

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

01/15/13

7:30 PM

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

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On motion of Co. Lasker seconded by Co. Hausner the Public Hearing Re: 2013 Community Development Block Grant Funds Program, was opened, time: 7:41 p.m. closed, 7:42 p.m.

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On motion of Co. Hausner seconded by Co. Lasker the Public Hearing Re: Acquisition (by Condemnation) of a Permanent Easement on a Portion of Property known as 59.18-1-22, was opened, time: 7:44 pm, closed 8:20 pm. RESOLUTION NO. 26B-2013 ADOPTED

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The meeting was opened for comments on the agenda items.

Jim Flynn, Nanuet

He inquired about Item #4, a pilot agreement with the Nanuet Mall.

Steven Levine, Congers

He asked for clarification of Item #20, a public hearing for a local law regarding regional shopping.

Amy Durbin

She asked for clarification on Item #s 11, Old Haverstraw Road culvert; #14, Property Lease and #17, Bid Awards.

Frank Grandel, New City

He inquired about Item #12, Drainage Study; #19b Drainage Improvement Funds; #11 Old Haverstraw Road culvert and #14, Property Lease.

Barbara Brower, Congers

She inquired about Item #5, Geese Population Control.

Tom Nimick, New City

He asked for clarification on the charges referred to in Item #11.

The Town Attorney stated that the pilot agreement in Item #4 regarding the Nanuet Mall does not involve any tax abatement; it simply allows them take advantage of sales tax exemptions on some of the equipment they are purchasing for construction. Regarding Item #11, State Law says in order to include a project labor agreement in a public works project, a feasibility study must be done. This resolution simply authorizes charging the previously approved amount for that study to the appropriate capital account line. Regarding Item #12, due to chronic drainage problems in West Nyack, the West Nyack Drainage Task Force has recommended the low bid proposal to perform a study. Item#14 deals with extending a lease for a small triangle of land adjacent to the Nanuet Train Station on which we have a Veteran's Memorial. The Highway Supervisor explained that Item #17a is for sign making supplies and block and cement for road maintenance and Item #17b is for safety clothing for employees. Regarding Item #19b, this is simply a bond resolution relating to Item #12, the Comprehensive Drainage Study for the Hackensack River Basin. Regarding Item #20, the Town Planner explained that although the area at the intersection of Route 303 and Route 59 next to the Palisades Center properties is mostly zoned Major Regional Shopping, there is still a portion zoned light industrial office that that should be changed on the Zoning Map. Additionally, there is some light industrial office in the vicinity of

Greenbush Road and Strawberry Hill that is also being recommended zoned major regional shopping to conform with the other regional shopping zones in that area. Additionally we are recommending text amendments to include provisions for buffering for sound barriers and screening between commercial and residential areas and additional requirements for storm water mitigation. The Recreation Supervisor explained that Item #5 is to hire a contractor to add geese eggs to keep the geese population down.

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RESOLUTION NO. (26A-2013)

NO RESOLUTION, THIS RESOLUTION NUMBER WAS NOT USED

RESOLUTION NO. (26B-2013)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, by resolution of the Town Board of the Town of Clarkstown duly adopted on December 20, 2012, a duly noticed public hearing was held by the Town of Clarkstown on January 15, 2013, pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York ("EDPL"), to consider the acquisition by exercise of the power of eminent domain of a permanent sewer easement of approximately 3,827.58 square feet in size located at the easterly portion of a parcel of land commonly known as 160 N. Route 303, West Nyack, New York and designated on the Clarkstown Tax Map as 59.18-1-22 and more particularly described in the attached Schedule "A" for the purpose of installing sanitary sewer facilities and a pump station, and

WHEREAS, notice of such statutory public hearing ("Notice") was published in the Journal News, the official newspaper of the Town of Clarkstown, for five (5) consecutive days as follows: December 31, 2012, January 1, 2, 3 and 4, 2013, and

WHEREAS, Section 201 of the EDPL requires that a condemnor must, prior to acquisition, conduct a public hearing to inform the public and to review the public use to be served by the proposed public project and the impact on the environment and the residents of the locality where the project will be constructed, and

WHEREAS, the Town has mailed, via certified mail, return receipt requested, the Notice of public hearing to the property owner and their attorney pursuant to EDPL §202(C), and their attorney has admitted service of said notice on behalf of the corporation, and

WHEREAS, the property owner's attorney hand delivered a letter on January 15, 2013 objecting to the Town's proposed acquisition by eminent domain of a permanent easement on the property owner's property, and

