

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING  
NOVEMBER 09, 2016

Town Hall

7:00 PM

Present: Supervisor George Hoehmann  
Council Members Stephanie Hausner,  
Frank Borelli, John Noto & Adrienne Carey  
Lino Sciarretta , Town Attorney  
Justin Sweet, Town Clerk

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

On motion of Co. Borelli seconded by Co. Noto the Public Hearing Re: Adopting the 2017 Budget was opened, time: 7:04 pm, closed 7:20 pm.

RESOLUTION NO. 504-2016 ADOPTED

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On motion of Co. Noto seconded by Co. Borelli Re: Proposed Local Law entitled: A Local Law amending Chapter 109 building Construction Administration ) of the Code of the Town of Clarkstown was opened, time: 7:21 pm, closed 7:22 pm

RESOLUTION NO. 505-2016 ADOPTED.

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The Supervisor read through the agenda items and a brief synopsis of each was given. He asked if there was anyone wishing to speak on the agenda items.

Frank Grandel, New City  
Commented on Items 11 and 12 regarding additional costs of the Germonds Pool renovations.

Marge Hook, New City  
Regarding Item 14a, she asked about the replacement for the retiring Superintendent of Parks and Recreation and she asked for an explanation of Items 23 and 24.

The Supervisor stated they plan to enact penalties from the contractor regarding the pool renovations. Regarding 14a, he stated they are going through the interview process now and anticipate a replacement for Ms. Pedersen soon. Item 23 amends a previous resolution for an internet communication provider to include the police department which was inadvertently left out and Item 24 is an annual resolution to amend the budget so we can close out our books for the year.

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RESOLUTION NO. (504-2016)  
Co. Borelli offered and Co. Carey seconded

WHEREAS, a public hearing, pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 2017, was duly scheduled and noticed for November 9, 2016 at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and the Town Board heard all persons desiring to be heard;

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, as adjusted, a copy of which is attached hereto, be and is hereby adopted as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1<sup>st</sup> day of January, 2017, and that such Budget, as so adopted, be entered in detail in the proceedings of the Town Board, and be it

RESOLUTION NO. (504-2016) continued

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2, and Section 231, Subd. 2 of the Town Law, and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County, pursuant to Section 115 of the Town Law and other applicable sections of the Town Law.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (505-2016)  
Co. Carey offered and Co. Borelli seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Noto at a Town Board meeting held on October 25, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on October 25, 2016, directed that a public hearing be held on November 9, 2016 at 7:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on November 1, 2016, and

WHEREAS, a pdf copy of the proposed local law was sent in electronic format by electronic means to the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 27, 2016, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 9, 2016;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 12 – 2016 entitled:

"A LOCAL LAW AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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

RESOLUTION NO. (506-2016)  
Co. Hausner offered and Co. Borelli 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. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (507-2016)  
Co. Carey offered and Co. Noto seconded

WHEREAS, An investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a (R12-1) 4 Ton Weight Limit Sign be installed on Old Mill Road at the intersection of Kings Highway, Valley Cottage

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a (R12-1) 4 Ton Weight Limit Sign as indicated above, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Chief of Police and the Traffic and Traffic Fire Safety Advisory Board for file and information.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (508-2016)  
Co. Carey offered and Co. Noto seconded

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a (W1-1L) Curve Advisory sign with a (W13-1P) reduced 20 mph plaque West Bound and a (W1-1R) Curve Advisory sign with a (W13-1P) reduced 20 mph plaque East Bound be installed approximately 165 feet in advance of the curve on Mark Lane, New City.

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install signage as indicated above, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk, the Chief of Police and the Traffic and Traffic Fire Safety Advisory Board for file and information.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Noto. . . . . Yes  
Co. Carey . . . . . Yes  
Supervisor Hoehmann. . . . Yes  
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RESOLUTION NO. (509-2016)  
Co. Borelli offered and Co. Noto seconded

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the following recommendation to remove the “No Turn on Red” signage on Red Hill Road at the intersection of So. Little Tor Road, New City

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes Superintendent of Highways to remove the “No Turn on Red” signage as indicated above, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Clarkstown Police Department and Traffic and Traffic Fire Advisory Board for file and information.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Noto. . . . . Yes  
Co. Carey . . . . . Yes  
Supervisor Hoehmann. . . . Yes  
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RESOLUTION NO. (510-2016)  
Co. Borelli offered and Co. Noto seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into “Adopt a Municipal Park, Shoreline or Roadway Programs” with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning November 1, 2016 to November 1, 2018 as follows:

RESOLUTION NO. (510-2016) continued

**Sponsor:** Blue Sky Lawn Care & Landscaping, Inc.  
505 Kings Highway  
Valley Cottage, NY 10989

**Road:** 1.14 mile segment on Lake Road from Kings Highway to Route 9W,  
and 0.75 mile segment from the Railroad Tracks to Crusher Road  
on Kings Highway, Valley Cottage

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Blue Sky Lawn Care & Landscaping, Inc. will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning November 1, 2016 to November 1, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Blue Sky Lawn Care & Landscaping, to remove trash from the roadways.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (511-2016)  
Co. Noto offered and Co. Carey seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into “Adopt a Municipal Park, Shoreline or Roadway Programs” with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segments of various town roads for an additional period of two (2) years, beginning November 1, 2016 to November 1, 2018, as follows:

**Sponsor:** McLaren, P.C., Engineering Group  
100 Snake Hill Road  
West Nyack, NY 10994

**Roads:** .21 mile segment of Snake Hill Road from  
100 Snake Hill Road to intersection of  
Palisades Center Drive, West Nyack, NY 10994

and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that McLaren, P.C., Engineering Group will perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning November 1, 2016 to November 1, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt above segment, and to provide and coordinate services by McLaren, P.C., Engineering Group to remove trash from the roadway.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (512-2016)  
 Co. Noto offered and Co. Carey seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into “Adopt a Municipal Park, Shoreline or Roadway Programs” with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning November 1, 2016 to November 1, 2018 as follows:

**Sponsor:**     **Nazzaro Disposal**  
**441 Route 9W**  
**Congers, NY 10920**

**Road:**         **0.68 mile segment of Lakewood Drive**  
**between Route 303 and Route 9W, Congers**

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning November 1, 2016 to November 1, 2018 in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Nazzaro Disposal, to remove trash from the roadways.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (513-2016)  
Co. Hausner offered and Co. Carey seconded

WHEREAS, by Resolution No. 82-2016, adopted February 9, 2016, Bid No. 14-2016 - Asphalt Sidewalk Construction at Various Locations throughout Clarkstown was awarded to Tilcon New York, Inc. for a total price of \$66,239.00, and

WHEREAS additional work was required to make necessary widening of the sidewalks in areas near the culvert on Red Hill Road to accommodate pedestrian traffic, and

WHEREAS, the change order in the amount of \$11,922.40 was reviewed by Frank DiZenzo, Sr., Superintendent of Highways, and he finds the change order acceptable in terms of scope and price;

NOW THEREFORE, BE IT

RESOLVED, that, based upon the recommendation of the Superintendent of Highways, the Town Board of the Town of Clarkstown hereby authorizes the total allowance for this project be increased by \$11,922.40 from \$66,239.00 to the new amount of \$78,161.40 to cover the cost of the additional work, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H 8769-409-92-04.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (514-2016)  
Co. Noto offered and Co. Borelli seconded

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

**BID#18-2016 – RENTAL OF TRUCKS WITH OPERATORS FOR EMERGENCY SITUATIONS – CLARKSTOWN HIGHWAY DEPARTMENT**

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. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (515-2016)  
Co. Borelli offered and Co. Hausner 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:

RONALD J. TARIGO  
5 Crosscreek Lane  
Stony Point, NY 10980  
Ronald J. Tarigo, President

NOW, THEREFORE, be it

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

17-1 - RONALD J. TARIGO

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Noto. . . . . Yes  
Co. Carey . . . . . Yes  
Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (516-2016)  
Co. Noto offered and Co. Carey seconded

WHEREAS, Councilperson \_\_\_\_\_, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled, "A LOCAL LAW AMENDING CHAPTERS 246 (SITE PLAN REVIEW) AND 254 (SUBDIVISION OF LAND) OF THE CODE OF THE TOWN OF CLARKSTOWN REGARDING REGULAR BUSINESS HOURS" and

WHEREAS, this proposed local law is intended to amend Sections 246-15B(1) and 254-14B(1) by changing the language of regular business hours for inspection purposes in the Department of Environmental Control from 9 a.m. - 5 p.m. to 8 a.m. - 4 p.m.;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York on December 15, 2016 at 12:00 p.m. (noon), 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.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Noto. . . . . Yes  
Co. Carey . . . . . Yes  
Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (517-2016)  
Co. Hausner offered and Co. Noto seconded

WHEREAS, Erik Asheim, Building Inspector, has recommended the designation of Northeast Electrical Inspections LLC as an additional electrical code inspection agency to provide supplemental and alternative inspection capability to the presently designated electrical inspection agencies, and

