

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

6/4/2013

8:00 pm

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

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

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SPECIAL PRESENTATION: CLARKSTOWN YOUTH ACADEMY GRADUATES

Sergeant Lafasciano introduced the following Youth Court graduates:

Katie Reilly	Robert Syracuse
Annmarie Hahenfeld	Frank Schiavone
Talin Bedrosian	Michael Sulla
Hannah Mancuso	Marshad Huq
Liam Monahan	Michael Dima
Andre Torigian	Henry Hinojosa
Richard Marchese	Paul Termine
Matthew Pereira	Brian Garchitorena
Liam Flanagan	
Vincent Skokos	

The Police Chief, Police Captains and the Town Board congratulated and praised the graduates for their accomplishments

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SPECIAL PRESENTATIONS:

Mr. James Flynn was congratulated and recognized for being awarded the title of "Senior of the Year" by the County of Rockland.

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James Vitale, Principal, Clarkstown High School South and Dianne Basso, Campus Principal, Felix Festa Middle School were honored for their years of service and dedication to the children of the Clarkstown School District.

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The following children were recognized and congratulated for their participation in the Star Kids, Inc. program:

Nicole Agudelo	Ian Dobbelaer	Kole Koenig
Kevin Agudelo	Ava Dobbelaer	Kyle Koenig
Ali Ajaz	Morgan Frawley	Kufen Kung
Mark Altman	Sean George	Kathryn Lebeau
Kaetln Andijar	Gavin Glynn	Faith Lebeau
Daniel Andrjar	Sadie Grant	Ella Lee
Jay Anico	Rony Grant	Noah Levitas
Sahah Arras	Robbie Guarino	Mark Levitas
Chris Beane	Arnett Jung	Jennifer Lit
Radek Beane	Jordan Jung	Cecelia Mayorga
Maghan Carswell	Joseph Killian	Nukhba Mehmood
Casey Dobbelaer	Debbie Killian	Ariba Mehmood

Maggie Michel  
 Brian Michel  
 Luke Mitru  
 Jen Mitru  
 Ryan Monahan  
 Erik Novak  
 Aidan O'Brien  
 Kyle O'Brien  
 Claudie Olszewski  
 Patricia Olszewski  
 Sloane Peterson  
 Tyler Peterson  
 Antonio Reda  
 Haron Rosales

Samanitha Rosales  
 Zarina Roy  
 Nadia Roy  
 Keilani Saha  
 Ana Schroer  
 Lucy Shi  
 Luke Sullivan  
 Michele Sullivan  
 Ella Sutherland  
 Brody Sutherland  
 Chris Svensson  
 Amanda Svensson  
 Kevin Thambi  
 Neha Thambi

Chris Thomas  
 Serina Thomas  
 Ryan Thomas  
 Jocelyn Thottan  
 Tyler Vanichpong  
 Melody Vanichpong  
 Eddie Walsh  
 Maureen Walsh  
 Victoria Xu  
 Angelia Xu  
 Casey Zuckerman  
 Shannon Zuckerman

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The Town Clerk read the roll call and then read two letters into the record:

The first was a letter from resident, Scott Driesen, who needed assistance when trying to sell his Central Nyack home. Mr. Driesen praised Assistant Building Inspector, Richard Meyers, for taking the extra time to help him resolve his issues and stated that he purchased another home in Valley Cottage because he feels Clarkstown is a great place to live and the people in government really do care.

The second was a letter from New City resident, Mariela Gutenberger, thanking Joel Epstein for resolving the issue of traffic problems in her neighborhood relating to the arrivals and dismissals at the ASHAR school.

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On motion of Co. Hoehmann seconded by Co. Lasker Public Hearing #1 Re: Approval of Final Map of Boundary Lines of the Valley Cottage Fire District was opened, time: 8:50 pm, closed, 8:52 pm

RESOLUTION NO. (216-2013) ADOPTED

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On motion of Co. Hoehmann seconded by Co. Hausner Public Hearing #2 Re: Proposed Local Law entitled "A Local Law Amending Chapter 290-3 (Definitions) of the Town Code" was opened, time: 8:54 pm, TO BE CONTINUED, 9:12 pm

RESOLUTION NO. (217-213) ADOPTED

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On motion of Co. Lasker seconded by Co. Hoehmann Public Hearing #3 Re: Proposed Local Law entitled "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to Senior Citizen Housing , Senior Citizen Congregate Housing and Assisted Care Living Quarters" was opened, time: 9:13 pm, closed 10:09 pm

RESOLUTION NO. (218-2013) ADOPTED

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Supervisor opened the meeting for comments on agenda items.