WHEREAS, pursuant to the terms of the Notice, a public hearing was held on the 15<sup>th</sup> day of January 2013 at 7:30 P.M. in Room 301 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York (the "Public Hearing"), and

WHEREAS, said public hearing was duly held as scheduled, and the purpose and proposed location of the public project and all other pertinent information was outlined, and thereafter all persons in attendance were given a reasonable opportunity to present oral or written statements, or to submit other documentation concerning the specified public project, and a record of the hearing was made, and

WHEREAS, the Director of the Department of Environmental Control, as agent for the Town Board, presented his proposed findings pursuant to the State Environmental Quality Review Act ("SEQRA"), in which he advised that the proposed action is "unlisted" and that the Project would have no significant environmental impact and the Town found that there was a public need and public benefit for the Project;

NOW, THEREFORE, upon due consideration, the Town Board of the Town of Clarkstown, pursuant to the Constitution of the State of New York, Town Law and Eminent Domain Procedure Law, hereby makes the following determination and findings:

1. Property described in Schedule "A," attached hereto, shall be acquired by the exercise of eminent domain for the purpose of acquiring a permanent easement to a portion of land commonly known as 160 N. Route 303, West Nyack, New York and designated on the Clarkstown Tax Map as 59.18-1-22.
2. The permanent easement so acquired shall be used for municipal purposes. The premises is needed for installing a new sewer pump station as a replacement of the existing sewer station in a non-flood prone area. The existing sewer pump station is located on the same

RESOLUTION NO. (26B-2013)

premises, but located in a flood prone area. The easement so acquired shall be used for public use and is necessary for the protection of the environment and the health, safety and welfare of the residents of the Town of Clarkstown and adjacent areas.

3. The location of the permanent easement to be acquired was selected because of its proximity to the existing sanitary sewer lines and because it was not in a flood prone area and would have minimal impact on the environment. The permanent easement will not interfere with the existing building and parking area of the site. The following alternative locations were examined: 1) a portion of single family lot, 2) a portion of the NYS Thruway right of way and 3) a portion of a Rockland County Park. The alternative locations were not recommended because they would have a greater environmental impact, would not be reliable and would cost more.
4. Based upon the recommendation of the Director of the Department of Environmental Control, as well as the EAF prepared pursuant to SEQRA by George W. Desmarais, P.E. of Holzmacher, McLendon & Murrell, P.C., the Town's consultant, and testimony and comments given at the public hearing, the Town Board determines that this is an unlisted action, that the acquisition of the permanent easement will have no significant environmental impact or adverse impact on local residents, as the project will provide benefits and enhance the environment and assist in maintaining and enhancing water quality in the area. The Town Board hereby adopts the attached Negative Declaration and directs that it be filed and distributed pursuant to NYCRR 617.
5. The funding for the acquisition of the permanent easement shall be obtained from either surplus funds or by the issuance of capital improvement bonds, subject to further proceedings, or by reimbursement from the Rockland County Sewer District No. 1;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the within Determination and Findings, pursuant to Eminent Domain Procedure Law §204, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town Attorney to take such steps as may be necessary to carry out the intent of this resolution and to publish such findings in accordance with section 204 of the Eminent Domain Procedure Law, and be it

FURTHER RESOLVED, that copies of the record of the Public Hearing on the Project shall be available for examination without cost during normal business hours at the office of the Town Clerk, 10 Maple Avenue, New City, NY 10956. Further, copies of the record of the Public Hearing shall be reproduced upon written request and payment of the cost thereof by any interested party.

SCHEDULE "A"

Surveyor's description of a proposed Pump Station located at 160 N. Route 303, West Nyack, Town of Clarkstown, County of Rockland, State of New York. Clarkstown Tax Map: 59.18-1-22

All that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being at West Nyack, Town of Clarkstown, County of Rockland and the State of New York, being bounded and described as follows:

Beginning at the intersection of the southerly side of North Greenbush Road with the northwesterly most corner of the herein described Pump Station. Said point of beginning being further described as being 863.13 feet easterly from the intersection of the southerly side of North Greenbush Road with the easterly side of New York State Route 303.

Thence easterly along the southerly side of the North Greenbush Road South 45 degrees, 32 min. 20 sec. East, 14.18 feet to the point of curvature.

RESOLUTION NO. (26B-2013) continued

Thence easterly along the southerly side of North Greenbush Road along the arc of a curve bearing to the right having a radius of 303.24 feet with an arc length of 51.06 feet to the northeasterly corner of the herein described parcel.

Thence the following three (3) bearings and the distances through Tax Lot 22.

