

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

04/14/15

7:00 PM

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

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

\*\*\*\*\*

SPECIAL PRESENTATION: Clarkstown Youth Court Graduation The following graduates of the Clarkstown Youth Court were congratulated and recognized for their achievements:

Jacob Bernstein	Matthew Jaynes	Arya Parasnis
Isabelle Faber	Elizabeth Lafasciano	Noelani Perez
Barrie Fisher	Ben Livney	Maya Reddy
Amanda Gorsky	Ben Ludwig	Joshua Weinfeld
Eric Halpern	Sheila McCombs	Rachel Wienfeld
David Horowitz	Christine Noone	
Brooke Hurwitz	Maya Owens	

\*\*\*\*\*

SPECIAL PRESENTATION: MILITARY ORDER OF THE PURPLE HEART

The Supervisor read the following proclamation designating the Town of Clarkstown as a Purple Heart Town:

DECLARATION OF CLARKSTOWN AS A  
PURPLE HEART TOWN

WHEREAS, in 1782 General George Washington created the Badge of Military Merit, make of Purple Cloth in the shape of a heart, which is acknowledged as the first Purple Heart, making it the oldest known military decoration in present use, and;

WHEREAS, the Purple Heart is awarded to any member of the United States Armed Forces who has been wounded or killed in combat with a declared enemy of the United States of America, and;

WHEREAS, over two million American servicemen and women have been awarded the Purple Heart, including over a million in World War II, over 118,000 in the Korean War, over 351,000 in the Vietnam War and over 45,000 in the wars in Afghanistan and Iraq, and;

WHEREAS, many citizens of Clarkstown have earned the Purple Heart medal as a result of being wounded while engaged in combat with the enemies of our County, and;

WHEREAS, the Town of Clarkstown wishes to publically recognize, honor and give thanks to the men and women who have answered the call to duty and put themselves in harm's way to protect our freedom and our way of life;

NOW, THEREFORE, BE IT RESOLVED, that I, Alexander J. Gromack, Supervisor of the Town of Clarkstown, and on behalf of the Town Board, do thank the members of the Military Order of the Purple Heart, Charles G. Muller Chapter 120 of Rockland County for their efforts to promote public awareness of the heroism of Purple Heart recipients, and do declare Clarkstown to be a Purple Heart Town. We honor the sacrifices made by the members of our Armed Forces and thank them sincerely for their service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Clarkstown to be affixed this 14<sup>th</sup> day of April, 2015.

ALEXANDER J. GROMACK, Supervisor

Jerry Donnellan, President of the local Chapter 120 of the Military Order of the Purple Heart and fellow veteran, Howard Golden, presented the Town of Clarkstown with a plaque and a flag for all of their recognition and support.

\*\*\*\*\*

On motion of Co. Hoehmann seconded by Co. Lasker the public hearing re: Proposed Local Law entitled "Amendment to Chapter A295 (Board of Appeals Rules) was opened, time: 8:27 p.m., closed 8:30 p.m.

RESOLUTION NO. (126-2015) ADOPTED

\*\*\*\*\*

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

Tom Nimick, New City  
He asked for clarification about the agreement referenced in Item 15, West Nyack Revitalization.

Marge Hook, New City  
Regarding Item 4d, Traffic Sign, she feels it is too confusing.

Lisa Calbaleno, Nanuet  
Regarding Item 14, Tennyson Park, she is very happy with the response to her concerns about the playground there. She thanked the Board and in particular Co. Lasker and Joanne Pedersen from Parks and Recreation.

Frank Grandel, New City  
He asked for clarification on items 10 and 11, Side Letters of Agreement.

Regarding 4d, the Supervisor stated the resolution could be passed tonight and if need be, it could go back to the Traffic Board to see if they want to amend it. The Town Attorney explained that Item 10 provides leeway allowing time for employees to commute to work on those rare occasions when a travel ban may be instituted. Item 11 amends the drug testing policy to include required drug testing in the event of an accident involving bodily injury requiring immediate medical attention. She stated that Item 15 contains standard grant language and she explained why the various job titles were mentioned in the resolution. The Supervisor stated that Item 14a authorized the Town to advertise for bids for new playground equipment at Tennyson Park.

