

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

07/10/12

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

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

The Supervisor opened the meeting for comments on the Town Board agenda.

Frank Grandel, New City
He asked about Item #7, School Resource Officer.

The Supervisor responded that Town has an agreement with various school districts where we provide an officer and we are reimbursed for about 30% of this.

Amy Durbin, Congers
She asked about Item #2, Establishing Base Percentages.

Town Attorney Miele explained that this is something the Assessor is required to do every year.

Tom Nimick, New City
He had questions about Item #2 with regard to the homestead and non-homestead percentages and Item #4, tax settlement with Planet Wings.

As far as the tax percentage question, the Town Attorney suggested that the Tax Assessor would be more qualified to answer those specifics and suggested he call her directly. With reference to the tax settlement question, all assessment reviews are different and based upon the appraisal evidence submitted by the parties.

Amy Durbin, Congers
She asked about Item #15, authorizing the Town to bill the County for maintenance of County roads.

The Supervisor explained that in response to the County trying to transfer various expenses back to the Towns, this resolution starts a process to examine whether the Towns should continue to pay for maintenance of County roads.

Marge Hook, New City
She asked for an explanation of Item #8, Public Hearing on amending Chapter 243 (Signs).

Building Inspector Beary explained that with the construction of the new Shops at Nanuet it became apparent that Chapter 243 which was adopted in 2006 didn't adequately address large retail development. This is just an update to the sign law that will iron out some of the kinks in that.

Mike Hirsch, New City
He spoke about Item #15, billing the County for road maintenance.

The Supervisor reiterated how important it is to not sit idly by and let the County continue to pass costs on to the Towns.

RESOLUTION NO. (303-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the resignation by (retirement) of Harry A. Baumann, 9 North Fairview Avenue, Nanuet, New York – Police Sergeant – Clarkstown Police Department – is hereby accepted – effective and retroactive to June 29, 2012.

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. (304-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the resignation by (retirement) of Patricia McGrogan, 1-N Church Lane, Valley Cottage, New York - Principal Clerk Typist – Police Records Department is hereby accepted effective and retroactive to June 30, 2012.

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. (305-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that Scott W. Milich, 3 Bel Aire Terrace, New City, New York - is hereby reappointed to the position of Member – Parks Board and Recreation Commission – at the 2012 annual salary of \$3,300., term effective and retroactive to May 14, 2012 and to expire on May 13, 2017.

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. (306-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that Rabbi David Fass, 61 Susan Drive, New City, New York, is hereby reappointed to the position of Member – Board of Ethics – at the current 2012 annual salary of \$2,225., - term effective and retroactive to June 23, 2012 and to expire on June 22, 2017.

RESOLUTION NO. (306-2012) 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. (307-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Lee V. De Forest, has requested an extension of his sick leave of absence, without pay, and

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

Now, therefore, be it

RESOLVED, that Lee V. De Forest, 93 Church Street, Nanuet, New York – Laborer – Highway Department – is hereby granted six (6) months of extended leave of absence, without pay, effective July 2, 2012 thru January 2, 2013.

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. (308-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12023 Records Clerk Typist (Law Enforcement) which contains the name of Margarita A. Sandoval,

NOW, therefore, be it

RESOLVED, that Margarita A. Sandoval, 5 North Fairview Avenue, Nanuet, New York – is hereby appointed to the (promotional) (permanent) position of Records Clerk Typist (Law Enforcement) – Clarkstown Police Department – at the current annual salary of \$58,321., - effective July 10, 2012.

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. (309-2012)
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2012 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

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. (310-2012)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2012 Assessment Roll for the Town of Clarkstown, and be it FURTHER RESOLVED, that said figures for such proportions are attached.

