

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/19/11

8:00 P.M.

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

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

SPECIAL PRESENTATION: The Town Board made a special presentation to the members of the Clarkstown Diamond Backs Girls Softball Major Division Champs. Certificates were presented to the following girls:

Carolynne Gueye	Alaina DiGiacomo	Amanda Pearson
Kayla Clark	Megan Elba	Keri Scarpulla
Hannah McGrath	Nicole Bloom	Rebecca Pritzker
Emily Pearson	Jennifer Velez	Tatianna Gueye
Shannon Pritzker	Antionietta Natale	Alyssa Nuta

On motion of Co. Lasker seconded by Co. Hoehmann the Public Hearing re: Amending the Official Map by Deleting Paper Streets in the Town of Clarkstown was opened, time: 8:10 pm, closed: 8:26 pm

RESOLUTION NO. (360-2011) ADOPTED

On motion of Co. Hoehmann seconded by Co. Borelli the Public Hearing re: Petition from Joseph Miele to Modify a Special Permit for a Recycling Facility was opened, 8:27 pm, closed 8:31 pm

RESOLUTION NO. (361-2011) ADOPTED

On motion of Co. Hoehmann, seconded by Co. Borelli the Public Hearing re: Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to the West Nyack Hamlet Commercial District" was opened 8:32 pm, closed 8:43 pm

RESOLUTION NO. (362-2011) ADOPTED

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

Julia Hernandez

Spoke in favor of agenda Item #29 regarding stream stabilization and thanked the Supervisor for his quick response.

Amy Durbin, Congers

She asked for an explanation of Item #6 and also Items #s 17a,b and c.

Town Attorney Mele explained that the Police Commission used to certify questions for hearing officers in matters involving the PBA. Since the Police Commission was abolished, those powers reverted to the Town Board. This resolution merely authorizes the Town Board to certify those questions. Recreation Superintendent Joanne Pederson explained #17a was to replace a custodian who resigned in March, #17b was the creation

of a Senior Clerk position as a result of downgrading a vacant Principal Account Clerk position, and #17c was filling that position.

Guy Gervasi, West Nyack

Spoke about Item #16, arbitration decision regarding Clarkstown Police contract. Suggested surplus reserve fund should have been sent back to taxpayers. He asked how the Town is going to pay for these 2 years worth of raises.

Frank Grandel, New City

Had questions about Item #s 2a, b and c, School Resource Officer Programs and Item #s 3, 4 and 5, Maintenance Agreements. He asked for clarification of Item #15, Transfer of Funds and explanations for Item #22, Curb Replacement and Item #23, All-Terrain Mowers.

Steven Levine, Congers

He would like to have resolutions available to the public at least a week before the Town Board Meetings. He asked for clarification of Item #7, Abandonment of Drainage Easement and Item #21, Feasibility Studies.

Capt. Ovchinnikoff explained Item #s 2a, b and c, the School Resource Officer programs. Town Attorney Mele explained Item #s 3, 4 and 5, Maintenance Agreements. These are required by the Town for the maintenance of stormwater facilities and are filed with the County Clerk so that they are a continuing obligation that runs with the land. Regarding Item #7, Abandonment of Drainage Easement on Lenox Avenue, there is no drainage piping or use for that, there is nothing for the Town to retain there so the DEC recommends that it be abandoned. Regarding Item #21, Feasibility Study, when the Town undertakes a project that involves a lot of trades on a massive scale, it is important to determine whether a Project Labor Agreement would be appropriate. State law requires that in order to do that you have to have an independent feasibility study done. Regarding Item #22, Superintendent Wayne Ballard explained why it was necessary to replace the Belgium Block at Torne Brook Estates. Regarding Item #23, All Terrain Mowers, Supervisor Gromack explained this is to replace equipment necessary to mow the 90-plus acres at the landfill. Regarding Item #25, Transfer of Funds, he explained where the various funds came from and where they were transferred to. Regarding Item #16, he explained that the Town anticipated there would be some sort of award at the end of the Police arbitration so funds for that were already put into the budget, therefore, the award of the arbitration will not affect the 2011 tax rate.

RESOLUTION NO. (360-2011)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town Board of the Town of Clarkstown, by Resolution adopted on May 17, 2011, provided for a public hearing to be held on July 19, 2011 at 8:00 p.m., or as soon thereafter as possible, to consider amending the Official Map of the Town of Clarkstown by removing certain paper streets, which are more fully described on the attached Schedule "A" from the Town's Official Map, pursuant to §273 of Town Law, and

WHEREAS, by Resolution adopted on May 17, 2011, the Town Board directed that the matter be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for report and recommendation, which the Town Board has discussed and considered in making their decision herein, 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 May 25, 2011 and recommended, by memo dated June 28, 2011, that the eleven (11) paper streets described on the attached Schedule "A" be de-mapped and removed from the Official Map, and

RESOLUTION NO. (360-2011) continued

WHEREAS, the Rockland County Department of Planning recommended approval of amending the Official Map by removing said paper streets, by letter dated June 13, 2011, subject to a minor correction on the Schedule "A," which the Town has corrected, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report dated June 24, 2011, pursuant to SEQRA, from Jose Simoes, Principal Town Planner, which states that this matter is a Type II action under Part 617 of the SEQRA regulations which will not have an adverse impact on the environment and no further analysis is necessary, which the Board has discussed and considered in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes, Principal Town Planner, dated June 24, 2011, acting as staff to the Town Board as lead agency, the Town hereby determines that the de-mapping is a Type II action under Part 617 of the SEQRA regulations and shall not have any significant impact on the environment, 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 the eleven (11) paper streets described on the attached Schedule "A," and be it

FURTHER RESOLVED, that the GIS Coordinator for the Town of Clarkstown is hereby authorized and directed to amend the Official Map as set forth herein.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Absent
- Supervisor Gromack Yes

RESOLUTION NO. (361-2011)
Co. Hoehmann offered and Co. Borelli seconded

RESOLUTION AUTHORIZING MODIFICATION OF SPECIAL PERMIT TO APPROVE WAIVER OF BUFFER REQUIREMENTS FOR JOSEPH MIELE TAX MAP NO. 59.13-1-30 AND 59.17-1-2.2

WHEREAS, by petition dated October 25, 1994, Joseph Miele applied for a Special Permit to operate a Recycling Facility for premises designated on the Clarkstown Tax Map as 59.13-1-30 and 59.17-1-2.2 and said Special Permit was granted subsequent to a duly scheduled public hearing pursuant to Resolution No. 899-1995, adopted by the Town Board on December 29, 1995, and

