

TOWN OF CLARKSTOWN  
SPECIAL TOWN BOARD MEETING

Town Hall

12/4/12

7:30 PM

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

Absent: George Hoehmann

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

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

Tom Nimick, New City  
He asked for clarification on Item #9, maintenance agreement with Rockland County for certain park and ride lots. He also asked for clarification of Item #15, Town Hall Security Improvements.

Frank Grandel, New City  
He asked about Item #3, snow removal on undedicated streets and Item #10, appraisal with respect to West Nyack revitalization.

Steve Levine, Congers  
He also asked about Item #3, snow removal.

Regarding Item #3, the Town Attorney explained that this is just dealing with undedicated streets on an emergency basis. As far as costs for this she explained that when a developer has not fulfilled their responsibility, there is a letter of credit or performance bond where we simply deduct the amount billed out to plow those roads. She explained that Item #9 is a contract that we negotiate every year with New York State for the maintenance and upkeep of the State DOT lots. In reference to Item #10, we retained an appraiser to prepare appraisals on some properties relating to the West Nyack revitalization. Because it is an approved Capital Project this resolution is simply retaining them under the capital account number.

The Supervisor explained that Item #15, deals with some safety improvements needed in Town Hall such as key fobs, employee cards, security cameras and phone notification system upgrades.

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RESOLUTION NO. (560-2012)  
Co. Lasker offered and Co Borelli seconded

RESOLVED, that Elizabeth R. Noonan, 1 Kings Court, Nanuet, New York – Senior Clerk Typist – Police Department – is hereby granted, as per her request, a leave without pay pursuant to the Family Medical Leave Act – effective and retroactive to November 21, 2012.

On roll call the vote was as follows:

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

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RESOLUTION NO. (561-2012)  
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Radhika Nagubandi, 6 Crum Creek Road, New City, New York – is hereby appointed to the position of Member – Historical Review Board – (to fill the unexpired term of Stephen M. Papas) – term effective December 4, 2012 and to expire on December 31, 2014 – at the current 2012 annual salary of \$2,000.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann. . . . . Absent  
Co. Hausner. . . . . Yes  
Supervisor Gromack. . . . . Yes  
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RESOLUTION NO. (562-2012)  
Co. Lasker offered and Co Borelli seconded

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

BID#44-2012 – CONGERS CORPORATE CORRIDOR SIGNS

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. . . . . Absent  
Co. Hausner. . . . . Yes  
Supervisor Gromack. . . . . Yes  
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RESOLUTION NO. (563-2012)  
Co. Lasker offered and Co Borelli seconded

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

BID#45-2012 – KLEIN AVENUE PUMP STATION REPLACEMENT

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. . . . . Absent  
Co. Hausner. . . . . Yes  
Supervisor Gromack. . . . . Yes  
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RESOLUTION NO. (564-2012)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, heavy snowfall and other inclement weather may create hazardous conditions which may pose an increased danger to life and property in the event of fire, sickness, lack of food and medical assistance to persons house bound on unplowed or otherwise impassable streets;

NOW, THEREFORE, be it

RESOLVED, that in addition to the authority granted under Executive Law, Sections 24 and 25, the Supervisor of the Town of Clarkstown is hereby authorized to use and direct any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any urgent situation, crisis, natural emergency disaster or extraordinary condition created by any snow fall or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes and directs the Superintendent of Highways to seek the cooperation of the developers/owners of undedicated streets to properly plow and sand during inclement weather and to use personnel and equipment to plow undedicated streets in the Town of Clarkstown at such time when necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to seek recovery of the reasonable costs for such services from the developers of undedicated subdivision roads or any responsible party, and where appropriate, to assess such costs, if unpaid, on the responsible property owner's next Town tax bill, or otherwise seek recovery by any available legal remedy.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann. . . . . Absent  
Co. Hausner. . . . . Yes  
Supervisor Gromack. . . . . Yes  
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RESOLUTION NO. (565-2012)  
Co. Borelli offered and Co. Lasker seconded

