

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

02/04/2014

8:00 pm

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

SPECIAL PRESENTATIONS:

YOUTH COURT ACADEMY GRADUATION:

Detective Chris Maloney introduced the following Youth Court Graduates:

Joseph Antonello	Jaclyn Kaufman	Ryan Orlan
Jana Becker	Harrison Klein	Zachary Pollard
Sean Blaine	Emily Millman	Benjamin Rockower
Andrew Brown	Liam Monahan	Emily Stevens
Sarah Brauer	Jessica Nunes	Ryan Vignali
Niles Davies	Alexa Nutovits	Blake Wills
Josh Finklestein	Juliette Nutovits	

The Supervisor and the members of Town Board congratulated and praised the graduates for their accomplishments.

SPECIAL PRESENTATION: PRIDE OF CLARKSTOWN AWARDS

The Pride of Clarkstown program was initiated by the late Co. Ralph Mandia to recognize property owners who go above and beyond in beautifying their properties. The following were recognized and congratulated as the Pride of Clarkstown 2013 Winners:

Alexander Brothers Auto Center <i>Service Business</i>	Palisades Volkswagen <i>Retail</i>
Bruno I Beauty Center <i>Small Business</i>	The Salvation Army <i>Professional Office</i>
Italiana's Brick Oven Pizzeria Restaurant and Bar <i>Food/Hospitality</i>	Steve Weiss Landscaping, Adopt-a-Spot <i>Community Projects</i>
Joe Raso Hospice Residence <i>Non-Profit</i>	United Structural Works, Inc. <i>Industrial</i>

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

On motion of Co. Hoehmann, seconded by Co. Lasker the public hearing: Re: 2014 Community Development Block Grant Funds Program was opened, time: 8:39 pm, closed 8:39 pm

On motion of Co. Hoehmann, seconded by Co. Hausner the public hearing: Re: New City Fire District Final Map was opened, time: 8:41 pm, closed, 8:41 pm

(RESOLUTION NO. 42-2014 ADOPTED)

On motion of Co. Borelli seconded by Co. Hoehmann the public hearing: Re: Local Law for Flood Damage Prevention was opened, time: 8:42 pm, closed, 8:42 pm

(RESOLUTION NO. 43-2014 ADOPTED)

On motion of Co. Lasker seconded by Co. Borelli the public hearing: Re: Request of Cherry Hill Builders use of Town Law 280-a(4) was opened, time: 8:44 pm, closed, 8:54 pm

(RESOLUTION NO. 44-2014 ADOPTED)

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

Steven Levine, Congers

He had questions on Item 9, Town Hall Renovations, Item 25, Plans and Specifications for Town Hall and Item 19, Public Hearing for acquisition of property and personnel issues.

Tom Nimick, New City

He had questions on Item 22m, Part time Clerical Position and Item 18, Refunding Serial bonds.

George Remult, New City

Question on Item 10, Geese Control.

Marge Hook, New City

She asked for clarification on Item 7, Hi Tor Animal Center contract and Item 22m.

Richard Sena, Bardonia

He had a question on Item 23, Amendment to Agreement with County Solid Waste Management.

Frank Grandel, New City

He had a question on Item 25, Agreement with DCAK-MSA.

Amy Durbin, Congers

She asked for clarification of Item 22a, temporary Police Officer.

The Town Attorney explained that Item 3, Amending the Zoning Map in the Rose Road, West Nyack area was regarding a change to a lot line on surplus property that was purchased from the Town. Supervisor Gromack explained that the Hi Tor Animal contract is the same agreement we have had in the past and that Item 25 has to do with renovations on the second floor relative to the Town Clerk/Receiver of Taxes office consolidation. Code enforcer, Joel Epstein, explained the programs we have in place to control the goose population. The Town Comptroller explained that the authorization to re-fund outstanding serial bonds would allow the Town to refinance at lower interest costs. The Town Attorney explained that Item 19, deals with the back half of a piece of property that we need for the detention basin. Regarding Item 22a, temporary police officer, Chief Sullivan explained that a person cannot be hired under permanent status until they pass through a clearing process by the County. Once they are certified by the County they become permanent. The Supervisor clarified questions pertaining to compensation for Boards and Commission members and explained the creation of a part-time Data Processing position. Regarding Item 23, this allows us to accept higher host fees from the Solid Waste Authority.

RESOLUTION NO. (41-2014)

(THIS RESOLUTION NUMBER WAS NOT USED)

RESOLUTION NO. (42-2014)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Town Law § 176(5) requires fire districts to prepare a map showing the exact boundaries of the fire district, and

WHEREAS, the New City Fire District has complied with the provisions of Town Law § 176(5), and

WHEREAS, the New City Fire District has provided the Town Board of the Town of Clarkstown, New York with the proposed map and legal description as well as proof of service upon adjacent fire districts of the proposed map and description, and

WHEREAS, the Town Board has been advised and believes that no objections to the proposed map and description have been filed, and

WHEREAS, notice of public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice at which hearing no objections to the boundaries were heard;

NOW, THEREFORE, be it

RESOLVED, as follows:

- 1. That the proposed map and legal description of the New City Fire District is hereby approved.
- 2. The Town Clerk, pursuant to Town Law § 176(5) is directed to notify the adjacent fire districts of the filing and approval of said map.
- 3. That the Town Clerk is further directed to file a certified copy of the map in the Office of the Rockland County Clerk as well as to publish a notice of the filing of said map in the official newspaper 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

RESOLUTION NO. (43-2014)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36”

was introduced by Councilman George Hoehmann, at a Town Board meeting held on December 19, 2013, which law would amend Chapter 146 by replacing the current language in its entirety to comply with the floodplain management requirements of the National Flood Insurance Program and the Federal Emergency Management Agency (FEMA), and

WHEREAS, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, and

WHEREAS, the Town of Clarkstown Planning Board, by memo received January 10, 2014, recommended approval of the proposed Local Law, and

WHEREAS, the Rockland County Commissioner of Planning, by memo dated January 28, 2014, remanded the matter for local determination, and

WHEREAS, the New York State Department of Environmental Conservation and FEMA strongly recommend adoption of said proposed local law in its current form, and

WHEREAS, a public hearing was scheduled to be held on February 4, 2014, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on January 27, 2014, and

RESOLUTION NO. (43-2014) continued

WHEREAS, the public hearing was duly held by the Town Board of the Town of Clarkstown on February 4, 2014, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 24, 2014, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the memo, dated January 31, 2014, from Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, as agent for the Town Board, pursuant to SEQRA, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the memo from Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, acting as agent to the Town Board as lead agency, it is hereby determined that the proposed action is a Type 2 action under SEQRA, and requires no further review under the provisions of SEQRA, and be it