WHEREAS, the Permittee subsequently petitioned to modify its Special Permit to authorize reduction of the buffer area pursuant to Section 290-11(A), Column 8, Item 4 of Table 15, from 75 feet to 25 feet and, by Resolution dated May 17, 2011, a further public hearing was duly scheduled and held on July 19, 2011 to consider said application, and

WHEREAS, under the SEQRA provisions of 6 NYCRR §617.2, the Planning Board adopted a determination of non-significance at its May 11, 2011 meeting, and

WHEREAS, at the public hearing before the Planning Board, the applicant presented evidence sufficient for the Town Board to determine that a reduction of the buffer would have no negative affect on the environment or be inconsistent with reasonable requirements of the Town of Clarkstown Planning Board or the Rockland County Department of Planning;

NOW, THEREFORE, be it

RESOLVED, that the Town Board makes the following FINDINGS OF FACT with respect to the application for modification of the Special Permit previously issued to Joseph Miele:

RESOLUTION NO. (361-2011) continued

1. The buffer reduction appears to be due to the constructed location of the existing concrete pad and proposed building on tax lot 59.13-1-30 instead of the previous location on the northerly side of tax lot 59.17-1-2.2.

2. The adjacent tax parcel was recently approved for a maintenance garage building. The use on that parcel is similar to the current parcel, i.e., heavy commercial.

3. Impacts of reducing the buffer would be limited to the reduction of area for landscape screening to this adjacent property owner. The adjacent property owner has not objected to the reduction of the buffer.

4. The proposed enclosed structure would better screen the demolition and construction debris being processed on the site.

5. There does not appear to be a need for the 75 foot special permit buffer requirement given the zone and the adjacent use.

NOW, THEREFORE, be it

RESOLVED, that , except as set forth herein, the Findings of Fact previously made with respect to the issuance of Special Permit, as contained in the Town Board's Resolution No. 899 of December 29, 1995, shall in no way be affected by or changed as a result of the reduction of the required buffer, and that all such Findings that are relevant and determined herein are hereby re-adopted, and be it

FURTHER RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested special permit shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the petition to modify the Special Permit referred to herein to reduce the required buffer from 75 feet to 25 feet is hereby GRANTED to the petitioner subject to: 1) the May 10, 2011 report of the Rockland County Department of Planning, 2) approval of the application by the Zoning Board of Appeals, and 3) the tax lots shall be merged as indicated on the proposed site plan, and be it

FURTHER RESOLVED, that the within Findings of Fact, Special Findings and Determination, setting forth the rationale for granting the modification to the Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (362-2011)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN UPDATING THE TOWN ZONING MAP AND ESTABLISHING THE HAMLET COMMERCIAL ZONING DISTRICT”

was introduced by Councilman George Hoehmann, at a Town Board meeting held on April 26, 2011, which law would amend Chapter 290 by updating the Town Zoning Map and creating a new section within the Town of Clarkstown Zoning Code, Section 290-7.3 Hamlet Commercial Zoning District, and

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

RESOLUTION NO. (362-2011) continued

WHEREAS, the Clarkstown Planning Board and the Rockland County Planning Department provided their written comments on November 17, 2010 and December 2, 2010, respectively, and

WHEREAS, the current draft of the local law substantially addresses the Clarkstown Planning Board's and the Rockland County Planning Department's recommendations, and

WHEREAS, by resolution dated April 26, 2011, the proposed local law was re-referred to the Clarkstown Planning Board, pursuant to Chapter 290-33, for report on whether said amendment complies with the criteria set forth therein, and

WHEREAS, a public hearing was scheduled to be held on June 14, 2011, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS the Clarkstown Planning Board requested additional time to provide comment on the proposed local law in accordance with 290-33(B), and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on June 7, 2011, rescinded the public hearing scheduled for June 14, 2011 and directed that a public hearing be held on July 19, 2011, 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 July 1, 2011, and

WHEREAS, the public hearing was held by the Town Board of the Town of Clarkstown on July 19, 2011, and

WHEREAS, the Town of Clarkstown Planning Board, by memo received June 24, 2011, recommended approval of the proposed Local Law, and made several findings pursuant to Town Code Sections 290-33B(1) and (2), which findings are hereby adopted and incorporated herein by reference; and

WHEREAS, the Planning Board further recommended that Chapter 151 (Hamlet Center Overlay Districts) should be reformatted and moved to Chapter 290; 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 June 30, 2011, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Behan Planning, LLC, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is a Type I action under SEQRA, and (2) the proposed action shall not have any significant impact on the environment in that a) the proposed action will not directly result in any physical changes to any site within the Town; b) the Proposed Action is consistent with, and achieves some of the goals of the Town's Comprehensive Plan; and c) any proposed development subject to the proposed code amendments would be subject to site specific review pursuant to SEQRA; and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

FURTHER RESOLVED, that the Town Attorney's Office shall coordinate with General Code to move Chapter 151 to Chapter 290, and be it

FURTHER RESOLVED, that Local Law No. 5 – 2011, entitled:

“A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN UPDATING THE TOWN ZONING MAP AND ESTABLISHING THE HAMLET COMMERCIAL ZONING DISTRICT”

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:

RESOLUTION NO. (362-2011) continued

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Absent
- 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. (363-2011)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Town Board Minutes of June 7, 2011 and June 14, 2011 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Absent
- Supervisor Gromack Yes

RESOLUTION NO. (364-2011)
Co. Lasker offered and Co. Borelli seconded

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

WHEREAS, the Board of Education of the Clarkstown Central School District and the Clarkstown Police Department desire to provide law enforcement services of three (3) police officers to be assigned to the school district on a full time basis as the School Resource Officers.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Clarkstown Central School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of three (3) police officers to the Clarkstown Central School District on a full time basis, for the period September 1, 2011 through June 30, 2012, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Clarkstown Central School District to the Town of Clarkstown in the amount of \$105,797.00 for the School Resource Officers.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Absent
- Supervisor Gromack Yes

RESOLUTION NO. (365-2011)
Co. Lasker offered and Co. Borelli seconded

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

WHEREAS, the Board of Education of the Nyack School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district on a full time basis as the School Resource Officer.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nyack School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nyack School District on a full time basis, for the period September 1, 2011 through June 30, 2012, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nyack School District to the Town of Clarkstown in the amount of \$33,244.43 for the School Resource Officer.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (366-2011)
Co. Lasker offered and Co. Borelli seconded

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

WHEREAS, the Board of Education of the Nanuet School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district on a full time basis as the School Resource Officer.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nanuet School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nanuet School District on a full time basis, for the period September 1, 2011 through June 30, 2012, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nanuet School District to the Town of Clarkstown in the amount of \$35,151.78 for the School Resource Officer.