\*\*\*\*\*

RESOLUTION NO. (126-2015)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER A295 (BOARD OF APPEALS RULES) OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Shirley Lasker at a Town Board meeting held on March 24, 2015, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 24, 2015, directed that a public hearing be held on April 14, 2015 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on April 1, 2015, and

RESOLUTION NO. (126-2015) continued

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 26, 2015;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. – 2015 entitled:

"AMENDMENT TO CHAPTER A295 (BOARD OF APPEALS RULES) 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:

- Alexander J. Gromack, Supervisor . .
- Shirley Lasker, Councilwoman . . . .
- Frank Borelli, Councilman . . . . .
- George A. Hoehmann, Councilman . . .
- Stephanie G. Hausner, Councilwoman . .

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.

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. (127-2015)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of March 24, 2015 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (128-2015)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that Aaron Izquierdo, 16 New York Avenue, Congers, New York – is hereby appointed to the (perm) position of Senior Groundswoker – Parks and Recreation Department - at the 2015 annual salary of \$44,735., effective and retroactive to April 02, 2015.

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. (129-2015)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that Donald V. Smith, 153 Mine Road, Lot 61, Highland Falls, New York – is hereby appointed to the position of Auto Mechanic I/Body Repairer -Clarkstown Town Garage – at the current 2015 annual salary of \$58,027.,effective April 15, 2015.

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. (130-2015)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the resignation of Jacqueline Kelly, 23 Carriage Lane, Nanuet, New York – Clerk Typist (Part-Time) – Data Processing – is hereby accepted effective and retroactive to January 2, 2015.

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. (131-2015)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID #6-2015 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to: EVER READY FIRST AID  
101-01 FOSTER AVENUE  
BROOKLYN, NY 11236

PRINCIPALS: MICHAEL PERL  
BEN PERL

MEDCO SUPPLY COMPANY  
500 FILLMORE AVENUE  
TONAWANDA, NY 14150

PRINCIPALS: A PUBLIC COMPANY

HENRY SCHEIN MATRIX, INC.  
P.O. BOX 194  
WARETOWN, NJ 07858

PRINCIPALS: A PUBLIC CORPORATION

MOORE MEDICAL, LLC  
1690 NEW BRITAIN AVENUE  
FARMINGTON, CT 06032

PRINCIPALS: A PUBLIC COMPANY

RESOLUTION NO. (131-2015) continued

BOUND TREE MEDICAL, LLC  
5000 TUTTLE CROSSING BLVD  
DUBLIN, OH 43016  
PRINCIPALS: A PUBLIC COMPANY

as per the item/price schedule on file in 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

\*\*\*\*\*

RESOLUTION NO. (132-2015)  
Co. Lasker offered and Co. Hoehmann seconded

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

RFP #7-2015 – LICENSE TO OPERATE FOOD AND REFRESHMENT  
CONCESSION STANDS AT TOWN PARKS

is hereby awarded to: RJENS  
16 CHESTER AVENUE  
CONGERS, NY 10920  
PRINCIPAL: JUNE RUCKEL

as per their proposed annual fee, payable to the Town of Clarkstown, of \$4,000.00 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) Certificate of Commercial Liability
- c) Certificate of Worker's Compensation 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 Superintendent of Recreation and Parks

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. (133-2015)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID#8-2015 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

is hereby awarded to:

ARAMARK UNIFORM SERVICES  
DIV. OF ARAMARK UNIFORM & CAREER APPAREL, INC.  
115 NORTH FIRST STREET  
BURBANK, CA 91502  
PRINCIPALS: A PUBLIC CORPORATION

STAUFFER GLOVE AND SAFETY  
361 E. SIXTH STREET  
P.O. BOX 45  
RED HILL, PA 18076  
PRINCIPALS: W. RANDELL STAUFFER  
JEFFREY STAUFFER  
REBEKAH STAUFFER PUTERA

STRONGWEAR GARMENT CORP  
191 THE PLAZA  
TEANECK, NJ 07666  
PRINCIPALS: GILBERT ORTIZ

as per the price/item list on file in 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

\*\*\*\*\*

RESOLUTION NO. (134-2015)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID #9-2015– HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to:

CHEMUNG SUPPLY CORP.  
P.O. BOX 527  
ELMIRA, NY 14902  
PRINCIPAL: MYRA S. STEMERMAN  
MARC P. STEMERMAN

PRINCIPAL: GARDEN STATE HIGHWAY PRODUCTS, INC.  
1740 E. OAK ROAD  
VINELAND, NJ 08361  
SHARON L.GREEN  
ROBERT A. GREEN

RESOLUTION NO. (134-2015) continued

- PRINCIPAL: VULCAN SIGNS  
 P.O. BOX 1850  
 FOLEY, AL 36536  
 AN EMPLOYEE OWNED CO.
- PRINCIPAL: AMERICAN TRAFFIC SAFETY MATERIALS, INC.  
 P.O. BOX 1449  
 ORANGE PARK, FL 32067-1449  
 A PUBLIC CORPORATION
- PRINCIPAL: FLINT TRADING, INC.  
 115 TODD COURT  
 THOMASVILLE, NC 27360  
 A PUBLIC CORPORATION

as per attached item/price schedule on file in 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

\*\*\*\*\*

RESOLUTION NO. (135-2015)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that one (1) "No Right Turn on Red" sign be installed on the westbound lane of West Nyack Road at the intersection of Route 304 and one (1) "No Right Turn on Red" sign be installed on the east bound lane of West Nyack Road at the intersection of Route 304;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install such "No Right Turn on Red" signs 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 for enforcement purposes and the Traffic and Traffic Fire Safety Advisory Board for file and information.

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. (136-2015)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that two (2) 30 mph speed signs be installed; one sign installed on the east bound lane and one sign installed on the west bound lane of Tennyson Drive at the mid-point;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install two (2) 30 mph speed signs 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 for enforcement purposes and the Traffic and Traffic Fire Safety Advisory Board for file and information.

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. (137-2015)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that four (4) “No Parking” signs be installed on the northbound side of Eberling Drive;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a “No Parking” signs 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 for enforcement purposes and the Traffic and Traffic Fire Safety Advisory Board for file and information.

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. (138-2015)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a sign indicating “No Left Turn from 7:00 am - 9:00 am and 4:00 pm - 7:00 pm be installed at the southeast corner of the intersection of Horseshoe Drive and Congers Road while exiting Horseshoe Drive;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install such “No Left Turn from 7:00 am - 9:00 am and 4:00 pm - 7:00 pm” sign as indicated above, and be it

RESOLUTION NO. (138-2015) continued

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

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. (139-2015)  
Co. Borelli offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled B&N Realty LLC v. The Assessor of the Town of Clarkstown, The Board of Review of the Town of Clarkstown, The Town of Clarkstown, Index No(s). 033836/2012, 033605/13 and 033222/2014, affecting parcel designated as Tax Map No. 43.15-3-68 and more commonly known as 56 Congers Road, New City, New York for the year(s) 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. 43.15-3-68 be reduced for the year(s) 2013/14 from \$298,000 to \$238,400 at a cost to the Town of \$1,823.61;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.15-3-68 be reduced for the year(s) 2014/15 from \$298,000 to \$223,500 at a cost to the Town of \$2,354.07;
3. The proceedings commenced by the petitioner(s) respecting Tax Map No. 43.15-3-68 be discontinued for the years 2012/13 at no cost to the Town;
4. Reimbursement for the year(s) 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 43.15-3-68, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
5. 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. (140-2015)  
Co. Borelli offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Ashley LLC v. The Assessor of the Town of Clarkstown, and The Board of Assessment Review of the Town of Clarkstown, Index No. 033167/2014, affecting parcel designated as Tax Map No. 64.5-1-17, and more commonly known as 41 W. Nyack Road, Nanuet, New York for the year(s) 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 Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 64.5-1-17 be reduced for the year(s) 2014/15 from \$59,300 to \$51,000 at a cost to the Town of \$262.27;
2. Reimbursement for the year(s) 2014/15 on the parcel(s) described as Tax Map No. 64.5-1-17, 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;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (141-2015)  
Co. Borelli offered and Co. Hausner seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled New City American Beauty Diner v. the Board of Assessors and/or the Assessor of the Town of Clarkstown and the Board of Assessment Review, Index No(s). 034171/2012, 031253/13 and 033260/2014, affecting parcel designated as Tax Map No. 58.14-1-54 and more commonly known as 127 Route 304, Bardonia, New York for the year(s) 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:

RESOLUTION NO. (141-2015) continued

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 58.14-1-54 be reduced for the year(s) 2012/13, 2013/14 and 2014/15 from \$481,800 to \$409,500 at a total cost to the Town of \$6,393.89;

2. Reimbursement for the year(s) 2012/13, 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 58.14-1-54, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (142-2015)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, D&D Communications Enterprises Inc./DMC Marketing Communications has requested a refund of Building Permit Fee (#14-1266) paid in the amount of \$294.00 for property located at 29 Spring Brook Road, Nanuet, New York, more particularly described as Tax Map No. 57.7-4-40, due to customer cancellation of contract, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$80.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$214.00 to D&D Communications Enterprises Inc./DMC Marketing Communications, One Nadeau Road, Clifton Park, NY 12065 to be charged to Account No. B-02-6-2555-0.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (143-2015)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, a resident of Prides Crossing, New City, NY 10956 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

RESOLUTION NO. (143-2015) continued

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 #59777/42012;

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 #59777/42012 located between house #26 and house #28 Prides Crossing, New City.

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  
 \*\*\*\*\*

RESOLUTION NO. (144-2015)

Co. Borelli offered and Co. Hausner seconded

WHEREAS, the West Nyack Fire engine Co. #1 Inc. has requested permission to have a licensed fireworks display on May 17, 2015 and hold a carnival from May 14, 2015 through May 17, 2015 at Germonds Park, West Nyack, NY, and

WHEREAS, Police Chief Michael Sullivan, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Stephen Ungerleider, Fire Safety Inspector, have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to West Nyack Fire Engine Co. # 1 to sponsor a fireworks display at Germonds Park on May 17, 2015 subject to the following conditions:

- 1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;
- 2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than \$5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;
- 3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
- 4. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's March 27, 2015 memo; and
- 5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

On roll call the vote was as follows:

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

RESOLUTION NO. (145-2015)

Co. Hausner offered and Co. Lasker seconded

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

WHEREAS, Luke Kalarickal, Director of Environmental Control, has recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the Town of Clarkstown representative for the 2015 Storm Water II Education Program shall be Luke Kalarickal, P.E., Director of the Department of Environmental Control, and the alternate representative shall be Dennis Letson, P.E. Deputy Director of DEC, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 for the period of April 1, 2015 to March 31, 2016 and shall be charged to Account No. A-8730-409.

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. (146-2015)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and authorizes the execution of a certain Side Letter of Agreement between the Town of Clarkstown and the CSEA regarding a travel ban during state of emergency.

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. (147-2015)

Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and authorizes the execution of a certain Side Letter of Agreement between the Town of Clarkstown and the Civil Service Employees Association, Inc. regarding an amendment to Appendix "K" of the Collective Bargaining Agreement.

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. (148-2015)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, Rosaura Linsalato provided escrow funds in the amount of \$1,300.00 to the Town as security for an Escrow Agreement for future construction of sidewalks in connection with the Linsalato site plan (51.15-1-82) located at 632 Route 304, New City, New York, and

WHEREAS, pursuant to the Planning Board minutes of December 7, 2011, if the Town does not construct the sidewalks by December 2014, the escrow funds shall be returned to the applicant, and

WHEREAS, the sidewalks were never constructed and the applicant has requested return of the escrow the Town is holding;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Town Attorney, the escrow funds in the amount of \$1,300.00 being held as security for construction of the sidewalks may now be released to the applicant.

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. (149-2015)

Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Town Board and the Parks Board and Recreation Commission wish to amend the mission of the Clarkstown Friends of the Parks Fund;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends the mission of the Clarkstown Friends of the Parks Fund as follows:

“Clarkstown Friends of the Parks Fund aims to improve and enhance a broad range of park facilities, amenities and related Town programs supported by the Clarkstown Parks Board and Recreation Commission.”

and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor and the Parks Board and Recreation Commissioner as authorized signatories.