FURTHER RESOLVED, that Local Law No. – 2014, entitled:

“A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36”

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

On roll call the vote was as follows:

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

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

RESOLUTION NO. (44-2014)

Co. Lasker offered and Co Borelli seconded

WHEREAS, CHERRY VALLEY BUILDERS, INC. has made application to the Town Board of the Town of Clarkstown for use of the provisions of Town Law 280-a(4) to create an “Open Development Area” for subdivision of premises without use of planned Town roads, which property is located at 124 Blauvelt Road, Nanuet, New York, approximately 800 feet north of the intersection of Townline Road, designated as Clarkstown Tax Map 64.18-3-2, and

WHEREAS, at the Town Board meeting of December 19, 2013, the Town Board scheduled a public hearing for February 4, 2014, which hearing was duly noticed and held, and

WHEREAS, the Town Board designated Jose Simoes, Principal Town Planner, as its agent to complete the SEQRA process, and has considered his report dated January 22, 2014 in making its decision herein, and

WHEREAS, the matter was referred to the Rockland County Commissioner of Planning, and the Town of Clarkstown Planning Board, Director of Environmental Control and Building Inspector for review and recommendation, and

WHEREAS, the First Deputy Director of Environmental Control has advised that the proposed road will meet Town standards for a private road, and the Building Inspector has no objection to the use of Town Law 280-a(4) as shown on the “Shields Property” Subdivision Plan, and

RESOLUTION NO. (44-2014) continued

WHEREAS, by letter dated January 29, 2014, the Rockland County Department of Planning recommended that General Note #17 be changed to read that this plat has been approved as specified in Section 239-n of General Municipal Law, and

WHEREAS, the Town of Clarkstown Planning Board, by its resolution dated January 8, 2014, recommended approval of the application subject to the following condition:

- 1. That the building orientation layout and screening will be subject to review of the Planning Board,

and

WHEREAS, the Town Planner has advised the Town Board that the applicant has agreed to and/or complied with the Planning Board’s conditions;

NOW, THEREFORE, be it

RESOLVED, that based upon the January 22, 2014 report of Jose Simoes, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed use of Town Law 280-a(4) for the subject premises is an unlisted action under the State Environmental Quality Review Act (SEQRA) and will not have any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that pursuant to recommendation of the Rockland County Planning Department, dated January 29, 2014, the Planning Board is hereby directed to require the applicant to change Map Note #17 on the plat to cite the correct section of General Municipal Law, and be it

FURTHER RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, and pursuant to the recommendations of the Town of Clarkstown Planning Board dated January 8, 2014, the Town Board hereby establishes an “Open Development Area” for property situate at 124 Blauvelt Road, Nanuet, New York, approximately 800 feet north of the intersection of Townline Road, designated as Clarkstown Tax Map 64.18-3-2, and which is known as the “Shields Property,” so that same may be developed as a result of the application presently pending before the Clarkstown Planning Board for access to premises by right of way or easement, and be it

FURTHER RESOLVED, that said approval by the Town Board is subject to the applicant providing a road maintenance agreement, in a form approved by the Town Attorney, which shall run with the land and be recorded in the Rockland County Clerk’s Office, and be it

FURTHER RESOLVED, that the applicant shall return to the Planning Board for final subdivision review and approval, and that any subdivision map approved by the Planning Board shall contain a Note(s) referring to this resolution establishing the “Open Development Area” by date and number, and shall incorporate the Planning Board’s conditions as set forth in their January 8, 2014 resolution.

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. (45-2014)

Co. Lasker offered and Co Borelli seconded

RESOLVED, that the Town Board Minutes of December 19, 2013 and January 2, 2014 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (46-2014)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Special Board has recommended a zone line modification which affects two (2) zoning districts in the vicinity of Lake Road in Congers to keep retail along the street and housing behind retail and along Congers Lake, 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 THE ZONING MAP OF THE TOWN OF CLARKSTOWN, CONGERS MULTIFAMILY ZONING"

and

WHEREAS, the proposed local law is to amend the Zoning Map of the Town of Clarkstown by altering the zoning line and changing a zoning district from Light Industrial Office (LIO) to Multifamily-3 (MF-3) affecting Lake Road between Green Street and Hemenway Avenue;

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, Principal Planner for the Town of Clarkstown, 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 April 8, 2014 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (47-2014)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Special Board has recommended a zone line modification between two (2) zoning districts in the vicinity of Rose Road and Route 59 in West Nyack to reflect the realignment of the Rose Road and Route 59 intersection, 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 THE ZONING MAP OF THE TOWN OF CLARKSTOWN, ROSE ROAD AREA, WEST NYACK"

and

WHEREAS, the proposed local law is to amend the Zoning Map of the Town of Clarkstown by shifting the zone line running through tax lot #64-2-40 to run along the western lot line of this parcel and beyond to points of intersection along Rose Road and Route 59 to reflect realignment of said intersection;

NOW, THEREFORE, be it

RESOLUTION NO. (47-2014) continued

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, Principal Planner for the Town of Clarkstown, 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 April 8, 2014 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (48-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the existing North Greenbush Road, Van Doren Court and Long Clove Road Pump Stations are currently being replaced, and

WHEREAS, in the course of performing the work, additional labor and associated work was required in connection with the required work as follows:

1. C.O. #4 - Additional labor and equipment associated with the removal of unsuitable soil at the Van Doren Court Pump Station for a total cost of \$8,760.24, and
2. C.O. #4 – Change from a 6 ft. high to an 8 ft. high perimeter fence at the Long Clove Road Pump Station for a total cost of \$18,055.00, and

WHEREAS, the Contractor for the Town has submitted the proposals for the miscellaneous additional work, and

WHEREAS, the Town’s Consultant for the project, H2M Engineers, has reviewed the proposal for the additional work and finds it acceptable, and

WHEREAS, the cost of the additional work is \$26,815.24.

NOW, THEREFORE, BE IT RESOLVED, that Change Orders #4 and #5 for Contract “G” General Construction, for Project CLKT 11-12 is approved for the additional cost of \$26,815.24, and

BE IT FURTHER RESOLVED, that the total cost for Contract “G” General Construction shall not exceed \$1,211,980.94 and

BE IT FURTHER RESOLVED that the cost for the project is being reimbursed by the Rockland County Sewer District #1.