Steve Levine, Congers  
 Asked for clarification of Item 12, Maintenance of Vacant Properties.

Tom Nimick, New City  
 Asked for clarification on Item 18, Amending Salary Schedule, Item 3A, Street Sweeper purchase and Item 10, Community Center upgrades.

Regarding the appointment of Officer Mendez, the Police Chief explained that he had already been appointed temporarily in February; this resolution is appointing him permanently. The

Highway Superintendent, Wayne Ballard explained the need for the street sweeper purchase. Town Attorney explained Item 7, certiorari matter regarding McDonald’s Corp. Regarding Item 10, Community Center Upgrades, the Supervisor explained that at the workshops last year a number of Board members requested certain things be added such as electronic doors, bathroom upgrades and electrical work in order to install generators in order to use our centers as emergency centers. Many of the items in this bid are items that were brought up at the meeting. The Code Enforcer explained the Chapter 216 violations in Item 12. The Town Attorney explained Item 15, the certiorari for Nyack Mini Storage. The Town Attorney explained Item #15, Amending Salary Schedule. This is an amendment providing additional compensation for two in-house attorneys due to their increased work load as a result of the Town assuming the tax certiorari work that was previously done by an outside company.

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RESOLUTION NO. 216-2013  
Co. Hoehmann offered and Co. Lasker seconded

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

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

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

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

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

NOW, THEREFORE, be it

RESOLVED, as follows:

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (217-2013)  
Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, a proposed local law entitled, "A LOCAL LAW AMENDING CHAPTER 290-3 (DEFINITIONS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN" was introduced by Councilperson Hoehmann at a Town Board meeting held on May 7, 2013, and

WHEREAS, on June 4, 2013, a public hearing was held to consider said local law, and at such time it was determined by the Town Board that the hearing be continued on July 2, 2013 to consider concerns raised by some of the residents at the public hearing;

RESOLUTION NO. (217-2013) continued

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on July 2, 2013, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (218-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

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

was introduced by Councilperson Borelli at a Town Board meeting held on May 7, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 7, 2013, directed that a public hearing be held on June 4, 2013, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 4, 2013, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on May 28, 2013, and

WHEREAS, by resolution adopted May 7, 2013, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-l & m, 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 May 24, 2013, and

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

WHEREAS, the Rockland County Planning Department provided their written report on May 29, 2013 recommending that two (2) minor modifications be made which have already been addressed in the current draft of the proposed local law, and

WHEREAS, Jose Simoes, Town Planner, by memo dated May 29, 2013, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and the Town's Comprehensive Plan in that it would expand the Town's housing options and add the opportunity for the development of crucially needed senior housing, and

WHEREAS, by resolution dated May 22, 2013, the Town of Clarkstown Planning Board recommended in favor of the proposed local law;

NOW, THEREFORE, be it

RESOLUTION NO. (218-2013) continued

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Planner, 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 does not have the potential to adversely impact the environment, 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 Local Law No. – 2013 entitled: "A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO SENIOR CITIZEN HOUSING, SENIOR CITIZEN CONGREGATE HOUSING AND ASSISTED CARE LIVING QUARTERS"

On roll call the vote was as follows:

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

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

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RESOLUTION NO. (219-2013)  
Co. Lasker offered and Co Borelli seconded

RESOLVED that the Town Board Minutes of May 7, 2013 are hereby accepted, as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (220-2013)  
Co. Lasker offered and Co Borelli seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Henry Mendez, NOW, therefore, be it

RESOLVED, that Henry Mendez, 7 Orchard Avenue, New City, New York, - is hereby cleared for a (Permanent) appointment to the position of Police Officer – Clarkstown Police Department effective and retroactive to May 10, 2013.

On roll call the vote was as follows:

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

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RESOLUTION NO. (221-2013)  
Co. Lasker offered and Co Borelli seconded

RESOLVED, that the resignation (by retirement) of David Elmendorf, 12 Hacker Place, Nanuet, New York – Police Officer (Detective) – Police Department – is hereby accepted – effective and retroactive to May 31, 2013.

On roll call the vote was as follows:

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

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RESOLUTION NO. (222-2013)  
Co. Lasker offered and Co Borelli seconded

RESOLVED, that the resignation (by retirement) of Lucille Kelly, 5 Birchwood Terrace, Nanuet, New York – Data Entry Operator I – Justice Court – is hereby accepted effective and retroactive to June 3, 2013.