WHEREAS, pursuant to Chapter 133 of the Clarkstown Town Code, the Town Board may designate such additional inspection agency to provide the services referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby designates, pursuant to Chapter 133 of the Town Code, Northeast Electrical Inspections LLC, 65 Albermale Road, Scotia, New York 12302, as an approved agent of the Town of Clarkstown, to provide electrical inspections and re-inspections in the Town of Clarkstown commencing on December 1, 2016, which designation shall remain in effect unless and until revoked by further resolution of the Town Board, and be it

FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Noto. . . . . Yes  
Co. Carey . . . . . Yes  
Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (518-2016)  
Co. Borelli offered and Co. Carey seconded

WHEREAS, the Town of Clarkstown has entered into a subrecipient agreement with the Governor’s Office of Storm Recovery, an office of the New York State Housing Trust Fund Corporation, that provides funds for eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures; and

WHEREAS, the subrecipient agreement requires procurement activities funded in whole or in part with CDBG-DR funds to be conducted in compliance with applicable United States Department of Housing and Urban Development (HUD) procurement regulations as well as applicable state and local law; and

WHEREAS, on December 26, 2013, the Office of Management and Budget (OMB) published (at 78 Federal Register 78608) the “2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” that superseded the HUD procurement provisions of 24 CFR Parts 84 and 85; and

WHEREAS, HUD has issued new procurement standards as set forth in Notice: SD-2015-01: Transition to 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance* and in Notice: CPD-16-04 Additional Transition and Implementation Guidance for Recipients of Community Planning and Development (CPD) Funds for 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; and

WHEREAS, the Town of Clarkstown desires to revise and amend its procurement procedures to be consistent with the HUD Notices on 2 CFR Part 200; and

WHEREAS, the Town of Clarkstown desires to apply the amended and revised procurement procedures to future CDBG-DR procurements.

RESOLUTION NO. (518-2016) continued

**NOW, THEREFORE BE IT RESOLVED** by the Town Board, on behalf of the Town of Clarkstown, that for CDBG-DR procurement actions undertaken on or after January 1, 2017, the Town of Clarkstown shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326. In the event of a conflict between State or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (519-2016)  
Co. Carey offered and Co. Noto seconded

WHEREAS, by Resolution No. 266-2015, adopted by the Town Board on August 11, 2015, Bid No. 20-2015 was awarded to Ray Palmer Assoc. Inc. (the “Contractor”) for Germonds Pool Complex Renovations Phase II for a total contract price of \$1,647,415.00 (which includes the bid price of \$1,497,650.00 plus a 10% contingency in the amount of \$149,765.00), and

WHEREAS, by Resolution No. 122-2016, adopted March 8, 2016, change orders for additional work was authorized increasing the total allowance for this project to \$1,718,991.00, and

WHEREAS, Resolution No. 122-2016 authorized \$4,367.28 more than necessary for the prior change orders, and

WHEREAS, additional work is again required by the Contractor, which includes entrance fence, safety surfaces, hose bibbs, water fountain change and installation of dive pool ladder, and

WHEREAS, the additional change orders for said work have been submitted by the Contractor in the total amount of \$54,658.25, and

WHEREAS, said change orders have been reviewed by the Superintendent of Recreation and Parks, as well as the project engineer, who have deemed them acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the total allowance for this project be increased by \$50,290.97 (which takes into account the extra \$4,367.28 already authorized) from the authorized amount of \$1,718,991.00 to a new amount of \$1,769,281.97 to cover the cost of the additional work, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H-8767-400-409-0-90-12, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that the additional funds in the amount of \$50,290.97 allocated for this project shall be funded with the issuance of serial bonds.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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## RESOLUTION NO. (520-2016)

Co. Noto offered and Co. Carey seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 9, 2016, AUTHORIZING ADDITIONAL FINANCING FOR THE CONSTRUCTION OF RENOVATIONS TO GERMONDS POOL COMPLEX IN WEST NYACK - PHASE II, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,774,576, APPROPRIATING \$55,000 FOR SUCH PURPOSE, IN ADDITION TO THE \$1,719,576 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$55,000 BONDS TO FINANCE SAID ADDITIONAL 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 additional renovations to Germonds Pool Complex in West Nyack - Phase II. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,774,576 and \$55,000 is hereby appropriated therefor, in addition to the \$1,719,576 previously appropriated pursuant to the bond resolutions adopted by the Town Board on August 11, 2015 and March 8, 2016 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of \$55,000 and any bond anticipation notes issued in anticipation of the sale of said bonds to finance said additional appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the Town in the principal amount of \$55,000 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 specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 61 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.

## RESOLUTION NO. (520-2016) continued

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.