RESOLUTION NO. (48-2014) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (49-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the western terminus of Tamarac Avenue, New City where it intersects with Long Meadow Drive has experienced drivers rolling through the “T” intersection causing potential hazards to through traffic on Long Meadow Drive, and

WHEREAS, an investigation by the Town Board’s Liaison to the Traffic & Traffic Fire Safety Advisory Board in consultation with the Clarkstown Police Traffic Enforcement Unit has revealed that the matter is substantiated, and

WHEREAS, there is currently no regulating signage to indicate that this is a “T” intersection and that traffic must stop prior to entering the straightaway Long Meadow Drive;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a STOP sign and STOP line at the westerly end of Tamarac Avenue, where it intersects with Long Meadow Drive, and be it

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

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. (50-2014)

Co. Hoehmann offered and Co. Lasker 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 segment of various town roads for a period of two (2) years, beginning February 14, 2014 to February 14, 2016, as follows:

Sponsor: Head Start of Rockland
117 Route 9W; Haverstraw, NY 10927

Roads: 0.5 mile segment of Second Avenue between
Lawrence Street and One Head Start Circle in
Nanuet, NY 10954

and

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

RESOLUTION NO. (50-+2014) continued

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 February 14, 2014 to February 14, 2016, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the above named organization, to remove trash from the roadway.

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. (51-2014)

Co. Hoehmann offered and Co. Lasker 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 segment of a town road for a period of two (2) years, beginning January 24, 2014 to January 24, 2016, as follows:

Sponsor: New City Volunteer Ambulance Youth Corps
P.O.Box 33, 200 Congers Road
New City, NY 10956

Road: 0 .38 segment of Goebel Road from Congers Road to Route 304,
New City, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the above organization will perform a public service in removing trash from above roadway 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 an agreement, for a period of two (2) years beginning January 24, 2014 to January 24, 2016, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the above named organization, to remove trash from the roadway.

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. (52-2014)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2014 and terminating on December 31, 2014, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$33,000.00 for year to be paid quarterly upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

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. (53-2014)

Co. Hausner offered and Co. Lasker seconded

Resolved, based upon the recommendation of the Authorized Purchasing Agent and 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#1-2014 Athletic and Recreation Supplies

Kenmar Shirts, Inc., 1578 White Plains Road, Bronx, NY 10462 for item # 100, 101, 102, 104, 105 & 109 as per specifications at a net bid price of \$10,127.04.

The Lifeguard Store, 2012 W. College Avenue, Normal, IL 61761 for items # 49, 50 and 99 as per specifications at a net bid price of \$951.40.

Passon's Sports (Sports Supply Group) P.O. Box 49, Jenkintown, PA, 19046 for items # 3, 4, 5, 8, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 34, 35, 36, 39, 40, 51, 55, 57, 58, 59, 60, 62, 63, 64, 66, 67, 71, 72, 73, 74, 75, 76, 81, 116, 117 and 120 as per specifications at a net bid price of \$7,401.61.

S&S Worldwide, 75 Mill Street, Colchester, CT 06415 for items # 2, 10, 16, 33, 37, 41, 42, 43, 44, 45, 46, 47, 52, 53, 54, 65, 68, 69, 70, 77, 78, 79, 80, 82, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 and 98 as per specifications at a net bid price of \$2,024.01.

Riddell/All American, 669 Sugar Lane, Elyria, OH, 44035-6309, for items # 6, 7, 9, 15, 103, 106, 107 and 112 as per specifications at a net bid price of \$2,020.04.

Gross total for all items: \$22,524.10

Further resolved, that this amount \$22,524.10 be charged against accounts:

RESOLUTION NO. (53-2014) continued

7140-222	\$ 2,589.86
7140-307	279.25
7141-222	67.00
7141-307	1,144.52
7141-329	2,730.84
7180-307	1,734.00
7180-329	994.18
7180-219	-0-
7310-222	-0-
7310-307	7,661.04
7310-329	5,296.05
7610-329	27.36
TOTAL:	\$22,524.10

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. (54-2014)

Co. Lasker offered and Co. Hausner seconded

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

BID#12-2014 – TOWN HALL 2ND FLOOR RENOVATIONS

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (55-2014)

Co. Hoehmann 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 2014 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.

RESOLUTION NO. (55-2014) continued

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 2014, 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

RESOLUTION NO. (56-2014)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 512-2013, adopted December 19, 2013, the

Town Board authorized the Supervisor to enter into an agreement with H2M for professional engineering services to assist the Town with an alternate design for South Mountain Road drainage improvements, and

WHEREAS, the fee for said work was based on a proposal, dated November 7, 2013, submitted by H2M, and

WHEREAS, a typographical error was made in copying the amount of the proposed budget wherein the amount stated in Resolution No. 512-2013 was not to exceed \$25,000.00 instead of \$15,000.00 as stated in the proposal,

NOW THEREFORE, be it

RESOLVED, that the typographical error is corrected so that the amount designated to be expended shall not exceed \$15,000.00.

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. (57-2014)

Co. Lasker offered and Co Borelli seconded

WHEREAS, DePaulis Enterprises V, LTD has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Tax Map No.(s) 44.7-2-10, 44.7-2-10.1, 10.2, 15, 17 and 35.19-2-18, 19, 20, and more commonly known as, 27 Meola Road, 29 Meola Road, 85 Brenner Drive, 148 Old Haverstraw Road, and 25 Meola Road; 16 Meola Road, 1 Old Orchard Lane, and 255 N. Route 303, respectively, all properties being located in Congers, New York, for the year(s) 2008/09, 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14, and

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

RESOLUTION NO. (57-2014) continued

NOW, THEREFORE, be it

RESOLVED, that Valuation Plus, Inc. be retained for the purpose of preparing such trial appraisal, if necessary, at a fee not to exceed \$10,000.00, and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (58-2014)

Co. Hoehmann 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 Route 303 Temporary State Police & NYS Thruway Authority Maintenance Facility site plan (59.18-1-22), Hauser Bros. Holdings, LLC has provided a deed for road widening, a declaration of covenant for emergency access, a stormwater control facility maintenance agreement and an intersection monitoring agreement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyances; and the Town Attorney has advised that the documents are 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 the intersection monitoring agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement, the intersection monitoring agreement, the deed for road widening and the declaration of covenant for emergency access from Hauser Bros. Holdings, LLC in connection with the Route 303 Temporary State Police & NYS Thruway Authority Maintenance Facility site plan and orders them 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

RESOLUTION NO. (59-2014)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Clarkstown Police Lieutenant Steve Morgan has advised that the State of New York Governor's Traffic Safety Committee of the Department of Motor Vehicles has awarded a grant to the Town of Clarkstown Police Department for the purpose of participating in the "Police Traffic Services Program," which has a goal of increasing seat belt usage and reducing aggressive, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes, with an effective date of October 1, 2013, and

WHEREAS, THE State shall provide \$18,200.00 to the Town of Clarkstown for said purposes;