On roll call the vote was as follows:

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

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RESOLUTION NO. (223-2013)  
Co. Lasker offered and Co Borelli seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Thomas Isenbek, 71 Schneider Ave, Highland Falls, New York, Real Property Data Collector II – Office of the Assessor’s is hereby granted a Sick Leave of Absence at one-half pay effective June 5, 2013 thru July 3, 2013.

On roll call the vote was as follows:

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

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RESOLUTION NO. (224-2013)  
Co. Hausner offered and Co. Borelli seconded

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

BID#17-2013 – ONE (1) STREET SWEEPER

RESOLUTION NO. (224-2013) continued

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (225-2013)

Co. Hausner offered and Co. Borelli seconded

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

BID#18-2013 – ONE (1) ASPHALT HOT PATCH DUMP TRAILER

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (226-2013)

Co. Hausner offered and Co. Borelli seconded

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

BID#19-2013 – ONE (1) BOOM TRUCK (2014 PURCHASE)

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.

RESOLUTION NO. (226-2013) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (227-2013)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, by Resolution No. 165-2013, adopted April 9, 2013, the Town of Clarkstown accepted a proposal from Orange and Rockland Utilities, Inc. for street lighting at Yellowstone Fields Subdivision, and

WHEREAS, the Town of Clarkstown has received a cost estimate for a revised installation proposed as follows:

Install:

- Two underground streetlight poles and two 9500 lumen 100 watt sodium vapor streetlight
- One streetlight on pole on Germonds Road (48/05)

Annual Charges:

- \$13.56 per light x 3 (lights) x 12 (months) = \$488.16

Increase to the Town of Clarkstown will be \$488.16 per year, plus market supply and fuel adjustment charges.

NOW, THEREFORE, be it

RESOLVED, that Resolution No.165-2013 is hereby amended to read that the number of streetlights accepted for installation shall be three for a total increase to the Town of \$488.16 per year, plus fuel adjustment charges.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (228-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Town of Clarkstown has entered into a power purchase agreement with OnForce Solar with regard to construction of a solar power array (“Project”)located at the former Clarkstown landfill in West Nyack, and

WHEREAS, the New York Power Authority will provide funding to the Town of Clarkstown to help defray the costs associated with said Project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York Power Authority to accept funds to help defray the costs associated with the Project.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (229-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Section 18 (b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2013 to March 31, 2014, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

On roll call the vote was as follows:

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

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RESOLUTION NO. (230-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Town Board felt it was necessary to replace certain door locks in connection with security updates to Town Hall, and

WHEREAS, the Town Board received a quote from Lorencin Contracting Corp. for \$7,150.00, which the Public Works Administrator and the Purchasing Agent found acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lorencin Contracting Corp. in an amount not to exceed \$7,150.00, and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No.

H-8765-409-0-88-27.

On roll call the vote was as follows:

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

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RESOLUTION NO. (231-2013)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, Plaro Estates, Inc., has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map Nos. 65.5-118 and 65.5-1-20, and more commonly known as, 744 West Nyack Road, West Nyack, New York and 740 West Nyack Road, West Nyack, New York, respectively, for the year(s) 2007/08, 2008/09, 2009/10, 2010/11 and 2011/12, and

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

NOW, THEREFORE, be it

RESOLUTION NO. (231-2013) continued

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$3,000, retroactive to May 7, 2013; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (232-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, McDonald’s Corp. v. Cathy Conklin, Tax Assessor of The Town of Clarkstown, Board of Assessment Review of The Town of Clarkstown, Town of Clarkstown and East Ramapo Central School District, Index No(s). 7370/09; 6851/10; 030684/11 and 034187/12, affecting parcel designated as Tax Map Nos. 57.57-1-1 and 57.56-2-7 and more commonly known as 100 E. Route 59, Spring Valley, New York, and 106 E. Route 59, Spring Valley, New York, respectively, for the year(s) 2009/10, 2010/11, 2011/12 and 2012/13, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, the Deputy Town Attorney assigned to Tax Certiorari matters for the Town of Clarkstown, and the attorneys for the East Ramapo 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 Nos. 57.57-1-1 be reduced for the year(s) 2009/10, from \$45,200.00 to \$40,700.00 at a cost to the Town of \$46.70;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map Nos. 57.57-1-1 be reduced for the year(s) 2010/11, 2011/12 and 2012/13 from \$45,200.00 to \$41,800.00 at a total cost to the Town of \$121.24;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map Nos. 57.56-2-7 be reduced for the year(s) 2009/10, from \$231,200.00 to \$208,100.00 at a cost to the Town of \$239.73;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map Nos. 57.56-2-7 be reduced for the year(s) 2010/11, 2011/12 and 2012/13 from \$231,200.00 to \$213,900.00 at a total cost to the Town of \$616.87;
5. Reimbursement for the year(s) 2009/10, 2010/11, 2011/12 and 2012/13 on the parcel described as Tax Map Nos. 57.57-1-1 and 57.56-2-7, 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;
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 the Deputy Town Attorney assigned to handle Tax Certiorari matters for the Town of Clarkstown for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

