

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

04/17/12

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

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

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On motion of Co. Hoehmann seconded by Co. Borelli the Public Hearing re: "Proposed Abandonment of Portion of Rose Road" was opened, time:8:11 pm, closed 8:14 pm.  
RESOLUTION NO. (174-2012) ADOPTED

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On motion of Co. Hausner seconded by Co. Borelli the Public Hearing re: "Removal of Signage at Snake Hill Road & Palisades Center Drive" was opened, time:8:15 pm, closed 8:46 pm.  
RESOLUTION NO. (175-2012) ADOPTED

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

Co. Borelli asked Highway Superintendent Wayne Ballard for clarification of some of the Highway budget expenses with regard to roadway resurfacing. Mr. Ballard clarified the items that Co. Borelli did not understand. Co. Borelli also spoke about the costs of the planned Community Center repairs that had been discussed at the Town Board workshop. Supervisor Gromack clarified that tonight the Town Board was merely voting on authorizing the Purchasing Agent to advertise the bids for these projects; this does not authorizing the spending of money.

Kevin Hobbs

He asked about costs associated with road paving and why the Town contracts out paving rather than doing it ourselves. He expressed concern about the amount of money being spent and feels the Town is in financial trouble.

Highway Superintendent Ballard stated that paving contractors can do it faster and more cost effectively. The Highway resources are spent on providing the many other services they do, i.e., plowing, sidewalks, leaf pickup, tree work, drainage work, etc.

Mike Hirsch, New City

Regarding Item #2c, Community Center repairs, he gave suggestions on how to do the projects and submitted a handout to the Board.

Mary Slattery, New City

She spoke about Item # 13, Proposed Accessory Housing Units. Asked what control homeowners retain once converted, and if it eventually will become government housing? She also had questions about the Town's membership in ICLEI.

Joe Ciardullo, New City

He spoke about Item #13. Had numerous questions about this proposed law; why is it restricted to 60 and over, is this age discrimination? How will you ensure renting to volunteers? Will assessed value of home go up? He stated this proposed law is not the best way to solve this senior/volunteer housing problem. He is in favor of apartments above businesses where they are rented to volunteers in lieu of taxes.

Steven Sheer, Bardonia

Regarding Item 2a, after looking at some streets in his neighborhood, the Highway Department agreed that the streets were in bad condition. He feels improvement of the quality of the roads improves quality of life here and would not mind paying extra taxes to maintain the quality of life that we have in Clarkstown.

Tom Nimick, New City

Regarding Item #9, Amending Resolution regarding the Public Officer’s Law, he asked for clarification.

Amy Durbin, Congers

Regarding Item #14, Personnel Change, she inquired as to how much of a raise this is and when the test is going to be given.

Supervisor Gromack stated that we get the test date from Rockland County Personnel, probably sometime in the next year; raises are usually in the area of \$1,800 to \$2,200 per year.

Bob McCoughlin, New City Pres, Little Tor Neighborhood Assoc.

Regarding Item #13, it sounds like a good idea as far as senior citizens and first responders, but he feels code enforcement is very important. He cautioned the Board about safety and fire hazards.

In response to comments about the financial viability of the Town Supervisor Gromack stated this Town Board has managed the Town in a fiscally sound manner. We have an AAA Bond rating from Standard and Poor’s and the Town budgets for the last 3 years have been remarkable. Regarding the projects we do, we have gotten professional assistance to design plans that this Board has authorized and that the Clerk of the Works has overseen and managed. Those plans were submitted to a bidding process and, in many cases, in this economic climate, we have gotten some very good prices.

Co Hausner talked about the Proposed Accessory Housing Law. She explained that this program is not for everyone; it is not an answer for all seniors and all volunteers. As far as age discrimination, this is not an issue. We are keeping the number of units at 200. There are costs associated with this, adding a kitchenette, etc. and there will be a slight increase in assessed value. There will be preferential treatment to volunteers but it is not limited to volunteers– we can help match volunteers to seniors, but if a senior wants to rent to someone else, that is fine. Regarding the controls, the permit will go with the person, if they sell the house, the accessory apartment permit leaves with them. Regarding ICLEI and Agenda 21, that had absolutely nothing to do with this Proposed Accessory Housing Law; this discussion has been going on for over 40 years in this Town. Hopefully, we will be sending it tonight to Planning Boards for their comments.

Sup. Gromack explained that Item #9 just clarifies that the Public Officer’s Law resolution passed at the Reorganizational Meeting includes all of the police should they named in any lawsuits.