RESOLUTION NO. (59-2014) continued)

NOW, THEREFORE, be it

RESOLVED, that, on the recommendation of Clarkstown Police Lieutenant Steve Morgan, the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor’s Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$18,200.00 for the purpose of participating in the “Police Traffic Services Program” by the Town of Clarkstown Police Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (60-2014)

Co. Lasker offered and Co Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Paul Muni Realty Inc. against the Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 6379/09, 6721/10, 4975/11, 033538/12 and 033416/13, affecting parcel designated as Tax Map 43.19-1-18 and more commonly known as 169 S. Main Street, New City, New York for the year(s) 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14, 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 43.19-1-18 be reduced for the year(s) 2009/10 from \$219,000 to \$162,400 at a cost to the Town of \$1,260.90;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-18 be reduced for the year(s) 2010/11 from \$219,000 to \$155,600 at a cost to the Town of \$1,495.35;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-18 be reduced for the year(s) 2011/12 from \$219,000 to \$164,500 at a cost to the Town of \$1,340.93;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-18 be reduced for the year(s) 2012/13 from \$219,000 to \$165,800 at a cost to the Town of \$1,395.95;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-18 be reduced for the year(s) 2013/14 from \$219,000 to \$176,800 at a cost to the Town of \$1,291.21;
6. Reimbursement for the year(s) 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14 on the parcel described as Tax Map 43.19-1-18, 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;
7. 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

RESOLUTION NO. (60-2014) continue

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

On roll call the vote was as follows:

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

RESOLUTION NO. (61-2014)
Co. Lasker offered and Co Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Milton B. Shapiro and Sonya Shapiro v. Town of Clarkstown, its Assessor and Board of Assessment Review, Index No(s). 8715/08, 7980/09, 10385/10, 30785/11, 34388/12 and 33960/13, affecting parcel designated as Tax Map No. 43.7-1-18/2780 and more commonly known as 240 N. Main Street, New City, New York for the year(s) 2008/09, 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14, 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 No. 43.7-1-18/2780 be reduced for the year(s) 2009/10 and 2010/11 from \$102,550 to \$75,000 at a total cost to the Town of \$1,263.53;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-18/2780 be reduced for the year(s) 2011/12, 2012/13 and 2013/14 from \$102,550 to \$78,000 at a total cost to the Town of \$1,999.38;
3. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.7-1-18/2780 for the year(s) 2008/09;
4. Reimbursement for the year(s) 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14 on the parcel described as Tax Map No. 43.7-1-18/2780, 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;
5. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (62-2014)
Co. Lasker offered and Co Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, In the Matter of the application of Plaro Estates, Inc. v. The Assessor, The Board of Assessment Review of the Town of Clarkstown, and the Town of Clarkstown, Index No(s). 5547/07, 6502/08, 7809/09, 8840/10, 31165/11, 34146/12 and 34021/13, affecting parcel designated as Tax Map 65.5-1-18 and more commonly known as 744 West Nyack Road, West Nyack, New York, for the year(s) 2007/08, 2008/09, 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14, 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 School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.5-1-18 be reduced for the year(s) 2007/08 from \$754,700.00 to \$405,563.00 at a cost to the Town of \$7,338.81;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.5-1-18 be reduced for the year(s) 2008/09 from \$754,700.00 to \$449,625.00 at a cost to the Town of \$6,218.82;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.5-1-18 be reduced for the year(s) 2009/10 from \$754,700.00 to \$437,875.00 at a cost to the Town of \$7,058.04;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.5-1-18 be reduced for the year(s) 2010/11 from \$754,700.00 to \$469,700.00 at a cost to the Town of \$6,722.00;

5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.5-1-18 be reduced for the year(s) 2011/12 from \$754,700.00 to \$491,813.00 at a cost to the Town of \$6,468.13;

6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.5-1-18 be reduced for the year(s) 2012/13 from \$487,500.00 to \$481,000.00 at a cost to the Town of \$170.56;

7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.5-1-18 be reduced for the year(s) 2013/14 from \$487,500.00 to \$442,000.00 at a cost to the Town of \$1,392.19;

8. Reimbursement for the year(s) 2007/08, 2008/09, 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14 on the parcel described as Tax Map 65.5-1-18, as stated above, be made within ninety (90) 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;

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (63-2014)
Co. Borelli offered and Co. Hausner seconded

WHEREAS, Daniel S. Szalkiewicz, Esq., attorney for 303 Restaurant LLC, has advised the Town by letter dated January 17, 2014, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that 303 Restaurant LLC has applied for an on-premises liquor license at 60 Route 303, Valley Cottage, New York, and

WHEREAS, to expedite processing said corporation’s license application, Mr. Szalkiewicz has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of 303 Restaurant LLC for a license at premises located at 60 Route 303, Valley Cottage, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (64-2014)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a resident of New Hempstead Road, New City, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a physical survey of the surrounding property directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole # 58835/41850;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts the proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Pole #58835/41850: located in front of house #252 New Hempstead Road, New City
(Install one (1) each - 5,800 lumen 70 watt sodium vapor street light)

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$13.91 per month for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

On roll call the vote was as follows:

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

RESOLUTION NO. (65-2014)
 Co. Lasker offered and Co. Hausner seconded

REFUNDING BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 4, 2014, AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$12,750,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,750,000 TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO

Recitals

WHEREAS, the Town of Clarkstown, in the County of Rockland, New York (herein called the “Town”), has heretofore issued on July 26, 2005, its \$12,114,380 Public Improvement Serial Bonds-2005 (the “2005 Bonds”), which are currently outstanding in the principal amount of \$4,650,000 (the “Outstanding 2005 Bonds”), which shall mature on May 15 in each of the years and in the principal amounts and bear interest payable semiannually on May 15 and November 15 in each year to maturity, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2014	\$1,000,000	3.50%
2015	650,000	3-5/8
2016	600,000	4.00
2017	600,000	4.00
2018	\$600,000	4.00%
2019	600,000	4.00
2020	600,000	4.00

WHEREAS, the Outstanding 2005 Bonds maturing on or after May 15, 2015 are subject to redemption prior to maturity, at the option of the Town, on May 15, 2014 and thereafter on any date, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the price equal to par, plus accrued interest to the date of redemption;