RESOLUTION NO. (232-2013) continued

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (233-2013)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has prepared the MS4 Annual Report for the New York State Department of Environmental Conservation concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02), and

WHEREAS, the report was published on the Town’s website at [www.clarkstown.ny.us](http://www.clarkstown.ny.us), and

WHEREAS, copies of the report were available for inspection and comment at the Town Board’s June 4, 2013 regularly scheduled meeting, and

WHEREAS, no comments were received;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the report and the Director of the Department of Environmental Control to file the MS4 Annual Report concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems with the New York State Department of Environmental Conservation.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (234-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is in the process of upgrading various pump stations within the Town, and

WHEREAS, the Town’s engineer, H2M, has advised of the need for an easement from Tilcon New York, Inc. to allow for the installation of a force main from the Long Clove Road Pump Station to Scratchup Road in New City, and WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said easement provided by Tilcon New York, Inc., and the Town Attorney has advised that the easement is in proper form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts an easement from Tilcon New York, Inc. in connection with the installation of a force main and orders said easement to be recorded in the Rockland County Clerk's Office at the expense of the Town.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (235-2013)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, the Town of Clarkstown solicited bids for the renovation and upgrades of various community centers; and

WHEREAS, the Town received two (2) bids in response to its solicitation; and

WHEREAS, Lorencin Contracting Corp. has been determined to be the lowest responsible bidder; and

WHEREAS, the Town also solicited a proposal from DCAK -MSA Architecture and Engineering, the architectural firm that designed the project, to provide professional construction management and oversight services in connection with the project, which the Public Works Administrator has deemed acceptable in terms of scope and price;

NOW, THEREFORE, BE IT

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

**BID #19-2012 – CLARKSTOWN COMMUNITY CENTERS UPGRADES**

is hereby awarded to:           LORENCIN CONTRACTING CORP.  
   17 SCHRIEVER LANE  
   NEW CITY, NY 10956  
 PRINCIPAL:                   LORRAINE DINARDI

as per their proposed project cost of \$1,987,000.00 base plus Alternate #1 of \$262,000.00, Alternate #2 of \$60,000.00 and Alternate #4 of \$74,000.00 for a total project cost of \$2,383,000.00 plus 18% contingency and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Public Works Administrator, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with DCAK-MSA Architecture and Engineering, 53 Hudson Avenue, Nyack, New York, to provide professional architecture oversight services in connection with the project at a cost not to exceed \$115,575.50 (plus reasonable expenses not to exceed \$5,000.00), and be it

RESOLUTION NO. (235-2013) continued

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8759-400-409-0-83-24, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (236-2013)  
Co. Hausner offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 456 on July 25, 2006, creating a committee to recognize commercial property owners, or operators, who have taken extraordinary steps maintaining their properties. This program is known as the "Pride of Clarkstown," and is also intended to act as an incentive for all commercial property to be improved, and

WHEREAS, the Committee consists of the following persons:  
George Hoehmann, Town Board Liaison  
Scott Milich, Chairman  
David Kaminski  
Donald Ritch  
Irene Ryan  
Shirley Washington  
and

WHEREAS, the Town Board wishes to re-establish the Committee for the year 2013;

NOW, therefore, be it

RESOLVED, that the Town Board hereby re-establishes the committee referred to herein, and be it

FURTHER RESOLVED, that the Town Board hereby endorses the contest for the best maintained commercial property, and shall appropriate \$2,000.00 to the committee to conduct the contest, prepare award certificates and for incidental expenses, which shall be a proper charge to Account No. A-1010-409.

