

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

05/05/2015

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

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

**SPECIAL PRESENTATIONS:**

**Town of Clarkstown 2015 Environmental Excellence Award**

Supervisor Alex Gromack and Councilwoman Shirley Lasker along with the Town Board announced that the winner of the Town of Clarkstown's Environmental Excellence Award was Link Elementary School. The Town Board offered their congratulations, and in recognition for this achievement a birdhouse will be dedicated in honor of the school and installed at the Congers Trailway at a later date.

**Nanuet Chamber Art Presentation**

The Town Board recognized and congratulated all of the participants in the recent Art Competition and Celebration which was held in partnership with the Nanuet School District's Art Department and the Nanuet Chamber of Commerce. Works of art created by Nanuet students from grades K-12 were on display at local shops and then brought to the Shops at Nanuet for a gala. Prizes were awarded to the top artist at each grade level along with 2nd and 3rd place prizes.

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The Supervisor opened the Town Board meeting for comments on the Agenda items.

Steven Levine, Congers  
Spoke about Item 3A and B, Code Enforcement positions.

Marge Hook, New City  
She asked about the salary for the Code Enforcement Officer position created in Item 3B. She asked for clarification on Item 11, Funds for Road Improvements, Item 12, Tax Certiorari for Sunrise New City Senior Living and Item 13, Police personnel matter.

James Daly, New City  
Spoke about notifying residents regarding street lighting installation.

Regarding Items 3A and 3B, the Supervisor stated that much of the work that this position deals with relates to building issues so it was decided that this position should be part of the Building Department. Regarding the salary for the Code Enforcement Officer, the Town Attorney stated that the starting salary is \$55,000. Regarding street light installation, the Supervisor explained that installation generally does not happen unless the DEC determines that a majority of the residents on the street are in favor of it. He explained that the bonding resolution in Item 11 is for funding the 2015 Road Improvements. The Tax Assessor explained the Sunrise tax certiorari and stated that the reason the amount was so large was because there were 10 years at issue. Capt. Ovchinikoff explained that Item 13 deals with the hearing officer's recommendation regarding disciplinary charges against an officer.

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RESOLUTION NO. (156-2015)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to participate in a service-oriented, educational and environmentally beneficial program and it has proposed to provide Americorps members under the direction of the Town Planner to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, and

WHEREAS, the Town will require assistance in collecting spatial data in the field and processing and applying this data into the GIS, and

WHEREAS, the Americorps workers will be collecting information on the Town's stormwater catch basins for addition to the Town's GIS database. This data will enhance the Town's current Municipal Separate Storm Sewer System (MS4) program and heighten our ability to track and intercept illicit discharges and fuel spills or other pollutants which may be accidentally discharged to the municipal stormwater system, and

WHEREAS, the Town will require assistance in researching and organizing information to aid in the implementation of the Town of Clarkstown Comprehensive Plan, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which would be funded in part by the Town of Clarkstown, and

WHEREAS, the Town Planner has recommended this program for adoption in the Town of Clarkstown;

NOW THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2015, in a form approved by the Town Attorney, to utilize the service of not more than two (2) Americorps members to participate in the collection of data for application within the Town of Clarkstown Geographic Information System (GIS) and work related to the implementation Town of Clarkstown Comprehensive Plan, for a program total not to exceed 250 service hours for each member at a cost not to exceed \$3,000, and

BE IT FURTHER RESOLVED that said fee shall constitute a proper charge to Account No. B - 8020-409.

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. (157-2015)

Co. Hoehmann offered and Co. Lasker seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nyack School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nyack School District on a full time basis, for the period September 1, 2015 through June 30, 2016, and be it

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

RESOLUTION NO. (157-2015) continued

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nyack School District to the Town of Clarkstown in the amount of \$39,138.96 for the School Resource Officer.

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. (158-2015)

Co. Hoehmann offered and Co. Lasker seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Clarkstown Central School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of three (3) police officers to the Clarkstown Central School District on a full time basis, for the period September 1, 2015 through June 30, 2016, and be it

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

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Clarkstown Central School District to the Town of Clarkstown in the amount of \$127,452.00 for the School Resource Officers.

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. (159-2015)

Co. Hoehmann offered and Co. Lasker seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nanuet School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nanuet School District on a full time basis, for the period September 1, 2015 through June 30, 2016, and be it

RESOLUTION NO. (159-2015) continued

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

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nanuet School District to the Town of Clarkstown in the amount of \$ 39,138.96 for the School Resource Officer.

