18, 2011 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.

RESOLUTION NO. (516-2011) continued

On roll call the vote was as follows

Co. Lasker . . . . . No  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann... . . . . Yes  
 Co. Hausner . . . . . No  
 Supervisor Gromack . . . . . No

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RESOLUTION NO. (517-2011)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, WOLFE LANDING, LLC has submitted a petition to the Town Board of the Town of Clarkstown, requesting a change of zone from the LO District to the AAR District for premises designated on the Clarkstown Tax Map as 64.07-1-9.2, situated at 2 Medical Park Drive, West Nyack, New York, to permit construction of patio homes for active adults;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264 and 265 of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on October 18, 2011, at 8:00 p.m., 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 in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the Petitioner shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk prior to said hearing.

On roll call the vote was as follows

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

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RESOLUTION NO. (518-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Christopher Soukas has requested a refund of Building Permit Fee (No. 09-993) paid in the amount of \$1,460.00 for property located at 411 Storms Road, Valley Cottage, New York, more particularly described as Tax Map No. 59.10-1-49, because the building permit was denied, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$350.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of the \$1,460.00 total Building Permit fee paid in the amount of \$1,110.00, to Christopher Soukas, 411 Storms Road, Valley Cottage, New York, to be charged to Account No. B-02-6-2555-0.

RESOLUTION NO (518-2011) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (519-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW CREATING CHAPTER 112 – SALE, PURCHASE AND POSSESSION OF GRAFFITI IMPLEMENTS, AMENDING CHAPTER 240 – SHOPPING CENTER PARKING AREAS, AMENDING CHAPTER 216 – MAINTENANCE OF PROPERTY, AMENDING CHAPTER 109 – BUILDING CONSTRUCTION ADMINISTRATION AND AMENDING CHAPTER 136 – EXPLOSIVES OF THE CODE OF THE TOWN OF CLARKSTOWN,”

was introduced by Councilman George Hoehmann, at a Town Board meeting held on August 16, 2011, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 16, 2011, directed that a public hearing be held on September 20, 2011, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on September 12, 2011, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 12, 2011;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6 – 2011 entitled:

“A LOCAL LAW CREATING CHAPTER 112 – SALE, PURCHASE AND POSSESSION OF GRAFFITI IMPLEMENTS, AMENDING CHAPTER 240 – SHOPPING CENTER PARKING AREAS, AMENDING CHAPTER 216 – MAINTENANCE OF PROPERTY, AMENDING CHAPTER 109 – BUILDING CONSTRUCTION ADMINISTRATION AND AMENDING CHAPTER 136 – EXPLOSIVES OF THE CODE OF THE TOWN OF CLARKSTOWN,”

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

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

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RESOLUTION NO. (520-2011)  
Co. Hoehmann offered and Co. Lasker seconded

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

BID # 33-2011 – SOUTH MOUNTAIN ROAD DRAINAGE IMPROVEMENTS

is hereby awarded to: VICTOR P. ZUGIBE, INC.  
66 W. RAILROAD AVENUE  
GARNERVILLE, NY 10923  
PRINCIPAL: VITOR P. ZUGIBE JR.

as per their proposed total project cost not to exceed \$349,478.00 plus 15% contingency and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHUR RESOLVED, that this emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-16, and be it

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

On roll call the vote was as follows

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

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## RESOLUTION NO. (521-2011)

Co. Borelli offered and Co. Hausner seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 20, 2011, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON SOUTH MOUNTAIN ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$400,000 SERIAL BONDS OF SAID TOWN 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 drainage improvements on South Mountain Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$400,000 serial 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 \$400,000 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 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

## RESOLUTION NO. (521-2011) continued

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 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 September 20, 2011, 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 September 20, 2011, authorizing the construction of drainage improvements on South Mountain Road, stating the estimated maximum cost thereof is \$400,000, appropriating said amount for such purpose, and authorizing the issuance of \$400,000 serial bonds of said Town 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 drainage improvements on South Mountain Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$400,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$400,000 serial 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 \$400,000 serial 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 serial 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 \$400,000 serial bonds will exceed five (5) years;

RESOLUTION NO. (521-2011) 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.

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.