On roll call the vote was as follows:

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

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## RESOLUTION NO. (237-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Offices of the Building Inspector and Zoning Administrator have joined forces to field complaints and perform Town-wide inspections of the vacant, foreclosed, and/or abandoned properties in Clarkstown, the owners or responsible parties of which have failed to perform required lawn and landscape maintenance pursuant to Town of Clarkstown Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance) and

WHEREAS, appropriate diligence by Code Officials, to include but not limited to appropriate notice and posting, has been performed as required pursuant to Chapter 216-9(A), and

WHEREAS, the properties currently in violation are identified as follows:

29 Cornell Drive, Bardonia (58.7-1-4 fka 54-A-9.17)  
 96 Highway Ave, Congers (52.8-1-57 fka 126-C-5)  
 41 Medway Avenue, Congers (44.20-1-72 fka 126-B-22)  
 3 Chauncy Street, Congers (44.10-2-39 f/k/a 112-A-12)  
 160 S. Conger Ave, Congers (52.7-1-55 fka 111-A-12.3)  
 15 Loran Court, Nanuet (64.13-4-12 fka 31-B-25)  
 9 Foxcroft Dr, Nanuet (58.5-2-42 fka 16-C-2.16)  
 7 Roland Court, Nanuet (64.18-3-19 f/k/a 30-A-8.4)  
 20 Carriage Ln, Nanuet (63.6-3-38 fka 5-B-6.30)  
 5 Pigeon Hill Rd, Nanuet (58.13-2-51 fka 15-E-43)  
 5 Linden Ct, New City ( 34.15-2-24 fka 80-A-18.16)  
 3 Little Brook Ln, New City (43.5-1-24 fka 40-A-60.2)  
 6 Oldfield Dr, New City (51.7-2-61 fka 57-C-4.3)  
 8 Tilda Ln, New City (51.6-3-26 fka 37-A-5.6)  
 111 Brewery Rd, New City (51.8-2-14 fka 76-A-16)  
 4 Templar Ct, New City (50.20-4-68 fka 165-A-4.28)  
 11 The Promenade, New City (34.18-1-23 f/k/a 41-A-16.25)  
 2 Summit Drive, New City (34.17-1-49 fka 23-A-11.1)  
 142 Buena Vista Road, New City (42.8-2-65 fka 170-A-10)  
 26 Rolling Way, New City (35.9-2-59 f/k/a 98-B-4.22)  
 11 Sharon Drive, New City (43.10-1-31 fka 40-A-29)  
 15 Badger Street, New City (43.17-1-67 f/k/a 20-C-87.73)  
 1 Brook Road, New City (33.16-2-37 fka 171-A-2)  
 73 W. Burda Place, New City (50.12-2-49 fka 167-A-6.1)  
 5 Kent Street, New City (51.14-2-79 fka 36-C-8.14)  
 9 Kent Street, New City (51.14-2-81 fka 36-C-8.12)  
 12 Walnut Ct, New City (34.19-3-59 fka 60-A-16.69)  
 35 Parliament Drive, New City (35.14-1-22 f/k/a 98-A-9.37)  
 528 Kings Highway, Valley Cottage (59.6-3-48 fka 108-B-5.16)  
 958 Tilton Rd, Valley Cottage (52.11-2-31 fka 125-B-12.7)  
 960 Tilton Rd, Valley Cottage (52.11-2-32 fka 125-B-12.8)  
 11 Tena Place, Valley Cottage (59.7-3-25 fka 123-A-16.53)  
 566 Babbling Brook Ln, Valley Cottage (52.14-2-61 fka 110-A-23.29)  
 17 Flower Ln, Valley Cottage (52.14-3-3.6 fka 114-A-16)  
 331 Fulle Drive, Valley Cottage (52.18-1-41 f/k/a 109-B-5.5)  
 18 Phillips Lane, West Nyack (64.8-2-27 fka 89-C-3.30)  
 210 Parrott Rd, West Nyack (51.16-1-51 fka 75-A-15)  
 85 Van Houten Flds, West Nyack (64.12-2-42 fka 70-B-13)

NOW, THEREFORE, be it RESOLVED, that subject to a reasonable grace period and final re-inspection, the Town Board hereby authorizes the Office of the Zoning Administrator to arrange for the appropriate property maintenance through the tasking of available Town forces, subcontractors or agents to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with any and/or all associated debris removal, throughout the 2013 mowing and growing season, after which a bill of costs will be submitted to said office for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