1. South 44 degrees, 27 min. 40 sec. west, 55.71 feet.
2. North 45 degrees, 32 min. 20 sec. west, 65.00 feet.
3. North 44 degrees, 27 min. 40 sec. east, 60.00 feet to the southerly side of North Greenbush Road and the point or place of beginning.

Containing within said bounds, 3,827.58 Sq. Ft.

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. (27-2013)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of December 20, 2012 and the Town Board Reorganization Meeting of January 3, 2012 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. (28-2013)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Edward J. Guardaro, Jr., 9 Emerald Drive, Valley Cottage, New York – is hereby reappointed to the position of Vice-Chairman – Zoning Board of Appeals – to serve without compensation – term effective and retroactive –to January 1, 2013 and to expire at 12:01 a.m. on January 1, 2014.

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. (29-2013)

Co. Lasker offered and Co. Hausner seconded

RESOLVED, that the resignation (by retirement) of Joseph Berry, 82, Massachusetts Avenue, Congers, New York Motor Equipment Operator II – Clarkstown Highway Department is hereby accepted – effective and retroactive to January 9, 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. (30-2013)

Co. Lasker offered and Co Borelli seconded

WHEREAS, the County of Rockland wishes to reimburse the Town of Clarkstown Police Department for overtime costs incurred during the 2012 Maccabi Games pursuant to the 2010 Homeland Security Grant;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain reimbursement for overtime in the amount of \$38,231.22 with regard to the Maccabi Games for the period from August 1, 2012 through July 31, 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. (31-2013)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Rockland County Industrial Development Agency (“RCIDA”) is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County; and

WHEREAS, the “RCIDA” has undertaken a project consisting of the buildings and the land for Lessee’s The Retail Property Trust (d/b/a “The Shops at Nanuet”) redevelopment of a retail center therein of certain materials which project has offices located at 75 West Route 59, Nanuet, New York; and

WHEREAS, to facilitate the Project, the Agency has entered into a “straight lease transaction” pursuant to the Agency’s uniform tax exemption policy by which the Agency has acquired a leasehold interest in the Project Realty under a Head Lease and the Agency has leased back to The Retail Property Trust (d/b/a “The Shops at Nanuet”), as Lessee, the Agency’s interest in the Project (the “Lease Agreement”); and

RESOLUTION NO. (31-2013) continued

WHEREAS, the proposed agreement provides for the payment in lieu of taxes for the full amount of real estate taxes that it would pay if the RCIDA were not involved in the transaction; and

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a “payment in lieu of taxes agreement” (a PILOT Agreement) to be executed by all parties; NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with THE RETAIL PROPERTY TRUST (d/b/a “THE SHOPS AT NANUET”), THE NANUET UNION FREE SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, and THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map(s) as 57.20-2-59, 63.8-3-3, 63.8-3-6 and 63.8-3-8, and located at 75 West Route 59, Nanuet, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (32-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town has previously contracted with wildlife control specialist Thomas J. Maglaras of Nuisance Wildlife Control Agents to implement a program to egg addle Canadian Geese sites throughout the Town under a License granted to the Town by the USDA Wildlife Services in order to promote control of the Canadian Geese population, and

WHEREAS, the Town has received a proposal for a 2013 Canadian Geese Program from Nuisance Wildlife Control Agents, and its past programs have been most successful, and the proposed fee is found to be reasonable along past years’ proposals.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with wildlife control specialist Thomas J. Maglaras, satisfactory to the Town Attorney, to implement a Town program for the control of the Canadian Geese Population during 2013, including a License Agreement with United Water New York, Inc., to enter upon its property during implementation of the program, and to take all steps necessary for the Town of Clarkstown to comply with all applicable State and Federal regulations; and be it

FURTHER RESOLVED, that all reasonable expenses in connection with the use of a wildlife control specialist to carry out the Town of Clarkstown program shall not exceed \$10,200.00 and shall be charged to Account No. A-8090-409-0.

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. (33-2013)

Co. Hausner offered and Co. Lasker seconded

Resolved, based upon the recommendation of the Authorized Purchasing Agent in concurrence with Recreation and Parks, that the bid furnishing athletic and recreation supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #1-2013 Athletic and Recreation Supplies