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RESOLUTION NO. (174-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, an application has been made by New York Congregation of Jehovah’s Witnesses that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare that a certain portion of the highway known as the dead end improved portion of Rose Road, West Nyack, Town of Clarkstown, New York, as described in the metes and bounds description attached to the Petition as Schedule “A,” upon the grounds that same has not been used as a highway by the public within the last six (6) years and therefore the portion of said road may be deemed abandoned, and

RESOLUTION NO. (174-2012) continued

WHEREAS, The Town Board of the Town of Clarkstown, by resolution adopted on March 20, 2012, provided for a public hearing on April 17, 2012, at 8:00 P.M., to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of a road known as the “the dead end improved portion of Rose Road,” West Nyack, New York, and

WHEREAS, notice of said 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, and

WHEREAS, the Clarkstown Planning Board considered the matter at its regularly scheduled meeting on September 15, 2010, and recommended that the dead end improved portion of Rose Road, West Nyack, New York, be de-mapped and removed from the Official Map and abandoned, based on the following: the proposed abandonment no longer effectively serves the general travelling public and there are no adverse implications to the abandonment, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report from the Town Planner dated September 2, 2010, on behalf of the Clarkstown Planning Board as the Town Board’s agent pursuant to the State Environmental Quality Review Act (“SEQRA”) in which he states that this matter is a Type II under SEQRA and, therefore, no further environmental analysis is necessary, which the Board has discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Town Planner dated September 2, 2010, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment is a Type II action under SEQRA and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that a portion of the road as described in the attached Schedule “A” is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that pursuant to Town Law Section 273, the Official Map of the Town of Clarkstown is hereby amended by deleting there from the dead end improved portion of Rose Road, West Nyack, New York, and be it

FURTHER RESOLVED, that the GIS Coordinator is hereby authorized and directed to amend the Official Map as described in the petition, and be it

FURTHER RESOLVED, that recommendation of the Superintendent of Highways of the Town of Clarkstown contained in the Certificate of Abandonment that a highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk’s Office and filed in the Town Clerk’s office.

(SCHEDULE A ON FILE IN TOWN CLERK’S OFFICE)

On roll call the vote was as follows:

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

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RESOLUTION NO. (175-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No.1150-1988, the Town Board granted a zone change to Clinton Square Plaza, Inc. for certain property located in West Nyack New York, which allowed for the development of the Palisades Center Mall, and

WHEREAS, in connection with the zone change, certain traffic restrictions were embodied in the resolution which was subsequently recorded as a covenant, with the intent that said restrictions should be prospectively monitored based upon actual conditions, and

RESOLUTION NO. (175-2012) continued

WHEREAS, by Resolution Nos. 173-1998 and 191-1998, the Town Board directed the installation of the No Left Turn Sign and No Right Turn Sign, respectively, at the intersection of Snake Hill Road and Palisades Center Drive, and

WHEREAS, based on requests from residents for review of the turn restriction signage at the intersection of Snake Hill Road and Palisades Center Drive North, the Town Board referred the matter to its traffic consultant John L. Sarna, P.E. for his review and recommendation, and

WHEREAS, the Town Board, by resolution adopted on March 20, 2012, provided for a public hearing on April 17, 2012 at 8:00 P.M. to consider removing the signage restrictions at said intersection, and

WHEREAS, Mr. Sarna presented his report at the Town Board’s regularly scheduled workshop on April 3, 2012, at which members of the Board and residents had an opportunity to question Mr. Sarna and voice their concerns, and

WHEREAS, a notice of public hearing was duly published and the public hearing was duly held at the time and place specified in the notice, and

WHEREAS, by report dated March 20, 2012, John L. Sarna, P.E. concluded that there is no traffic engineering reason for the no right turn and no left turn traffic restrictions at the intersection, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the removal of the No Right Turn and No Left Turn restriction signs on Snake Hill Road and Palisades Center Drive, and be it

FURTHER RESOLVED, that the Town Board hereby directs the Superintendent of Highways to remove the No Right Turn sign, and that the Supervisor advise the Palisades Center Mall management that the No Left Turn sign is not warranted and may be removed, and be it

FURTHER RESOLVED, that the Town will continue to monitor the intersection and make recommendations as appropriate, and be it

FURTHER RESOLVED, that Resolutions Nos. 173-1998 and 191-1998 are hereby rescinded, and be it

FURTHER RESOLVED, that the Town Board hereby orders that this resolution shall be recorded in the Rockland County Clerk’s Office, and be it

FURTHER RESOLVED, that nothing herein shall be construed as altering, amending or modifying the Declaration of Covenants which was filed with the Rockland County Clerk’s Office on November 10, 1993 in Book 655, Page 2459.