RESOLUTION NO. (237-2013) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (238-2013)  
Co. Lasker offered and Co Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,  
NEW YORK, ADOPTED JUNE 4, 2013, AUTHORIZING THE  
CONSTRUCTION OF IMPROVEMENTS AT TOWN  
COMMUNITY CENTERS, STATING THE ESTIMATED  
MAXIMUM COST THEREOF IS \$2,815,000,  
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,  
AND AUTHORIZING THE ISSUANCE OF BONDS IN THE  
PRINCIPAL AMOUNT OF \$2,815,000 TO FINANCE SAID  
APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York  
(herein called the "Town"), is hereby authorized to construct improvements at Town community  
centers. The estimated maximum cost thereof, including preliminary costs and costs incidental  
thereto and the financing thereof, is \$2,815,000 and said amount is hereby appropriated for such  
purpose. The plan of financing includes the issuance of bonds of the Town in the principal  
amount of \$2,815,000 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. Bonds of the Town in the principal amount of \$2,815,000 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 Section 11.00 a. 12(a) (2)  
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

## RESOLUTION NO. (238-2013) continued

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 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 June 4, 2013, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted June 4, 2013, authorizing the construction of improvements at Town community centers, stating the estimated maximum cost thereof is \$2,815,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$2,815,000 to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct improvements at Town community centers; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,815,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds of the Town in the principal amount of \$2,815,000 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;

RESOLUTION NO. (238-2013) continued

SECOND: AUTHORIZING the issuance of bonds of the Town in the principal amount of \$2,815,000 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 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 bonds will exceed five (5) years;

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

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

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

Justin Sweet  
Town Clerk

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

\* \* \*

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (239-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Town has received \$252,689.05 from the Rockland County Sewer District #1 and \$98,572.36 from Travelers Insurance

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8760-409-0-84-9 (Capital-Sewer Pump Station & Collection System Upgrade) by \$252,689.05 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-8-2680-0 (Capital-Insurance Recoveries) and Expense Account H-8765-409-0-88-24 (Capital Projects-Hurricane Sandy) by \$98,572.36 and

RESOLUTION NO. (239-2013) continued

WHEREAS certain accounts need additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account A-7140-111-0 (Parks & Playgrounds-Overtime) and increase Expense Account A-1621-111-0 (Warehouse-Overtime) by \$400.

On roll call the vote was as follows:

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

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RESOLUTION NO. (240-2013)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Nyack Mini Storage v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 1674/12; 1675/12; 1676/12; 1677/12; 1678/12; 1679/12; 1680/12; 31088/11; 34170/12, 946//13 and 947/13 affecting parcel designated as Tax Map 65.7-3-64 and more commonly known as 92 Route 59, Central Nyack, New York for the year(s) 2002/03; 2003/04; 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2010/11; 2011/12 and 2012/13; and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 be reduced for the year(s) 2004/05 from \$1,670,000.00 to \$1,586,500.00 at a cost to the Town of \$1,468.30;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 be reduced for the year(s) 2005/06 from \$1,670,000.00 to \$1,503,00.00 at a cost to the Town of \$3,027.31;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 be reduced for the year(s) 2006/07 from \$1,670,000.00 to \$1,377,750.00 at a cost to the Town of \$5,442.66;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 be reduced for the year(s) 2007/08 from \$1,670,000.00 to \$1,461,250.00 at a cost to the Town of \$4,387.90;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 be reduced for the year(s) 2008/09 from \$1,670,000.00 to \$1,544,750.00 at a cost to the Town of \$2,553.17;
6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 be reduced for the year(s) 2009/10 from \$1,773,800.00 to \$1,578,700.00 at a cost to the Town of \$4,346.32;
7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 be reduced for the year(s) 2010/11, 2011/12 and 2012/13 from \$1,773,800.00 to \$1,614,200.00 at a total cost to the Town of \$11,879.02;
8. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 65.7-3-64 for the year(s) 2002/03 and 2003/04;

RESOLUTION NO. (240-2013) continued

9. Reimbursement for the year(s) 2002/03; 2003/04; 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2010/11; 2011/12 and 2012/13, on the parcel described as Tax Map 65.7-3-64, 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. Lasker . . . . . Yes
- Co. Borelli . . . . . Yes
- Co. Hoehmann . . . . . Yes
- Co. Hausner. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (241-2013)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, Theresa Russo, Esq., attorney for Bonefish Grill LLC, has advised the Town by letter dated May 31, 2013, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that Bonefish Grill LLC d/b/a Bonefish Grill has applied for an on-premises liquor license at 2142 Fashion Drive, Nanuet, New York, and