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On roll call the vote was as follows

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

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RESOLUTION NO. (522-2011)  
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #11110 (NCP/T&E) Senior Records Clerk Typist (Law Enforcement) – which contains the name of Linda E. Willows,  
NOW, therefore, be it

RESOLVED, that Linda E. Willows, 12 Susan Drive, New City, New York – is hereby appointed to the position (promotional) (permanent) Senior Records Clerk Typist (Law Enforcement) – Police department – at the current 2011 annual salary of \$65,062., effective September 20, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (523-2011)  
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #11109 (RC/NCP) Environmental Control Technician – which contains the name of Gary Landro,

NOW, therefore, be it

RESOLVED, that Gary Landro, 6 Viohl Way, Garnerville, New York – is hereby appointed to the position of (promotional) (permanent) Environmental Control Technician – Department of Environmental Control - at the current 2011 annual salary of \$105,400., effective September 20, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (524-2011)  
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, a report from the Code & Zoning Enforcement Officer has been received by the Building Inspector and reported to the Town Board, and

WHEREAS, it has been determined that the vacant and deteriorated building at 70 Old Route 304, New City (34.19-2-20) presents an attractive nuisance to the neighborhood and the Town due to deteriorated conditions, attraction to vandals and vagrants, rodent and insect infestation and a general community blight, and

WHEREAS, the owner has failed to comply after appropriate notice and requests for compliance,

NOW THEREFORE, BE IT RESOLVED, that the Building Inspector is hereby authorized to pursue a proceeding under Chapter 111-9, Unsafe Buildings of the Clarkstown Town Code and perform his due diligence to effect the immediate remedy to vacate the blighted condition and levy the aggregated costs of such action on the property as provided in Chapter 111-8 and the Town Law, Article 15 as a special ad valorem levy.

On roll call the vote was as follows

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

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Supervisor opened the meeting for public comments.

Farouk Shahada, West Nyack  
Spoke about flooding of his property in West Nyack and his frustration with trying to get help from the government.

Jim Finn, West Nyack  
Spoke about flooding in West Nyack and rumors about condemnation. He is looking for the Town Board to do something for the flooding problems there.

Roseann Amarucci, West Nyack business owner  
Spoke about losing everything in her shop due to flooding.

Supervisor Gromack spoke about the flooding in West Nyack. He stated that at the State level, representatives are meeting with the Public Service Commission and the NYS DEC to find out if any type of releases would be permitted as well as the amount of releases and if that would safeguard the residents of West Nyack. Additionally, Congressman Engel is researching the FEMA buyout program to find out if there is Federal money and whether this is something that would be sanctioned for our area and he is also looking into whether the Army Corp of Engineers would undertake a study of the stretch of the Hackensack that goes through Clarkstown. Those are the areas that we're contacting State and Federal representatives to assist us with. At the Town level we are still pursuing and have done some small projects which have helped but they have been successful only for moderate rainfalls. We are also undertaking a study that will involve Rockland County and we might be able to track some money but on those types of local drainage projects. We are not opposed to doing more projects that will give relief to our area but some of those projects might require the Army Corp of Engineer's involvement.

Anyone not getting a satisfactory response from FEMA can contact the Supervisor's office. We will be a strong advocate if you are not getting a satisfactory response.

Frank Borell, Nanuet  
Asked if the vote can be indicated by lights so the audience can see how the Board members are voting.

Fineta Glass, Central Nyack  
Complained about issues with the Highway Department in Central Nyack

Mike Hirsch, New City  
Spoke about the Town setting up a fund to loan money to West Nyack residents affected by flood. Asked about the Deputy Supervisor responsibilities.

Perry Denko, West Nyack  
Spoke about ongoing flooding issues in West Nyack.

Co. Lasker stated that United Water needs to be held accountable.

John Finn, West Nyack  
Spoke about lack of cable news media coverage in this County.

Jim Flynn, Nanuet  
Spoke about employment contracts in the Town.

Austin Noone, New City  
Spoke about issues on Little Tor Road and Lynne Drive.

Marla Carter, Central Nyack  
Spoke about flooding on Pine Street in Central Nyack and inquired about the drainage project scheduled to be done in Central Nyack.

Marge Hook, New City  
Spoke about the history of flooding at her home on Long Meadow Drive and complimented Wayne Ballard on the job he is doing as Highway Superintendent.

Farouk Shahada, West Nyack  
Asked if the West Nyack revitalization project was going to continue.

Perry Denko, West Nyack  
Spoke about buyouts and possible options with foreclosures.

Tax Assessor, Cathy Conklin, explained how a "loss" affects assessments.

James Lynch, Congers  
Complained about construction at 49 Lake Road, Congers.

Alice Brough, West Nyack  
Spoke about problems in West Nyack due to United Water.

Barry Goldberg, Goshen  
Read and handed in a statement regarding his ongoing property dispute.