RESOLUTION NO. (366-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (367-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, the County of Rockland, pursuant to the Cooperation Agreement between the Town of Clarkstown and the County of Rockland, applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended, Public Law 93-383 and Program Year 2011;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2011 Community Development Block Grant Program funds to the Town of Clarkstown with regard to Squadron Blvd. Improvements in an amount not to exceed \$75,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (368-2011)

Co. Lasker offered and Co. Borelli seconded

WHEREAS, Phyllis B. Benjamin, owner of premises located at 6 Treelyn Court, Bardonia, New York and more particularly described as Tax Map 58.5-5-2, has proposed installing a French drain within an adjacent Town unimproved right of way described as Tax Map 51.18-3-7 (part of) in order to improve drainage conditions on her property, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control has investigated this matter and has advised that the French drain described herein may be installed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owner, in a recordable form approved by the Town Attorney, to authorize the French drain to be installed in the Town's unimproved right of way described as Tax Map 51.18-3-7 (part of), and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owner or successors shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment or license to maintain same; and be it

FURTHER RESOLVED, that this license agreement shall be recorded in the Rockland County Clerk's Office at the sole expense of Phyllis Benjamin, Licensee..

RESOLUTION NO. (368-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (369-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, based upon the recommendation of the Deputy Director 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 Valley Cottage Free Library site plan (59.7-3-58), the Valley Cottage Library Board of Trustees has provided a conservation easement and a stormwater control facility maintenance agreement, and

WHEREAS, the 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 be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the conservation easement and the stormwater control facility maintenance agreement from the Valley Cottage Library Board of Trustees in connection with the Valley Cottage Free Library 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 Absent
 Supervisor Gromack Yes

RESOLUTION NO. (370-2011)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as Blue Rock School (58.15-2-38 & 39), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Demarest Mill Road, West Nyack, New York, and a stormwater control facility maintenance agreement, and

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyances; and the Town Attorney has advised that all 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 be it

FURTHER RESOLVED, that upon the recommendation of the Deputy Director of the Department of Environmental Control of the Town of Clarkstown, the Town Board hereby accepts the stormwater control facility maintenance agreement and deed conveying a road widening strip dated May 5, 2011 from Blue Rock School to the Town of Clarkstown, and orders them recorded in the Rockland County Clerk's Office at the expense of the grantor.

RESOLUTION NO. (370-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (371-2011)

Co. Hoehmann offered and Co. Lasker 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 169 Route 303 site plan (52.19-1-5), 169 Route 303, LLC has provided a stormwater control facility maintenance agreement, and

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from 169 Route 303, LLC in connection with the 160 Route 303 site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows:

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

RESOLUTION NO. (372-2011)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution dated April 27, 2004, the Town Board abolished the Clarkstown Police Commission and thereupon assumed all of the responsibilities previously held by the Police Commission, and

WHEREAS, from time-to-time it may be necessary for the Board to certify the question(s) to be determined by the Town Board and to contact a hearing officer(s) to schedule the requested hearings regarding the termination of General Municipal Law § 207-c benefits;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to certify the questions(s) to be determined and to schedule the requested hearings.

On roll call the vote was as follows:

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

RESOLUTION NO. (373-2011)
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, a representative of the Department of Environmental Control, of the Town of Clarkstown has inspected an existing drainage easement as shown on a survey of Lot 1, Lenox Estates, designated on the Clarkstown Tax Map as 52.8-1-43, and

WHEREAS, the inspection has determined that there are no drainage pipes in said easement, and

WHEREAS, Dennis Letson, P.E., Deputy Director of the Department of Environmental Control has recommended the drainage easement be gratuitously abandoned by the Town of Clarkstown; and the Town Attorney has advised that all documents are in proper legal form.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an Agreement, on behalf of the Town of Clarkstown, to abandon said drainage easement and be it

FURTHER RESOLVED, that said Abandonment of Drainage Easement is hereby ordered recorded in the Office of the Rockland County Clerk at the Town's expense.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (374-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to

RELOCATE the "No Standing Anytime" sign on the southside of Samantha Way, West Nyack, five feet from its present location at 1 Samantha Way's driveway (westerly)

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (375-2011)
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby retroactively authorized to advertise for bids in this case of emergency for:

RESOLUTION NO. (375-2011) continued

BID#28-2011 – OLD HEMPSTEAD ROAD STREAM STABILIZATION

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 Absent
- Supervisor Gromack Yes

RESOLUTION NO. (376-2011)

Co. Lasker offered and Co. Hoehmann seconded

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

BID#29-2011 – SEWER RELOCATION - SOUTH MAIN STREET

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 Absent
- Supervisor Gromack Yes

RESOLUTION NO. (377-2011)

Co. Hoehmann offered and Co. Lasker seconded

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

RFP # 17-2011 – CANINE HARASSMENT OF CANADIAN GEESE

is hereby awarded to: FAIR GAME GOOSE CONTROL, INC.
138 OLD HAVERSTRAW ROAD
CONGERS, NY 10920

PRINCIPAL: MARY FELEGY

as per their proposed total cost as follows:

RESOLUTION NO. (377-2011) continued

\$2,400.00 - Total Base bid price per month for one 12 month period for Kings Park, Congers Memorial Park and Twin Ponds with no additional charge per call-out for additional sites; 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

On roll call the vote was as follows:

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

RESOLUTION NO. (378-2011)

Co. Borelli 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 July 19, 2011 to July 19, 2013, as follows:

Sponsor: Koenig Real Estate
 120 North Main Street
 New City, NY 10956

Road: .20 mile segment of Cavalry Drive from
 North Main Street to Route 304, New City

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Koenig Real Estate 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 July 19, 2011 to July 19, 2013, 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 Koenig Real Estate to remove trash from the roadway.

RESOLUTION NO. (378-2011) continued

On roll call the vote was as follows:

Co. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Absent
 Supervisor Gromack Yes

RESOLUTION NO. (379-2011)

Co. Borelli 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 continue to adopt the below segments of various town roads for an additional period of two (2) years, continuing from July 19, 2011 to July 19, 2013, as follows:

Sponsor: Window & Door Outlet LLC
 P.O. Box 2054
 New City, NY 10956

Roads: 0.8 mile segment of Phillips Hill Road from
 North Main Street to North Little Tor Road,
 New City, New York,

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from July 19, 2011 to July 19, 2013, 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 Window & Door Outlet LLC to remove trash from the roadway.