On roll call the vote was as follows:

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

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RESOLUTION NO. (176-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Town Board Minutes of March 20,2012 and the Special Town Board Minutes of April 3, 2012 are hereby accepted, as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (177-2012)  
Co. Lasker offered and Co. Hausner seconded

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

**BID#17-2012 – 2012 ROADWAY RESURFACING PROGRAM**

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

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RESOLUTION NO. (178-2012)  
Co. Lasker offered and Co. Hausner seconded

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

**BID#18-2012 – 2012 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM**

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

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RESOLUTION NO. (179-2012)  
Co. Lasker offered and Co. Hausner seconded

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

**BID#19-2012 – COMMUNITY CENTERS REPAIRS**

RESOLUTION NO. (179-2012) continued

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (180-2012)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Nanuet Senior High School at approximately 9:30PM on Tuesday, July 3, 2012 with a rain date of Wednesday, July 11, 2012 pursuant to Section 405 of the Penal Law.

On roll call the vote was as follows:

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

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RESOLUTION NO. (181-2012)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, 275 Route 304, LLC, Index No(s). 8758/10 and 31102/11, affecting parcel designated as Tax Map 58.14-2-54 and more commonly known as 275 Route 304, Bardonia, New York for the year(s) 2010/11 and 2011/12, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-2-54 be reduced for the year(s) 2010/11 from \$300,000 to \$260,000 at a cost to the Town of \$943.44;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-2-54 be reduced for the year(s) 2011/12 from \$300,000 to \$270,000 at a cost to the Town of \$738.13;

3. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 58.14-2-54, 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;

RESOLUTION NO. (181-2012) continued

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (182-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, certain veterans' organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility, \$250 for patriotic observance) to the following veterans' organizations for the year 2012:

- Korean War Veterans, Rockland County Eagle Chapter
- Veterans of Foreign Wars of the U.S. Post No. 8749

and be it

FURTHER RESOLVED, that claims for such sums shall be made annually by the organizations and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2012 Account No. A 6510-401.

On roll call the vote was as follows:

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

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RESOLUTION NO. (183-2012)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Department of Environmental Control is coordinating the design and construction of a Drainage Project on Lake Nanuet Drive and the NYS DOT Route 304 Right of Way for flood prevention for the neighborhood and Lake Nanuet Park, and

WHEREAS, an easement through the property known as 28 Lake Nanuet Drive was required to perfect this project, and

RESOLUTION NO. (183-2012) continued

WHEREAS, the Town Attorney’s Office was able to consummate the execution of the easement in order to install a 4’x8’ box culvert in the side yard of 28 Lake Nanuet Drive as part of the project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement between Gail Fleur and the Town of Clarkstown with regard to the drainage easement, and be it

FURTHER RESOLVED, that the Town Board hereby accepts the permanent Drainage Easement from Gail Fleur, owner of 28 Lake Nanuet Drive, Nanuet (64.14-1-11), along with an Agreement for restoration and associated work and orders said documents recorded in the Rockland County Clerk’s Office at the expense of the Town, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to April 3, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (184-2012)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Town Board Resolution 129-2012 adopted on March 20, 2012 authorized the Superintendent of Highways to install a Stop Sign and Stop Line on Lake Road, Valley Cottage, and

WHEREAS, the correct location of the indicated installation is at the western terminus of Lake Road where Lake Road intersects with Ridge Road,

NOW THEREFORE, be it, RESOLVED, that Town Board Resolution 129-2012 is hereby amended to reflect the abovementioned modified language, and be it

FURTHER RESOLVED, that the Town Clerk will forward a copy of this resolution to the Superintendent of Highways for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (185-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Town Board on April 17, 2012, deleted a portion of Rose Road which is described in the attached Schedule “A” from the Official Map having a total tract area of .25 acres or +- 11,072 sq. feet, and

WHEREAS, this particular portion of Rose Road is no longer necessary for municipal purposes and is surplus property, and

WHEREAS, the Town Attorney has offered the aforementioned premises for sale by Quit Claim deed to abutting property owners for the highest price obtainable, provided same meets or exceeds the lowest value placed on said property by the appraisal obtained by the Town for this surplus property, and