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 November 9, 2016, 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 November 9, 2016, authorizing additional financing for the construction of renovations to Germonds Pool Complex in West Nyack - Phase II, stating the estimated maximum cost thereof is \$1,774,576, appropriating \$55,000 for such purpose, in addition to the \$1,719,576 previously appropriated therefor; and authorizing the issuance of \$55,000 bonds to finance said additional appropriation,"

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

FIRST: AUTHORIZING said Town to construct renovations to Germonds Pool Complex in West Nyack - Phase II; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,774,576 and \$55,000 is hereby appropriated therefor, in addition to the \$1,719,576 previously appropriated pursuant to the bond resolutions adopted by the Town Board on August 11, 2015 and March 8, 2016 (the "Previously Appropriated Funds"); STATING the plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of \$55,000 and any bond anticipation notes issued in anticipation of the sale of said bonds to finance said additional appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes;

RESOLUTION NO. (520-2016) continued

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$55,000 pursuant to the Local Finance Law of the State of New York to finance said additional 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 shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

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

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

DATED: November 9, 2016

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 Law.

\* \* \*

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (521-2016)  
Co. Hausner offered and Co. Noto seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 9, 2016, AUTHORIZING ADDITIONAL FINANCING FOR THE PARTIAL RECONSTRUCTION OF THE TRAPHAGEN HOUSE LOCATED IN WEST NYACK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$127,000, APPROPRIATING \$27,000 FOR SUCH PURPOSE, IN ADDITION TO THE \$100,000 PREVIOUSLY APPROPRIATED THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$27,000 BONDS TO FINANCE SAID ADDITIONAL APPROPRIATION.

## RESOLUTION NO. (521-2016) continued

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 undertake additional partial reconstruction of the Traphagen House located at 131 Germonds Road in West Nyack, including but not limited to modifications and additions to the heating, plumbing, electrical systems and kitchen in the house. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$27,000 and \$27,000 is hereby appropriated therefor, in addition to the \$100,000 previously appropriated pursuant to the bond resolution adopted by the Town Board on May 3, 2016 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of \$27,000 and any bond anticipation notes issued in anticipation of the sale of said bonds to finance said additional appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes.

Section 2. Serial bonds of the Town in the principal amount of \$27,000 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 existing building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years; however it is hereby determined that the maximum term of such bonds will not exceed 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 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 enhancement, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

RESOLUTION NO. (521-2016) 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 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. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (522-2016)  
Co. Hausner offered and Co. Noto seconded

RESOLVED, that the resignation (by retirement) of JoAnne Pedersen – Superintendent of Recreation & Parks – Recreation & Parks Department – is hereby accepted effective and retroactive to October 29, 2016.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (523-2016)  
Co. Hausner offered and Co. Borelli seconded

RESOLVED, that Kristy Miranda – Police Radio Dispatcher (CAD) – Police Records – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective November 9, 2016.

RESOLUTION NO. (523-2016) continued

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (524-2016)

Co. Noto offered and Co. Hausner 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 – Route 303 P&R North Lot
2. Exit 12 – Route 303 P&R South Lot
3. Exit 14 – East P&R Lot
4. Exit 14 – West P&R Lot
5. Exit 14 – North P&R Lot
6. Nanuet RR @ Fisher Ave. P&R Lot
7. Middletown Rd. @ Exxon P&R Lot
8. Valley Cottage P&R Lot
9. Smith Street P&R Lot
10. Middletown Rd./PIP Exit 10 P&R Lot
11. Route 304/Cavalry Dr. P&R Lot

and

WHEREAS, the County of Rockland agrees to pay the Town the sum of \$355,000.00 in connection with the maintenance of the designated 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, 2017 and terminating December 31, 2017, 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 \$355,000.00.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (525-2016)

Co. Noto offered and Co. Borelli seconded

WHEREAS, the Town has received an Energy Efficiency Services Program Agreement and a proposal for an ASHRAE Level II Audit for design and bidding services for a new Lighting Project in the parking lots of 10 and 20 Maple Avenue, New City, NY 10956 as well as a Lighting and Energy Efficient Heating Project at the Town’s Highway Department 12-16 Seeger Drive, Nanuet, NY 10954 from the New York Power Authority, and

WHEREAS, the Town wishes to proceed with the implementation of said projects;

RESOLUTION NO. (525-2016) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to accept the proposal for an ASHRAE Level II Audit for design and bidding services from the New York Power Authority and to execute an Energy Efficiency Services Program Agreement with the Power Authority of the State of New York, subject to review and approval by the Town Attorney, with regard to implementing the new Lighting and Energy Efficient Heating Projects.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (526-2016)

Co. Noto offered and Co. Carey 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 United Structural Works site plan (tax map 35.20-1-5), OM Realty Associates LLC has provided an amended 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 amended 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 amended stormwater control facility maintenance agreement from OM Realty Associates LLC connection with the United Structural Works site plan, subject to review and approval by the Department of Environmental Control and 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. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (527-2016)