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

"A LOCAL LAW CREATING CHAPTER 41 (PLANNING BOARD) AND AMENDING CHAPTERS 42 AND 43 OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to add a new chapter, Chapter 41, entitled Planning Board to the Town Code of the Town of Clarkstown and to amend Chapter 42 by changing the title to Certification of Planning Board and Board of Appeals Members and to amend Chapter 43 by changing the title to Planning Department and amending the planning functions of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on December 20, 2012 at 12:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

RESOLUTION NO. (565-2012) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (566-2012)  
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Official Map Committee has reviewed the Official Map of the Town of Clarkstown and the GIS Coordinator has corrected any errors or discrepancies contained on said map, and

WHEREAS, the Official Map Committee recommends adoption of the updated Official Map of the Town of Clarkstown pursuant to Section 270 of Town Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 5, 2013 at 8:00 P.M., or as soon thereafter as possible, to consider the adoption of the Official Map of the Town of Clarkstown, which is on file in the Town Clerk’s Office, and be it

FURTHER RESOLVED, that the updated version of the Official Map is hereby referred to the Clarkstown Planning Board for its review and recommendations, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 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 Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the same manner provided by law and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (567-2012)  
Co. Hausner offered and Co. Lasker seconded

WHEREAS, M.V.E. Development Corp. provided Cashier’s Check No. 0027802172 in the amount of \$58,825.00 to the Town as security for completion of landscaping in connection with the M.V.E. Development Corp. site plan (35.20-1-12) located at 300 Route 303, Congers, New York, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has advised that the work has been completed in accordance with the site plan and the escrow funds are no longer required;

RESOLUTION NO. (567-2012) continued

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the First Deputy Director of the Department of Environmental Control, the escrow funds in the amount of \$58,825.00 being held as security for the landscaping may now be released.

On roll call the vote was as follows:

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

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RESOLUTION NO. (568-2012)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, Hardenburgh Abstract Co., Inc. paid a fee to the Building Department in the amount of \$165.00 in connection with a request for a violation search report for property located at 64 Mallory Road, Spring Valley, New York, more particularly described as Tax Map No. 50.12-1-37, and

WHEREAS, the Building Inspector has advised that only a portion of the rear yard of the property is in the Town of Clarkstown and the dwelling is located in the Town of Ramapo, and

WHEREAS, since no work was performed on this request, the Building Inspector recommends a full refund of \$165.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$165.00 to Hardenburgh Abstract Co., Inc. to be charged to Account No. B 02-6-2555-0.

On roll call the vote was as follows:

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

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RESOLUTION NO. (569-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

MRJ Excavating Inc.  
 7 Beaver Court  
 New City, New York 10956  
 Michael W. Rickli, Jr., President

JGC Plumbing & Heating Inc.  
 8 Fairmont Terrace  
 West Nyack, NY 10994  
 Gerard Campitiello, Owner

RESOLUTION NO. (569-2012) continued

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

- 12-36 MRJ EXCAVATING INC.
- 12-37 JGC HEATING INC.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann. . . . . Absent  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack. . . . . Yes  
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RESOLUTION NO. (570-2012)  
Co. Borelli offered and Co. Hausner seconded

WHEREAS, Town Board Resolution 565-2011 awarded bid #32-2011 Central Nyack  
Off-site Wetlands Mitigation to Fourmen Construction Inc.; and

WHEREAS, unforeseen conditions required modifications of required work by the  
contractor and

WHEREAS, change order requests for change orders #1 for the changes in the scope  
work for a credit amount of \$5,291.35; and

WHEREAS, the change orders have been reviewed by the Department of Environmental  
Control and found acceptable as follows:

- 1. Reduction in the quantity of material removed from the site.  
Cost (-) \$5,291.35

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be reduced  
from the original bid amount of \$399,507.00 to \$394,215.65 to reflect the credit from the change  
order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper revision to account  
# H -8755-400-409-0-79-7

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann. . . . . Absent  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack. . . . . Yes  
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RESOLUTION NO. (571-2012)  
Co. Hausner offered and Co. Lasker seconded