RESOLUTION NO. (185-2012) continued

WHEREAS, the Nyack, New York Congregation of Jehovah’s Witnesses, Inc. (“Congregation”) having an office located at 73 Rose Road, West Nyack, New York, has offered the sum of \$50,000 for the entire portion of Rose Road described in Schedule “A” and said offer equals or exceeds the appraisal value,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the sale of this portion of Rose Road for the sum of \$50,000 to the Congregation and authorizes the Supervisor to enter into a contract of sale and execute a Quit Claim Deed and conveyance documents in a form satisfactory to the Town Attorney for that portion of Rose Road, West Nyack, New York, previously abandoned, and be it

FURTHER RESOLVED, that such sale is subject to the following:

- a. Easements, covenants and restrictions of record, if any;
- b. Zoning Ordinance of the Town of Clarkstown;
- c. Such statement of facts that an accurate survey or personal inspection may reveal, and be it

FURTHER RESOLVED, that this resolution is subject to permissive referendum and the Town Clerk is directed to post this resolution.

(SEE SCHEDULE A ON FILE IN TOWN CLERK’S OFFICE)

On roll call the vote was as follows:

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

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RESOLUTION NO. (186-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 10-2012, adopted January 3, 2012, the Town Board authorized application of the provisions of Section 18 of the Public Officers' Law concerning defense and indemnification to the officers and employees of the Town of Clarkstown who are named defendants in any action arising out of the proper performance of duties, and

WHEREAS, the Town Board now wishes to clarify the benefits extended under this section;

NOW, THEREFORE, be it

RESOLVED, that the first RESOLVED clause in Resolution No. 10-2012 is hereby amended to read as follows:

“RESOLVED, that the provisions of Section 18 of the Public Officers' Law concerning defense and indemnification shall apply to the officers and employees of the Town of Clarkstown who are named defendants in any action arising out of the proper performance of duties to the fullest extent permissible by law, including, but not limited to, punitive, constitutional and/or exemplary damages, and the benefits of Section 18 shall extend to all such employees.”

On roll call the vote was as follows:

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

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RESOLUTION NO. (187-2012)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, by Resolution No. 260-2011, adopted May 17, 2011, the Town Board authorized the Supervisor to enter into a PILOT Agreement with DER SPECIALTY PRODUCTS, LLD, D&E REALTY CO., THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY, with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 59.18-1-12, and located at 200 North Route 303, West Nyack, New York, and

WHEREAS, by Resolution No. 636-2011, adopted December 13, 2011, the Town Board authorized an amendment to aforementioned agreement to provide for a PILOT escrow account instead of a letter of credit for PILOT payments, and

WHEREAS, the County of Rockland has recently requested that this PILOT Agreement be modified again to comply with new requirements by the County Legislature, and

WHEREAS, the Comptroller finds no objection to this change;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with DER SPECIALTY PRODUCTS, LLC, D&E REALTY CO., THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF

ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 59.18-1-12, located at 200 North Route 303, West Nyack, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (188-2012)

Co. Hausner offered and Co. Borelli seconded

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

WHEREAS, the “Agency” has undertaken a project consisting of the renovation of an existing building and the acquisition and installation thereto of certain machinery and equipment related thereto, all to be used for a manufacturing, warehousing, and distribution facility and administrative offices located at 125 Wells Avenue, Congers, New York, and

WHEREAS, to facilitate this project, the “Agency” had entered into a “straight lease transaction” pursuant to the “Agency’s” uniform tax exemption policy by which the “Agency” has acquired a leasehold interest in and to the Project Realty (“Head Lease”) and the “Agency” leased to Vitane Pharmaceuticals, Inc., as Lessee, the “Agency’s” interest in the Project (the “Lease Agreement”); and

WHEREAS, the proposed agreement provides for payments in lieu of taxes by using a basis assessed value of \$549,000.00 which shall remain same at \$549,000.00 for period of five (5) years, and lessee shall make payments based upon the multiplying the tax rate for the then current tax levy by the assessed valuation of \$549,000.00.