On roll call the vote was as follows:

Co. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Absent
 Supervisor Gromack Yes

RESOLUTION NO. (381-2011) continued

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for an additional period of two (2) years beginning July 21, 2011 to July 21, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows:

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

RESOLUTION NO. (382-2011)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN
ESTABLISHING THE BASE PERCENTAGES, CURRENT PERCENTAGES
AND CURRENT BASE PROPORTIONS FOR CERTIFICATION TO NEW YORK
STATE OFFICE OF REAL PROPERTY SERVICES

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2011 Assessment Roll for the Town of Clarkstown, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (383-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN
ESTABLISHING THE ADJUSTED BASE PROPORTIONS FOR
CERTIFICATION TO THE STATE BOARD OF REAL PROPERTY SERVICES

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2011 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

On roll call the vote was as follows:

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

RESOLUTION NO. (384-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$755,751.20 from the Rockland County Sewer District #1, \$57,683.47 from Seizure Funds and \$4,733.92 from D.A.R.E. donations

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc) and Expense Account H-8741-409-0-23-2 (Capital Projects-Sewer Interceptor Relocation-Gilchrest Rd) by \$755,751.20 and be it,

FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (General Fund-Seized Property) by \$57,683.47 and Expense Accounts A-3120-225-1 (Police-Computer Hardware) by \$26,070.35, A-3120-293-0 (Police-Law Enforcement Equipment) by \$24,531 and A-3140-293-0 (Canine-Law Enforcement Equipment) by \$7,082.12 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) by \$4,733.92 and Expense Accounts A-3230-404-0 (D.A.R.E.-Travel & Meals) by \$650.80 and A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$4,083.12.

On roll call the vote was as follows:

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

RESOLUTION NO. (385-2011)
Co. Hoehmann offered and Co. Lasker seconded

BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby approves and ratifies an agreement between the Town of Clarkstown and the Rockland County Patrolmen’s Benevolent Association with regard to the settlement of New York State Public Employment Relations Board Case No. U-30262 and establishing an agreement as to attendance at physical therapy sessions by employees who have been granted GML Section 207-c benefits and authorizes the Supervisor to execute same.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (386-2011)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #10098 Custodian I -which contains the name of Robert M. Lobbe Jr.,

NOW, THEREFORE, BE IT RESOLVED, that Robert M. Lobbe Jr., 15 Verona Court, New City, New York – is hereby appointed to the position of (permanent) Custodian I – Parks and Recreation Department – at the 2011 annual salary of 39,587., - effective and retroactive to July 18, 2011.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (387-2011)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on March 29, 2011 that the position of Senior Clerk Typist - can be created,

NOW, THEREFORE, BE IT RESOLVED, that the position of Senior Clerk Typist – Parks and Recreation Department – is hereby created effected and retroactive to – July 18, 2011.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (388-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08081 Senior Clerk Typist – which contains the name of Denise Cummings,

NOW, therefore, be it

RESOLVED, that Denise Cummings, 20 Preakness Lane, New City, New York – is hereby appointed to the position of (permanent) Senior Clerk Typist – Parks and Recreation Department – at the 2011 annual salary of \$37,920., effective and retroactive to July 18, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (389-2011)

Co. Hoehmann offered and Co. Lasker seconded

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

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

Now, therefore, be it

RESOLVED, that Lee V. De Forest, 22 Old Brick Road, New City, New York – Laborer – Highway Department – is hereby granted six (6) months leave of absence, without pay, effective and retroactive to July 1, 2011 thru January 1, 2012.

On roll call the vote was as follows:

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

RESOLUTION NO. (390-2011)

Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Charles Caselli Jr., 67 Highway Avenue, Congers, New York – Highway Maintenance Supervisor I – Highway Department - is hereby accepted – effective and retroactive to June 30, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (391-2011)
Co. Lasker offered and Co. Borelli seconded

WHEREAS, WOLFE LANDING, LLC has submitted a petition to the Town Board of the Town of Clarkstown, requesting a change of zone from the LO District to the AAR District for premises designated on the Clarkstown Tax Map as 64.07-1-9.2, located at 2 Medical Park Drive, West Nyack, New York, to permit the construction of patio homes for active adults;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, 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 Tim Miller Associates, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that Tim Miller Associates shall also review and report to the Town Board whether or not the proposed action, if approved, shall be consistent with the Town of Clarkstown Comprehensive Plan, and be it

FURTHER RESOLVED, that the Town Attorney's Office is hereby directed to secure an escrow deposit in the amount of \$11,750.00, and the Comptroller's Office is hereby directed to deduct the Town's cost of Tim Miller's SEQRA review of the application from the escrow.

On roll call the vote was as follows:

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

RESOLUTION NO. (392-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Kaneda Realty Corp. v. The Assessor(s) of the Town of Clarkstown and the Town of Clarkstown, Index No(s).4999/05, 5269/06, 5946/07, 6951/08, 7156/09 and 7890/10, affecting parcel designated as Tax Map(s) 64.5-2-13 and more commonly known as 87 West Nyack Road, Nanuet, New York for the year(s) 2005/06, 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11, and also affecting parcel designated as 64.5-2-14 and more commonly known as 180 East Route 59, Nanuet, New York for the year(s) 2005/06, 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11, 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 Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

RESOLUTION NO. (392-2011) continued

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 64.5-2-13 be reduced for the year(s) 2008/09, 2009/10 and 2010/11 from \$99,900.00 to \$79,920.00 at a total cost to the Town of \$1,323.63;
2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.5-2-13 for the year(s) 2005/06, 2006/07 and 2007/08;
3. Reimbursement for the year(s) 2008/09, 2009/10 and 2010/11 on the parcel described as Tax Map 64.5-2-13, 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;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.5-2-14 be reduced for the year(s) 2007/08 from \$755,900.00 to \$592,250.00 at a cost to the Town of \$3,439.90;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.5-2-14 be reduced for the year(s) 2008/09 from \$755,900.00 to \$626,750.00 at a cost to the Town of \$2,632.67;
6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.5-2-14 be reduced for the year(s) 2009/10 from \$755,900.00 to \$635,625.00 at a cost to the Town of \$2,679.41;
7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.5-2-14 be reduced for the year(s) 2010/11 from \$755,900.00 to \$671,000.00 at a cost to the Town of \$2,002.45;
8. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 64.5-2-14 for the year(s) 2005/06 and 2006/07;
9. Reimbursement for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11 on the parcel described as Tax Map 64.5-2-14, 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;
10. 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. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Absent
 Supervisor Gromack Yes