- ARC Sports 850 Peach Lake Road, North Salem, NY 10560 for items # 1, 2, 4, 11,12, 14, 17, 21, 26, 35, 87, 88, 90, 91, 94, 95 and 96 as per specifications at a net bid price of \$3,801.55.
- Flaghouse 601 Flaghouse Drive, Hasbrouck Heights, NJ 07604 for items # 22, 23, 28, 29, 31, 32, 38, 51, 52, 61, 62, 63, 74, 77, 78, 79, 80, 81 and 97 as per specifications at a net bid price of \$1,193.16.
- Kenmar Shirts, Inc. 1578 White Plains Road, Bronx, NY 10462 for item # 102 as per specifications at a net bid price of \$2,613.24.
- The LifeguardStore 2012 W. College Avenue, Normal, IL 61761 for items # 53, 100, 115, 116 and 117 as per specifications at a net bid price of \$6,909.00.
- Mainly Monograms 260 West Nyack Road, West Nyack, NY 10994 for items #103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 118, 119, 121, 124 and 125 as per specifications at a net bid price of \$12,505.05.
- Passon's Sports (Sports Supply Group) P.O. Box 49, Jenkintown, PA 19046 for items # 3, 5, 8, 10, 13, 18, 19, 24, 33, 37, 39, 43, 46, 47, 57, 58, 59, 60, 65, 66, 67, 69, 72, 73 and 99 as per specifications at a net bid price of \$1,771.27.
- Riddell/All American 669 Sugar Lane, Elyria, OH 44035-6309 for items # 6, 7, 15, 20, 120, 122 and 123 as per specifications at a net bid price of \$1,396.55.
- S&S Worldwide 75 Mill Street, Colchester, CT 06415 for items # 16, 25, 30, 40, 41, 42, 44, 45, 48, 49, 54, 55, 56, 68, 75, 76, 89, 93 and 98 as per specifications at a net bid price of \$1,133.17.
- United Supply Corp. 250 44th Street, Brooklyn, NY 11232 for items # 9, 27, 34, 50, 85, 86, 92, and 101 as per specifications at a net bid price of \$612.28.

Gross total for all items: \$31,935.27

Further resolved, that this amount \$31,935.27 be charged against accounts:

7140-222	\$ 2,789.71
7140-307	907.25
7141-222	-0-
7141-307	1,277.10
7141-329	1,715.44
7180-307	8,342.82
7180-329	984.72
7310-307	8,777.00
7310-329	7,056.83
7610-329	84.40
TOTAL:	<hr/> \$31,935.27

RESOLUTION NO. (33-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (34-2013)

Co. Hausner offered and Co. Borelli 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 United Water New York, Inc./Pascack Well site plan (57.11-1-44), United Water New York, Inc. 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 United Water New York, Inc. in connection with the United Water New York, Inc./Pascack Well 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. (35-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Wolfe Landing, LLC has submitted plans for approval of a sewage disposal system to the Rockland County Department of Health, and

WHEREAS, the Rockland County Department of Health has found said plans acceptable and requires the formation of a sewage works corporation, and

WHEREAS, pursuant to Transportation Corporation Law, the Town of Clarkstown must consent to the Certificate of Incorporation for the Wolfe Landing LLC Sewage-Works Corporation;

NOW, THEREFORE, be it

RESOLVED, that based upon the prior approval of the Rockland County Department of Health and pursuant to the Transportation Corporation Law, the Town Board of the Town of Clarkstown hereby consents to the Certificate of Incorporation for the formation of the Wolfe Landing LLC Sewage-Works Corporation for the area described in such certificate.

RESOLUTION NO. (35-2013) 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. (36-2013)

Co. Hausner offered and Co. Borelli 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:

BELLEVILLE LANDSCAPING, INC.  
84 N. Route 9W - Suite D  
Congers, New York 10920  
Isidore J. Castiglia, Vice-President

RINO PAVING & CONSTRUCTION, INC.  
20 Viola Road  
Suffern, New York 10901  
Robert Rino, President

RONALD FILERA LANDSCAPE CONTRACTORS, LLC  
520 Pascack Road  
Chestnut Ridge, New York 10977  
Ronald Filera, Sole Member

W. HARRIS & SON, INC.  
37 West Washington Avenue  
Pearl River, NY 10965  
Tim Harris, President

VICTOR P. ZUGIBE, INC.  
66 Railroad Avenue  
Garnerville, New York 10923  
Victor P. Zugibe, President

COPPOLA SERVICES, INC.  
28 Executive Parkway  
Ringwood, NJ 07456  
Ralph Coppola, President

ROOTER PLUMBING HUDSON VALLEY, INC.,  
d/b/a MR. ROOTER PLUMBING  
P.O. Box 1740  
Pleasant Valley, NY 12569  
Clinton C. Kershaw, President

KEVIN STOKES EXCAVATING, INC.  
P.O. Box 812  
Pearl River, New York 10965  
Kevin Stokes, President

PAUL BITTS CO., INC.  
9 Germonds Road  
New City, New York 10956  
Paul Bitts, President