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. (160-2015)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, Pyro Engineering d/b/a Bay Fireworks has submitted a request to withdraw its bid submission for Bid #2-2015; and

WHEREAS, upon withdrawal of such bids, Fireworks Extravaganza is now the lowest responsible bidder for Bid #2-2015, and

NOW THEREFORE, be it

RESOLVED, that Pyro Engineering d/b/a Bay Fireworks' request to withdraw its bid submission for Bid #2-2015 is hereby accepted; and be it

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

BID # 2-2015 – FIREWORKS DISPLAY

is hereby awarded to: FIREWORKS EXTRAVAGANZA  
174 ROUTE 17NORTH, SUITE 213  
ROCHELLE PARK, NJ 07662

PRINCIPALS: JOHN SAGARIA

as per their proposed total project cost of \$17,500.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond
- c) Labor and Materials Payment Bond or cash deposit of 25% of amount of bid
- d) Certificate of General Liability Insurance
- e) Certificate of Fireworks Display Liability Coverage
- f) Certificate of Worker's Compensation Insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

RESOLUTION NO. (160-2015) 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. (161-2015)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on April 21, 2015, that the position of Zoning Enforcement Officer and Community Liaison (Perm), can be created,

NOW, therefore, be it

RESOLVED, that the position of Zoning Enforcement Office and Community Liaison (Perm) – Building Department – is hereby created – effective May 5, 2015.

FURTHER RESOLVED, that the position of Zoning Enforcement Officer and Community Liaison – Town Attorney’s Office – is hereby abolished – effective May 5, 2015.

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. (162-2015)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has certified on April 21, 2015 that the position of (Perm)Code Enforcement Officer II, can be created,

NOW, therefore, be it

RESOLVED, that the position of (Perm) Code Enforcement Officer II - Building Department – is hereby created – effective May 5, 2015.

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. (163-2015)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the resignation of John E. Perrotta III, 418 Christian Herald Road, Valley Cottage, New York – Member – Traffic & Traffic Fire Safety Advisory Board – is hereby accepted-effective and retroactive to April 7, 2015.

RESOLUTION NO. (163-2015) 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. (164-2015)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the resignation of Rosalie Passariello, 4 Hilltop Road, New City, New York – Crossing Guard (FT) – Police Department – is hereby accepted effective and retro-active to April 30, 2015.

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. (165-2015)

Co. Borelli 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:

PRO CUT LAWNS, LANDSCAPING & CONTRACTING, INC.  
 11 Pine View Road  
 West Nyack, NY 10994  
 Alex Adamo, Vice President

SDM INDUSTRIES, INC.  
 21 S. Park Terrace  
 Congers, NY 10920  
 Sal Multari, Owner

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

- 15-29 PRO CUT LAWNS, LANDSCAPING & CONTRACTING, INC.
- 15-30 SDM INDUSTRIES, INC.

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. (166-2015)  
Co. Hausner offered and Co. Borelli 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 Little Tor Plaza site plan (tax map 51.13-2-64.1 & 64.2), Little Tor Road, LLC has provided two (2) stormwater control facility maintenance agreements to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyances, subject to review and approval of the Department of Environmental Control and the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreements, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreements from Little Tor Road, LLC in connection with the Little Tor Plaza site plan, subject to review and approval of the Department of Environmental Control and the Town Attorney, and orders them recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows:

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

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RESOLUTION NO. (167-2015)  
Co. Hausner offered and Co. Lasker seconded

WHEREAS, Maser Consulting, P.A. has submitted a proposal dated April 20, 2015 to provide professional engineering services for a roadway reconstruction project at Clarkstown Executive Park, Valley Cottage, Town of Clarkstown, New York, and

WHEREAS, the Superintendent of Highways has reviewed the proposal and finds it reasonable in scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Maser Consulting, P.A., 777 Chestnut Ridge Road, Suite 202, Chestnut Ridge, New York 10977, in a form approved by the Town Attorney, to perform professional engineering services for roadway reconstruction at Clarkstown Executive Park, Valley Cottage, pursuant to its proposal dated April 20, 2015, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$80,100.00, plus delivery, printing and reproduction, overnight mail service and postage costs not to exceed \$1,500.00, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that this project shall be funded by serial bonds, and shall constitute a proper charge to Account No. H 8768-409-0-91-5.