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

NOW, THEREFORE, be it

RESOLUTION NO. (188-2012) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with VITANE PHARMACEUTICALS, ICN., THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 44.11-3-3, and located at 125 Wells Avenue, Congers, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (189-2012)  
Co. Borelli offered and Co. Hausner seconded

**WHEREAS**, the Foxwood Road, West Nyack vicinity has experienced increased traffic volume due to the NYS DOT Route 59 Project, and

**WHEREAS**, this shortcutting to Sickletown Road from Route 59 to avoid the congestion caused by the State project has developed into a nuisance in the Foxwood Road neighborhood, and

**WHEREAS**, the Town Board seeks to mitigate this situation for the approximate six month remaining duration of the State project, and

**WHEREAS**, the Town Attorney, the Superintendent of Highways and the Operations Captain of the Clarkstown Police have met with a number of residents and discussed several possible temporary remedies to deter the shortcutting and assist in police enforcement;

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby authorizes the Superintendent of Highways to install the following traffic regulatory signs, for a duration of six months from the date of this Resolution, unless rescinded or amended:

- 1.) **“NO RIGHT TURN”** at NYS Route 59 and Cherry Hill Lane, West Nyack
- 2.) **“NO THROUGH TRAFFIC//LOCAL TRAFFIC ONLY”** at NYS Route 59 and Larch Court, West Nyack, and be it

**FURTHER RESOLVED**, that the Town Board hereby authorizes the Superintendent of Highways to coordinate with the NYS DOT for the creation and installation of informational and directional signage to assist in diverting Route 59 eastbound traffic to alternate routes to alleviate the current congestion caused by the State’s construction project.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann . . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (190-2012)  
Co. Hausner offered and Co. Lasker seconded

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

“A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to Accessory Apartments” and

RESOLUTION NO. (190-2012) continued

WHEREAS, the proposed local law is to amend Section 290 of the Town of Clarkstown Zoning Code to allow qualified senior residents to create accessory apartments, subject to certain criteria;

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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (191-2012)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that Brian D. Wagner, 45 Normandy Village, Apt #13 Nanuet, New York – is hereby appointed (promotional) (provisional) to the position of Code Enforcement Officer II – Building Department – at the current 2012 annual salary of \$69,604., effective April 23, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (192-2012)

Co. Hausner offered and Co. Borelli seconded

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

BID #6-2012 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to: EVER READY FIRST AID  
101-01 FOSTER AVENUE  
BROOKLYN, NY 11236

PRINCIPALS: MICHAEL PERL  
BEN PERL

MOORE MEDICAL, LLC  
1690 NEW BRITAIN AVENUE  
FARMINGTON, CT 06032-3112

PRINCIPALS: A PUBLIC CORPORATION

RESOLUTION NO.(192-2012) continued

PRINCIPALS: HENRY SCHEIN MATRIX, INC.  
P.O. BOX 194  
WARETOWN, NJ 07858  
A PUBLIC CORPORATION

PRINCIPALS: ZAMS, INC.  
200 NORTH MAIN STREET  
FREEPORT, NY 11520  
ZUBAIDA RATCHER

PRINCIPALS: BOUND TREE MEDICAL LLC  
5000 TUTTLE CROSSING  
DUBLIN, OH 43016  
BEMS HOLDINGS, LLC

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (193-2012)

Co. Hausner offered and Co. Borelli seconded

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

BID # 10-2012 – CYPRESS STREET INTERIM FLOOD MITIGATION, NEW CITY, NY

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

as per their proposed total project cost not to exceed \$104,900.00 plus 15% contingency and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-5, and be it

RESOLUTION NO. (194-2012) continued

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

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (194-2012)

Co. Hausner offered and Co. Borelli seconded

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

BID # 20-2012 –MAY PLACE STREAM CHANNEL REALIGNMENT

is hereby awarded to: LEGACY VALVE, LLC  
 14 RAILROAD AVENUE  
 VALHALLA, NY 10595

PRINCIPAL: CHARLES CASSIDY  
 JEFFREY CASSIDY

as per their proposed total project cost not to exceed \$183,999.00 plus 15% contingency and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-2, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (195-2012)  
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Recreation and Parks that

BID # 42-2011 –PAINTING OF LAKE NANUET POOL FLOOR

is hereby awarded to: CHRIS LEIGH CONTRACTING INC.  
293 DURKEE LANE  
EAST PATCHOGUE, NY 11772  
PRINCIPAL: DOUGLAS MARANDA

as per the following: Item #3 Masonry Repairs - \$32,240.00  
Item #4 Expansion Joints - \$26,000.00 plus 10% contingency and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker’s Disability Insurance coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Superintendent of Recreation and Parks, and be it

FURTHER RESOLVED, that the Town intends to fund this project with money in lieu of land funds

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (196-2012)  
Co. Hausner offered and Co. Borelli seconded