RESOLUTION NO. (393-2011)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Higgins Realty, LLC c/o SCI Funeral Services v. The Board of Assessment Review and/or The Assessor of the Town of Clarkstown and The Town of Clarkstown, Rockland County, New York, Index No(s). 6072/06, 6257/07, 6889/08, 7161/09 and 7741/2010, affecting parcel designated as Tax Map No. 51.7-1-19, and more commonly known as 321 S. Main Street, New City, New York, for the year(s) 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11, and

RESOLUTION NO. (393-2011) continued

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 51.7-1-19 be reduced for the year(s) 2006/07, 2007/08, 2008/09 and 2009/10, from \$638,000.00 to \$606,100.00 at a total cost to the Town of \$2,625.53;

2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-19 for the year(s) 2010/11;

3. Reimbursement for the year(s) 2006/07, 2007/08 and 2008/09 and 2009/10 on the parcel described as Tax Map 51.7-1-19, 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;

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. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (394-2011)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Wald Realty Co. #2, LLC v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map No. 64.6-1-10, and more commonly known as 25 Smith Street, Nanuet, New York, for the year(s) 2008/09, 2009/10 and 2010/11; and

WHEREAS, it is desirable to have an audit and accounting prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Lawrence Brown & Co. be retained for the purpose of preparing an audit and accounting at a fee of \$110.00 per hour and not to exceed the amount of \$1,800.00; and such fee shall be charged to Account No. A-1420-439-1.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (395-2011)
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 681-2008, adopted on October 21, 2008, and amended by Resolution No. 281-2009, adopted on May 19, 2009, the Town Board authorized an agreement with the H2M Group to perform feasibility studies to determine whether a Project Labor Agreement is warranted on certain projects, and

WHEREAS, the Town Board has requested H2M to perform additional feasibility studies, and

WEHREAS, the Town Board has received a proposal from H2M Group dated November 23, 2010, to conduct the feasibility studies on a project by project basis;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement, in a form approved by the Town Attorney, with H2M Group, 175 Pinelawn Road, Suite 308, Melville, New York, to conduct additional feasibility studies for public works projects, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$75,000.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that the fee for the studies shall be charged to the capital account for the public works project, and be it

FURTHER RESOLVED, this resolution shall be retroactive to December 29, 2010.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (396-2011)
Co. Lasker offered and Co. Borelli seconded

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

**BID # 26-2011 – TORNE BROOK ESTATES BELGIUM BLOCK
CURB REPLACEMENT PROGRAM**

is hereby awarded to: SCAFFIDI PAVING AND DRAINAGE
 34 ROUTE 9W
 WEST HAVERSTRAW, NY 10993
 PRINCIPAL: EDUARDO D. SCAFFIDI
 WILLIE SCAFFIDI

as per their proposed total project cost not to exceed \$1,091,200.00 and be it

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

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

RESOLUTION NO. (396-2011) continued

- g) Certificate of Worker’s Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-11, 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 Absent
- Supervisor Gromack Yes

RESOLUTION NO. (397-2011)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown is responsible for the maintenance and continued operation and monitoring of the closed and capped sanitary landfill located in West Nyack, New York in accordance with the New York State Department of Environmental Conservation’s requirements, and

WHEREAS, the grass and vegetative cover of the landfill must be maintained to assure its integrity, and

WHEREAS, specialized mowers are required to perform the maintenance on the landfill, and

WHEREAS, the Deputy Director of Operations, Department of Environmental Control has investigated the proper mower needed for the required maintenance, and

WHEREAS, the Deputy Director of Operations recommends the purchase of two (2) 72 inch Harper ATM72LC all terrain mowers.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to purchase the two (2) mowers and charge these costs to a capital account, and be it

FURTHER RESOLVED, the purchase of the equipment will be in accordance with County of Suffolk Bid Number 13-11.6.9, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the purchase of two (2) Harper ATM72LS all terrain mowers for the maintenance of the sanitary landfill, and be it

FURTHER RESOLVED, that the cost for the purchase of the two (2) mowers shall not exceed \$86,046.00 and shall be charged to Account Number H-8762-400-409-0-86-12, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that this is to be funded by serial bonds.

RESOLUTION NO. (397-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (398-2011)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE INSTALLATION OF TEMPORARY TRAFFIC ADVISORY SIGNAGE, EBERLING DRIVE, OLD HEMPSTEAD ROAD, IRION DRIVE, AND TWIN ELMS LANE

WHEREAS, several Town roads in the vicinity of the County of Rockland’s New Hempstead Road Reconstruction Project have suffered increased traffic and speeding due to their use as ad hoc construction detours and short cuts , and

WHEREAS, a number of residents have come forward and requested that advisory signage be installed to highlight and notify drivers of the speed limits and cautions to be exercised in these residential neighborhoods, and

WHEREAS, the construction project will continue for approximately two years in duration and the Town Board is desirous of curtailing the hazards and improving the traffic safety conditions in the area,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways, in coordination with the Chief of Police to install traffic advisory and informational signage, subject to his discretion and authority on the following Town roads during the course of the County’s New Hempstead Road Project:

- Eberling Drive,
- Old Hempstead Road,
- Irion Drive,
- Twin Elms Lane.

On roll call the vote was as follows:

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

RESOLUTION NO. (399-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a complaint and request from the owner of Davies Farm for the installation of “Dog Waste Prohibited” signs in the area of Norfolk Avenue, Congers where errant dog walkers are trespassing and soiling the area of the Davies Farm subdivision and the farm property proper and,

WHEREAS, an inspection and investigation has been conducted by the Code & Zoning Enforcement Officer, resulting in findings that the complaints are substantiated and that violations of Town Code Chapters 125-4F (Nuisance by failure to clean up) have been observed, and

WHEREAS, controlling signage to better notify dog walkers, to facilitate enforcement and better protect the green space is recommended,

RESOLUTION NO. (399-2011) continued

NOW, THEREFORE, be it RESOLVED, that the Superintendent of Highways is hereby authorized to install:

Two ‘Dog Waste Prohibited’ signs at the end of the dedicated portion of Norfolk Avenue, Congers where it leads into the Davies Farm subdivision and the farm itself in the vicinity of 15 and 16 Norfolk Avenue (35.19-1-42 and 35.19-1-43)

On roll call the vote was as follows:

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

RESOLUTION NO. (400-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, periodic capacity crowds at Lake Nanuet Park during the summer season have caused occasional overflow parking on to Lake Nanuet Drive, and

WHEREAS, residents of the area have expressed concerns that the parking on both sides restricts emergency service access and causes sight distance issues, and

WHEREAS, an investigation was conducted by the Clarkstown Police Department and the Code & Zoning Enforcement Officer, the results of which determined that seasonal restricted parking on Saturdays and Sundays during the swimming season would create a safer driving environment for the residents as well as the park attendees,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways in coordination with the Clarkstown Police Department to install seasonal ‘Temporary Police Order No Parking Saturday and Sunday’ signs on the north side of Lake Nanuet Drive from Blauvelt Road to the bend past the entrance to the park and on the south within twenty feet from the park entrance on both sides from the third weekend in June to Labor Day on Saturdays, Sundays and Holidays and for the Clarkstown Police patrols to enforce these posted restrictions pursuant to Chapter 278 (Vehicle & Traffic) of the Clarkstown Town Code.