RESOLUTION NO. (36-2013) continued

OMNI LANDSCAPING, INC.  
12 Colline Drive  
Suffern, NY 10901  
Paul Ruggieri, President

CARMELO SCAFFIDI & SONS BLACKTOPPING, INC.  
26 Dickens Street  
Stony Point, New York 10980  
Eduardo D. Scaffidi, Vice-President

RICHARD ORSINI, INC.  
d/b/a GREEN HORIZON LANDSCAPE & CONTRACTING, INC.  
133 W. Clarkstown Road  
New City, New York 10956  
Richard Orsini

MONSEY EXCAVATING, INC.  
71 Montebello Commons Dr. - P.O. Box 677  
Suffern, New York 10901  
Albert Lepori, President

AMERICAN MINUTEMEN SEWER & DRAIN  
P. O. Box 2005  
New City, New York 10956  
Joseph Simonetti, President

CAL MART ENTERPRISES, INC.  
4 Burts Road  
Congers, New York 10920  
Martin Wortendyke, Vice-President

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

- 13-5 BELLEVILLE LANDSCAPING, INC.
- 13-6 RINO PAVING & CONSTRUCTION, INC.
- 13-7 RONALD FILERA LANDSCAPE CONTRACTORS, LLC
- 13-8 W. HARRIS & SON, INC.
- 13-9 VICTOR P. ZUGIBE, INC.
- 13-10 COPPOLA SERVICES, INC.
- 13-11 ROOTER PLUMBING HUDSON VALLEY, INC.,  
d/b/a MR. ROOTER PLUMBING
- 13-12 KEVIN STOKES EXCAVATING, INC.
- 13-13 PAUL BITTS CO., INC.
- 13-14 OMNI LANDSCAPING, INC.
- 13-15 CARMELO SCAFFIDI & SONS BLACKTOPPING, INC.
- 13-16 RICHARD ORSINI, INC.  
d/b/a GREEN HORIZON LANDSCAPE & CONTRACTING, INC.
- 13-17 MONSEY EXCAVATING, INC.
- 13-18 AMERICAN MINUTEMEN SEWER & DRAIN
- 13-19 CAL MART ENTERPRISES, INC.

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. (37-2013)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ISB Realty, LLC against The Board of Assessors AND/OR The Assessor of the Town of Clarkstown and the Board of Assessment review. Index No(s). 6792/09, 7636/10, 31317/11, 31468/12, affecting parcel designated as Tax Map 58.14-1-49 and more commonly known as 175 Route 304, Nanuet, New York for the year(s) 2009/10, 2010/11, 2011/12, 2012/13, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-1-49 be reduced for the year(s) 2010/11 from \$366,400 to \$329,800 at a cost to the Town of \$863.25;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-1-49 be reduced for the year(s) 2011/12 from \$366,400 to \$351,750 at a cost to the Town of \$360.45;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-1-49 be reduced for the year(s) 2012/13 from \$366,400 to \$355,400 at a cost to the Town of \$288.64;
4. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-1-49 for the year(s) 2009/10;
5. Reimbursement for the year(s) 2010/11, 2011/12, and 2012/13 on the parcel described as Tax Map 58.14-1-49, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (38-2013)  
Co. Hausner offered and Co. Borelli seconded

Whereas, the Town Board of the Town of Clarkstown has previously, via resolution, retained the services of Holzmacher, McLendon & Murrell, P.C. (d/b/a H2M Group) to perform Project Labor Agreement Feasibility Studies with respect to Town capital improvement projects; and

Whereas, H2M Group prepared and submitted a Project Labor Agreement Feasibility Study for the Old Haverstraw Road Culvert Replacement Project; and

RESOLUTION NO. (38-2013) continued

Whereas, in accordance with their existing contract, H2M Group submitted an invoice in the amount of \$8,200.00 for the preparation of said Project Labor Agreement Feasibility Study;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes an increase in the allotment for Bid #36-2009 Old Haverstraw Road Culvert Replacement Project in the amount of \$8,200.00, for a total project amount of \$279,969.15, to cover the costs associated with the preparation of said Project Labor Agreement Feasibility Study; and

Be It Further Resolved that this shall be a proper charge to account # H 8762-409-86-15.