Co. Noto offered and Co. Carey 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 New York SMSA Limited Partnership d/b/a Verizon Wireless-4 Centerock site plan (tax map 64.08-3-7.4), New York SMSA Limited Partnership d/b/a Verizon Wireless 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, and the Town Attorney has advised that the document is in proper legal form;

RESOLUTION NO. (527-2016) continued

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from New York SMSA Limited Partnership d/b/a Verizon Wireless in connection with the New York SMSA Limited Partnership d/b/a Verizon Wireless-4 Centerock site plan, and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (528-2016)

Co. Noto offered and Co. Carey 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 Mulberry Hill subdivision (tax map 52.20-1-98.1, 98.2, 98.3, 98.4, 98.5 & 98.6), the Rockland Housing Action Coalition has provided six (6) 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, and the Town Attorney has advised that the documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the six (6) stormwater control facility maintenance agreements, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the six (6) stormwater control facility maintenance agreements from the Rockland Housing Action Coalition in connection with the Mulberry Hill subdivision, 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. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (529-2016)

Co. Carey offered and Co. Hausner seconded

WHEREAS, by Resolution No. 440-2016, adopted on September 27, 2016, the Town Board authorized its intention to enter into an agreement for a payment in lieu of taxes (PILOT) agreement by and among the Town of Clarkstown, Clarkstown Seniors Phase I Housing Development Fund Corp. ("HDFC") and Clarkstown Seniors Phase I LLC ("Company"), and

WHEREAS, the Town, the HDFC and the Company agree that the tax exemption for the Project would be beneficial to the community;

RESOLUTION NO. (529-2016) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby agree to exempt the entire Project from real property taxes to the extent authorized by section 577 of the Private Housing Finance Law (“PHFL”) upon the issuance of a temporary certificate of occupancy for at least one building for the Project in consideration of the partnership and HDFC entering into a payment in lieu of taxes (PILOT) agreement which shall be binding pursuant to Article 11 of the said PHFL on the local school district and county to accept such payments in lieu of taxes to be applied to the Project which consists of a total of twenty (20) rental units;

The PILOT payments are estimated to be the following amounts:

<u>Calendar Year</u>	<u>Amount</u>	<u>20 units</u>
2018	\$596.89	\$11,937.80

And thereafter increase by five (5%) annually, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall continue for so long as the Project continues to serve the elderly and disabled persons at the property, but in no event for more than forty (40) years, pursuant to section 577 of the PHFL, and be it

FURTHER RESOLVED, that the Town Board of Clarkstown authorizes the Town Supervisor to execute and deliver the PILOT Agreement or any other documents he deems necessary to effectuate the purposes of this resolution, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall not be effective until the PILOT has been approved as to form and substance by the Town Attorney and executed by the Company, HDFC and the Town of Clarkstown.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (530-2016)

Co. Noto offered and Co. Carey seconded

WHEREAS, by Resolution No. 441-2016, adopted on September 27, 2016, the Town Board authorized its intention to enter into an agreement for a payment in lieu of taxes (PILOT) agreement by and among the Town of Clarkstown, Clarkstown Seniors Phase II Housing Development Fund Corp. (“HDFC”) and Clarkstown Seniors Phase II LLC (“Company”),” and

WHEREAS, the Town, the HDFC and the Company agree that the tax exemption for the Project would be beneficial to the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby agree to exempt the entire Project from real property taxes to the extent authorized by section 577 of the Private Housing Finance Law (“PHFL”) upon the issuance of a temporary certificate of occupancy for at least one building for the Project in consideration of the partnership and HDFC entering into a payment in lieu of taxes (PILOT) agreement which shall be binding pursuant to Article 11 of the said PHFL on the local school district and county to accept such payments in lieu of taxes to be applied to the Project which consists of a total of twenty (20) rental units;

The PILOT payments are estimated to be the following amounts:

RESOLUTION NO. (530-2016) continued

<u>Calendar Year</u>	<u>Amount</u>	<u>20 units</u>
2018	\$596.89	\$11,937.80

And thereafter increase by five (5%) annually, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall continue for so long as the Project continues to serve the elderly and disabled persons at the property, but in no event for more than forty (40) years, pursuant to section 577 of the PHFL, and be it

FURTHER RESOLVED, that the Town Board of Clarkstown authorizes the Town Supervisor to execute and deliver the PILOT Agreement or any other documents he deems necessary to effectuate the purposes of this resolution, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall not be effective until the PILOT has been approved as to form and substance by the Town Attorney and executed by the Company, HDFC and the Town of Clarkstown.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (531-2016)