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. (150-2015)

Co. Hausner offered and Co. Lasker seconded

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

BID#14-2015 – TENNYSON PARK PLAYGROUND EQUIPMENT

RESOLUTION NO. (150-2015) continued

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (151-2015)

Co. Hausner offered and Co. Lasker seconded

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

**BID#15-2015 – SAFETY SURFACE AND INSTALLATION OF TENNYSON PARK PLAYGROUND EQUIPMENT**

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  
\*\*\*\*\*

RESOLUTION NO. (152-2015)

Co. Hausner offered and Co. Borelli seconded

Authorizing the implementation, and funding in the first instance 100% of the Federal-aid and/or State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Revitalization of West Nyack Phase 2 in the Town of Clarkstown, Rockland County, PIN 8780.52 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 0% federal funds and 100% non-federal funds; and

WHEREAS, the Town of Clarkstown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work;

NOW, THEREFORE, the Clarkstown Town Board, duly convened, does hereby

RESOLVE, that the Clarkstown Town Board hereby approves the above-subject Project, and it is hereby

RESOLUTION NO. (152-2015) continued

FURTHER RESOLVED, that the Clarkstown Town Board hereby authorizes the Town of Clarkstown to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof, and it is

FURTHER RESOLVED, that the sum of \$733,000 is hereby appropriated from Account No. H 8755-409-79-21 and made available to cover the cost of participation in the above phase of the Project, and it is

FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Clarkstown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Clarkstown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is

FURTHER RESOLVED, that in addition to the Supervisor of the Town of Clarkstown, the following municipal titles: Public Works Administrator, Town Engineer, Town Comptroller, Director of Operations are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of this Project identified in the State/Local Agreement, and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is

FURTHER RESOLVED, this Resolution shall take effect immediately.

Dated: April 14, 2015

STATE OF NEW YORK )  
COUNTY OF ROCKLAND ) SS:

I, JUSTIN SWEET, Clerk of the Town of Clarkstown, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Town Board at a meeting duly called and held at the Clarkstown Town Hall on April 14, 2015 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the Town of Clarkstown, New York, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Clerk, Town of Clarkstown

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (153-2015)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, pursuant to a subdivision plat entitled, "Rockland Corporation," which plat was filed in the Office of the Rockland County Clerk as Map No. 4559, in Book 87 of Maps at page 62, a sixty (60) foot wide road was offered for dedication to the Town of Clarkstown, which road extended from New York State Route 303 northward to, and connecting with, a road created within Clarkstown Executive Park, and

WHEREAS, said road was initially added to the Official Map of the Town of Clarkstown by Town Board Resolution No. 723-1974, as amended by Town Board Resolution No. 745-1975, and further amended by Town Board Resolution No. 13-1989, and

WHEREAS, even though said road was offered for dedication and shown on the Official Map, the Town has not yet accepted fee title;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts fee title of the sixty (60) foot wide Right-of-Way, Secondary Road, as shown on a map prepared by the Town Planner's Office entitled "Industrial Road Location Study RS 123, dated May 21, 1974," which runs through parcels designated on the Clarkstown Tax Map as Map 123, Block D, Lots 4.02, 4.03 and 15.01 and Map 124, Block C, Lot 23.05.

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. (154-2015)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Yellowstone Fields (58.07-01-46 & 47), Thomas and Linda Dimick provided an Owner's Performance Bond for Public Improvements in the subdivision which was secured by Irrevocable Letter of Credit No. 2495 in the amount of \$572,088.00 from Provident Bank, and

WHEREAS, Thomas Dimick wishes to substitute a new Owner's Performance Bond solely in his name secured by a new letter of credit for the same amount in place of the old letter of credit;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approves substitution and acceptance of a new letter of credit in the amount of \$572,088.00 from Thomas Dimick as security in the event the applicant fails to complete the public improvements as set forth in the new Owner's Performance Bond for Public Improvements in the Yellowstone Fields Subdivision, and be it

FURTHER RESOLVED, that upon receipt of the new letter of credit, in a form approved by the Town Attorney, the old letter of credit in the amount of \$572,088.00 (Provident Bank Letter of Credit No. 2495) may be released.

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. (155-2015)

Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, Fair Productions, Inc. has submitted an application to the Town Building Inspector to hold a fair at the Palisades Center Mall in Lot J, West Nyack, New York to begin on June 19, 2015 and end on July 5, 2015 (the set up time will begin on June 15, 2015 and continue through June 19, 2015; the move-out time will begin on July 6, 2015 and end on July 8, 2015), and

WHEREAS, pursuant to Section 117-13 of Town Code, the Town Board may, for good cause, from time to time, authorize the Building Inspector to issue a permit for circuses and carnivals to operate in excess of fourteen (14) days;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Building Inspector to issue a permit to Fair Productions, Inc. to hold a fair at the Palisades Center Mall Parking Lot J, West Nyack, New York, for the period referred to herein.