WHEREAS, on July 26, 2006, the Town issued its \$13,635,000 Public Improvement Serial Bonds-2006 (the “2006 Bonds”), which are currently outstanding in the principal amount of \$7,100,000 (the “Outstanding 2006 Bonds”), which shall mature on May 15 in each of the years and in the principal amounts and bear interest payable semiannually on May 15 and November 15 in each year to maturity, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2014	\$900,000	4.25%
2015	925,000	4.25
2016	800,000	4.25
2017	800,000	4-3/8
2018	850,000	4-3/8
2019	850,000	4-3/8
2020	850,000	4-3/8
2021	225,000	4-3/8
2022	225,000	4-3/8
2023	225,000	4-3/8
2024	225,000	4-3/8
2025	225,000	4-3/8

RESOLUTION NO. (65-2014) continued

WHEREAS, the Outstanding 2006 Bonds maturing on or after May 15, 2016 are subject to redemption prior to maturity, at the option of the Town, on May 15, 2015 and thereafter on any date, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the price equal to par, plus accrued interest to the date of redemption;

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the Town to refund all or a portion of the outstanding unredeemed maturities of the Outstanding 2005 Bonds and the Outstanding 2006 Bonds (herein referred to collectively as the "Outstanding Bonds") by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town, and the Town Board has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds, and

WHEREAS, in order effectuate the refunding, it is now necessary to adopt this Refunding Bond Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, NEW YORK (by the favorable vote of at least two-thirds of all the members of said Town Board), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or any portion of the aggregate Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) "Escrow Contract" means the contract to be entered into by and between the Town and the Escrow Holder pursuant to Section 10 hereof.
- (c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.
- (d) "Outstanding Bonds" shall mean the Outstanding 2005 Bonds and the Outstanding 2006 Bonds referred to in the Recitals to this Resolution.
- (e) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.
- (f) "Redemption Date" or "Redemption Dates" means May 15, 2014 or any date thereafter with respect to the Outstanding 2005 Bonds maturing on or after May 15, 2015 and May 15, 2015 or any date thereafter with respect to the Outstanding 2006 Bonds maturing on or after May 15, 2016; as determined by the Supervisor of the Town pursuant to Section 8 hereof.
- (g) "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$12,750,000 Refunding Serial Bonds-2014 of the Town of Clarkstown, authorized to be issued pursuant to Section 2 hereof.
- (h) "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption

RESOLUTION NO. (65-2014) continued

premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Town Board of the Town (herein called the "Town Board"), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$12,750,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of the Refunding Bonds in the principal amount of not to exceed \$12,750,000 and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Town in the maximum principal amount of \$12,750,000 and substantially designated as "REFUNDING SERIAL BONDS-2014" are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "Refunding Financial Plan") prepared for the Town by its Financial Advisor, Munistat Services, Inc., and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the Town in connection with said refunding from such proceeds and, to the extent required, the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, if any, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the Outstanding Bonds issued pursuant to various bond resolutions duly adopted by the Town Board on their respective dates, authorizing the issuance of bonds of the Town to finance various purposes of the Town. In accordance with the Refunding Financial Plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$12,750,000 shall mature in amounts and at dates to be determined. The Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the Refunding Financial Plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness ("PPU") permitted by law at the time of original issuance of the Bonds to be Refunded, as set forth in Exhibit B annexed hereto and hereby made a part hereof, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed Refunding Financial Plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The Town Board recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the Refunding Financial Plan may vary from that attached hereto as Exhibit A.

Section 6. The Refunding Bonds may be sold at public or private sale.

(i) If the Bonds are sold at private sale, the Supervisor, as the chief fiscal officer of the Town, is hereby authorized to execute a purchase contract on behalf of the Town for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

RESOLUTION NO. (65-2014) continued

(ii) In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Supervisor is hereby authorized and direct to prepare or have prepared a Notice of Sale, a summary of which shall be published at least once in (a) "THE BOND BUYER", published in the City of New York and (b) the official newspaper(s) of the Town having general circulation within said Town, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in the county in which the Town is located, or, if only one bank is located in such County, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER", 1 State Street Plaza, New York, New York 10004; and (4) at least 10 bond dealers.

(iii) Prior to the issuance of the Refunding Bonds, the Supervisor shall file with the Town Board all requisite certifications, including a certificate approved by the State Comptroller setting forth the Present Value Savings to the Town resulting from the issuance of the Refunding Bonds. In connection with such sale, the Town authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Town in connection with said refunding, including the preparation of the Refunding Financial Plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town, payable as to both principal and interest by a 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 Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Law, the powers and duties of the Town Board relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing an arbitrage certificate relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, and as to any determinations relating to the investment of the proceeds of the Refunding Bonds, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

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

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

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

RESOLUTION NO. (65-2014) continued

Section 10. Prior to the issuance of the Refunding Bonds, the Town shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the Refunding Financial Plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the Refunding Financial Plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Town Board hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Supervisor in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the Town by mailing such notice at least thirty days prior to such Redemption Date, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the

RESOLUTION NO. (65-2014) continued

holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. 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 "THE JOURNAL-NEWS," a newspaper having general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

On roll call the vote was as follows:

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

RESOLUTION NO. (66-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Town has identified a portion of a certain parcel for potential acquisition which may be of value for drainage and storm water management improvements in connection with the West Nyack Downtown Revitalization Project, and

WHEREAS, the owner of said certain parcel located at 23 Sickletown Road, West Nyack, New York, designated on Clarkstown Tax Map as 64.08-3-30, has not indicated a willingness to negotiate a sale of a portion of said parcel, consisting of ±114,544.45 square feet or ±2.63 acres, and

WHEREAS, all attempts to acquire the parcel have been unsuccessful and the Town Board has determined that the acquisition of a portion of the parcel is a necessary municipal purpose;

NOW, THEREFORE, be it

RESOLVED, that pursuant to NYS Eminent Domain Procedure Law, the Town Board shall hold a public hearing to consider the proposed acquisition by condemnation of a portion of the parcel (Clarkstown Tax Map 64.08-3-30) more particularly described on Schedule "A," attached hereto, on March 4, 2014 at 8:00 p.m., or as soon thereafter as possible, in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published on at least five consecutive days in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk, and be it

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

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be a proper charge to Account No. H 8755-409-0-79-21.

RESOLUTION NO. (66-2014) continued

SCHEDULE "A"

September 13, 2013

Description of Taking of Part of
 Property of J. Owens Building CO.
 INC. West Nyack Hamlet
 Revitalization of Drainage and
 Storm Water Management
 Improvements
 Rockland County Tax Map; Section 64.08, Block 03, Part
 of Lot 30

All that certain plot, piece or parcel of land, situate, lying and being at West Nyack, Town of Clarkstown, County of Rockland and State of New York, Section 64.08, Block 03, part of lot 30. Property to be acquired for drainage and storm water management improvements over property now or formerly of J. Owens Building Company, INC. shown on a map prepared by H2M Group, last dated September 12, 2013, as project number BPAS 1301, said property being more particularly bounded and described as follows:

Beginning at the southwesterly most corner of the property to be acquired. The point of beginning being further described as being the following two (2) courses from a NYS concrete monument set on the easterly side of Sickletown Road.