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. (168-2015)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town Board adopted a resolution on August 5, 2014 (Town Board Resolution No. 344-2014) awarding Bid # 10 – 2014, Roadway Resurfacing Program to Tilcon New York, Inc., 162 Old Mill Road, West Nyack, NY 10994, for the 2014 and 2015 paving seasons;

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Highways that the second season (2015) additional paving in accordance with Bid # 10-2014 will not exceed \$2,500,000.00, and be it

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

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8768-409-0-91-5, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund in the amount of \$2,500,000.00 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. (169-2015)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, the Town Board adopted a resolution on August 5, 2014 (Town Board Resolution No. 345-2014) awarding Bid # 11 – 2014, Concrete Curb and Sidewalk Replacement Program to Bellavista Construction Corp, P.O. Box 978, Suffern, NY 10901, for the 2014 and 2015 curbing seasons;

RESOLUTION NO. (169-2015) continued

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Highways that the second season (2015) additional curbing in accordance with Bid # 11-2014 will not exceed \$100,000.00, and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Highway 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. (170-2015)

Co. Hoehmann offered and Co. Lasker seconded

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

RFP#16-2015 – SALE OF FOUR (4) CELL TOWER LEASES NEAR MAJOR NEW YORK THRUWAY INTERCHANGES

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. (171-2015)  
Co. Hausner offered and Co. Lasker seconded

WHEREAS, a resident of Fulton Street, Nanuet, NY 10954 in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

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

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole #58800/40717;

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

- 1. Install one 5,800 lumen 70 watt sodium vapor streetlight on Pole #58800/40717 located at the south east corner of #9 Fulton Street, Nanuet, NY 10954.

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$14.56 per month (\$174.72 per year) for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (172-2015)  
Co. Hausner offered and Co. Lasker seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Hard Wok Shopping Center site plan (tax map 51.18-2-47, 48, 49 & 50), 732 Route 304 Realty Corp. has provided a stormwater control facility maintenance agreement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyance, subject to review and approval of the Department of Environmental Control and the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from 732 Route 304 Realty Corp. in connection with the Hard Wok Shopping Center site plan, subject to review and approval of the Department of Environmental Control and the Town Attorney, and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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## RESOLUTION NO. (173-2015)

Co. Hoehmann offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 5, 2015, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$2,500,000 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 road improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$2,500,000 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 \$2,500,000 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. 20 (c) of the Law, is fifteen (15) years.

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

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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.

## RESOLUTION NO. (173-2015) continued

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on May 5, 2015, 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 May 5, 2015, authorizing the construction of road improvements, stating the estimated maximum cost thereof is \$2,500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$2,500,000 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 road improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,500,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds in the principal amount of \$2,500,000 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;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$2,500,000 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;

RESOLUTION NO. (173-2015) continued

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

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

DATED: May 5, 2015

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  
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RESOLUTION NO. (174-2015)  
Co. Hausner offered and Co. Borelli seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Sunrise New City Senior Living, LLC v. The Board of Assessors and/or the Assessor of the Town of Clarkstown and the Board of Assessment Review, Index No(s). 001920/2013, 001921/2013, 001922/2013, 001923/2013, 001924/2013, 001925/2013, 001926/2013, 033961/2012, 003978/2013, and 033445/2014, affecting parcel designated as Tax Map No. 43.7-1-28, and more commonly known as 233 North Main Street, New City, New York for the year(s) 2005/06, 2006/07, 2007/08, 2008/09, 2009/10, 2010/11, 2011/12, 2012/13, 2013/14 and 2014/15, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2005/06 from \$3,960,000 to \$2,894,000 at a cost to the Town of \$19,324.02;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2006/07 from \$3,960,04 to \$2,728,000 at a cost to the Town of \$22,943.92;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2007/08 from \$3,960,000 to \$2,624,000 at a cost to the Town of \$28,082.55;

RESOLUTION NO. (174-2015) continued

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2008/09 from \$3,960,000 to \$3,015,500 at a cost to the Town of \$19,253.23;

5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2009/10 from \$3,960,000 to \$3,063,400 at a cost to the Town of \$19,973.92;

6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2010/11 from \$3,960,000 to \$3,093,300 at a cost to the Town of \$20,441.96;

7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2011/12 from \$3,960,000 to \$3,094,200 at a cost to the Town of \$21,302.34;

8. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2012/13 from \$3,960,000 to \$3,125,600 at a cost to the Town of \$21,894.40;

9. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2013/14 from \$3,960,000 to \$3,170,000 at a cost to the Town of \$24,172.03;

10. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2014/15 from \$3,960,000 to \$3,197,200 at a cost to the Town of \$24,103.19;

11. The Special District Taxes for the period shall be refunded to in accordance with the aforementioned assessments for a total of \$23,549.15;

12. Reimbursement for the year(s) 2005/06, 2006/07, 2007/08, 2008/09, 2009/10, 2010/11, 2011/12, 2012/13, 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 43.7-1-28, 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;

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (175-2015)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, Clarkstown Police Officer Rodney Picott was issued departmental disciplinary charges dated January 14, 2015, and

WHEREAS, Officer Rodney Picott was afforded a hearing before a neutral hearing officer which was conducted on February 25, 2015 and February 26, 2015, and

WHEREAS, the hearing officer, Hon. William E. Sherwood, issued his decision dated April 27, 2015 which included findings of fact and a discipline recommendation, and

WHEREAS, the Town Board examined the decision and its findings, and

WHEREAS, Judge Sherwood’s decision sustained the charges and recommended in favor of the penalty of a ten (10) day unpaid suspension, and

WHEREAS, the Town Board determined that the decision and its findings and recommendation are fair and appropriate;

RESOLUTION NO. (175-2015) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds Officer Rodney Picott guilty of the disciplinary charges and adopts the hearing officer’s recommendation that the penalty shall be a ten (10) day unpaid suspension.

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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The Supervisor opened the meeting for general public comments.

Matt Brennan, New City

He spoke about traffic problems near Clarks town South High School. He is opposed to berms that were installed across the street from Rockland Lake and he complained about the high cost of Town pools.

Jim Flynn, Nanuet

Regarding Rockland County sewer fees, he requested a breakdown as he feels Clarkstown is contributing more than their fair share as compared Ramapo.

Tom Nimick, New City

He inquired about costs associated with the Town’s plan to take over the lighting district and inquired about the Code of Ethics review.

Ralph Sabatini, New City

He asked why the Town seems to be losing so many tax certioraris cases.

Marge Hook, New City

She had a question regarding Mr. Berdy’s position change. She also spoke in favor of having a rally in support of police officers in light of the recent murder of a New York City officer.

Steven Levine, Congers

He spoke in favor of taking over the lighting district and inquired about the Police garage. He also spoke about the remediation of the Goldberg property on Massachusetts Avenue.

Pete Bradley, Congers

He agreed with Mrs. Hook about supporting the police. He inquired about the possibility of a workshop on the Ward System.

Regarding traffic at Clarkstown South, the Town Planner stated that the School District would have to explore other options and the Planning Department would be happy to assist them. The Supervisor explained that the berms across from Rockland Lake were in response to safety concerns for cars and pedestrians. The Parks and Recreation Superintendent explained the costs involved with the pools and stated they were revenue neutral. Regarding Sewer district costs, the Supervisor explained how we have advocated for more funding from the Sewer district for various projects in the Town and stated he could arrange for Mr. Flynn to meet with the Executive Director of the Sewer District if he wanted further explanation of the fee breakdown. Regarding the lighting district, he stated there would be a cost to taking this over but within the first year and a half we will be ahead of the game; this is a sound financial move for the Town. Regarding the Ethics report, Mr. Millman is still reviewing this and has not yet concluded his report. Regarding the tax certioraris, the Assessor gave a synopsis of the certiorari process and explained that although we have about 150 of these cases a year, you only hear about the ones we lose. She pointed out that we have, however, had many successes as well.

The Supervisor gave a synopsis of how the change in Mr. Berdy's position was decided. He agreed with Mrs. Hook that we should support police officers as well as the other emergency service workers. He spoke about the various ways we can and do pay tribute and recognize them for their service and stated that if there is more we want to do we can explore that. He stated that we are still moving forward with the storage facility for the police. Regarding the Goldberg property the Town Attorney explained that engineers are reviewing what was done and will report back to us as far as what, if anything else, needs to be done. The Supervisor confirmed that the Ward system would be on the Town Board Workshop on May 19<sup>th</sup>.

There being no one further wishing to be heard on motion of Co. Hoehmann seconded by Co. Lasker the Town Board moved into Executive Session to discuss a personnel issue,  
time: 9:22 pm.

On motion of Co. Hoehmann seconded by Co. Hausner the Town Board moved out of Executive Session, time: 11:16 pm.

On motion of Co. Hoehmann seconded by Co. Hausner the Town Board meeting was adjourned,  
time: 11:16pm.

Respectfully submitted,

Justin Sweet  
Town Clerk