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

WHEREAS, the Town Board does not intend to comment upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Bonefish Grill LLC d/b/a Bonefish Grill for a license at premises located at 2142 Fashion Drive, Nanuet, New York

On roll call the vote was as follows:

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

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RESOLUTION NO. (242-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control’s Lake Nanuet Drive Drainage Project was completed in 2012, and

WHEREAS, work associated with the granting of an easement by the owner of 28 Lake Nanuet Drive for the installation of a box culvert came to light after the completion, and

WHEREAS, proposals were solicited from qualified contractors and the proposal from Ultimate Landscaping was found acceptable both in scope and price,

RESOLUTION NO. (242-2013) continued

NOW, THEREFORE, be it, RESOLVED, that grading and lawn restoration work is hereby authorized to be performed by Ultimate Landscaping up to a maximum amount of \$3000.00 and the cost of said work be a proper charge to account number H-8765-400-409-0-88-4.

On roll call the vote was as follows:

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

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RESOLUTION NO. (243-2013)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control’s Quaspeck Park Drainage Improvement Project is in its final stages, and

WHEREAS, restoration work associated with the granting of an easement by the owner of 187 Charles Boulevard for the installation of a box culvert is ready to be completed along with restoration work related to the easement granted the Town by the Palisades Interstate Park Commission, and

WHEREAS, the Department of Environmental Control (DEC) has solicited proposals from qualified contractors to perform the work and has received an acceptable proposal from Danny Clapp Landscaping which the Director of the DEC has found to be acceptable, and

NOW, THEREFORE, be it, RESOLVED, that planting, fencing installation and repair work is hereby authorized to be performed by Danny Clapp Landscaping up to the maximum amount of \$20,000.00 and the cost of said work be a proper charge to account number H-8755-409-0-79-1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (244-2013)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown terminated its agreement with the Law Office of Joseph J. Savino, which had been handling the Town’s approximately 800 tax certiorari matters for the Town at an annual cost of \$88,740; and

WHEREAS, in a continuing effort to reduce costs, the Town Attorney was asked to examine the options for handling these matters going forward, including, but not limited to: the retention of outside counsel, hiring additional staff, or handling the matters in-house; and

WHEREAS, the Town Attorney has recommended that the matters be handled in-house by assigning these additional responsibilities to existing deputy town attorney staff in return for additional compensation; and

WHEREAS, the Town Attorney has further recommended that based on staffing and current assignments, Deputy Town Attorney Paul Schofield is best suited to handle the tax certiorari matters and that Deputy Town Attorney Keith Cornell shall take over a portion of the Justice Court calendar previously handled by DTA Schofield;

NOW, THEREFORE, BE IT

RESOLUTION NO. (244-2013) continued

RESOLVED, that the salary schedule is hereby amended as follows:  
Paul Schofield, 94 Crum Creek Road, New City, New York, Deputy Town Attorney, salary shall be amended to reflect an annual salary of \$125,243  
Keith Cornell, 333 Deer Track Lane, Valley Cottage, New York, Deputy Town Attorney, salary shall be amended to reflect an annual salary of \$108,512,

AND BE IT FURTHER RESOLVED, that the amended salaries shall take effect commencing the next regular pay period.

On roll call the vote was as follows:

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

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Supervisor opened the meeting for general public comments.

Tom Nimick, New City  
Spoke about the hiring of Mr. Savino and requested an audit of the Town Attorney's office.

Terry Schwartz, Nanuet  
Spoke about problems with property erosion due to his neighbor's gravel driveway.

Steve Levine, Congers  
Asked about the status of the former Goldberg property on Massachusetts Avenue and spoke of alleged improper landfill on properties adjoining his.

Regarding Mr. Schwartz's driveway problem, Code Enforcer, Joel Epstein, stated he would address the driveway situation further with Mr. Schwartz, but the issue was too complicated to bring up in this forum. Regarding Mr. Levine's improper landfill allegations, Mr. Epstein stated that the Town Engineer is satisfied with the source of the landfill. The Town Attorney stated that she could not discuss the Goldberg property in this forum but the matter was moving forward. Regarding the Savino situation, this has been discussed previously and no one had anything further to add.

Supervisor Gromack spoke about the sudden death this weekend of Clarkstown Personnel employee, Dee O'Connell. Her death has taken us all by surprise and it is a sad and solemn time. She will be missed and our prayers and thoughts are with her and her family. In Memory of Dee, a moment of silence was observed.