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

BID # 15-2012 –INSTALLATION OF BOX CULVERT AND RELATED WORK  
LAKE NANUET DRIVE

is hereby awarded to: CON-TECH CONSTRUCTION TECHNOLOGY INC.  
28 LAKEVIEW DRIVE  
YORKTOWN HEIGHTS, NY 10598  
PRINCIPAL: GIUSEPPA CARINO

RESOLUTION NO. (196-2012) continued

as per their proposed total project cost not to exceed \$394,120.65 plus 15% contingency and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-4, and be it

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

FURTHER RESOLVED, that Resolution No. 589-2011, whereby the Town Board authorized the retention of H2M Group to design the project, is hereby amended to include construction management services, not to exceed \$28,500.00 as per H2M's April 16, 2012 proposal.

On roll call the vote was as follows:

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

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RESOLUTION NO. (197-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the County of Rockland has tendered a contract award to the Town of Clarkstown Police Department for participation in the State Homeland Security Program LETPP (Counter-Terrorism Training) for overtime reimbursement in the amount not to exceed EIGHTY-TWO THOUSAND NINE HUNDRED FORTY-TWO AND 00/100 (\$82, 942.00) DOLLARS.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain overtime reimbursement to the Town of Clarkstown Police Department in the amount not to exceed \$82, 942.00 for participation in the State Homeland Security Program LETPP (Counter-Terrorism Training) for the period September 1, 2008 through September 30, 2012.

RESOLUTION NO. (197-2012) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (198-2012)

Co. Hoehmann offered and Co. Hausner seconded

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

“A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to the New City Hamlet Zoning and to amend the Town Zoning Map” and

WHEREAS, the proposed local law is to amend Chapter 290 and to create a new section within the Town of Clarkstown Zoning Code, Section 290-7.4, New City Hamlet Zoning of the Clarkstown Town Code, and to amend the zoning map;

NOW, THEREFORE, BE ITRESOLVED, 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 its consultant, Behan Planning, LLC, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (199-2012)

Co. Hoehmann offered and Co. Borelli seconded

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

RFP#21-2012 – CANINE HARASSMENT OF CANADIAN GEESE

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. (200-2012)  
Co. Hoehmann offered and Co. Borelli seconded

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

**BID#22-2012 – PURCHASE OF THREE (3) 2013 SALT SPREADING DUMP BODIES WITH PRE-WET SYSTYEMS PLOW AND PLOW WING ATTACHMENTS AND LEAF BOXES**

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

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RESOLUTION NO. (201-2012)  
Co. Hausner offered and Co. Hoehmann seconded

**BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 17, 2012, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$850,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$850,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION**

**THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:**

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the “Town”), is hereby authorized to construct various drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$850,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$850,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$850,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 4 of the Law, is forty (40) years.

## RESOLUTION NO. (201-2012) continued

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 17, 2012, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted April 17, 2012, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$850,000, appropriating said amount for such purpose, and authorizing the issuance of \$850,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (201-2012) continued

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

FIRST: AUTHORIZING said Town to construct various drainage improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$850,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$850,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$850,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$850,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

\* \* \*

On roll call the vote was as follows:

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

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RESOLUTION NO. (202-2012)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment as follows:

Quantity	Vehicle	Estimated Cost per Vehicle	Estimated Total Cost
3	2013 4x2 Plow Trucks that consist of a Cab & Chassis	\$100,000.00	\$300,000.00

RESOLUTION NO. (202-2012) continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

FURTHER RESOLVED, that said equipment shall be procured with the use of New York State OGS Contract(s), and be it

FURTHER RESOLVED, that the purchase of said equipment, in an amount not to exceed \$300,000.00 in the aggregate be charged to Account No. H-8765-409-0-88-3.

FURTHER RESOLVED, that it is the intent of the Town Board to fund this purchase through the issuance of municipal serial bonds.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (203-2012)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Chief of Police Michael Sullivan has recommended entering into an agreement with Jay Lorah, DO, for a six month period beginning February 2012 through August 31, 2012, upon the terms as conditions set forth therein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an agreement with Jay Lorah, DO, as referred to herein, for the period February 2012 through August 31, 2012, upon the terms and conditions set forth therein; and be it

FURTHER RESOLVED, that per the agreement, the police surgeon is an independent contractor and compensation for said services shall be at the rate of Twelve Hundred Fifty Dollars (\$1,250.00) per month for services as Police Surgeon, which services shall be charged to Account No. A3120-409.