Supervisor addressed the West Nyack questions. One of the first things he embarked upon as Supervisor was aggressive drainage projects throughout the Town. He was passionate about this because for many years he lived in a house that flooded constantly. He empathized with the residents. We are still looking at additional drainage work that we can do in West Nyack and we are actively continuing to pressure our State representatives to get the army Corp of Engineers to study the entire area to see if they will permit a project that will help. Co. Engel is looking into the possibility of a buyout if people would want to participate in a voluntary buyout. Also we have not stopped in pushing the State to try and come up with a plan that would create more early releases of water from the reservoir before an event. Finally, we are exploring another drainage study with the County of Rockland to see if there are intermittent projects that we can do around the West Nyack area to further reduce some of the flooding.

Regarding the individual who was upset about highway workers, we have some of the most dedicated highway workers that any Town can have. He also commended the Police Department and the work they do. We should have better media from the local channels but we have the police and you can call them anytime for information. Regarding rumors of his having another business, Superintendent of Highways, Wayne Ballard stated he does not. Regarding the drainage project in Central Nyack, the Supervisor stated that those plans will be unveiled at the Central Nyack Civic Association meeting tomorrow.

Regarding the duties of the Deputy Supervisor, Co. Lasker stated that she is the longest serving member on the Board and that this is her only job. As Deputy Supervisor she is next in line if anything were to happen to the Supervisor; if there is an emergency in Town she is the second one called. As Deputy, she is constantly being called by the Supervisor and other officials in the town and she takes on many other duties that are important for the Town such as the Environmental Summit. She takes on many additional responsibilities and puts in many hours because she cares about the Town.

Regarding the individual who had a problem on Little Tor Road, the Supervisor stated even though it's a County problem and we legally can't go in and fix the problem, we will certainly be your advocate. As for the residents of West Nyack, he assured them that the Town Board will do all they can to try to come up with lasting relief.

There being no one further wishing to speak, on motion of Co. Hoehmann seconded by Co. Borelli, the Town Board Meeting was adjourned to Executive Session, time: 9:56 p.m.

The Town Board returned from Executive Session and on motion Co. Borelli seconded by Co. Hausner, the Town Board meeting was adjourned, time: 10:50 pm

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #1

Town Hall

9/20/11

8:00 P.M.

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

Petition of Ro-Dyll Realty, LLC for a Special Permit to allow three apartments over  
Retail Space in the Congers Overlay District

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Town Clerk, Justin Sweet, read the notice of public hearing. On motion of  
Co. Hoehmann, seconded by Co. Lasker, the public hearing was declared open.

Town Attorney Mele gave a brief overview of the petition. Supervisor Gromack asked if  
there was anyone wishing to speak on this matter. No one appeared.

There being no one further wishing to speak, on motion of Co. Hoehmann seconded by  
Co. Lasker, the public hearing was closed, time 8:03 pm.

(RESOLUTION NO. 511-2011 ADOPTED)

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2

Town Hall

9/20/11

8:04 P.M.

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

Proposed Abandonment and/or Demapping of a portion of Columbus Avenue, Congers  
and Amendment to the Official Map

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Town Clerk, Justin Sweet, read the notice of public hearing. On motion of  
Co. Lasker seconded by Co. Hoehmann, the public hearing was declared open.

Town Attorney Mele explained that this was that there was an issue that a portion of this  
property may perhaps constituted some Town parkland. Her office has determined that it  
does not, however, because they are still working on the metes and bounds, the resolution  
has not been finalized. Therefore,, there is a resolution before the Board tonight to  
reserve decision on this abandonment until the next Town Board meeting.

Supervisor Gromack asked if there was anyone present wishing to speak on this issue.  
No one appeared.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded  
by Co. Hausner, the public hearing was closed, time: 8:05 pm.

(RESOLUTION NO. 512-2011)

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #3

Town Hall

9/20/11

8:07 P.M.

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

Proposed Local Law Installing a New Chapter and Amending Several Chapters of the  
Town Code

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Town Clerk, Justin Sweet, read the notice of public hearing. On motion of  
Co. Lasker seconded by Co. Hoehmann, the public hearing was declared open.

Supervisor Gromack asked if there was anyone wishing to speak on this issue.

Joe Ciardullo, New City  
Asked about how the Town intends to enforce this plan. Putting the onus on the  
businesses that sell spray paint does not seem fair and it seems unenforceable.

Town Attorney Mele responded that this is a mirror law of what was adopted in several  
other municipalities. Nobody anticipates it's going to solve the problem but it does  
prevent at least the big box stores, through education, from improperly selling these  
items. Those communities have noticed a decline in graffiti in their neighborhoods. This  
also offers a small reward to people furnishing information which leads to a conviction  
which other municipalities have found to be helpful in prohibiting graffiti.

There being no one further wishing to speak, on motion of Co. Hausner seconded by Co.  
Lasker, the public hearing was closed, time: 8:10 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk