

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

05/07/13

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. Town Clerk read the roll call.

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Supervisor Gromack read a letter from Timothy S. Bradt, Chief Retired, to Chief Michael Sullivan regarding the accreditation of the Clarkstown Police Department. Chief Bradt who was involved in the accreditation process stated that after observing and working with the Clarkstown Police Department, he feels it is one of the finest departments he has ever seen and he is impressed with the services provided for our residents. He stated we should be proud of the cooperativeness and professionalism of the employees and commended Lt. Morgan for the outstanding job he has done.

The Supervisor congratulated the Police Department on going through what appears to be a rigorous accreditation program.

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SPECIAL PRESENTATIONS:

Megan Hannon

Ms. Hannon was recognized and congratulated for winning the New York State Elks Hoop Shoot Championship.

Stan Pascoo

Mr. Pascoo was congratulated for his induction into the NYS Outdoorsmen Hall of Fame. He was also recognized for his hundreds of hours of volunteer service as a hunter safety instructor, as well as various other efforts to help people reconnect with the outdoors.

Environmental Excellence Award Presentations: –

Peggy Kurtz

Ms. Kurtz was presented with an award for Environmental Excellence for her many efforts on behalf of our environment.

Valley Cottage Library was also recognized with an Environmental Excellence Award for the conservation methods they implemented to minimize the impact of their building expansion on the environment.

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On motion of Co. Lasker seconded by Co. Borelli the public hearing re: Proposed Local Law Amending Chapter 290 (Zoning) with respect to New City Hamlet Zoning and the Town Zoning Map was opened, time: 8:38 pm, closed: 9:04 pm.

RESOLUTION NO. 178-2013 ADOPTED

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

Steve Levine, Congers

Asked for clarification on Item #9 partial refund of a building permit fee.

Amy Durbin

Asked for an explanation of Item #25, recinding order for a public hearing.

The Building Inspector explained the reason for the building refund and the Town Attorney explained that Item #25 had to do with withdrawing a petition for a road improvement district at the petitioner's request.

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RESOLUTION NO. (178-2013)  
Co. Lasker offered and Co Borelli seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE NEW CITY HAMLET ZONING AND AMENDING THE TOWN ZONING MAP"

was introduced by Councilperson Hausner, at a Town Board meeting held on April 9, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 9, 2013, directed that a public hearing be held on May 7, 2013, 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 7, 2013, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on April 29, 2013, and

WHEREAS, by resolution adopted April 17, 2012, 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 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 April 26, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by the Behan Planning, LLC, as agent for the Town Board, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Planning Department provided their written report on June 5, 2012 and made the following recommendations:

- 1 . Page 2 of the Executive Summary, bullet #3, indicates that mixed-use residential/commercial development would be allowed in the H2 and H3 zoning districts.: However, page 3 of Article II, Section 290-7.4C.(b) & (d) and Table F-1 lists that mixed use residence will be permitted in the H2 and H4 zoning districts. This discrepancy must be corrected.

RESPONSE: This is a typo. It has been changed to read "H2 and H4" districts.

- 2 . Page 10, Section 290-7.4 E.(5) provides the frontage build-out percentage requirements. It should be indicated within the heading that this refers to the H3 and H4 zoning districts, as has been done in Sections 290-7.4 E. (3) and (4) in the title heading.

RESPONSE: The heading for this paragraph has been changed to read "Frontage Buildout Percentage in the H3 and H4 Districts" to better clarify this.

- 3 . Table F-1 on page 13 lists senior citizen housing as a special permit use by the Town Board for the H1 and H3 zoning districts. Does the reference to senior citizen housing refer to the Active Adult Residence (AAR) Zone? It is not clear as to what is meant by senior citizen housing. If it is to allow the AAR floating zone designation in these two New City Hamlet districts, then this is conflictive with Section 7 of the proposed local law, page 4 of 5, which is proposing to amend Chapter 290-7.1 A, by adding the four hamlet districts to the list of ineligible hosts for this floating zone. This must be clarified.

RESOLUTION NO. (178-2013) continued

RESPONSE: This reference for the allowance of Senior Citizen Housing is intended to coincide with newly drafted zoning language which the Town of Clarkstown has been working on to promote such uses, especially in hamlet centers. This would allow senior housing to be developed as part of a plan with a diversity of other hamlet uses. It is not intended to authorize the use of the floating AAR, which would not be necessary, and was specifically omitted from these zoning districts.

- 4 . Clubs are listed as a permitted use in the Hamlet Transition (H3) zoning district. Clubs, depending on their type, could be open late at night, and be noisy. As this is a transitional zone to act as a buffer between the commercial activity and the adjacent residential neighborhood, the town should evaluate whether clubs are an appropriate use located within this zoning district. Performance standards should be provided for clubs, similar to the requirements of restaurants, bars, or taverns with outdoor seating if it remains in the H3 zoning district.

RESPONSE: Clubs are defined as *"An organization catering exclusively to members and their guests to promote nonprofit social, educational, athletic, service or recreational objectives, with no vending, merchandising or commercial activities conducted except as required generally for the membership and purposes of the club. Includes private veteran, fraternal, social or health clubs."* and are expected to be less intensive uses than restaurants or bars. It should be noted that the clubs permitted within the H3 district cannot have outdoor facilities, since outdoor clubs are defined as a separate use which is only permitted in the H4 district. For this reason, we do not feel that additional performance standards are necessary. The proposed zoning includes performance standards for restaurants, bars and taverns with outdoor seating in the H3 district, specifically to address the issue of noise and light impacts on adjacent residential areas.

- 5 . Loading docks are listed as a permitted use in Table F-1 in the Hamlet Transition zoning district. This accessory use is usually associated with more industrial or large commercial establishments, can generate noise, and would be incompatible adjacent to a residential use. We recommend that the Town Board allow this accessory use only in the H1 and H4 zoning districts, or at a minimum, as a special permit use so that the location of the loading docks can be evaluated. If loading docks are retained in the H3 zoning district, then more stringent parameters should be incorporated into the zoning requirements, under the "Requirements for Specific Uses," Section 290-7.4G, so as to limit the number of loading dock bays or hours of operation, and to provide specific requirements for lighting, landscaping, fencing, etc.

RESPONSE: This accessory use is not intended to cater to large industrial or commercial operations, but to allow existing businesses in the area to continue to have a small loading area for deliveries, which several rely on. However, a provision has been added to the requirements section which limits new loading areas to 1 space, with provisions for screening and hours of operation as directed by the Planning Board.

- 6 . Family day care is a permitted accessory use in the H2 and H4 zoning districts. However, on page 16, Section 290-7.4G.(4) (f) states "family day care shall be allowed only as an accessory to a single-family detached residence." Table F-1 does not list single-family detached residences as a permitted use in any of the zoning districts. In addition, only the H2 zoning district lists single-family semi-attached residences as a permitted use. In no case is a single family residence permitted in the H4 zoning district. Either the H4 zoning district should be amended to allow single-family residences (which does not appear to be the intent of this district), or the family day care should be deleted as a permitted accessory use in the H4 zoning district.

RESPONSE: While new single family detached residences are not currently (or proposed to be) permitted within the area covered by the H2 and H4 districts, there currently are several single family homes which exist in the area. It is the intent of this provision to allow family day care to be used as an accessory use to these pre-existing structures, if it is desired.

RESOLUTION NO. (178-23012) continued

7. Section 290-7.4 G.(4) (h) [5] Parking, structured above grade, provides criteria for garages located within the H3 zoning district. However, Table F-1 only lists the H1 and H4 zoning districts as allowing above grade parking structures. This discrepancy must be corrected. As indicated in a previous review, above grade parking structures may not be the most ideal transitional use adjacent to a residence, due to lighting, noise, air emissions, and visual impacts, so it may be best to amend the text on page 17 and leave Table F-1 as is.

RESPONSE: The discrepancy between Table F-1 and the text on page 17 has been corrected by removing the specific performance standards for above grade parking structures in the H3 district.

8. The Use Table F-1 only lists pet grooming as a permitted use in the H2 and H4 zoning districts. However, the text in Section 290-7.4 G. (4) (i) lists all four zoning districts as allowing pet grooming. This discrepancy must be corrected.

RESPONSE: The discrepancy between Table F-1 and the text on page 18 has been corrected by removing the references to each of the individual districts in the performance standards.

9. Section 290-7.4 G.(4)(U) on page 18 seems to be duplicative with Section 290-7.4 G.(4)(c) on page 15.

RESPONSE: The duplicative text paragraph at (c) has been removed and relocated to the correct alphabetical location so that it includes all of the proper text including taverns and bars.

10. Sections 290-7.4 H.(1)(c) and K.(1)(b) state " ... all signs existing prior to the date of adoption of this code shall be brought into conformity by September 1, 2012." How will property owners know that this will be required, and is this sufficient time for owners to replace their nonconforming signs with these new signs? Will there be any grants or monetary incentives for the owners to replace the signs? An explanation of how this is to be accomplished should be provided in the text.

RESPONSE: The requirement to have all signs brought into conformity with the new sign standards by September 1, 2012 has been in place since 2007 when the existing New City Hamlet Overlay Design Standards were adopted. This gave existing businesses a 5-year amortization period to come into compliance. This proposed zoning revision incorporates those adopted sign standards as part of the new district standards, allowing them to continue on record as they were while removing the need for the Overlay. There are no known grants or monetary incentives being proposed.

11. Section 290-7.4 H.(1)(f) discusses criteria for electric utilities for new or relocated poles. New electric service for new businesses should be required to be installed underground, and should be so stated.

RESPONSE: A provision has been added which requires underground electric service for new buildings.

12. Section 290-7.4 I. (4) (c) states that a use that has over 200% in excess parking spaces should be configured as public parking, designated as such with signage, and made accessible with sidewalks or other pedestrian access. Since the property owner would be required to provide sidewalks to adjacent properties, will they also be required to provide all of the maintenance for the use of their lot to others? Will any of the in lieu parking fees be used to offset any of their expenses? This should be clarified.

RESPONSE: The property owner would be responsible for maintenance of their own property, unless a separate maintenance agreement was negotiated with the town. It is intended that any specific operational and maintenance questions would be negotiated with the Planning Board prior to site plan approval on an as-needed basis.

RESOLUTION NO. (178-2013) continued

- 13 . No specific parking standards for mixed use residence are listed in Table 1-1 or in Section 290-7.4 G.(e). Would parking be based on bedrooms, square footage, or dwelling unit? Footnote #3 refers to the fact that properties converted to mixed use residences must "provide the additional parking needed for the new residential dwelling units" but no specifics are provided for this use. Parking standards for this use must be provided.

RESPONSE: No specific parking standards for mixed-use residences are required because the number of parking spaces needed would be based on the sum of the commercial and residential units involved. The standard parking numbers for multi-family units are intended to be used for any mixed-use or mixed-use conversions. To clarify this, a note has been added to the table.

- 14 . Table 1-1 lists parking requirements for gasoline stations though they are no longer a permitted use in the new zoning districts. As with the drive thru uses, a footnote should be added to the parking table indicating that this parking requirement is for existing uses only.

RESPONSE: This pre-existing use footnote has been broadened to apply to this type of use and has been added to gasoline stations.

- 15 . Sections 290-7.4 I.(8)and 290-7.4 M.(4)(b)[6] describe requirements for access to lots and curb cuts. Limiting curb cuts is a beneficial access management tool and we support the implementation of this concept. Furthermore, it is stated that curb cuts should only be as wide as necessary and curb radiuses should be kept to a minimum. It should however, also be noted in this section, that curb cuts on State or County highways must also comply with width requirements of those agencies and the New York State Fire Prevention Code.

RESPONSE: The notes at these two locations have been added.

- 16 . Section 290-7.4 I.(11)(b) describes how staggered hours parking will be implemented. Is there anything in place if, in the future, the uses that have been deemed to have staggered demand schedules change so that their schedule demand is now the same? This should be addressed.

RESPONSE: Subsection I. (11)(b)[5] explains that the adjusted number of spaces calculated for shared parking is a minimum - the Planning Board has the authority to require more spaces based on considerations such as potential future uses. In reviewing situations where there is a potential use change with insufficient parking, the Planning Board has a number of options available which are outlined in subsection I(3). These include: additional parking be added or arranged; reduction in the size of the proposed expansion; reduction in the intensity of the proposed use change; and denial of the change of use.

- 17 . Section 290-7.4 I.(12)(a) describes the requirements for landscaping that should be provided for parking areas abutting a public street or right-of-way. In instances where the parking spaces face the roadway, this landscaped buffer should be required instead of just recommended. This landscaping will help to shield the headlights from glaring into the vehicular travel lanes, creating safer conditions, especially onto the State or County roadways.

RESPONSE: This provision was originally included as a requirement. However, in discussions among town officials, it became clear that there were some instances where it would be impractical (or impossible) to impose this as a given standard. Also, because almost all of the properties within the hamlet have already been developed, the Town needed to have a certain amount of design flexibility to negotiate the redevelopment of existing parking lots where there were many space constraints due to existing structures, etc. It is the intent of this section to provide this landscaping buffer in all cases where it is practical in the context of improving the overall landscaping aesthetic throughout the hamlet. For these reasons, we do not feel it is necessary or beneficial to make it a requirement.

RESOLUTIONNO. ( 178-2013) continued

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 some of the recommendations of the Rockland County Department of Planning, dated June 5, 2012, however, the Town Board believes the majority of the County’s recommendations were addressed and clarified and incorporated in the current draft of the local law, and

WHEREAS, by resolution dated April 3, 2013, the Town of Clarkstown Planning Board found that the proposed local law is consistent with the aims and principles embodied in Chapter 290 and the Comprehensive Plan, and introducing allowable mixed use in the affected areas will ensure that a variety of housing options exists within the Town and the Board recommends in favor of the proposed local law, subject to § 290-7.4.C.(1) being deleted, which has been done;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Behan Planning, LLC, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is a Type 1 action under SEQRA, and (2) the proposed action shall not have a significant impact on the environment in that it will not directly result in any construction or physical changes to any site within the Town, 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. – 2013 entitled:

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE NEW CITY HAMLET ZONING AND AMENDING THE TOWN ZONING MAP"

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

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

RESOLUTION NO. (179-2013)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that Town Board Minutes of April 9, 2013 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

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RESOLUTION NO. (180-2013)  
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Darcy Casteleiro, 204 Radcliff Drive, Upper Nyack, New York – is hereby appointed to the position of Member – Historical Review Board – (to fill the unexpired term of Jason Vogel) – term effective May 6, 2013 and to expire on December 31, 2015 – at the current 2013 annual salary of \$2,000.

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. (181-2013)  
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12118 Senior Account Clerk Typist – which contains the name of Kathleen K. Martens,  
NOW, therefore, be it  
RESOLVED, that Kathleen K. Martens, 17 Jockey Hollow Drive, Nanuet, New York – is hereby appointed (Contingent-Permanent) to the position of Senior Account Clerk Typist – Office of the Town Comptroller - at the current 2013 annual salary of \$39,452., - effective May 21, 2013.

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. (182-2013)  
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #13048 (NCP T&E)Assessing Clerk II – Office of the Town Assessor – which contains the name of Kathleen T. Goodyear,  
NOW, therefore, be it  
RESOLVED, that Kathleen T. Goodyear, 19 Strawtown Road, New City, New York – is hereby appointed to the (promotional) (permanent) position of Assessing Clerk II – Office of the Town Assessor - at the current 2013 annual salary of \$67,690., effective May 7, 2013.

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. (183-2013)  
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Brian R. Davidson, 376 Kings Highway, Valley Cottage, New York – Police Radio Dispatcher (CAD) – Clarkstown Police Department – is hereby granted, as per his request, a leave sporadically, pursuant to the Family and Medical Leave Act – effective and retroactive to April 26, 2013.

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. (184-2013)  
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into “Adopt a Municipal Park, Shoreline or Roadway Programs” with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a specified Town location for an additional two year period beginning March 31, 2013 to March 31, 2015, as follows:

Sponsor: Blue Sky Landscape, Inc.  
505 Kings Highway  
Valley Cottage, NY 10989

Location: Corner of Lake Road and Kings Highway  
Valley Cottage, NY 10989

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement with the entity referred to herein, for a period of two (2) years beginning March 31, 2013 to March 31, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

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. (185-2013)  
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into “Adopt a Municipal Park, Shoreline or Roadway Programs” with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning April 17, 2013 to April 17, 2015, as follows:

Sponsor: Nazzaro Disposal  
441 Route 9W  
Congers, NY 10920  
Road: 0.68 mile segment of Lakewood Drive  
between Route 303 and Route 9W, Congers

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Nazzaro Disposal will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning April 17, 2013 to April 17, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Nazzaro Disposal, to remove trash from the roadways.

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. (186-2013)  
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into “Adopt a Municipal Park, Shoreline or Roadway Programs” with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt the below segment of a town road for a period of two (2) years, beginning May 10, 2013 to May 10, 2015, as follows:

Sponsor: Steve Weiss Landscaping, Inc.  
P.O. Box 77  
Valley Cottage, NY 10989  
Road: 1.28 mile segment of Old Mill Road, Valley Cottage—  
from Fulle Drive to Kings Highway

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Steve Weiss Landscaping, Inc. will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

RESOLUTION NO. (186-2013) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning May 10, 2013

to May 10, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Steve Weiss Landscaping, Inc., to remove trash from the roadways.

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. (187-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning May 31, 2013 to May 31, 2015, as follows:

Sponsor: Blue Sky Lawn Care & Landscaping, Inc.  
505 Kings Highway  
Valley Cottage, NY 10989

Road: 1.14 mile segment on Lake Road from Kings Highway to Route 9W,  
and 0.75 mile segment from the Railroad Tracks to Crusher Road  
on Kings Highway, Valley Cottage

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Blue Sky Lawn Care & Landscaping, Inc. will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning May 31, 2013 to May 31, 2015 in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Blue Sky Lawn Care & Landscaping, to remove trash from the roadways.

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. (188-2013)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, by Resolution No. 119-2013, the Town Board adopted Local Law No. 2-2013 on April 9, 2013, which amended many chapters of the Code of the Town of Clarkstown, and

WHEREAS, there was a typographical error in the title of the local law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 119-2013 to correct the title of the local law in the first WHEREAS clause and the first RESOLVED clause to read as follows:

“A Local Law amending Chapter 93 (Alcoholic Beverages), amending Chapter 109 (Building Construction Administration), amending Chapter 112 (Graffiti), Chapter 125 (Dogs and Other Animals), amending Chapter 126 (Massage Establishments), amending Chapter 136 (Explosives), amending Chapter 149 (Garbage, Rubbish and Refuse), amending Chapter 173 (Littering and Posting), amending Chapter 180 (Memorial Day Activities), amending Chapter 200 (Parking), amending Chapter 202 (Parks & Recreation Facilities), amending Chapter 205 (Noise), amending Chapter 208 (Peddling, Hawking and Soliciting), amending Chapter 216 (Property Maintenance), amending Chapter 220 (Quarrying and Blasting), amending Chapter 236 (Sewers), amending Chapter 239 (Shopping Carts), amending Chapter 244 (Sign Contractors, Licensing of), amending Chapter 248 (Solid Waste Transportation and Disposal), amending Chapter 250 (Streets and Sidewalks), amending Chapter 258 (Swimming Pools), amending Chapter 270 (Tree Preservation), amending Chapter 278 (Vehicles and Traffic)and amending Chapter 290 (Zoning) of the Code of the Town of Clarkstown”

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. (189-2013)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to participate in a service-oriented, educational and environmentally beneficial program and it has proposed to provide Americorps members under the direction of the Town Planner to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, and

WHEREAS, the Town will require assistance in collecting spatial data in the field and processing and applying this data into the GIS, and

WHEREAS, the Americorps workers will be collecting information on the Town’s stormwater catch basins for addition to the Town’s GIS database. This data will enhance the Towns current Municipal Separate Storm Sewer System (MS4) program and heighten our ability to track and intercept illicit discharges and fuel spills or other pollutants which may be accidently discharged to the municipal stormwater system, and

WHEREAS, the Town will require assistance in researching and organizing information to aid in the implementation of the Town of Clarkstown Comprehensive Plan, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which would be funded in part by the Town of Clarkstown, and

WHEREAS, the Town Planner has recommended this program for adoption in the Town of Clarkstown;

RESOLUTION NO. (189-2013) continued

NOW THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2013, in a form approved by the Town Attorney, to utilize the service of not more than one (1) Americorps members to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, for a program total not to exceed 250 service hours for each member at a cost not to exceed \$1,500, and

BE IT FURTHER RESOLVED that said fee shall constitute a proper charge to Account No. B - 8020-409.

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. (190-2013)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to participate in a service-oriented, educational and environmentally beneficial program and it has proposed to provide Americorps members under the direction of the Deputy Director of Environmental Control to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, and

WHEREAS, the Town will require assistance in collecting spatial data in the field and processing and applying this data into the GIS, and

WHEREAS, the Americorps workers will be collecting information on the Town's stormwater catch basins for addition to the Town's GIS database. This data will enhance the Towns current Municipal Separate Storm Sewer System (MS4) program and heighten our ability to track and intercept illicit discharges and fuel spills or other pollutants which may be accidentally discharged to the municipal stormwater system, and

WHEREAS, the Town will require assistance in researching and organizing information to aid in the implementation of the Town of Clarkstown Comprehensive Plan, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which would be funded in part by the Town of Clarkstown, and

WHEREAS, the Deputy Director of Environmental Control has recommended this program for adoption in the Town of Clarkstown;

NOW THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2013, in a form approved by the Town Attorney, to utilize the service of not more than one (1) Americorps members to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, for a program total not to exceed 250 service hours for each member at a cost not to exceed \$1,500, and

BE IT FURTHER RESOLVED that said fee shall constitute a proper charge to Account No. A - 8730-114

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. (191-2013)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Palisades Volvo site plan (tax map 65.10-1-5, 6, 7 & 8), Premier Auto Group has provided a stormwater control facility maintenance agreement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyance; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from Premier Auto Group in connection with the Palisades Volvo site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

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. (192-2013)  
Co. Hausner offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Public Works Administrator that

BID #41-2012 – FEDERAL AID DOWNTOWN REVITALIZATION  
SOUTH MAIN STREET – PHASE IIIA

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

as per their proposed total project cost not to exceed \$848,365.44 plus 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
- 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.

RESOLUTION NO. (192-2013) continued

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 emergency project shall be under the supervision of the Public Works Administrator, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-5111-400-409-0-4-16, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds with an anticipated partial reimbursement from grant programs in the amount of \$792,000.00

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. (193-2013)

Co. Hausner offered and Co. Hoehmann seconded

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

BID # 8-2013 – 2013 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 \$2,915,060.00 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
- 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

RESOLUTION NO. (193-2013) 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. (194-2013)

Co. Hausner offered and Co. Hoehmann seconded

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

BID # 9-2013 – 2013 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 \$214,850.00 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

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RESOLUTION NO. (196-2013) continued

as per their proposed total project cost not to exceed \$235,000.00 plus 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
- 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 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-8762-400-409-0-86-7, and be it

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

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. (197-2013)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, Burton I. Dorfman, Esq., attorney for Perry and Miriam Tirschwell, has requested a refund of Building Permit Fee (ZBA # 12-3866) paid in the amount of \$400.00 for property located at 5 N. Little Tor Road, New City, New York, more particularly described as Tax Map No. 43.14-1-23, because the application is being withdrawn, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$200.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$200.00 to Perry and Miriam Tirschwell to be charged to Account No. B-02-6-2555-0.

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. (198-2013)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has requested permission to have a licensed fireworks display at 65/66 Lake Road, Congers, New York, on June 23, 2013, and hold a carnival from June 20, 2013 through June 23, 2013, and

WHEREAS, Police Chief Michael Sullivan, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have reviewed the proposal and advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company. No. 1 to sponsor a fireworks display at 65/66 Lake Road, Congers on June 23, 2013, subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;
2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than \$5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;
3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
4. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's April 1, 2013 memo; and
5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

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. (199-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Board of Fire Commissioners of the Valley Cottage Fire District has requested that the Town Board of the Town of Clarkstown approve the final map of the boundary lines of the Valley Cottage Fire District, and

WHEREAS, said map was created by the Rockland County Planning Department and accepted and approved by the Board of Fire Commissioners of the Valley Cottage Fire District;  
NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 4, 2013 at 8:00 P.M., or as soon thereafter as possible, pursuant to Town Law, to consider approving the proposed final map of the boundary lines of the Valley Cottage Fire District, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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. (199-2013) 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. (200-2013)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

WILLIAM WALSH d/b/a Walsh Contracting  
124 Maple Avenue  
New City, NY 10956  
William Walsh, Owner

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

13-27 WILLIAM WALSH d/b/a Walsh Contracting

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. (201-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Town Board Resolution 341-2012 awarded bid #26-2012; Brookdale Court Culvert Replacement to WJL Equities Construction Company; and

WHEREAS, unforeseen field conditions required additional work by the contractor as follows:

- 1. Supply and install 36 lf of wooden guiderail at top of retaining wall
- 2. Supply and install 306 lf of wooden post and rail fence around new wall
- 3. Reconstruct a section of driveway at #5 Brookdale Court

WHEREAS, a change order request for the additional work was submitted by WJL Equities Construction Co for the additional work in the amount of \$11,593.48; and

WHEREAS, the change order has been reviewed by the Department of Environmental Control and found acceptable; and

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from \$206,310 to \$217,903.48 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H -8765-400-409-0-88-9

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. (202-2013)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Special Board has requested that legislation be adopted with respect to clarifying definitions found in Section 290-3 of the Zoning Code of the Town of Clarkstown, which would better align the intent of the newly adopted NS (Neighborhood Shopping) district, and

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 290-3 (DEFINITIONS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN "

and

WHEREAS, this proposed local law is intended to redefine the definition of "lot coverage" and add a new definition for "building coverage";

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-l 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 Jose Simoes, Town Planner, 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 June 4, 2013 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. (203-2013)

Co. Hoehmann 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 CHAPTERS 5 (ARCHITECTURE AND LANDSCAPE COMMISSION), 93 (ALCOHOLIC BEVERAGES), 173 (LITTERING AND POSTING), 198 (PARENTAL RESPONSIBILITY), 220 (QUARRYING AND BLASTING), 224 (RECORDS), 240 (SHOPPING CENTER PARKING AREAS), 244 (SIGN CONTRACTORS, LICENSING OF), 249A (STORMWATER MANAGEMENT), 270 (TREE PRESERVATION), 278 (VEHICLES AND TRAFFIC), 290 (ZONING)TO INCORPORATE 249 (SPECIAL PERMITS) IN ITS ENTIRETY, A295 (BOARD OF APPEALS RULES) AND A308 (PUBLIC IMPROVEMENTS, PROCEDURE FOR ACCEPTANCE), AND DELETING CHAPTERS 231 (SANITARY LANDFILLS), 239 (SHOPPING CARTS), 248 (SOLID WASTE TRANSPORTATION AND DISPOSAL), 249 (SPECIAL PERMITS) AND 263 (TAXICABS) OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

RESOLUTION NO. (203-2013) continued

WHEREAS, this proposed local law is intended to amend, update and/or delete various chapters and to incorporate Chapter 249 (Special Permits) in its entirety into Chapter 290 (Zoning) of the Code of the Town of Clarkstown;

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 July 2, 2013 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

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RESOLUTION NO. (204-2013)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Special Board has requested that legislation be drafted with respect to Senior Citizen Housing, Congregate Housing and Assisted Living Quarters, which would address the needs of senior citizens and meet the goals and objectives of the Comprehensive Plan in the Town, and

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 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO SENIOR CITIZEN HOUSING, SENIOR CITIZEN CONGREGATE HOUSING AND ASSISTED CARE LIVING QUARTERS"

and

WHEREAS, the purpose of this proposed local law is to amend Section 290 of the Town of Clarkstown Zoning Code to allow development of crucially needed additional senior housing by permitting the development of senior congregate housing and assisted living quarters for seniors as their needs change;

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-l 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 Jose Simoes, Town Planner, 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 June 4, 2013 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. (204-2013) 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. (205-2013)  
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, there have been recurring flooding problems on the south side of South Mountain Road in the vicinity of Tobi Lane in New City during storm events when storm water runs off High Tor Mountain through residential properties on the north side of South Mountain Road just east of Tobi Lane and continues across South Mountain Road resulting in damage to the front yards of some residential properties on the south side of South Mountain Road, and

WHEREAS, the Town Department of Environmental Control (DEC) had previously prepared design plans and specifications, dated August 2011, entitled South Mountain Road Drainage Improvements and

WHEREAS, the Town Highway Department requested an alternate design be considered to relocate the drainage chambers to outside the roadway pavement limits, and the Town wishes to pursue a possible alternate design to address this concern, and

WHEREAS, H2M has submitted a proposal, dated April 29, 2013, to assist the Town in this effort by performing engineering services to review and evaluate topographic data and design plan documents as prepared by the DEC, to evaluate other options to the stormwater chambers and to recommend improvements,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with H2M, in a form approved by the Town Attorney, to perform engineering services regarding the South Mountain Road Drainage Improvements, New City, New York, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$25,000.00 and will be charged to Account No. H8762 409 0 8616.

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. (206-2013)  
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$296,583.35 from the Rockland County Sewer District #1 and \$214,486.09 from the County of Rockland,

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-Sewer Pump Station & Collection System Upgrade) by \$296,583.55 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-9-2770 (Capital-Misc Local Revenue) and Expense Account H-8753-409-0-77-23 (Capital Projects-Elks Drive-Stream Remediation) by \$214,486.09 and

WHEREAS certain accounts need additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account B-8110-311-0 (Sewer-Gasoline) and increase Expense Account B-8110-409-0 (Sewer-Fees for Services) by \$7,000.

RESOLUTION NO. (206-2013) 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. (207-2013)  
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, a Project for South Main Street in the Town of Clarkstown, identified as Phase IIIA/PIN 8760.50 (the "Project"), to install new decorative street lights, illuminated bollards and tree grates, was determined eligible for funding under Title 23 U.S. Code; and

WHEREAS, The Town of Clarkstown secured an agreement for Federal Highway Administration funding from the New York State DOT in the amount of \$720,982.00 to cover the costs of the Project; and

WHEREAS, on October 2nd, 2012 passed Resolution 473-2012 appropriating \$782,478.00 for this Project and authorizing the Town to pay the remaining non-Federal share of the cost of the Project if it exceeds the amount appropriated; and

WHEREAS, Construction Bid documents for the Phase IIIA Main Street Revitalization were made available to prospective bidders and advertised between March 13th, 2013 and April 9th, 2013; and

WHEREAS, The Town of Clarkstown received three separate bids for the construction work, and in accordance with all of the Federal funding requirements and New York State DOT provisions, has reviewed these bids and determined that the low bid of \$848,365.44 was proposed by *Verde Electric Maintenance Corp* of Mount Vernon, NY;

NOW, THEREFORE, the Clarkstown Town Board, duly convened, does hereby

RESOLVE, that the contract for construction of the Phase IIIA/PIN 8760.50 Project be awarded to the low bidder *Verde Electric Maintenance Corp* in the amount of \$848,365.44, and be it

FURTHER RESOLVED, that the remaining non-Federal share of the project in the sum of \$65,887.00 be appropriated and made available to cover the remaining costs of the Project, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown and the Authorized Purchasing Agent are hereby authorized to execute all necessary Agreements, certifications or reimbursement requests in connection with the advancement of this Project, and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it

FURTHER RESOLVED, this Resolution shall take effect immediately.

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. (208-2013)  
Co. Borelli offered and Co. Hausner seconded

WHEREAS, the New York State Division of Homeland Security and Emergency Services has tendered a contract award to the Town of Clarkstown for the Buffer Zone Protection Program by the Clarkstown Police Department at the Palisades Center Mall in the amount of \$190,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services, in a form approved by the Town Attorney, to obtain funding in the amount of \$190,000.00, for the purpose of the Buffer Zone Protection Program by the Clarkstown Police Department at the Palisades Center Mall, for the period June 1, 2010 through May 31, 2013.

RESOLUTION NO. (208-2013) 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. (209-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, trees and shrubs were removed in order to perform necessary drainage work in the vicinity of Lake Nanuet Park pool, and

WHEREAS, The Department of Environmental Control recommended replanting these areas with trees and shrubs, and;

WHEREAS, the Department of Environmental Control has solicited and reviewed proposals from four (4) qualified contractors to perform the necessary work, and;

NOW, THEREFORE BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire

*Danny Clapp Landscaping Inc.  
P.O. Box 222  
West Nyack, NY 10994*

in accordance with their proposal dated May 6, 2013, and

BE IT FURTHER RESOLVED, that the cost of the work shall not exceed \$3,370.00 and shall be a proper charge to account # H -8760-409-84-9

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. (210-2013)

Co. Hausner offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,  
NEW YORK, ADOPTED MAY 7, 2013, AUTHORIZING THE  
CONSTRUCTION OF LIGHTING IMPROVEMENTS ON  
SOUTH MAIN STREET IN CONNECTION WITH THE NEW  
CITY DOWNTOWN REVITALIZATION PROJECT  
(PHASE IIIA), STATING THE ESTIMATED MAXIMUM COST  
THEREOF IS \$1,100,000, APPROPRIATING SAID AMOUNT  
FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE  
OF \$1,100,000 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:

RESOLUTION NO. (210-2013) continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct lighting improvements on South Main Street in connection with the New City Downtown Revitalization Project (Phase IIIA). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,100,000 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. It is expected that grant funds may be received by the Town in connection with the project described herein and any such grant funds are authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued for the project, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Serial bonds of the Town in the principal amount of \$1,100,000 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) Such lighting improvements on South Main Street constitute a physical public betterment or improvement classified as a capital asset under generally accepted accounting principles for municipalities and it has been determined by an appropriate engineering, architectural or other professional that the useful life of such improvements is at least fifteen (15) years. The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is therefore hereby determined to be fifteen (15) 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 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:

RESOLUTION NO. (210-2013) continued

- (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 May 7, 2013, 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 May 7, 2013, authorizing the construction of lighting improvements on South Main Street in connection with the New City Downtown Revitalization Project (Phase IIIA), stating the estimated maximum cost thereof is \$1,100,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,100,000 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 lighting improvements on South Main Street in connection with the New City Downtown Revitalization Project (Phase IIIA); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,100,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$1,100,000 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; and STATING any grant funds are authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued for the project, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of \$1,100,000 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 fifteen (15) 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 \$1,100,000 serial bonds will exceed five (5) years;

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;

RESOLUTION NO. (210-2013) continued

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.

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

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RESOLUTION NO. (211-2013)

Co. Hausner offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 7, 2013, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS ON DELLWOOD ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$540,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$540,000 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 road improvements on Dellwood Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$540,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$540,000 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 \$540,000 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. 20(c) of the Law, is fifteen (15) years.

RESOLUTION NO. (211-2013) 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 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 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 May 7, 2013, 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 May 7, 2013, authorizing the construction of road improvements on Dellwood Road, stating the estimated maximum cost thereof is \$540,000, appropriating said amount for such purpose, and authorizing the issuance of \$540,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (211-2013) continued

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

FIRST: AUTHORIZING said Town to construct road improvements on Dellwood Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$540,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$540,000 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 \$540,000 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 fifteen (15) 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 \$540,000 serial bonds will exceed five (5) years;

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.

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

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RESOLUTION NO. (212-2013)

Co. Hausner offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 7, 2013, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON DENVER DRIVE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$280,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$280,000 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 Denver Drive. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$280,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$280,000 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 \$280,000 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 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.

RESOLUTION NO. (212-2013) continued

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 May 7, 2013, 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 May 7, 2013, authorizing the construction of drainage improvements on Denver Drive, stating the estimated maximum cost thereof is \$280,000, appropriating said amount for such purpose, and authorizing the issuance of \$280,000 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 Denver Drive; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$280,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$280,000 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 \$280,000 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 \$280,000 serial bonds will exceed five (5) years;

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;

RESOLUTION NO. (212-2013) continued

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.

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

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RESOLUTION NO. (213-2013)  
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 620-2007, adopted October 23, 2007, as amended by Resolution No. 234-2009, adopted April 21, 2009, the Town Board retained Behan Planning and Design to provide professional planning services in connection with the West Nyack Hamlet Center Revitalization Project, and

WHEREAS, Behan Planning and Design has submitted a proposal, dated May 6, 2013, to provide professional services, in conjunction with engineering services to be provided by H2M Group, to complete the planning and design for the West Nyack Stormwater Management Project, and

WHEREAS, the Public Works Administrator has reviewed the proposal and finds it acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Behan Planning and Design, in a form approved by the Town Attorney, to provide professional planning and design services in connection with the West Nyack Stormwater Management Project, and be it

FURTHER RESOLVED, that the fee for these planning and design services shall not exceed \$450,030.00, and be it

FURTHER RESOLVED, that said fees shall be charged to Account No. H 8755-409-0-79-21.

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. (214-2013)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, by Resolutions Nos. 180-2011, 572-2011 and 74-2013, adopted on April 5, 2011, October 18, 2011 and February 5, 2013 respectively, the Town Board authorized an agreement, as amended, with the H2M Group to provide engineering services for drainage improvements for Denver Drive, New City requiring replacement of a storm drain line across Denver Drive and to assist the Town in obtaining easements in connection with the replacement of the storm drain line, and

WHEREAS, those services included engineering fees for tasks up to, but not including, the construction phase of the project, and

WHEREAS, the project was publicly bid and awarded with the construction project expected to last approximately three (3) months, and

WHEREAS, the Town has received a proposal from the H2M Group, dated May 1, 2013, to provide construction administration/observation services during the construction period, not to exceed three (3) months, and the First Deputy 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 hereby authorized to enter into an amended agreement, in a form approved by the Town Attorney, with H2M Group, 254 South Main Street, Ste. 500, New City, New York 10956 to provide construction administration/observation services during the construction phase of the Project, pursuant to its proposal dated May 1, 2013, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$36,800.00 without further authorization from the Town Board, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Account No. H 8762-409-0-86-7.

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. (215-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Resolution No. 176-2013 was adopted by the Town Board on April 9, 2013 regarding an order calling for a public hearing with regard to the petition of Jason Ruffo for a road improvement district; and

WHEREAS, the applicant's attorney, by letter dated May 7, 2013, requested that the matter be rescinded;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 176-2013 is hereby rescinded, effectively immediately.

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.

Mark Brenner and Pat Godfrey, New City  
Both had questions on an Our Town Newspaper article regarding the employment of Mr. Savino.

Steve Levine, Congers

Submitted and read a statement regarding alleged illegal landfill operation on Massachusetts Avenue in Congers.

Michael Hull, Bardonia

He submitted and read a statement regarding request for audit of Town Attorney's office.

Tom Nimick, New City

He submitted and read a statement regarding request for outside audit of Town Attorney's office.

Ralph Sabatini, New City

Spoke about alleged patronage and Town government.

Christine Geary, Congers

She spoke about how well the Town was run and critiqued certain departments.

Kevin Hobbs, New Cit

He asked for the dollar amounts represented in Item #s 8a –e. He asked about hiring practices at the Town Attorney's office.

The Supervisor stated they could get back to Mr. Brenner and Mr. Godfrey later on in the week. The Town Attorney stated that the questions about Mr. Savino are obviously the subject of a pending notice of claim and therefore for both parties benefit those questions should be addressed in the context of the notice of claim proceeding, attorney to attorney. Regarding the landfill project Mr. Levine referred to, the Code Enforcer explained that the orders of the Town engineer have been complied with, the source of the fill was supplied to the satisfaction of the Town Engineer and the project is still being monitored. The Comptroller explained the amounts represented in Items 8a through 8e.

There being no one further wishing to be heard, on motion of Co. Hoehmann, seconded by Co. Hausner, the Town Board moved into an executive session to discuss a police litigation matter, 9:47 pm. On motion of Co. Hoehmann, seconded by Co. Hausner the executive session was closed, 10:22 pm.

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On motion of Co. Hoehmann, seconded by Co. Hausner and unanimously adopted the Town Board Meeting was closed, 10:22 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/07/13

8:38 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: Proposed Local Law entitled "A Local Law Amending Chapter 290 (Zoning) with Respect to New City Hamlet Zoning and the Town Zoning Map.

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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 this is the culmination of almost 10 years of work. This particular zoning amendment divides New City into 4 hamlet center zones which allows property owners greater flexibility in developing their property, allows for mixed use development on the east side of Main Street, decreases parking requirements and encourages shared parking, foot traffic, less curb cuts and more nightlife. It officially incorporates the updated signage and architectural guidelines into Chapter 290. We received lengthy comments from the County Department of Planning and all are listed specifically in the resolution and we have addressed the majority of those comments. All of the Town Planning Board comments were addressed and they have recommended in favor of adoption of this amendment. Our consultants prepared an EAF acting as agent to the Town Board as lead agency and they have opined that the property action is a Type 1 action under SECA but that the proposed action shall not have any significant adverse impact on the environment. They have prepared a negative declaration for you to adopt tonight should you wish to do so.

Town Planner, Joe Simoes, stated that the Clarkstown Planning Board has gone through the law and he explained their findings. It is consistent with the aims and objectives of the Comprehensive Plan and they recommend in favor of the proposed local law.

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

Steve Levine, Congers

He asked if the Rockland County Planning Board had any major objections and also if utilities in the new district were required to be underground.

Mr. Simoes stated there were no major objections and the Town Attorney confirmed that new service would be underground if it could not be accommodated on existing utility poles.

Mrs. Garland, New City

She asked why this plan does not allow new drive-throughs for banks or pharmacies and why building height is restricted.

Mr. Behan of Behan Planning explained that drive-throughs create conflicts with pedestrians and were, therefore, restricted in an effort to make New City more walkable. As far as building height, this plan allows the scale of development that people wanted and the idea was not to have a big building atmosphere.

Kevin Hobbs, New City

He asked about parking and expressed concerns with regard to school buses safely navigating on Main Street.

Mr. Behan stated that the parking in this law deals with uses on private property and in response to the concern about school buses, the street is designed to accommodate all vehicles.

Richard Sena, Bardonia

He spoke in support of this local law.

Christine Geary, Congers

She spoke in favor of narrow streets because they are statistically safer for everyone.

There being no one further wishing to speak, on motion of Co Hausner seconded by Co. Hoehmann the Public Hearing was closed, time: 9:04 p.m.

Respectfully submitted,

Justin Sweet  
Town Clerk