On roll call the vote was as follows:

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

RESOLUTION NO. (401-2011)

Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that Angela Ferrezza, 518 Route 304, Bardonia, New York – is hereby reassigned from the position of (part-time) Municipal Bus Driver to the position of (full-time) Municipal Bus Driver – Clarkstown Mini Trans Department effective and retroactive to July 18, 2011 at the current 2011 annual salary of \$45,958.

RESOLUTION NO. (401-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (402-2011)

Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that John O. Washington, 4 Indian Drive, West Nyack, New York - is hereby reassigned from the position of (part-time) Municipal Bus Driver to the position of (full-time) Municipal Bus Driver – Clarkstown Mini Trans Department – effective and retroactive to July 18, 2011 at the current 2011 annual salary of \$41,328.

On roll call the vote was as follows:

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

RESOLUTION NO. (403-2011)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Rockland County Personnel Office has certified on May 11, 2011 that the position of Clerk Typist – Office of the Town Attorney - can be created,

NOW, therefore, be it

RESOLVED, that the position of Clerk Typist – Office of the Town Attorney – is hereby created - effected July 25, 2011.

On roll call the vote was as follows:

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

RESOLUTION NO. (404-2011)

Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that Rockland County Personnel Office has furnished Certification of Eligibles #10051 Clerk Typist - which contains the name of Cathleen P. Graney,

NOW, therefore, be it

RESOLVED, that Cathleen P. Graney, 94 Lenox Ave, Congers, New York – is hereby appointed to the position of (permanent) Clerk Typist - Office of the Town Attorney – at the 2011 annual salary of \$34,824., - effective July 25, 2012.

RESOLUTION NO. (404-2011) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (405-2011)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Chios Holding Corp. v. T, Index No(s). 6505/07, 7467/08, 7617/09 and 8755/10, affecting parcel designated as Tax Map No. 58.14-2-1 and more commonly known as 295 Route 304, Bardonia, New York for the year(s) 2007/08, 2008/09, 2009/10, and 2010/11; 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. 58.14-2-1 be reduced for the year(s) 2007/08 from \$530,000.00 to \$424,000.00 at a cost to the Town of \$2,228.11;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 58.14-2-1 be reduced for the year(s) 2008/09 from \$530,000.00 to \$450,500.00 at a cost to the Town of \$1,620.57;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 58.14-2-1 be reduced for the year(s) 2009/10 from \$530,000.00 to \$477,000.00 at a cost to the Town of \$1,180.70;
4. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-2-1 for the year(s) 2010/11;
5. Reimbursement for the year(s) 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 58.14-2-1, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (406-2011)
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Kohl Industrial Park v. Cathy Conklin, Tax Assessor of the Town of Clarkstown, Board of Assessment Review of the Town of Clarkstown, Town of Clarkstown and Clarkstown Central School District, Index No(s). 8187/09, 10223/10 and 030876/11, affecting parcel designated as Tax Map No. 44.8-1-87 and more commonly known as 225 N. Route 303, Congers, New York for the year(s) 2009/10, 2010/11 and 2011/12; and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School 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 44.8-1-87 be reduced for the year(s) 2011/12 from \$3,482,500.00 to \$3,477,500.00 at no cost to the Town;
2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 44.8-1-87 for the year(s) 2009/10 and 2010/11;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (407-2011)
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Hannah Price v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 5705/06, 5918/07, 7096/08, 6787/09 and 7629/10, affecting parcel designated as Tax Map 51.11-1-5 and more commonly known as 373-85 S. Main Street, New City, New York for the year(s) 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11; 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;

RESOLUTION NO. (407-2011) continued

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 51.11-1-5 be reduced for the year(s) 2009/10 from \$336,000.00 to \$316,000.00 at a cost to the Town of \$445.55;

2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.11-1-5 for the year(s) 2006/07, 2007/08, 2008/09 and 2010/11;

3. Reimbursement for the year(s) 2009/10 on the parcel described as Tax Map 51.11-1-5, 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;

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 Absent
Supervisor Gromack Yes

RESOLUTION NO. (408-2011)

Co. Hoehmann offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 19, 2011, AUTHORIZING THE ACQUISITION OF TWO (2) ALL TERRAIN SLOPE MOWERS FOR THE CLOSED CLARKSTOWN SANITARY LANDFILL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$88,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$88,000 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 acquire two (2) all terrain slope mowers for the closed Clarkstown Sanitary Landfill. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$88,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$88,000 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 \$88,000 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.

RESOLUTION NO. (408-2011) continued

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. 28 of the Law, is fifteen (15) years.

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

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

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

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

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

- (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:

RESOLUTION NO. (408-2011) continued

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 19, 2011, 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 July 19, 2011, authorizing the acquisition of two (2) all terrain slope mowers for the closed Clarkstown Sanitary Landfill, stating the estimated maximum cost thereof is \$88,000, appropriating said amount for such purpose, and authorizing the issuance of \$88,000 serial bonds of said Town to finance said appropriation,”

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

FIRST: AUTHORIZING said Town to acquire two (2) all terrain slope mowers for the closed Clarkstown Sanitary Landfill; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$88,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$88,000 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 \$88,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$88,000 serial bonds will exceed five (5) years;

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

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

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

Justin Sweet
Town Clerk

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

RESOLUTION NO. (408-2011) continued

* * *

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Absent
- Supervisor Gromack Yes

RESOLUTION NO. (409-2011)

Co. Hoehmann offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 19, 2011, AUTHORIZING THE REPLACEMENT OF CURBS IN THE TORNE BROOK ESTATES AREA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,095,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,095,000 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 replace curbs in the Torne Brook Estates area. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,095,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,095,000 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 \$1,095,000 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. 24 of the Law, is ten (10) years.

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

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

RESOLUTION NO. (409-2011) continued

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

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 19, 2011, 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 July 19, 2011, authorizing the replacement of curbs in the Torne Brook Estates area, stating the estimated maximum cost thereof is \$1,095,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,095,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to replace curbs in the Torne Brook Estates area; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,095,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$1,095,000 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 \$1,095,000 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 ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,095,000 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.