On roll call the vote was as follows:

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

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Supervisor opened the meeting for general public comments.'

Lynn Teger, Haverstraw

She spoke about ICLEI and its relationship to UN Agenda 21. She asked why the Town was creating accessory housing units and if it had anything to do with the Town's membership in ICLEI. She stated that UN Agenda 21, aka Smartgrowth, is part of a global agenda being implemented locally and she requested that the Town hold a public hearing to discuss it.

Gail Pescha,, Nanuet

She commended the Town Board for their many actions to promote sustainable living in Clarkstown such as green cleaning products, hybrid fuel-efficient vehicles, retrofitting buildings with energy saving devices, the inclusion of Open Space preservation and their sponsorship of the Environmental Summit last year. She also expressed opposition to the United Water desalinization plant.

Steven Levine, Congers

He spoke about the Town Board minutes on the website. Regarding the solar field on the landfill site, he is in favor but cautioned the Board about having a private company do it and then sell energy back to the Town. He also addressed unresolved landfill problems on Massachusetts Ave.

Mike Hirsch, New City

Spoke again about Town construction projects and the way he feels the Town could do them more cost effectively. He also spoke about the high salaries of the Clarkstown police.

Amy Durbin, New City

She commended Highway Superintendent, Wayne Ballard, and the Highway Department for the job they do with snow removal, leaves, etc. She travels extensively and feels Clarkstown is the best maintained Town she has seen.

Michael Weiss, New City

He expressed dissatisfaction with traffic calming devices in the Camelot Subdivision. He feels the recently installed speed bump is ineffective.

Kevin Hobbs, New City

He spoke about signs on North Main Street that he feels are against code and commented on the salary of the NYS Governor.

Mary Slattery, New City

She stated that putting residences above the stores, as is being proposed, seemed to comply with one of the ICLEI's ideas to promote compact transit oriented and walkable communities. She asked about the committee on accessory housing as far as how many members are on it and how are they selected.

Marge Hook, New City

She asked about costs associated with the yearly building inspections of the accessory housing and if there were any real estate fees involved. She asked how one would get rid of an undesirable tenant. She volunteered her five Chihuahuas for Item #18, Canine Harassment program.

Tom Nimick, New City

Regarding the financial condition of the Town, he asked if there has been an overall increase in indebtedness?

Marina Buleyev, New City

She asked about "No Right Turn" signage at West Nyack and Strawtown Road.

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In response to questions about the Town's membership in ICLEI (International Council for Local Environmental Initiatives), Building Inspector Beary explained that the Town became a member 3 years ago as a result of the Board discussing what the Town could do to become more green. Co. Lasker read a letter from Town Attorney Mele which explained that there was no contractual relationship with ICLEI other than the Town's payment of a modest yearly membership fee and that the Town Board opted to become a member in connection with its continuing effort to reduce energy costs and raise environmental awareness. She also read ICLEI's mission statement and explained some of the benefits to the Town as a member.

Co. Hoehmann gave an update on the landfill solar field project. He stated that NYSERDA announced there will be money available within the Orange and Rockland service catchment area and that will make the project a potentially more attractive business proposition.

Supervisor Gromack addressed Mr. Hirsch's statements about Town projects, he stated that licensed engineers and architects are retained to prepare those plans and they call various subcontractors to get estimated pricing. It is a good time to be doing these types of projects as we are getting many more bidders and we are getting the lowest prices possible. Also the

bonding that is typically done by municipalities for capital long term projects is also coming in at low numbers. In regard to the Police salaries, we are not the highest paid in the region. We are very proud of the job they are doing. He spoke about the reimbursements from the County for the Narcotics Task Force and the work being done on a contract for the Intel Unit.

Highway Superintendent Ballard responded to the traffic calming complaints in the Camelot subdivision. He explained the reasons that the particular speed cushions were selected, including snow and ice prevention, water buildup and plowing considerations. He stated additional traffic counts will be done and the site will be revisited in the future.

Regarding the signs on North Main Street, the Supervisor stated they were being addressed with the code enforcer. Regarding the Governor's salary, he stated in his experience longevity and other factors have played a factor in salary differences. Co. Hausner addressed some additional questions about accessory housing. She stated there were 12 people on the committee made up of Town employees, Planning Board members, Fire Department representatives, architects and housing experts. We are lucky to have so many volunteers who donate their time and professional expertise. The Town will not be taking peoples' deeds and there were no real estate fees attached to this. As far as undesirable tenants, this would be handled the same way as any other tenant/landlord issue in the Town. She also stated that the Building Department would be inspecting annually.