On motion of Co. Hoehmann seconded by Co. Lasker the public hearing was closed, time: 10:09 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #1

Town Hall

6/04/13

8:50 pm

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

Re: Approval of Final Map of Boundary Lines of the Valley Cottage Fire District

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

The Town Attorney explained that Town Law §176 (5) requires fire districts to prepare a map showing their exact boundary lines; it also requires that they distribute the map to the adjoining fire districts for their review. They have done so and no adjoining fire district has any objection to any boundary lines of their map so, therefore, you are in a position to approve it tonight should you wish to do so.

Supervisor Gromack asked if there was anyone wishing to speak on this matter. There being no one further wishing to be heard, on motion of Co. Hoehmann seconded by Co. Lasker, the public hearing was closed, time, 8:52 pm.

RESOLUTION NO. (216-2013) ADOPTED

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #2

Town Hall

6/04/13

8:54 pm

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

Re: Proposed Local Law entitled: "A Local Law Amending Chapter 290-3 (Definitions) of the Town Code"

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

The Town Attorney explained that this is to amend one definition in the Town Code to modify the definition of lot coverage to include all impervious surfaces. The current definition only includes coverage via structures and thus it's proposed that the definition be expanded.

Town Planner, Joe Simoes explained the proposed local law further.

The Supervisor asked if anyone wished to speak on this matter.

Steve Levine, Congers  
Submitted a list of comments pertaining to the proposed changes (on file in Town Clerk's office).

The Town Planner addressed some of Mr. Levine's concerns.

There being no one further wishing to be heard, on motion of Co. Borelli seconded by Co. Hoehmann, the public hearing was continued to July 2, 2013, time, 8:52 pm

RESOLUTION NO. (217-2013) ADOPTED

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING #3

Town Hall

6/04/13

9:13 pm

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

Re: Proposed Local Law entitled “A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to Senior Citizen Housing, Senior Citizen Congregate Housing and Assisted Care Living Quarters”

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

The Town Attorney explained that what this basically does is amend our definition for Senior Citizen Congregate Housing and amend our definition for Senior Citizen Housing. Also some definitions that we already have for Assisted Living and some other facilities were defined in the code but weren't actually allowed in uses anywhere; so this law would give those uses a place to reside because there were no zones where they were allowed. The housing committee has recommended that we have done a good job of addressing our 55 and over communities as well as our Senior Citizen Housing but that there is a need for that sort of Assisted Living and more comprehensive continuum of care facilities.

Town Planner, Joe Simoes, further explained the proposed local law and the reasons supporting it.

Supervisor Gromack asked if there was anyone wishing to speak.

Steve Levine, Congers  
Had some issues with the proposed local law and submitted a letter outlining them (on file in Town Clerk's office).

Marge Hook, New City  
Questioned if this was part of Agenda 21 and if HUD money was involved. She asked who was on the Housing Committee and what their qualifications are.

Amy Durbin, Congers  
Questioned transferring power to the Planning Board.

Gerry O'Rourke, Congers  
He asked for clarification of some of the terms in this law.

The Supervisor reminded the audience that this has been discussed and rediscussed many times and many of these questions were answered at the Planning Board meetings. He wondered why people didn't attend those meetings as they are welcome to attend Planning Board meetings and give their input. He stated this has nothing to do with Agenda 21.

Town Planner, Joe Simoes, answered the questions and concerns presented by the residents this evening. He stated there was no HUD funding involved. He clarified the difference between this and the AAR zone, the age requirements, the bedroom count, the parking, the density per acre, definition changes and the rationale for same. He clarified the portion of the law addressing Planning Board Special Permit and the reasons for putting a category for Planning Board in the Use Tables. He explained why certain districts were not included because they lacked the infrastructure to support this in terms of the traffic and roadways and they would be different in

terms of community character. He covered use variances and the minimum distance between facilities to prevent any type of saturation.

He stated this has been before the Planning Board for at least 6 months where there was public input and all of this was fully discussed. Regarding a question about lay members on the Housing Committee, he stated that many of the members are certified by the Planning Federation and are required to take annual certification courses.

Tom Nimick, New City

Asked if any member of the Town Board was aware of any developer currently submitting a plan under this law.

Jan Degenstein, Housing Committee

He spoke about a large and growing need for Senior Housing.

There being no one further wishing to speak on motion of Co. Hoehmann seconded by Co. Lasker the Public Hearing was closed, time: 10:09 pm

RESOLUTION NO. (218-2013) ADOPTED

Respectfully submitted,

Justin Sweet  
Town Clerk