DATED: July 19, 2011

Justin Sweet
Town Clerk

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

* * *

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (410-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION APPROVING AND RATIFYING MEMORANDUM OF AGREEMENT WITH CLARKSTOWN PBA

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Rockland County Patrolmen’s Benevolent Association, Inc. for a successor to the 2005-2008 Agreement between the parties as amended by the award of the Public Interest Arbitration Panel in PERB Case No. IA2008-026; M2008-208, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated July 19, 2011, and

WHEREAS, the membership of the Rockland County Patrolmen’s Benevolent Association, Inc. has ratified the terms of the Memorandum of Agreement, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Absent
Supervisor Gromack Yes

RESOLUTION NO. (411-2011)
Co. Lasker offered and Co. Hoehmann seconded

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

BID # 28-2011 – OLD HEMPSTEAD ROAD STREAM CHANNEL STABILIZATION

is hereby awarded to: DANNY CLAPP LANDSCAPING INC.
P.O. BOX 222
WEST NYACK, NY 10994

PRINCIPAL: DANIEL CLAPP

as per their proposed total project cost not to exceed \$58,200.00 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

RESOLUTION NO. (411-2011) continued

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-13, 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 Absent
- Supervisor Gromack Yes

RESOLUTION NO. (412-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the existing Woodhaven Drive, Lakewood Drive and Rt. 303 / Landfill sanitary sewer pump stations are currently being replaced, and

WHEREAS, in the course of performing the work, it was determined that additional electrical work associated with the change in electrical voltage at the Woodhaven Drive Pump Station, and

WHEREAS, the Contractor for the Town has submitted the proposal for the additional cost for the miscellaneous 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 \$38,686.00.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order #6, Contract “E” Electrical Construction, for Project CLKT910 is approved for the additional amount of \$38,686.00, and

BE IT FURTHER RESOLVED, that the total cost for Contract “E” Electrical Construction shall not exceed \$529,685.28, and

BE IT FURTHER RESOLVED, that the cost for the project 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 Absent
- Supervisor Gromack Yes

The Supervisor opened the meeting for general comments.

Mike Seidenfrau, New City

He is disappointed in the arbitrators' lack of concern for the Town's residents regarding the Clarkstown Police Department and suggested a change be made in the State laws.

Robert Schwartz, Valley Cottage

Spoke about 560 Mountainview Avenue's intent to do blasting again. Concerned about damage to his home and also about water and sewer services being affected by this. Handed in letters from some of his neighbors who are also concerned about this.

Stacy Landsman, representing Mountainview Lodge

Spoke about 560 Mountainview Avenue blasting and the damage caused to their property.

Thomas Leonard, Congers

Spoke about Synder's Cemetery on Kings Highway in Valley Cottage which was recently done over as an Eagle Scout project. It has not been maintained by the Town and he asked the Board to make sure this goes back to its park like state.

John Eschew, Valley Cottage

Spoke about flooding problems on backyards on Ridge Road; appreciated the quick response by the Highway and Environmental departments to this problem. In particular, he complimented Gary and Chris from the Environmental Department for their work on this problem.

Steven Levine, Congers

Spoke in favor of using the landfill for a solar power field. Suggested that the local law appointing a Highway Superintendent stipulate criteria he submitted for removing the appointee from office and he asked why the Board was considering this local law.

Marge Hook, New City

Spoke about problems at the Hi-Tor Animal Shelter. Feels this organization must be looked into and that their finances, meetings and board minutes need to be open to the public. Stated that you cannot have a no kill shelter; they are giving animals away for free and when you get something for nothing it is very easy to discard. She asked why we are being asked to give money to this shelter when they are giving away animals for free?

Sharon Needleman, New City, Hi Tor Bd. Of Directors

Stated that Hi Tor is not a no kill shelter. They try to adopt out all animals that can be adopted and if they cannot, they find foster homes for them. We are doing the best that we can with what we have.

Karen Skinner, Valley Cottage

Stated that the entire first floor of her home on Ridge Road was damaged by water. Implored the Town Board to please address the flooding problem there as soon as possible.

Nixie Gates, New City, Hi Tor Board Member

Stated that the open meetings issue will be addressed at their next meeting and in an effort to have good will they are working toward addressing the differences between the old and new management.

Barry Goldberg, Goshen

Spoke of his ongoing disagreement with the Town and submitted a statement for the record.

Cecilia Lewis, Valley Cottage

Thanked everyone who came out in response to the flooding on Ridge Road.

Patrick Rocco, Congers

Inquired about 139 Massachusetts Avenue and if anyone had been in touch with Fannie Mae about remediation at this property.

Regarding the police contract, the Supervisor stated that they tried to come up with an agreement before it went to arbitration. He is hopeful that the State will reform the Taylor Law which will help municipalities during negotiations in the future. Regarding the blasting on Mountainview Avenue, he stated that the Board would look into it. He stated that Snyder Cemetery is scheduled for maintenance. Regarding the flooding problem on Ridge Road, he stated that the Board was committed to rectify this problem once and for all. Regarding the solar panels at the landfill, he agreed it was a good idea and kudos to Co. Hoehmann for pursuing this. With regard to Hi Tor Animal Shelter, he acknowledged that this has been a continuing saga with problems and the County needs to take a leadership role; the towns are committed but we need to see action by the Legislature. Code Enforcer, Joel Epstein, spoke about the property at 139 Massachusetts Avenue and explained that Fannie Mae sold the property to Wells Fargo. Regarding the suggestion about the Local Law to appoint the Highway Superintendent, the Supervisor explained there have been numerous meetings and the dialogue will continue as this topic unfolds. He spoke about how the recent heavy storms have highlighted some areas that need work and additional review and study. He read a letter into the minutes that he received from residents, Nancy & John Cooperman praising the Highway Department and in particular, Highway Department employee, Dominic Santulli.

There being no one further wishing to be heard the Supervisor asked that the meeting be adjourned in memory of Thomas Schimpf. On motion of Co. Hoehmann, seconded by Co. Borelli and unanimously adopted the Town Board Meeting was adjourned, time: 9:49 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

7/19/11

8:10 P.M.

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

Absent: Council Member Stephanie Hausner

Amending the Official Map by Deleting Paper Streets in the Town of Clarkstown

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

Town Attorney Amy Mele explained that a few years ago an official map committee was established, tasked with the duty of going through the current official map and bringing it up to date. The official Town map has a lot of paper streets, meaning streets that appear on the official map but were never actually built or used as roadways. As far as the streets appearing before you tonight, their ownership can easily be determined. For example, they run through a person’s parcel, or a parking lot. There are no issues as to title or ownership or abandonment. In order to facilitate this we referred this to both the Clarkstown and the County Planning Boards for their review and recommendation. There were originally 16 streets on the list but the Planning Board recommended removing 5 of them because of some questions that were raised about them. We are in the very beginning of cleaning up the Town map and we imagine that as the committee continues to meet we will propose that additional streets be deleted. The Town Planner, Joe Simoes, reported that the matter is a Type 2 action under SEQRA and will not have an adverse impact on the environment. If these are deleted tonight, the GIS coordinator would be directed to remove them from the official map.