Regarding the bonding by the Town, the Supervisor stated that over the years our books have been reviewed and our AAA Bond rating has been confirmed. The level of bonding we have been doing is certainly well within the safety zone of our size and demographics and ability to repay.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #1

Town Hall

4/17/12

8:11 P.M.

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

Proposed Abandonment of a portion of Rose Road, West Nyack

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

Town Attorney Mele explained that this public hearing was regarding a petition from the West Nyack Congregation of the Jehovah Witnesses for the abandonment and demapping of .25 acres of municipal property. This is where Rose Road formerly continued through and across NYS Rte 59 but is now a dead end. . It abuts the petitioner’s parking lot and has no other abutting property owners of interest. The Planning Board recommends the demapping, abandonment and sale. The congregation paid for the appraisal and agreed to the purchase price. This is an unlisted action under SECA, the Planning Board acted as agent for the Town Board.

Supervisor Gromack opened up the hearing for public comment.

Steven Levine  
He spoke in favor of doing this tonight.

There being no one further wishing to be heard, on motion of Co. Hausner seconded by Co. Hoehmann, the public hearing was closed, time: 8:14 pm.

(RESOLUTION NO. 174-2012)

Respectfully submitted

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2

Town Hall

4/17/12

8:15 P.M.

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

Removal of signage at Snake Hill Road and Palisades Center Drive North, West Nyack

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

Town Attorney Mele explained that in 1998 the Town Board granted a zone change for property in West Nyack which now houses the Palisades Mall. About 10 years later the Town Board directed the installation of the No Left Turn and No Right Turn at the intersection of Snake Hill Road and Palisades Center Drive. We have had some requests from residents over the years for a review of these turn restrictions. We have retained John Sarna as our traffic consultant and have received his recommendations. We published a notice of this hearing and the Town Board is in a position tonight to authorize the removal of those turn restrictions as Mr. Sarna has concluded there is no traffic engineering reason for them.

Supervisor Gromack opened the meeting for public comments.

For the record, the Supervisor read a statement from Alice Grossman expressing her support for the removal of these signs.

Steven Levine, Congers

He asked who paid for the traffic engineer, and who will pay for the sign removal and a new traffic signal if it is deemed necessary in the future. He feels this resolution should include language to hold the mall responsible in that event so taxpayers don't have to pay for it down the road. He also asked what the language was in the two 1998 resolutions being referred to in this resolution

The Town Attorney responded that the Town paid for Mr. Sarna's services. She stated that we would expect that any additional signalization that would benefit the mall on their property would be paid for by them. The previous resolutions from 1998 merely authorized installation of these signs.

Co. Lasker asked about the possibility of including some language about the covenant in this resolution. The Town Attorney explained that this resolution does not alter the original covenant because the signage did not come until 10 years later.

Robert Lavallo, Bardonia

Spoke in support of this resolution to do away with the signage; it serves no purpose.

Kevin Lang

He is in favor of sign removals; they make it inconvenient to get to the commuter lot.

Orrin Getz, New City

He is in favor of removing signs and having better access to the commuter parking. He suggested the traffic lights be updated and submitted an article on signal timing.

Kevin Hobbs, New City

He is in favor of sign removal and agrees with Mr. Levine's suggestion to table and vote on it at a later date.

Mary Brieve

She stated that the sign was already gone.

Co. Lasker suggested modifying this resolution in order to protect the covenant with the mall and Supervisor Gromack suggested adding language to have the Town continue to monitor this intersection.

Co. Hausner stated that updated traffic signal timing should be looked into.

In response to questions about whether this resolution jeopardizes the covenant, Town Attorney Daniel Kraushaar responded that this is basically rescinding the two resolutions referred to from 1998 authorizing the installation of the signs; he does not view this as an amendment to the covenant. With regard to the sign on Palisades Center Drive, a private road, he suggested modifying the resolution to use the word "could" rather than "should" when directing a private property owner to do something on their property.

Town Attorney Mele confirmed the changes to be made to this resolution based on tonight's discussions.

There being no one further wishing to be heard, on motion of Co. Hausner seconded by Co. Hoehmann, the Public Hearing was closed, time: 8:46 pm.

RESOLUTION NO. (175-2012) ADOPTED

Respectfully submitted,

Justin Sweet  
Town Clerk