Co. Noto offered and Co. Carey seconded

WHEREAS, Resolution No. 167-2015, adopted May 5, 2015, authorized an agreement with Maser Consulting, P.A. to perform professional engineering services for roadway reconstruction for the project known as “Clarkstown Executive Park” and

WHEREAS, in order to help reduce costs, additional engineering services are required by Maser Consulting, P.A., and

WHEREAS, Frank DiZenzo, Sr., Superintendent of Highways finds the proposal reasonable in terms of scope and price and recommends an amendment to the agreement with Maser Engineering for the additional engineering services at “Clarkstown Executive Park”;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes this amendment to the agreement with Maser Consulting, P.A., in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the cost of said additional engineering services shall not exceed the sum of \$35,000.00 and this fee shall be a proper charge to Account No. H 8768-409-0-91-5.

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (532-2016)  
Co. Noto offered and Co. Carey seconded

WHEREAS, by Resolution No. 384-2016, adopted September 6, 2016, the Town Board authorized the Supervisor to enter into an agreement with Cablevision Lightpath, Inc., to provide the Town with fiber communications for a period not to exceed 3 years at the monthly cost of \$9,020.00; and

WHEREAS, said cost inadvertently did not include coverage for the Police Department,  
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 384-2016 to read “for a period not to exceed 3 years at the monthly cost of \$11,720.00.”

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Noto. . . . . Yes  
Co. Carey . . . . . Yes  
Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (533-2016)  
Co. Borelli offered and Co. Noto seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2016 budget for the purpose of transferring unexpended balances of appropriation accounts among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

**NOW THEREFORE, BE IT**

**RESOLVED,** that the 2016 budget is hereby amended.

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
Co. Hausner . . . . . Yes  
Co. Noto. . . . . Yes  
Co. Carey . . . . . Yes  
Supervisor Hoehmann. . . . . Yes

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RESOLUTION NO. (534-2016)  
Co. Hausner offered and Co. Noto seconded

WHEREAS, Jenna Lynn Sitomer, Applicant for Clubhouse Bar & Grille, has advised the Town that Clubhouse Bar & Grille has applied for an on-premises liquor license at 191 South Main Street, New City, New York, and

WHEREAS, to expedite processing of the corporation’s license application, Ms. Sitomer 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 110-b of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Clubhouse Bar & Grille for a license at premises located at 191 South Main Street, New City, New York.

RESOLUTION NO. (534-2016) continued

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . Yes

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RESOLUTION NO. (535-2016)

Co. Carey offered and Co. Noto seconded

WHEREAS, by Resolution No. 274-2016, adopted June 7, 2016, the Town Board authorized the Supervisor to pursue negotiations to fund up to \$300,000.00 toward the purchase price of an approximately 30-acre portion of the Marydell property in Upper Nyack, to aid in the preservation of Hook Mountain State Park, and

WHEREAS, to assist and finalize the purchase of this property by The Trust for Public Land, the Town is required to acquire a property interest in an approximately 9.4-acre portion of the Marydell property owned by the Institute of Christian Doctrine, through the purchase of a conservation easement, and

WHEREAS, the Town may act as sole holder of the conservation easement or may act as co-holder with The Friends of Rockland Lake and Hook Mountain, Inc. on such terms as the Supervisor shall deem acceptable;

NOW, THEREFORE, be it

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control, is hereby directed to act as agent for the Town Board with respect to SEQRA review of the property, and be it

FURTHER RESOLVED, that the Clarkstown Town Board acting as lead agency has determined that the proposed action is an unlisted action and will not have any significant environmental impact and that a Draft Environmental Impact Statement will not be prepared, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to purchase a conservation easement, either as the sole holder of the conservation easement, or as co-holder with The Friends of Rockland Lake and Hook Mountain, Inc. on such terms as the Supervisor shall deem acceptable, and the Town’s share shall not exceed \$300,000.00, subject to conditions, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute any and all ancillary documents, in a form approved by the Town Attorney, necessary to pursue said purchase, and be it

FURTHER RESOLVED, that this purchase shall be subject to permissive referendum, and be it

FURTHER RESOLVED, that the Town Clerk shall cause aforesaid resolution to be published and posted and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that this purchase shall be a proper charge to Account No. H 8769-409-0-92-9, and be it

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

On roll call the vote was as follows:

Co. Borelli . . . . . Yes  
 Co. Hausner . . . . . Yes  
 Co. Noto. . . . . Yes  
 Co. Carey . . . . . Yes  
 Supervisor Hoehmann. . . . Yes

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## RESOLUTION NO. (536-2016)