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. (39-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town is desirous of having a qualified consultant perform a hydrologic and hydraulic analysis of the Hackensack River Basin tributary to an area of chronic flooding in the West Nyack hamlet and to recommend measures to mitigate that chronic flooding, and

WHEREAS, the Town, through the West Nyack Drainage Task Force (“WNDTF”), prepared a Request for Proposal to perform said study, and has solicited proposals from qualified Consultants to perform said analysis, and

WHEREAS, proposals have been received from 5 potential Consultants which were reviewed by the WNDTF Consultant Selection Committee, which subsequently interviewed three firms to further evaluate the firms’ qualifications, and

WHEREAS, of the qualified proposing firms, the WNDTF Consultant Selection Committee has recommended that the Town retain Brooker Engineering PLLC of Suffern, NY to perform the said study, that recommendation being based on firm qualifications and experience, and

WHEREAS, after said evaluation of qualifications, the Consultant Selection Committee opened the cost proposal from Brooker Engineering PLLC and found the proposal to be reasonable in terms of scope and cost;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Brooker Engineering PLLC, in a form satisfactory to the Town Attorney, to provide the Engineering Services for Comprehensive Drainage Study, Hackensack River Basin, West Nyack, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed ONE HUNDRED TWELVE THOUSAND EIGHT HUNDRED (\$112,800.00) DOLLARS plus reasonable reimbursable expenses not to exceed \$3,000.00, for a total cost of \$115,800.00, and be it

FURTHER RESOLVED, that the fees for said services shall be a proper charge to Account No. H 8765-409-0-88-22, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the cost of the study through the issuance of serial bonds.

RESOLUTION NO. (39-2013) 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. (40-2013)

Co. Hausner offered and Co. Lasker seconded

*Whereas*, the Town Board of the Town of Clarkstown had, via Resolution #471-2012, previously authorized the Director of the Department of Environmental Control to retain the services of Cal Mart Enterprises, Inc. of Congers, New York to effect repairs to an existing drainage structure located within a Town drainage easement in the rear yard of the residence at 186 West Mary Lane in Valley Cottage, New York; and

*Whereas*, as the work commenced it was determined in the field that an existing storm drain line tied into the drainage structure was also damaged necessitating repairs be made to a portion of this storm drain line; and

*Whereas*, this unforeseen additional work was not included in the original scope of work; and

*Whereas*, the Department of Environmental Control obtained a proposal from Cal Mart Enterprises, Inc. to effect repairs to this storm drain line and to accommodate a change in the restoration of the area surrounding the drainage structure performed at the request of the resident; and

*Whereas*, the Department of Environmental Control reviewed said proposal and found it to be acceptable in terms of scope and price;

*Now, Therefore, Be It Resolved* that the amount allocated for this work be increased by \$2,536.56 to a total of \$12,636.56 to reflect the change in the scope of work; and

*Be It Further Resolved* that said cost shall be a proper charge to account # H-8755-400-409-0-79-1.

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. (41-2013)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Town Board, by Resolution dated January 15, 2002, authorized the expenditure of funds to pay for the cost of the installation of a water meter and water meter pit at the site of the Veterans' Memorial at the Nanuet Train Station (Lot13-D-28), and

WHEREAS, the site wherein the Veterans' Memorial is located is owned by New Jersey Transit Corporation, and

RESOLUTION NO. (41-2013) continued

WHEREAS, the New Jersey Transit Corporation has agreed to extend to lease the aforesaid site to the Town for a term of six (6) months commencing on January 1, 2013 and terminating on June 30, 2013 for a fee of One (\$1.00) Dollar per annum, which fee shall be waived;

NOW, THEREFORE, be it

RESOLVED, in accordance with the authority provided in Town Law Section 64(2), the Town Board authorizes and directs the Supervisor to enter into a lease agreement with New Jersey Transit Corporation for the premises identified on the Tax Map of the Town of Clarkstown as Lot 13-D-28, which lease agreement will be extended for a six (6) month term commencing January 1, 2013 and ending June 30, 2013 at an annual fee of One (\$1.00) Dollar per annum, which fee shall be waived.

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. (42-2013)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, by Resolution No. 592-2012, the Town Board authorized the Supervisor to retain Pinebrook Industries to provide construction services for repairs to existing rip-rap embankment and related work related to the Lake Lucille Aquatic Improvement District, and

WHEREAS, unforeseen field conditions varied from those anticipated to exist upon cleanup of eroded areas of the site, requiring changes to the scope of work originally authorized:

- 1) Installation of an additional 15 linear feet of boulders over the 15 linear feet initially estimated by the Town,
- 2) Installation of an additional 10 linear feet of curb over the 20 linear feet initially estimated by the Town, and

WHEREAS, the Deputy Director of Environmental Control has reviewed said changes and found them to be necessary and reasonable, and

WHEREAS, the Contractor has submitted change order proposals in the amount of \$2,500.00 for the change in scope of work, which the Deputy Director of Environmental Control has deemed reasonable;

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes a change order for additional work in the amount of \$2,500.00, and be it

FURTHER RESOLVED, that the capital account for said project is hereby increased by \$2,500.00, for a total of \$12,500.00, and be it

FURTHER RESOLVED, that the additional cost for such services shall be a proper charge to Account No. H 8765-409-0-88-26 and shall be charged to the District.