1. Northerly North 06 degrees, 18 minutes, 32 seconds west, 22.00 feet.
2. Easterly along the division line between land now or formerly of J. Owens Building Company, INC. and the northerly side of West Nyack Road, NYS Route 59, North 80 degrees, 07 minutes, 29 seconds, East, 310.00 feet to the point or place of beginning.

Thence northerly through land now or formerly of J. Owens Building Company, INC. North 02 degrees, 07 minutes, 59 seconds west, 156.77 feet to land now of Farouk S. Shehada and Tersea R. Shehada, formerly land of Gibbons,

Thence easterly the following two (2) courses along the division line between land now or formerly of J. Owens Building Company, INC. and land now of Farouk S. Shehada and Tersea R. Shehada, formerly land of Gibbons,

1. North 79 degrees, 12 minutes, 36 seconds east, 35.00 feet
2. North 05 degrees, 12 minutes, 41 seconds west, 38.70 feet to land now or formerly of the Town of Clarkstown.

Thence easterly along the division line between land now or formerly of J. Owens Building Company, INC. and land now or formerly of Town of Clarkstown, North 82 degrees, 12 minutes, 11 seconds east, 536.79 feet to land now or formerly of Yaboo Fence company, INC.

Thence southerly along land now or formerly of Yaboo Fence Company, INC., South 11 degrees, 53 minutes, 02 seconds east, 198.00 feet to the northerly side of West Nyack Road, NYS Route 59.

Thence westerly along the northerly side of West Nyack Road, NYS Route 59 the following three (3) courses,

1. South 80 degrees, 10 minutes, 58 seconds west 328.00 feet.
2. North 24 degrees, 10 minutes, 58 seconds east, 27.20 feet.
3. South 80 degrees, 07 minutes, 29 seconds west, 289.87 feet and the point or place of beginning.

Containing within said bounds 114,544.45 Sq. Ft. or 2.63 Acres.

RESOLUTOIN NO. (66-2014) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (67-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, remediation work was necessary at the Woodhaven Sewer Pump Station, Woodhaven Drive, New City for the protection and screening of the station which is located in the Right of Way of Woodhaven Drive, and

WHEREAS, the work entailed replacement and repairs to fence sections and posts to protect the equipment therein, and

WHEREAS, the Deputy Director for Operations of the Department of Environmental Control has deemed the work necessary,

NOW, THEREFORE be it RESOLVED, that the Town Board hereby authorizes the work to be performed by Yaboo Fence Company, Inc. for the amount of \$8150.00, whose proposal was the most reasonable of those solicited, and be it

FURTHER RESOLVED, that the cost is an authorized charge to Account H-8760-400-409-84-9 which cost is being reimbursed by the Rockland County Sewer District #1.

On roll call the vote was as follows:

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

RESOLUTION NO. (68-2014)

Co. Lasker 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:

MCGANNON EXCAVATING LLC
 85A North Central Highway
 Garnerville, NY 10923
 Robert McGannon, President

ENVIRONMENTAL CONSTRUCTION INC.
 21 Holt Drive
 P.O. Box 563
 Stony Point, NY 10980
 Susan Oakers, President

RESOLUTION NO. (68-2014) continued

AMERICAN MINUTEMAN SEWER & DRAIN SERVICE INC.
307 South Main Street
New City, NY 10956
Joseph Simonetti, President

ROOTER PLUMBING HUDSON VALLEY INC.
d/b/a Mr. Rooter Plumbing
75 West Road
Pleasant Valley, NY 12569
Clinton C. Kershaw, President

BRAVO BUILDERS OF ROCKLAND, INC.
2 South Street
Suffern, NY 10901
Anthony Bruno, President

RICHARD ORSINI INC.
d/b/a Green Horizons Construction
133 West Clarkstown Road
New City, NY 10956
Richard Orsini

TRAVCON INC.
375 Kings Highway
Valley Cottage, NY 10989
Vincent Travaglini

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

- 14-15 MCGANNON EXCAVATING LLC
- 14-16 ENVIRONMENTAL CONSTRUCTION INC.
- 14-17 AMERICAN MINUTEMAN SEWER & DRAIN SERVICE INC.
- 14-18 ROOTER PLUMBING HUDSON VALLEY INC.
- 14-19 BRAVO BUILDERS OF ROCKLAND, INC.
- 14-20 RICHARD ORSINI INC. d/b/a Green Horizons Construction
- 14-21 TRAVCON INC.

FURTHER RESOLVED, that this Resolution is hereby made retroactive to January 7, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (69-2014)
Co. Lasker offered and Co Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Matthew Downen,
NOW, therefore, be it
RESOLVED, that Matthew Downen, 64 Radcliff Drive, New City, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

RESOLUTION NO. (69-2014) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (70-2014)
Co. Lasker offered and Co Borelli seconded

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

RESOLVED, that Jason Gioseffi, 1 Waters Edge, Congers, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (71-2014)
Co. Lasker offered and Co Borelli seconded

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

RESOLVED, that Gregory Suarez, 24 Argow Pl., Nanuet, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (72-2014)
Co. Lasker offered and Co Borelli seconded

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

RESOLVED, that Patrick Tobin, 31 Benson Avenue, West Nyack, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

RESOLUTION NO. (72-2014) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (73-2014)

Co. Lasker offered and Co Borelli seconded

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

RESOLVED, that Christopher Robinson, 148 Sleepy Hollow Lane, Congers, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (74-2014)

Co. Lasker offered and Co Borelli seconded

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

RESOLVED, that Anthony Culianos, 114 Lakewood Drive, Congers, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (75-2014)

Co. Lasker offered and Co Borelli seconded

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

RESOLUTION NO. (75-2014) continued

RESOLVED, that Michelle Tierney, 47 Highway Avenue, Congers, New York, is hereby appointed to the position of (temporary) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (76-2014)

Co. Lasker offered and Co Borelli seconded

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

NOW, therefore, be it

RESOLVED, that Victor Caraballo, 2 Collingswood Road, New City, New York, is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department (while attending the Police Academy) – at the current 2014 annual salary \$60,883., - effective and retroactive to February 3, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (77-2014)

Co. Lasker offered and Co Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #13041 Police Sergeant Clarkstown Police Department – which contains the name of Kevin Quinn,

NOW, therefore, be it

RESOLVED, that Kevin Quinn, 9 Continental Drive, New Windsor, New York – is hereby appointed to the position of (Promotional) (Permanent) Police Sergeant – Clarkstown Police Department – at the current 2014 annual salary of \$149,766., - effective and retroactive to January 13, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (78-2014)
Co. Lasker offered and Co Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #13041 Police Sergeant Clarkstown Police Department – which contains the name of Richard Von Ronn,

NOW, therefore, be it

RESOLVED, that Richard Von Ronn, 161 S. Congers, Congers, New York – is hereby appointed to the position of (Promotional) (Permanent) Police Sergeant – Clarkstown Police Department – at the current 2014 annual salary of \$144,896., - effective and retroactive to January 13, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (79-2014)
Co. Lasker offered and Co Borelli seconded

RESOLVED, that Rudolph Yacyshyn, 48 Washington Circle, New City, New York – is hereby reappointed to the position of Vice Chairman – Planning Board – term effective and retroactive to January 8, 2014 and to expire on January 8, 2015 – at the current 2014 annual salary of \$3,570.