Whereas, the County of Rockland, through its Department of Public Transportation, is  
desirous of entering into an agreement with the Town of Clarkstown for maintenance and upkeep  
of park and ride lots located at:

- 1. Exit 12 – Lot 1
- 2. Exit 12 – Lot 2

RESOLUTION NO. (571-2012) continued

- 3. Exit 14 – East Lot
- 4. Exit 14 – West Lot
- 5. Exit 14 – North Lot
- 6. Municipal/Commuter Lot – Downtown Valley Cottage
- 7. Nanuet Railroad Station – Lot 2
- 8. North Middletown Road
- 9. Smith Street
- 10. Middletown Road Park and Ride
- 11. Rt 304/Cavalry Park and Ride Lot

and

WHEREAS, the County of Rockland agrees to pay the Town the sum of \$340,000.00 in connection with maintenance of the park and ride lots;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into such agreement with the County of Rockland, in a form approved by the Town Attorney, for the period January 1, 2012 and terminating December 31, 2012, to provide maintenance and upkeep of park and ride lots located at sites referred to herein, and be it

FURTHER RESOLVED, that the County of Rockland agrees to reimburse the Town of Clarkstown for said work in a sum not to exceed \$340,000.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (572-2012)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, the Town Board wishes to obtain appraisals for properties located in West Nyack, New York with respect to the West Nyack Downtown Revitalization Project, and

WHEREAS, the Town Attorney recommends hiring the firm of CMS Realty Advisors Corporation to perform said appraisals;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to retain CMS Realty Advisors Corporation to appraise three (3) parcels located at 716 and 718 West Nyack Road and 4A Phillips Lane in West Nyack, and be it

FURTHER RESOLVED, that the fee for said appraisals shall not exceed \$3,500.00 and shall be a proper charge to Account No. H 8755-409-0-79-21, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that the additional funds allocated for this project shall be funded with the issuance of Serial Bonds.

On roll call the vote was as follows:

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

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RESOLUTION NO. (573-2012)  
Co. Hausner offered and Co. Lasker seconded

RESOLVED, that Sean H. Jordan, 36 Strawberry Hill Lane, West Nyack, New York – is hereby appointed (provisional) to the position of Computer Installation Assistant Data Processing Department – at the current 2012 salary of \$45,955., effective December 5, 2012

On roll call the vote was as follows:

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

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RESOLUTION NO. (574-2012)  
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Kenneth M. Bernstein is hereby designated to conduct a disciplinary hearing in connection with the departmental charges dated September 20, 2012 issued by the Chief of Police.

On roll call the vote was as follows:

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

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RESOLUTION NO. (575-2012)  
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Benjamin E. Selig, Esq. is hereby designated to conduct a disciplinary hearing in connection with the departmental charges dated December 4, 2012 issued by the Chief of Police.

On roll call the vote was as follows:

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

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RESOLUTION NO. (576-2012)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Yellowstone Fields Subdivision (58.07-1-46 & 47), Thomas and Linda Dimick have provided a conservation easement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended accepting said easement, and the Town Attorney has advised that the document is in proper legal form;

RESOLUTION NO. (576-2012) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the conservation easement from Thomas and Linda Dimick in connection with the Yellowstone Fields Subdivision and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of the recording fee.

On roll call the vote was as follows:

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

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RESOLUTION NO. (577-2012)

Co. Lasker offered and Co Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Morris Properties, LLC v. The Assessor of the Town of Clarkstown, Rockland County, New York and the Board of Assessment Review for the Town of Clarkstown, Index No(s). 31376/11 and 33630/12, affecting parcel designated as Tax Map 64.9-1-1 and more commonly known as 150A Main Street, Nanuet, New York for the year(s) 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 Nanuet 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 64.9-1-1 be reduced for the year(s) 2011/12 and 2012/13 from \$358,300 to \$325,000 at a total cost to the Town of \$819.32;