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. (311-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Planet Wings of Rockland v. Cathy Conklin, Assessor of the Town of Clarkstown and the Town of Clarkstown, Index No(s). 5214/11, affecting parcel designated as Tax Map 57.56-2-16 and more commonly known as 2 South Central Avenue, Spring Valley, New York for the year(s) 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

RESOLUTION NO. (311-2012) continued

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.56-2-16 be reduced for the year(s) 2011/12 from \$202,700 to \$129,000 at a cost to the Town of \$864.08;

2. Reimbursement for the year(s) 2011/12 on the parcel described as Tax Map 57.56-2-16, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

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. (312-2012)

Co. Hoehmann offered and Co. Borelli seconded

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

BID#32-2012 – DEMAREST MILL STREAM WALL REPAIR

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

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

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. (313-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 239-2012, the Town Board authorized the use of money-in-lieu-of-land funds in the amount of \$125,000 with specific amounts set for various parkland projects, and

RESOLUTION NO. (313-20121) continued

WHEREAS, the Town Board wishes amend said resolution to allow for the reallocation of these funds among these various parkland projects, if necessary;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 239-2012 by adding the following FURTHER RESOLVED clause to state:

“and be it,

FURTHER RESOLVED, that said funds may be reallocated among the above projects provided the total expenditure does not exceed \$125,000.”

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. (314-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, a School Resource Officer Program has been proposed for the Nanuet School District; and

WHEREAS, the Board of Education of the Nanuet School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district 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 the Nanuet School District, 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 the Nanuet School District on a full time basis, for the period September 1, 2012 through June 30, 2013, 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 the Nanuet School District to the Town of Clarkstown in the amount of \$35,751.84 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. (315-2012)
Co. Borelli offered and Co. Hausner seconded

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

"A LOCAL LAW AMENDING CHAPTER 243 (SIGNS) OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the proposed local law is intended to update and modify the Town's current sign code;

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER 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 August 21, 2012 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. (316-2012)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 598-2009 on December 15, 2009 to reconstitute the composition of the Special Board to carry out the objectives of the Comprehensive Plan, and as amended by Resolution 273-2010 adopted May 18, 2010, and

WHEREAS, Peter Streitman and Christopher Carey have been voting members of the Comprehensive Plan/Special Board since December 15, 2009, and

WHEREAS, Peter Streitman, residing at 14 Lowell Drive, New City, NY 10956, has submitted his resignation from the Comprehensive Plan/Special Board effective and retroactive to March 12, 2012, and

WHEREAS, Christopher Carey, residing at 142 Pineview Avenue, Bardonia, NY 10954, has submitted his resignation from the Comprehensive Plan/Special Board effective and retroactive to February 15, 2012, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the resignation of Peter Streitman effective and retroactive to March 12, 2012, and be it

FURTHER RESOLVED, that Peter Streitman will remain on the Cost Benefit Analysis Committee as an Associate and non-voting member of the Comprehensive Plan/Special Board, and be it

RESOLUTION NO. (316-2012) continued

FURTHER RESOLVED, that the Town Board hereby accepts the resignation of Christopher Carey effective and retroactive to February 15, 2012, and be it

FURTHER RESOLVED, that Catherine Nowicki, who is currently an Associate and non-voting member of the Comprehensive Plan/Special Board, is hereby appointed to the position of voting member of the Comprehensive Plan/Special Board.

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. (317-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Bowman Builders, Inc. furnished to the Town of Clarkstown Letter of Credit No. 2429 in the amount of \$34,200.00 to secure the completion of improvements and erosion control in the Bowman Estates Subdivision, as shown on the final plat of Bowman Estates Subdivision (43.14-1-45), which was filed in the Rockland County Clerk’s Office on March 23, 2010, and

WHEREAS, the First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that security in the amount of \$34,200.00 may be released to the guarantor.

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. (318-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control, The Retail Property Trust, Macy’s Retail Holdings, Inc. and Sears Roebuck & Co. have provided a sanitary sewer easement with regard to The shops at Nanuet site plan/subdivision (63.8-3-2, 3, 6, 7, 8, 9.1 and 57.20-2-59), and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the sanitary sewer easement, in a form approved by the Town Attorney, from The Retail Property Trust, Macy’s Retail Holdings, Inc. and Sears Roebuck & Co. in connection with The Shops at Nanuet site plan/subdivision and orders said easement recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

RESOLUTION NO. (318-2012) 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. (319-2012)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the residents of Derby Lane, New City, in the Town of Clarkstown have requested that street lighting be installed to improve the safety and welfare of the community; 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 between #4 and #6 Derby Lane, New City;

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:

Between house #4 and #6 Derby Lane, New City
(Install one (1) each – 70-watt – 5,800 sodium
vapor street light.