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. (80-2014)
Co. Lasker offered and Co Borelli seconded

RSOLVED, that Pamela McQuade, 3 Jeffrey Court, West Nyack, New York –Principal Clerk Stenographer – Parks and Recreation – is hereby granted, as per her request, a leave pursuant to the Family and Medical Leave Act – effective February 4, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (81-2014)
Co. Lasker offered and Co Borelli seconded

WHEREAS, the Rockland County Personnel Office has certified on January 22, 2014 that the position of Clerk Typist Part-Time – Data Processing, can be established, NOW, therefore, be it

RESOLVED, that the position of Clerk Typist Part-Time – Data Processing – is hereby established February 4, 2014- and be it,

FURTHER RESOLVED, that Jacqueline Kelly, 23Carriage Lane, Nanuet, New York – is hereby appointed to the position of Clerk Typist Part-Time – Data Processing – at the current 2014 annual salary of \$20.25 per hour, effective February 4, 2014.

On roll call the vote was as follows:

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

RESOLUTION NO. (82-2014)
Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, by Resolution No. 159-2009, adopted March 24, 2009, the Town Board authorized the Supervisor to enter into a Host Community Agreement, dated October 7, 2009, for an initial term of thirty (30) years, with the Rockland County Solid Waste Management Authority (“RCSWMA”) which specified the respective rights and obligations of the parties upon the Authority’s acquisition of the Clarkstown Solid Waste Facilities and use of the French Farms Facility and specified the respective rights and obligations of the parties relating to the delivery and processing of municipal solid waste and recyclables for transfer to the ultimate disposal or processing facility, and for payment of host community fees to the Town for each ton of solid waste, construction and demolition materials and yard waste delivered to the Clarkstown Transfer Station and/or the French Farms location; and

WHEREAS, Section 5.1(B) of the Host Community Agreement required the Authority to pay to the Town the following per ton fees: \$6.50 per ton for each Ton of Solid Waste and Construction and Demolition Debris delivered to the Transfer Station; \$3.00 per ton for each Ton of Yard Waste delivered to the Yard Waste Facility, including the French Farms Facility as set forth in the French Farms License, so long as the French Farms License remains in effect; \$2.00 per ton for each Ton of Asphalt Pavement, Brick and Uncontaminated Concrete delivered to the Concrete Crushing Facility, and

WHEREAS, on May 24, 2012, the Authority adopted Resolution No. 25 of 2012, authorizing an increase in the Host Community Fees paid by the Authority to the Towns that host the Authority’s facilities, by two dollars (\$2.00) per ton for all its waste streams; and

WHEREAS, on October 24, 2013, the Authority adopted Resolution No. 31 of 2013, authorizing an increase in the Host Community Fees paid by the Authority to the Towns that host the Authority’s facilities by one dollar (\$1.00) per ton, and

WHEREAS, the Rockland County Solid Waste Management Authority has prepared Amendment No. 1 to the Host Community Agreement, effective January 1, 2014, to amend Section 5.1(B) of the Agreement to reflect these changes in per ton fees, which will require the the Authority to pay to the Town: \$9.50 per ton for each Ton of Solid Waste and Construction and Demolition Debris delivered to the Transfer Station; \$6.00 per ton for each Ton of Yard Waste delivered to the Yard Waste Facility, including the French Farms Facility as set forth in the French Farms License, so long as the French Farms License remains in effect; \$5.00 per ton for each Ton of Asphalt Pavement, Brick and Uncontaminated Concrete delivered to the Concrete Crushing Facility;

RESOLUTION NO. (82-2014) continued

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to sign a First Amendment to the Host Community Agreement between the Rockland County Solid Waste Management Authority and the Town of Clarkstown, in a form approved by the Town Attorney.

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. (83-2014)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Councilperson Lasker, 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 CONGREGATE HOUSING AND ASSISTED CARE”

and

WHEREAS, the proposed local law is to amend Section 290 of the Town of Clarkstown Zoning Code to allow for a text amendment to Sections 290-3 and 290-17-O with respect to senior citizen congregate housing and assisted care living quarters;

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 March 4, 2014 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of 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. (84-2014)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Local Law No. 3-2011, affirmed by a vote of the majority of the qualified electors voting in the General Election of November 8, 2011, and effective on January 1, 2014, the Town of Clarkstown is consolidating the powers and duties of the Office of the Receiver of Taxes with the Office of the Town Clerk, and

WHEREAS, by Resolution No. 392-2013, the Town Board authorized the Supervisor to enter into an Agreement with DCAK-MSA Architecture & Engineering to perform a Feasibility Study, based on the proposal DCAK-MSA submitted, dated September 26, 2013, for the realignment of Town departments and corresponding office, and

RESOLUTION NO. (84-2014) continued

WHEREAS, the Feasibility Study is now complete and DCAK-MSA has submitted a proposal, dated January 29, 2014, for Architectural and Engineering Design Services necessary for the implementation of the project, including surveying the existing building areas, preparing base plans, selecting materials and finishes, preparing working drawings, preparing bidding packages, and performing site observations, and

WHEREAS, the Public Works Administrator has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 392-2013 to authorize the Supervisor to enter into an amendment to the agreement with DCAK-MSA, 53 Hudson Avenue, Nyack, NY 10960, in a form approved by the Town Attorney, to perform the Architectural and Engineering Design Services outlined in the Feasibility Study to realign Town departments and corresponding office areas, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed \$34,500.00 and shall be reimbursed to the Town through funding from the Local Government Efficiency Grant program of the State Department of New York State to reduce local expenses and increase efficiencies.