2. Reimbursement for the year(s) 2011/12 and 2012/13 on the parcel described as Tax Map 64.9-1-1, 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;

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. . . . . Absent  
Co. Hausner. . . . . Yes  
Supervisor Gromack. . . . . Yes

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RESOLUTION NO. (578-2012)  
Co. Lasker offered and Co Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Richard and Kathy King v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 031404/2012 and 034287/2012, affecting parcel designated as Tax Map 52.15-1-60 and more commonly known as 206 Route 303, Valley Cottage, New York for the year(s) 2011 and 2012, 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 52.16-1-60 be reduced for the year(s) 2011/12 and 2012/13 from \$400,500 to \$312,400 at a total cost to the Town of \$2,167.63;
2. Reimbursement for the year(s) 2011/12 and 2012/13 on the parcel described as Tax Map 52.15-1-60, 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;
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. . . . . Absent  
 Co. Hausner. . . . . Yes  
 Supervisor Gromack. . . . . Yes

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RESOLUTION NO. (579-2012)  
Co. Lasker offered and Co Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 4, 2012, AUTHORIZING THE INSTALLATION OF TOWN HALL SECURITY IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$85,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$85,000 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:

## RESOLUTION NO. (579-2012) continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to install Town Hall security improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$85,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$85,000 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 \$85,000 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 a part of said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

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

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

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

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

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

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

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

RESOLUTION NO. (579-2012) continued

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (580-2012)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, Hyenga Lake Development, LLC (the "Applicant") has proposed developing a certain parcel located on Pipetown Hill Road, Nanuet, New York, designated on the Town of Clarkstown Tax Map as 57.14-3-2 as a rental complex for low income seniors, and

WHEREAS, a special permit was granted by the Town Board on November 24, 2009 allowing development of affordable senior housing on said parcel;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby expresses its support for the Project, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute letter/letters of support as may be required by the applicant to secure funding, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a PILOT agreement in the event funding is secured by the applicant, and be it

FURTHER RESOLVED, that nothing set forth in this resolution shall be construed so as to bind the Town Board or the Planning Board with respect to future action concerning the Project.

On roll call the vote was as follows:

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

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RESOLUTION NO. (581-2012)

Co. Hausner offered and Co. Borelli seconded

WHEREAS, Chief of Police Michael Sullivan has recommended renewing an agreement with Rev. David Lothrop, to provide services to the Clarkstown Police Department as Police Chaplain for the calendar year 2013;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Rev. David Lothrop, in a form satisfactory to the Town Attorney, for the period January 1, 2013 to December 31, 2013, and be it

FURTHER RESOLVED, that compensation for said services shall be \$10,360 per year, and compensation for mileage at the approved rate for the calendar year 2013, all of which shall be charged to Account No. A 3120-409.

RESOLUTION NO. (581-2012) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

The Supervisor opened the meeting for general public comments.

Steven Levine, Congers  
Submitted a letter regarding a tree removal and landfill on Massachusetts Avenue, Congers (on file in Town Clerk’s Office).

Marge Hook, New City  
Inquired about a report showing how much of a savings the Fleet Manager position is to the Town. She also asked about the costs of installing and removing speed bumps.

Frank Grandel, New City  
Inquired about costs for a new alert system.

Regarding the tree on Massachusetts Ave, the Code Enforcer stated this was not a Town issue and Mr. Letson of Environmental Control stated that the fill permit issue has been asked and answered and has been closed for a number of years.

Regarding the Fleet Manager report the Supervisor stated that due to a recent filing of a lawsuit they have been advised to postpone the report at this time.

The Highway Superintendent addressed the issue of speed bumps.

Regarding the new alert system, the Supervisor stated this was a better way to notify residents in an emergency by encompassing many different ways to reach people, such as texts, cell phones, neighbors, next of kin, etc. It is also cheaper than what we have in place.

There being no one further wishing to be heard, on motion of Co. Hausner seconded by Co. Lasker, the Special Town Board meeting was closed, time: 7:58 p.m.

Respectfully submitted,

Justin Sweet  
Town Clerk