On roll call the vote was as follows:

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

\*\*\*\*\*

The Supervisor opened the meeting for general public comments.

Steven Levine, Congers

Inquired about the status of the Goldberg property on Massachusetts Avenue, the status of the solar panel project and spoke about problems with landfill on either side of his property and requested it be tested.

Tom Nimick, New City

He asked for clarification of the funding for the Police Garage and the status of the Ethics review.

George Rumelt, New City

He asked for clarification on why it was necessary for the Fleet Manager to work overtime on weekends.

Richard Sena, Bardonia

He asked if the Rockland County Board of Elections can be transparent enough when and if they were to educate employees regarding electoral fraud.

Marge Hook, New City

Inquired as to why Co. Borelli and Co. Hoehmann did not sign a letter to the County Executive regarding Rockland Community College chargebacks. She also asked why some Town Board members want to switch Purchasing over to the County and she asked Co. Hoehmann if he released the HR report to Mr. Hull.

\*\*\*\*\*

The Town Attorney and Dennis Letson gave an update of the work being done on the Goldberg property on Massachusetts Avenue. Mr. Letson reminded Mr. Levine that his questions on other landfill issues have been asked and answered numerous times.

Co. Hoehmann stated that the Solar Field went on line on December 22. The Supervisor gave a brief synopsis of the Police Garage and explained the reasons the Rockland County Sewer Department provided funding. He stated that the Ethics update will be coming from Town Attorney, Jeff Millman. John Sullivan clarified that that the Fleet Manager had worked weekends in order to supervise the drivers, not to do the inspections. Regarding Mr. Sena's

question, the Supervisor clarified that if employees wanted to get involved in the political process, anything having to do with checks and balances would have to come from the Board of Elections. In response to Mrs. Hook, Co. Hoehmann stated the reason he did not sign the letter was because he had issues with some of the wording. He stated he and Co. Borelli are both against chargebacks and stated they had sent their own letter. Co. Hoehmann stated that there is no current legislation pending. Regarding the Purchasing question he stated they were looking at other ideas in an effort to save taxpayers money after Mr. Berdy had resigned from his position. He stated we are still exploring the issue as we think this could be a win for our Town and the taxpayers. Regarding the HR report, Co. Hoehmann stated that the Town Attorney had indicated to him that that report could be released subject to FOIL. Supervisor Gromack spoke about the chargebacks and stated he was glad to hear that the County Executive will not be reinstating them. He spoke about a meeting we had with the County Purchasing department; since they have been downsized, their ability to take over our operation would require more exploring. Co. Hoehmann stated there will be a follow up meeting to evaluate what makes sense from a financial prospective. Co. Lasker commended Mr. Berdy for his years of service in Purchasing and Co. Hausner wanted to acknowledge the women who worked in our Purchasing Department as well as all the dedicated employees in the Town.

On motion of Co. Hoehmann seconded by Co. Hausner the Town Board entered into Executive Session, time 9:11 p.m.

On motion of Co. Hausner seconded by Co. Hoehmann, the Town Board came out of Executive Session, time 10:40 p.m.

On motion of Co. Hausner seconded by Co. Hoehmann, the Town Board meeting was adjourned, time 10:41 p.m.

Respectfully submitted,

Justin Sweet  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

04/14/2015

8: 27 pm

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

RE: Proposed Local Law entitled: “Amendment to Chapter A295 (Board of Appeals Rules) of the Town of Clarkstown”

\*\*\*\*\*

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

The Town Attorney explained that this amendment brings our local law into compliance with reality by allowing the Chairman more discretion to add meetings and/or change meetings.

The Supervisor asked if there was anyone there wishing to be heard on this matter.

Steven Levine, Congers  
He was confused about the resolution that was on the website.

The Town Attorney apologized, stating that the one on the website erroneously included a page from another resolution that had nothing to do with this one.

There being no one further wishing to be heard, on motion of Co. Lasker and seconded by Co. Hausner the public hearing was closed, time: 8:30 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk

RESOLUTION NO. (126-2015) ADOPTED