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

Steven Levine, Congers

He asked the Town Attorney where the streets are and why are these being abandoned in a group as opposed to individual Road Abandonments.

Town Attorney stated that the list was available on the Town Clerk’s website; it was a lot to put in the public notice in the paper due to all the metes and bounds listed. There is a distinction between abandoning and demapping. With these particular streets there are no “abutting property owners” ; there are no title issues. They are streets that are entirely enclosed in a tax parcel where the owner can be identified. This is not an abandonment but merely a demapping and Town Law Sec. 273 does provide for that by having a public hearing like we are having here tonight.

Joe Simoes, Town Planner clarified that a lot of these paper streets are running over people’s homes. There are homes and commercial buildings with paper streets running through them. It doesn’t make sense to have them on the map.

There being no one further wishing to be heard, on motion of Co. Hoehmann, seconded by Co. Borelli and unanimously adopted, the Public Hearing was declared closed, time: 8:26 pm.

RESOLUTION NO. (360-2011) ADOPTED

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

7/19/11

8:27 P.M.

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

Absent: Council Member Stephanie Hausner

Petition from Joseph Miele to Modify a Special Permit for a Recycling Facility

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 back in 1994 the Town Board granted Mr. Miele a special permit to operate a recycling facility on Snake Hill Road. The property is in a M zoned area and does not abut any residential neighborhoods. He recently petitioned to modify that special permit to authorize reduction of the buffer area pursuant to Sec. 290-11a from 75 feet to 25 feet. This matter was referred to the Planning Board and they found that the buffer reduction appears to be due to the construction location of an existing concrete pad and a proposed building on tax lot, 59.13-01-30, instead of the previous location on the northerly side of the tax lot, 59.17-01-2.2. The adjacent tax parcel was recently approved for a maintenance garage building and the use on that parcel was similar to the current parcel, that is, heavy commercial. The impacts of reducing the buffer would be limited to the reduction of area for landscaping screening to the adjacent property owner, who did not object to the petition. The proposed enclosed structure would better screen the demolition and construction debris being processed at the site and there does not appear to be the need for the 75 foot buffer given this zone and this use and its adjacent use. So those findings are set forth in your resolution. We also received a memo from the Deputy Director of Environmental Control in which he opines that the requested special permit will not have a significant effect on the environment and that no further processing is required under SEQRA. The Town Board is in a position to grant this modification this evening should they choose to do so.

Joe Simoes, Town Planner, stated that essentially this is really not something that is necessary between two commercial uses. The Planning Board's recommendation that the multiple lots that compose this property be merged is included in this resolution.

There being no one further wishing to speak on motion of Co. Hoehmann seconded by Co. Lasker the public hearing was closed, time: 8:31 pm.

RESOLUTION NO. (361-2011) ADOPTED.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

7/19/11

8:32 P.M.

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

Absent: Council Member Stephanie Hausner

Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to the West Nyack Hamlet Commercial District"

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 we retained Behan Planning to create a vision plan for downtown West Nyack which they did and which was incorporated as part of the Town's Comprehensive Plan. Part of what the vision plan called for was the creation of a more walkable hamlet center encouraging economic development and growth consistent with the hamlet's historic character. What this Local Law does tonight is redefines some of the uses permitted in the Downtown Hamlet Center of West Nyack allows, in certain instances, for apartments over office or retail establishments and also decreases some of the parking requirements so that we can have more on-street parking and less impervious off-street parking. This matter was referred to the Clarkstown Planning Board and the Rockland County Planning Board and basically they found it was consistent with the Comprehensive Plan and they recommend adoption of the local law. They had also recommended to move the other hamlet center overlay districts that are already in existence from Chapter 151 to Chapter 290. This does make sense to have them in Chapter 290 because they are indeed zoning. Behan Planning was retained to perform a SEQRA review of this action and they prepared an environmental assessment form and a negative declaration which is attached to the resolution. They determined that this was a Type 1 action but went on to determine that the proposed action would not result in any construction or physical changes to any site within the Town. The proposed action implements several recommendations of the most recent vision plan and the Town Comprehensive Plan. The code modification enables mixed-use development and encourages buildings to be closer to the sidewalk with parking in the back which helps to make a pedestrian friendly environment. It also contemplates, although this is for future consideration and adoption by you, perhaps creating more senior affordable housing units on a smaller scale within hamlet centers which is something that the Planning Board is still working on and obviously any proposed development to these code amendments would be subject to a site specific impact analysis pending SEQRA review.

Joe Simoes, Town Planner explained the Planning Board's findings with respect to both the text and map changes involved. The changes would be consistent with the geography of West Nyack and its history. It would result in additional residential units that could be built in that hamlet center but it would be limited in size and scope so the Board did not see any adverse impact with additional residential units being developed. It meets four specific goals:

- Working to ensure that a variety of housing options exist within the Town of Clarkstown
- Permitting apartments over businesses
- Planning for and developing additional affordable units for seniors
- Creating diverse mixed use development areas that allow for walking, biking and are well served by public transportation.

He stated it will increase the residential capacity but not to the extent that it will draw future development from any other portion of the Town.

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

Bert Dahm, West Nyack

He is a member of the West Nyack Revitalization Committee. He feels that the proposed amendment is appropriate and furthers the goals that they have for the revitalization for this hamlet. He envisions an opportunity to reduce truck traffic, make it more friendly for people to walk in the area and, if the opportunity arises, for the use of areas above commercial establishments for private residents as he feels it would provide a economic incentive for people to improve, maintain and help the community evolve into a more friendly, working environment. He hopes this is approved tonight.

Madeline Muller, West Nyack

She is also a member of the West Nyack Revitalization Committee and she thanked the Board for their efforts to revitalize the hamlets. She is looking forward to having affordable housing, walking to shopping and dining, entertainment in the park and a real sense of a downtown in West Nyack.

There being no one further wishing to be heard on motion of Co. Hoehmann seconded by Co. Borelli and unanimously adopted the public hearing was closed, time: 8:43pm.

RESOLUTION NO. (362-2011) ADOPTED

Respectfully submitted,

Justin Sweet
Town Clerk