AND BE IT FURTHER RESOLVED, that the cost to provide lighting facilities at the above referenced location will be \$2,443.96, 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. (320-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, Cairnsmuir Lane, New City ends in a fork in a northerly direction onto Congers Road to direct traffic in a safe manner, and

WHEREAS, pedestrian traffic and walkers to Clarkstown North High School are required to traverse the two outlets of Cairnsmuir Lane, and

WHEREAS, traffic safety will be better served by restricting left turns from the easterly outlet of this forked intersection,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a “RIGHT TURN ONLY” sign at the easterly outlet of Cairnsmuir Lane to prevent left turn traffic, and be it

RESOLUTION NO. (320-2012) continued

FURTHER RESOLVED that the Superintendent of Highways is hereby further authorized to install two painted crosswalks to connect the Congers Road sidewalks from the west side of Cairnsmuir Lane, across the triangle island and on to the east side of Cairnsmuir Lane and 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. (321-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Med3000, Inc. acts as the service organization for the Town of Clarkstown to process insurance claims for basic and advanced life support services provided by volunteer ambulance corps and Rockland Paramedic Service, Inc. and

WHEREAS, it is necessary that the Town of Clarkstown have a limited scope audit to obtain reasonable assurance that Med3000, Inc. has the necessary controls and procedures in place to provide reliance that the billing is proper, and

WHEREAS, Korn Rosenbaum LLP has submitted a proposal dated June 14, 2012 to perform such audit, which the Comptroller finds reasonable in scope and price,

NOW THEREFORE, be it

RESOLVED, that Supervisor Gromack is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn Rosenbaum, LLP, Certified Public Accountants, with offices at Palisades Office Park, 26 Firemen’s Memorial Drive, Pomona, New York, for a cost not to exceed \$5,000, to perform the limited scope audit referred to herein, as described in a proposal dated June 14, 2012.

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. (322-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the County of Rockland has tendered a contract award to the Town of Clarkstown Police Department for costs incurred for members of the Police Department to attend the NYS Tactical Officers’ Conference from May 1, 2012 through May 3, 2012 in the amount not to exceed TWO THOUSAND NINE HUNDRED EIGHTY-SEVEN DOLLARS AND 94/100 DOLLARS (\$2,987.94).

NOW, THEREFORE, be it

RESOLUTION NO. (322-2012) continued

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 \$2,987.94 for attendance of members of the Police Department from May 1, 2012 through May 3, 2012.

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. (323-2012)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the maintenance of roads within the Town of Clarkstown is crucial to insure the health and safety of our residents, to promote the economic vitality of our businesses and to preserve the high quality of life which the Town and its residents have worked hard to achieve, and

WHEREAS, our roadway system is multi-jurisdictional, consisting of New York State, County of Rockland, Town of Clarkstown, village and private roads, and

WHEREAS, each respective government entity has a non-delegable duty to maintain those roads within its jurisdiction in a reasonably safe condition, and

WHEREAS, a municipality’s duty to maintain its roads includes the duty to maintain, at its sole cost and expense, not only the road surface itself, but also signs, street lights, traffic lights and fire hydrants appurtenant thereto, and

WHEREAS, the County of Rockland maintains and funds a highly capable Highway Department charged with maintaining County of Rockland roads, and

WHEREAS, a review of the street lights, traffic lights and fire hydrants within the Town of Clarkstown has revealed that the Town has been paying for the costs of maintaining street lights, traffic lights and fire hydrants along County of Rockland roads within Clarkstown, when all such costs are the legal responsibility of the County of Rockland, and

WHEREAS, it is in the public interest that all costs associated with County of Rockland roads be charged both prospectively and retroactively, to the extent permitted by law, to the municipal entity legally responsible for such costs, to wit: the County of Rockland,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clarkstown that effective August 1, 2012 the Town’s Comptroller is hereby directed to bill the County of Rockland for all costs associated with street lights, traffic lights and fire hydrants adjacent to County of Rockland roads if such costs (including, but not limited to electric supply costs charged by Orange & Rockland Utilities, Inc. or other energy supply companies, repair costs, United Water hydrant charges, etc.) are initially billed to or paid by the Town of Clarkstown, and