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. (85-2014)

Co. Hausner offered and Co. Borelli seconded

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

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

and

WHEREAS, this proposed local law is to add two (2) new zones, "Commercial Office" and "Commercial Office Support" to certain areas within the Town which further the goals and objectives of the Town's Comprehensive Plan by allowing for areas of commercial development;

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 May 6, 2014 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

RESOLUTION NO. (85-2014) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (86-2014)

Co. Hoehmann offered and Co. Hausner 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:

KEVIN STOKES EXCAVATING INC.

52 Grotke Rd.
Chestnut Ridge, NY 10977
Kevin Stokes, President

SUFFERN EXCAVATING INC.

71 Montebello Commons Drive
Suffern, NY 10901
Albert Lepori, President

FIRST RATE LANDSCAPING & CONSTRUCTION INC.

P.O. Box 1212
New City, NY 10956
Stacey E. Heminover, President

JD BACKHOE SERVICE, INC.

P.O. Box 342
Sparkill, NY 10976
Joseph D'Auria, President

CARMELLO SCAFFIDI & SONS BLACKTOPPING, INC.

34 North Route 9W,
West Haverstraw, NY 10993
Willie Scaffidi, President

COPPOLA SERVICES, INC.

28 Executive Parkway
Ringwood, NY 07456
Ralph Coppola, President

DANNY CLAPP LANDSCAPING INC.

P.O. Box 222
West Nyack, NY 10994
Melissa Clapp, Secretary

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

- 14-22 KEVIN STOKES EXCAVATING INC.
- 14-23 SUFFERN EXCAVATING, INC.
- 14-24 FIRST RATE LANDSCAPING INC.
- 14-25 JD BACKHOE SERVICE, INC.
- 14-26 CARMELLO SCAFFIDI & SONS BLACKTOPPING INC.
- 14-27 COPPOLA SERVICES INC.
- 14-28 DANNY CLAPP LANDSCAPING INC.

RESOLUTION NO. (86-2014) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (88-2014)
Co. Lasker offered and Co. Hausner seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved subdivision/site plan known as "Wolfe Landing," designated on the Clarkstown tax map as Map 64.07, Block 1, Lot 9.2, and

WHEREAS, it has been recommended that five (5) fire hydrants be installed within the said approved subdivision/site plan, for the protection of future residents, and

WHEREAS, said property is private property; and the hydrants shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Wolfe Landing, LLC, as owner, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby Wolfe Landing, LLC, or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the dwelling units to be located on such property presently owned by Wolfe Landing, LLC, located in the hamlet of West Nyack, for the subdivision/site plan known as "Wolfe Landing," affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Wolfe Landing, LLC, or the future Board of Managers, Homeowners Association or respective owner(s) of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate within thirty (30) days of billing shall be subject to a 5% penalty and, if not paid thereafter, shall be a lien upon the premises and said charge shall become an additional tax on the following year's tax bill.

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.

Vincent Corella, Nanuet
He complained about property on Church Street being used for auto repair.

Steve Levine, Congers
He mentioned various suggestions he made and asked the status of their implementation and spoke about various activities he believes require enforcement action.

Richard Sena, Bardonia
Submitted a statement regarding an incident that occurred at his office in 2011(copy on file in the Town Clerk's office).

Tom Nimick, New City
Asked various questions regarding salaries and the 2014 salary schedule.

Mike Hirsch, New City

He had questions about the sale of Middlewood complex and police patrols.

Marge Hook, New City

She congratulated the Town Clerk's office on their successful consolidation with the Tax Office. She spoke about the Alarm User's Board meetings and bicycle use on the Congers Walkway.

Regarding some of Mr. Levine's concerns, the Town Planner stated some revisions were coming forward with regard to the Tree Preservation law. Code Enforcer, Joel Epstein, addressed concerns about snow and leaves; stating that we do the best we can with the resources we have while especially concentrating on potential hazards. Superintendent Wayne Ballard addressed issues about snow equipment and snow removal. The Town Attorney gave an update on property on Massachusetts Avenue. Regarding Mr. Sena's comments, the Police Chief recollected that this appeared to be a landlord tenant issue that was handled as a civil matter. He also answered the question about how many patrol cars are assigned to the various shifts. The Supervisor stated they would look into suggestions offered about the Alarm User's Board meeting. Co. Hausner stated they haven't made a decision about the sale of Middlewood yet. The questions about the salary schedule had already been answered at the December meeting and the question about work hours logged was answered.

There being no one further wishing to speak, on motion of Co. Hausner seconded by Co Hoehmann, the Town Board meeting was adjourned in memory of Peggy Nadell, time:9:49 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING # 1

Town Hall

2/04/14

8: 39 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: 2014 Community Development Block Grant Funds Program

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

The Town Attorney explained the Community Development Block Grant Funds Program and the Supervisor invited anyone wishing to comment to do so.

There being no one wishing to be heard, on motion of Co. Hausner seconded by Co. Hoehmann the public hearing was closed, time: 8:39 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING # 2

Town Hall

2/04/14

8: 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: Approving Final Map of Boundary Lines of the New City Fire District

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 Supervisor invited comments on this matter.

There being no one wishing to be heard, on motion of Co. Hausner seconded by Co. Hoehmann the public hearing was closed, time: 8:41 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING # 3

Town Hall

2/04/14

8: 42 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: "A Local Law for Flood Damage Prevention"

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

The Town Attorney explained that this was a local law allowing Clarkstown to adopt the flood plain maps. The Supervisor invited comments on this matter.

There being no one wishing to be heard, on motion of Co. Hoehmann seconded by Co. Borelli the public hearing was closed, time: 8:42 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING # 4

Town Hall

2/04/14

8: 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: Request of Cherry Valley Builders for use of Town Law 280-a(4)

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

The Town Attorney explained this is a variance for a development that does not have access to a Town road and is typically needed when multiple houses need to be serviced by a private road. Town Planner, Joe Simoes, explained that this is a 3 lot subdivision that has been reviewed by the Planning Board and they recommend approval.

Dave Smith, Nanuet

Expressed various concerns about impact on his property with regard to drainage, sewers, and flooding and stated he would at least like an elevated barrier to protect his property.

Joe Simoes, stated that these concerns were heard at the Planning Board meeting and that DEC discussed how the subdivision would be designed to handle the run-off, the orientation of the properties and screening. However, the Planning Board cannot put restrictions on the subdivision until the Town Board grants the 280 (a).

Stuart Stohl, Brooker Engineering, on behalf of the applicant.

He is well aware of the drainage concerns and they are confident that all of the neighbors concerns will be addressed.

There being no one further wishing to be heard, on motion of Co. Lasker seconded by Co. Borelli the public hearing was closed, time: 8:54 pm.

Respectfully submitted,

Justin Sweet
Town Clerk