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. (43-2013)

Co. Borelli offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of John J. Mahoney, 35 Hansen Avenue, New City, New York – Police Officer (Detective) – Clarkstown Police Department is hereby accepted – effective and retroactive to January 4, 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. (44-2013)

Co. Borelli offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that BID #42-2012– HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to: CHEMUNG SUPPLY CORP.  
P.O. BOX 527  
ELMIRA, NY 14902  
PRINCIPAL: MYRA S. STEMERMAN  
MARC P. STEMERMAN

PRINCIPAL: FLINT TRADING, INC.  
115 TODD CT.  
THOMASVILLE, NC 27360  
MATT SOULE  
STEVE VETTER

PRINCIPAL: 3M CENTER  
BLDG. 225-5S-08  
BOX 33225  
ST. PAUL, MN 55133-3225  
A PUBLIC CORPORATION

PRINCIPAL: VULCAN SIGNS  
P.O. BOX 1850  
FOLEY, AL 36536-1850  
AN EMPLOYEE OWNED COMPANY

PRINCIPAL: AMERICAN TRAFFIC SAFETY MATERIALS, INC.  
P.O. BOX 1449  
ORANGE PARK, FL 32067-1449  
A PUBLIC CORPORATION

as per attached item/price schedule on file in the Purchasing Department.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hauser r. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (45-2013)

Co. Borelli offered and Co. Lasker seconded

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

BID#43-2012 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

is hereby awarded to:

ARAMARK UNIFORM SERVICES  
DIV. OF ARAMARK UNIFORM & CAREER APPAREL, INC.  
115 NORTH FIRST STREET  
BURBANK, CA 91502  
PRINCIPALS: A PUBLIC CORPORATION

STAUFFER GLOVE AND SAFETY  
361 E. SIXTH STREET  
P.O. BOX 45  
RED HILL, PA 18076  
PRINCIPALS: W. RANDELL STAUFFER  
JEFFREY STAUFFER  
REBEKAH STAUFFER PUTERA

STRONGWEAR GARMENT CORP  
191 THE PLAZA  
TEANECK, NJ 07666  
PRINCIPALS: GILBERT ORTIZ

as per the price/item list on file in the Purchasing Department

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hauser r. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (46-2013)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Town Board of the Town of Clarkstown wishes to request that the Rockland County Consortium consider several projects for Community Development Block Grant Funding, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of these applications in their request for funding;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby requests that the Rockland County Consortium consider Community Development funding for the following purposes:

1<sup>st</sup> Priority: Town of Clarkstown – Transport vehicle to assist in the transport of senior citizens from and to various locations within the Town

2<sup>nd</sup> Priority: Town of Clarkstown – Accessible Pedestrian Signals and Detectors: Tactile Arrows and Locator Tones at Squadron Blvd. & North Main Street, New City

RESOLUTION NO. (46-2013) continued

3<sup>rd</sup> Priority: Town of Clarkstown – Reconstruction of sidewalks and entrance doors at several Town community centers to comply with ADA regulations

AND BE IT FURTHER RESOLVED, that the Town Board hereby requests that from this list, the Consortium prioritize the applications in the same order they are listed in this resolution when considering each of these projects submitted by the Town of Clarkstown.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hauser r. . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (47-2013)

Co. Hausner offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JANUARY 15, 2013, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON NANCY DRIVE, NEW CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$26,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$26,000 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 Nancy Drive, New City. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$26,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$26,000 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 \$26,000 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.

RESOLUTION NO. (47-2013) continued

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 January 15, 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 January 15, 2013, authorizing the construction of drainage improvements on Nancy Drive, New City, stating the estimated maximum cost thereof is \$26,000, appropriating said amount for such purpose, and authorizing the issuance of \$26,000 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:

RESOLUTION NO. (47-2013) continued

FIRST: AUTHORIZING said Town to construct drainage improvements on Nancy Drive, New City; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$26,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$26,000 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 \$26,000 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 \$26,000 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.