RESOLUTION NO. (323-2012) continued

BE IT FURTHER RESOLVED, that the Town’s Comptroller is directed to arrange for all future bills from service providers or vendors associated with street lights, traffic lights and fire hydrants adjacent to County of Rockland roads be charged directly to the County of Rockland, rather than the Town of Clarkstown, to the extent permitted by law or contract, and

BE IT FURTHER RESOLVED, that Town Attorney is authorized to commence a declaratory judgment action or other appropriate legal action or proceeding, either individually or in conjunction with joint or similar actions or proceedings by the Towns of Ramapo, Orangetown, Haverstraw and Stony Point, to declare that the responsibility for all costs associated with street lights, traffic lights and fire hydrants adjacent to County of Rockland roads is that of the County of Rockland, not the Town of Clarkstown, and to seek reimbursement from the County of Rockland for all such costs already paid by the Town of Clarkstown, to the maximum extent permitted by law, and

BE IT FURTHER RESOLVED that the Town Clerk is directed to provide a copy of this Resolution to the Rockland County Executive, the Chairperson of the Rockland County Legislature, the Rockland County Superintendent of Highways and the Supervisors of the Towns of Ramapo, Orangetown, Haverstraw and Stony Point.

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. (324-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Paul Rosen, LLC v. Town of Clarkstown, Index No(s). 7995/09, 7996/09, 10211/10 and 31420/11, affecting parcels designated as Tax Map 65.7-5-4 and 65.7-5-5 and more commonly known as 115 Route 59, Central Nyack, New York, and 24 Chestnut Street, Central Nyack, New York, respectively, for the year(s) 2009/10, 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-5-4 be reduced for the year(s) 2009/10, 2010/11 and 2011/12 from \$1,056,400 to \$977,200 at a total cost to the Town of \$5,581.03;
2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-5-5 for the year(s) 2009/10, 2010/11 and 2011/12;

RESOLUTION NO. (324-2012) continued

3. Reimbursement for the year(s) 2009/10, 2010/11 and 2011/12 on the parcel described as Tax Map 65.7-5-4, as stated above, be made no later than the earlier of (i) September 18, 2012, or (ii) sixty (60) days, but not less than thirty (30) days after the service of a certified copy of the Consent Order and Judgment, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

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. (325-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HVA Realty LLC v. Town of Clarkstown, Index No(s). 7987/09, 7990/09, 8000/09, 8001/09, 10232/10 and 31433/11E, affecting parcels designated as Tax Map Nos. 65.10-1-5, more commonly known as 6 South Greenbush Road, West Nyack, New York for the years 2009/10, 2010/11 and 2011/12, Tax Map 65.10-1-6, more commonly known as 8 South Greenbush Road, West Nyack, New York for the years 2009/10, 2010/11 and 2011/12, Tax Map 65.10-1-7, more commonly known as 41-45 South Route 303, West Nyack, New York for the years 2009/10, 2010/11 and 2011/12, Tax Map 65.10-1-8, more commonly known as 55 South Route 303, West Nyack, New York for the years 2009/10, 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

- 1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-5 be reduced for the year(s) 2009/10 from \$59,400 to \$50,500 at a cost to the Town of \$198.27;

RESOLUTION NO.(325-2012) continued

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-5 be reduced for the year(s) 2010/11 from \$59,400 to \$49,000 at a cost to the Town of \$245.29;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-5 be reduced for the year(s) 2011/12 from \$59,400 to \$47,500 at a cost to the Town of \$292.79;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-6 be reduced for the year(s) 2009/10 from \$21,500 to \$18,300 at a cost to the Town of \$71.29;

5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-6 be reduced for the year(s) 2010/11 from \$21,500 to \$17,700 at a cost to the Town of \$89.63;

6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-6 be reduced for the year(s) 2011/12 from \$21,500 to \$17,200 at a cost to the Town of \$105.80;

7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-7 be reduced for the year(s) 2009/10 from \$50,600 to \$43,000 at a cost to the Town of \$169.31;

8. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-7 be reduced for the year(s) 2010/11 from \$50,600 to \$41,700 at a cost to the Town of \$209.92;

9. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-7 be reduced for the year(s) 2011/12 from \$50,600 to \$40,500 at a cost to the Town of \$248.50;

10. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-8 be reduced for the year(s) 2009/10 from \$933,700 to \$793,600 at a cost to the Town of \$3,121.06;

11. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-8 be reduced for the year(s) 2010/11 from \$933,700 to \$770,300 at a cost to the Town of \$3,853.95;

12. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-8 be reduced for the year(s) 2011/12 from \$933,700 to \$747,000 at a cost to the Town of \$4,593.61;

13. Reimbursement for the year(s) 2009/10, 2010/11 and 2011/12 on the parcels described as Tax Map Nos. 65.10-1-5, 65.10-1-6, 65.10-1-7 and 65.10-1-8, as stated above, be made by the earlier of September 15, 2012 or ninety (90) days, but not less than thirty (30) days after service of a certified copy of the Consent Order and Judgment, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

RESOLUTIN NO. (325-2012) 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. (326-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HVA Realty LLC v. Town of Clarkstown, Index No(s). 7993/09, 10234/10 and 31430/11E, affecting parcel designated as Tax Map No. 65.7-5-3, more commonly known as 127 Route 59, Central Nyack, New York for the years 2009/10, 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-5-3 be reduced for the year(s) 2009/10, 2010/11 and 2011/12 from \$1,329,700 to \$1,163,500 at a total cost to the Town of \$11,711.72;
2. Reimbursement for the year(s) 2009/10, 2010/11 and 2011/12 on the parcels described as Tax Map No. 65.7-5-3, as stated above, be made by the earlier of September 18, 2012 or sixty (60) days, but not less than thirty (30) days after service of a certified copy of the Consent Order and Judgment, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

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. (327-2012)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HVA Realty LLC v. Town of Clarkstown, Index No(s). 7989/09, 7998/09, 10230/10 and 31432/11, affecting parcel designated as Tax Map Nos. 65.10-1-11, more commonly known as 155 South Route 303, West Nyack, New York for the years 2009/10, 2010/11 and 2011/12, and Tax Map 65.10-1-12, more commonly known as 175 South Route 303, West Nyack, New York for the year(s) 2009/10, 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-12 be reduced for the year(s) 2009/10, 2010/11 and 2011/12 from \$519,500 to \$430,000 at a total cost to the Town of \$6,306.85;

2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.10-1-11 for the year(s) 2009/10, 2010/11 and 2011/12;

3. Reimbursement for the year(s) 2009/10, 2010/11 and 2011/12 on the parcels described as Tax Map No. 65.10-1-12, as stated above, be made by the earlier of September 15, 2012 or ninety (90) days, but not less than thirty (30) days after service of a certified copy of the Consent Order and Judgment, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

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. (328-2012)

Co. Hoehmann offered and Co. Lasker seconded

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

BID#34-2012 – PAINTING AND SANDBLASTING OF LAKE NANUET POOL FLOOR

RESOLUTION NO. (328-2012) continued

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

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

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.

Richard Sena

He asked why Joel Epstein was a member of the Civilian Complaint Review Board.

Michael Hull

He asked Co. Hoehmann if he was prepared to answer the questions that were presented to him at the last Town Board meeting regarding the hiring of Mr. Savino’s firm.

Tom Nimick, New City

He referenced information regarding Mr. Savino that was presented to the Board at the last Town Board meeting and asked if the Board was aware of this information when they voted to retain his firm. He also asked for an explanation of the vetting process.

In response to Mr. Sena, Mr. Epstein explained that he was appointed to the Civilian Complaint Board in 1989 when he was a local businessman and has been serving without compensation since that time. He is not a member of law enforcement so there is no conflict.

Regarding the questions about the hiring of Mr. Savino’s firm, the Supervisor responded that these questions have been answered already.

Co. Hoehmann stated that he stood by the decision to hire Mr. Savino’s firm.

Both Co. Lasker and Co. Hausner spoke about their objections to anonymous blogging.

There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Hausner, the Special Town Board meeting was adjourned, time: 9:18 pm.

Respectfully submitted,

Justin Sweet
Town Clerk