Co. Hausner offered and Co. Noto seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 9, 2016, AUTHORIZING ACQUISITION FOR OPEN SPACE PURPOSES OF A CONSERVATION EASEMENT OR PROPORTIONATE INTEREST THEREIN WITH RESPECT TO A PORTION OF THE MARYDELL PROPERTY, LOCATED IN THE VILLAGE OF UPPER NYACK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO FINANCE SAID ADDITIONAL 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 acquire for open space purposes and in accordance with the agreement between The Trust for Public Land and the Town, a conservation easement or proportionate interest therein with respect to land comprising an approximately 9.4-acre portion of the Marydell property owned by the Institute of Christian Doctrine, located in the Village of Upper Nyack and more particularly described in "Schedule A" attached to. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of bonds in the principal amount of \$300,000 and any bond anticipation notes issued in anticipation of the sale of said bonds 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 and interest on said bonds and notes.

Section 2. Bonds of the Town in the principal amount of \$300,000 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 specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) 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.

## RESOLUTION NO. (536-2016) continued

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.

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 November 9, 2016, 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 NOVEMBER 9, 2016, AUTHORIZING ACQUISITION FOR OPEN SPACE PURPOSES OF A CONSERVATION EASEMENT OR PROPORTIONATE INTEREST THEREIN WITH RESPECT TO A PORTION OF THE MARYDELL PROPERTY, LOCATED IN THE VILLAGE OF UPPER NYACK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO FINANCE SAID ADDITIONAL APPROPRIATION"

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

FIRST: AUTHORIZING said Town to acquire for open space purposes and in accordance with the agreement between The Trust for Public Land and the Town, a conservation easement or proportionate interest therein with respect to land comprising an approximately 9.4-acre portion of the Marydell property owned by the Institute of Christian Doctrine, located in the Village of Upper Nyack and more particularly described in "Schedule A" attached to; STATING the plan of financing includes the issuance of bonds in the principal amount of \$300,000 and any

## RESOLUTION NO. (536-2016) continued

bond anticipation notes issued in anticipation of the sale of said bonds 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 and interest on said bonds and notes;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$300,000 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 thirty (30) 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 shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

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

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

DATED: November 9, 2016

Justin Sweet  
Town Clerk

## Schedule "A"

All that certain plot, piece or parcel of land situate, lying and being in the Village of Upper Nyack, County of Rockland and State of New York. Being more fully bounded and described as follows:

BEGINNING at a point located at the point of intersection formed by the new proposed extension of the westerly right-of-way line of Midland Avenue with the new proposed northerly right-of-way line of Larchdale Avenue; running thence

- 1) S06-06-55W, 16.85 feet along the new proposed extension of the westerly right-of-way line of Midland Avenue; running thence along the line of Lot 1 the following twelve (12) courses and distances:
- 2) N87-35-40W, 42.74 feet;
- 3) N13-04-26W, 21.39 feet;
- 4) S77-55-34W, 135.52 feet;
- 5) S79-19-17W, 14.34 feet;
- 6) N13-04-20W, 388.71 feet;
- 7) N62-22-15E, 154.83 feet;
- 8) N19-16-00E, 80.00 feet;
- 9) N60-52-40E, 144.50 feet;

## RESOLUTION NO. (536-2016) continued

- 10) N82-41-25E, 203.45 feet;
- 11) S59-19-05E, 301.15 feet;
- 12) S84-25-05E, 182.68 feet;
- 13) S00-56-05E, 285.54 feet; thence
- 14) S77-53-40W, 668.05 feet along the new proposed northerly right-of-way line of Larchdale Avenue to the point or place of BEGINNING.

Consisting of 408,170 square feet of land.

Together with two (2) easements for the location and maintenance of the two existing buildings partially within the Larchdale Avenue right-of-way for as long as said two (2) buildings continue to exist:

## Easement "A"

BEGINNING at a point on the new proposed northerly right-of-way line of Larchdale Avenue said point being distant N77-53-40E, 52.95 feet as measured in an easterly direction along the new proposed northerly right-of-way line of Larchdale Avenue from a point located at the point of intersection formed by the new proposed extension of the westerly right-of-way line Midland Avenue with the new proposed northerly right-of-way line of Larchdale Avenue; running thence

1. N77-53-40E, 55.17 feet along the new proposed northerly right-of-way line of Larchdale Avenue; running thence thru the right-of-way of Larchdale Avenue the following three (3) courses and distances:
- 2) S05-28-50W, 28.63 feet;
- 3) N84-31-10W, 52.59 feet;
- 4) N05-28-50W, 11.96 feet to the point or place of BEGINNING.

Consisting of 1,067 square feet of land.