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. (48-2013)

Co. Hausner offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JANUARY 15, 2013, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH POSSIBLE CAPITAL DRAINAGE IMPROVEMENTS IN THE AREA OF THE HACKENSACK RIVER BASIN, WEST NYACK , STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$115,800, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$115,800 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. (48-2013)

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare plans and specifications in connection with possible capital drainage improvements that may be undertaken in the future in the area of the Hackensack River basin in an area of chronic flooding in West Nyack. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$115,800 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$115,800 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 \$115,800 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

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

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 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,

RESOLUTION NO. (48-2013) continued

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

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (49-2013)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Planning Department, in consultation with and as a result of the State Route Corridor Study undertaken by Cambridge Systematics implementing the Town's Comprehensive Plan, has drafted proposed amendments to the Zoning Map and Chapter 290 of the Code of the Town of Clarkstown which would rezone various Light Industrial Office (LIO) and Regional Shopping (RS) zoned properties to Major Regional Shopping (MRS); and various Light Industrial Office (LIO), Manufacturing (M), and Medium Density Single Family Residential (R-15 & R-22) zoned properties to Regional Shopping (RS) in the vicinity of the intersection of Route 59 and Route 303, as well as providing qualitative requirements for buffering commercial uses adjacent to residential uses and incentives for mitigating stormwater runoff in excess of minimum Federal and State requirements, and

WHEREAS, these proposed amendments will encourage economic development in areas best served by the Town's existing infrastructure while safeguarding adjacent residential uses and encouraging stormwater management to a higher extent than currently applicable, all of which further the goals and objectives of the Town's Comprehensive Plan, and

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

"AMENDMENT TO THE TOWN ZONING MAP AND CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAJOR REGIONAL SHOPPING & REGIONAL SHOPPING"

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

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and 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 March 5, 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. (49-2013) continued

On roll call the vote was as follows:

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

Jim Flynn, Nanuet

He asked for clarification about pension amortization numbers.

Steven Levine, Congers

He read a letter to the Town Board regarding alleged illegal land fill operation at 189 Massachusetts Avenue.

Peter Ryder, New City

Spoke about flooding problems on Cranford Drive.

Tom Nimick, New City

Spoke about the salary schedule and the deliberations that went on before adoption of same.

Amy Durbin, Congers

She asked for clarification on the amount of the town tax increase that appeared on her tax bill.

Marge Hook, New City

Does not agree with million of dollars being spent on the completion of the Congers walkway in light of high Town taxes.

Frank Grandel, New City

Complained about escalating Town debt and costs associated with the Congers walkway.

Scott Milich, New City

He spoke in favor of the Congers walkway completion.

Phil De Gaetano, New City

Spoke in favor of the Congers walkway project.

Stephen Coyle, Congers

He also is in favor of the Congers walkway completion.

Regarding the amortization on pensions, the Comptroller stated he did not have those figures with him but would be happy to review the annual report and confirm those numbers. Code Enforcer Epstein gave a synopsis of the Town's response to the project referenced by Mr. Levine. He stated there are conditions on this project and the Town is monitoring it. The Supervisor explained that the salary schedule increases are the result of union contracts. He gave a brief explanation on what is included in the town tax line which appears on the tax bill and stated that the Comptroller's office can explain in more detail if anyone would like further clarification. Regarding Town debt, the Supervisor reiterated that Town projects are supported and appreciated by many of the Town residents. The Director of Finance stated there will be a meeting concerning the Cranford Drive mitigation plan in a few weeks and everyone in that community will be notified so they can attend.

There being no one further wishing to be heard, on motion of Co. Lasker seconded by Co. Hausner the Town Board Meeting was closed, time: 9:10 p.m.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING  
PUBLIC HEARING #1

Town Hall

01/15/13

7:41 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: 2013 Community Development Block Grant Funds Program

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The Town Attorney explained that a notice of this public hearing was published by the County of Rockland in accordance with the law and explained that the purpose of this public hearing was to allow for an open comment period regarding the Community Block Grant Funds.

On motion of Co. Lasker seconded by Co. Hausner the public hearing was opened, time: 7:41 p.m.

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

On motion of Co. Borelli seconded by Co. Hausner the public hearing was closed, time: 7:42 p.m.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING  
PUBLIC HEARING #2

Town Hall

01/15/13

7:44 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: Acquisition (by Condemnation) of a Permanent Easement on a Portion of Property known  
as 59.18-1-22

\*\*\*\*\*

Town Clerk read the notice of public hearing. On motion of Co. Lasker seconded by Co.  
Hausner the public hearing was opened.

(Verbatim transcript of the entire hearing on file in the Town Clerk's office.)

On motion of Co. Lasker seconded by Co. Hausner, the public hearing was closed, 8:20 pm.

RESOLUTION NO. 26B-2013 ADOPTED

Respectfully submitted,

Justin Sweet  
Town Clerk