## Easement "B"

BEGINNING at a point on the new proposed northerly right-of-way line of Larchdale Avenue said point being distant N77-53-40E, 167.19 feet as measured in an easterly direction along the new proposed northerly right-of-way line of Larchdale Avenue from a point located at the point of intersection terminal by the extension of the westerly right-of-way line Midland Avenue with the new proposed northerly right-of-way line of Larchdale Avenue; running thence

1. N77-53-40E, 48.43 feet along the new proposed northerly right-of-way line of Larchdale Avenue; running thence thru the right-of-way of Larchdale Avenue the following three (3) courses and distances:
- 2) S13-51-50E, 28.15 feet;
- 3) S76-08-45W, 48.41 feet;
- 4) N13-51-50W, 29.63 feet to the point or place of BEGINNING.

Consisting of 1,398 square feet of land.

Subject to the following easements:

RESOLUTION NO. (536-2016) continued

A) Access Easement to benefit Lot 1 further bounded and described as follows:

BEGINNING at a point located at the point of intersection formed by the new proposed northerly right-of-way line of Larchdale Avenue with the new proposed extension of the westerly right-of-way line of Midland Avenue; running thence

- 1) S06-06-55W, 16.85 feet along the new proposed extension of the westerly right-of-way line of Midland Avenue; running thence along the southerly line of proposed Lot 2 the following two (2) courses and distances
- 2) N87-35-40W, 42.74 feet;
- 3) N13-04-26W, 21.39 feet; running thence thru Lot 2 the following two (2) courses and distances:
- 4) N77-55-34E, 52.29 feet;
- 5) S83-28-55E, 50.30 feet; thence
- 6) S77-53-40W, 52.95 feet along the new proposed northerly right-of-way line of Larchdale Avenue to the point or place of BEGINNING.

Consisting of 1,704 square feet of land.

B) Fifty (50) feet wide Access Easement

C) Twenty (20) feet wide Water Line Easement

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 Law.

\* \* \*

On roll call the vote was as follows:

- Co. Borelli . . . . . Yes
- Co. Hausner . . . . . Yes
- Co. Noto. . . . . Yes
- Co. Carey . . . . . Yes
- Supervisor Hoehmann. . . . . Yes

\*\*\*\*\*

The Supervisor opened the meeting for general public comments.

Peggy Greely, Congers  
Stated the Supervisor and Co. Borelli cannot continue to blame the prior administration for overspending as they were part of the prior administration.

Marge Hook New City  
Submitted document entitled "Exhibit A" (on file in Town Clerk's office) regarding the Fire Board of Appeals.

Supervisor Hoehmann stated he cannot speak to what took place before he became Supervisor and gave a synopsis of what took place with the Germonds Pool renovations as far as he could recollect. Regarding the Fire Board of Appeals, going forward he is recommending that specific boards be paid per meeting rather than annually.

Valerie Moldow, Nanuet

Complimented the Town Board on the great job they are doing.

There being no one further wishing to be heard on motion of Co. Borelli seconded by Co. Noto the Town Board meeting was adjourned, time: 8:18 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

November 9, 2016

7:00 pm

Present:

Supervisor George Hoehmann  
Council Members Frank Borelli, Stephanie Hausner,  
John Noto & Adrienne Carey  
Lino Sciarretta, Town Attorney  
Justin Sweet, Town Clerk

RE: Adopting 2017 Budget

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

The Town Comptroller gave a brief explanation of the Budget highlights.

The Supervisor asked if there was anyone wishing to speak on the matter.

Peggy Greely,  
She questioned the Police cuts and the effect on public safety.

Anne Pinzow, Our Town Newspaper  
Asked what the tax levy amount was.

The Town Assessor gave her a copy.

The Supervisor stated that he was confident that the cuts to the police department would not jeopardize public safety.

There being no one further wishing to be heard on motion of Co. Borelli seconded by Co. Carey the public hearing was closed, time: 7:20 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk

RESOLUTION NO. (504-2016) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

November 9, 2016

7:21 pm

Present:

Supervisor George Hoehmann  
Council Members Frank Borelli, Stephanie Hausner,  
John Noto & Adrienne Carey  
Lino Sciarretta, Town Attorney  
Justin Sweet, Town Clerk

RE: Proposed Local Law: "A Local Law Amending Chapter 109 (Building Construction Administration) of the Code of the Town of Clarkstown.

\*\*\*\*\*

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

The Building Inspector gave a synopsis of the proposed local law.

The Supervisor asked if there was anyone present wishing to speak. No one appeared.

There being no one further wishing to be heard on motion of Co. Carey seconded by Co. Noto, the public hearing was closed, 7:22 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk

RESOLUTION NO. (505-2016) ADOPTED