

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
MAY 17, 2016

Auditorium

8:00 PM

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

Absent: Council Member Stephanie Hausner

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

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.

Steven Levine, Congers

Asked for clarification on Items 10, Maintenance of Town Properties and Item 14a, new Architectural Historic Review Board.

Frank Grandel, New City

Asked about costs involved in Item 5, hydrant installation and Item17, oversight services at the landfill.

Marge Hook, New City

Submitted an exhibit regarding Boards and Commissions (on file in Town Clerk's office) and asked about Items 14a, new Architectural Historic Review Board; 14b, Do Not Knock law and 16, Hearing Loop System.

The Supervisor explained that many of the properties in Item 10 are bank owned. Regarding Item 5, he asked Mr. Grandel to call the Environmental department regarding costs. Regarding Item 17, the oversight services are done on a month to month basis and if we determine in the future we can handle this in house we will do so. He stated we have already made some changes to the Boards and Commissions and will continue to evaluate all of them. He explained that the "Do Not Knock" law does not pertain to political or religious materials. He stated that the Hearing Loop System will be installed in two rooms in order to make the meetings more accessible to the hearing impaired.

RESOLUTION NO. (222-2016)

Co. Borelli offered and Co. Noto seconded

RESOLVED, that the Town Board Minutes of April 5, 2016 , and the Special Town Board Meeting of April 18, 2016 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (223-2016)
Co. Borelli offered and Co. Noto seconded

WHEREAS, the Town has received \$8,852.44 from the County of Rockland
NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-10-3989-0 (Capital-State Aid/Community Projects) And Expense Account H-8767-409-0-90-15 (Capital Projects-Roadway Resurfacing Program) by \$8,852.44 and

WHEREAS various accounts require additional funding,
NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account A-1430-111-0 Personnel-Overtime) and increase Expense Account A-1430-438-0 (Personnel-Maintenance Agreements) by \$1,141.80 and be it,

FURTHER RESOLVED, to decrease Expense Account A-1640-311-0 (Town Garage-Gasoline) and increase Expense Account A-1640-406-0 (Town Garage-Repairs to Vehicles) by \$20,000 and be it,

FURTHER RESOLVED, to decrease Expense Account A-7020-414-0 (Parks & Recreation-Schools & Conferences) and increase Expense Account A-7020-404-0 (Parks & Recreation-Travel & Meal Expenses) by \$431.58 and be it

FURTHER RESOLVED, to decrease Expense Account A-7141-306-0 (Community Rec Centers-Maintenance Supplies) and increase Expense Account A-7141-209-0 (Community Rec Centers-Other Equipment) by \$1,200 and be it,

FURTHER RESOLVED, to decrease Expense Account DB-5110-447-0 (Highway-Equipment Repairs) and increase Expense Account DB-5110-219-0 (Highway-Misc Equipment) by \$1,200.

On roll call the vote was as follows:

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

RESOLUTION NO. (224-2016)
Co. Carey offered and Co. Borelli seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for June 21, 2016 immediately following the Workshop meeting scheduled for 7:30 p.m., in the Room 301 of the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York. The purpose of said meeting is to hold public hearings on proposed local laws and any such other matter that the Town Board may wish to consider.

On roll call the vote was as follows:

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

RESOLUTION NO. (225-2016)
Co. Borelli offered and Co. Noto seconded

RESOLVED, that the Town Board hereby schedules a Special Workshop Meeting for Tuesday, June 28, 2016 at 7:30 p.m. in Room 301 of the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York. The purpose of said meeting is to discuss the audit.

On roll call the vote was as follows:

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

RESOLUTION NO. (226-2016)
Co. Noto offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, Suez/United Water New York is hereby authorized to install the following hydrant in conjunction with Hydrant Investigation No. 13150,

Hydrant #X11936 – located off new main extension on Dr. Davis Rd,
adjacent to 55 Dr. Davis Rd, Congers

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Clarkstown Chief Fire Safety Inspector.

On roll call the vote was as follows:

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

RESOLUTION NO. (227-2016)
Co. Carey offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 17, 2016, AUTHORIZING FINANCING FOR ACQUISITION OF HIGHWAY EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$975,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$975,000 TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the “Town”), is hereby authorized to finance the acquisition of highway equipment as itemized in Resolution No. 69-2016 adopted by the Town Board on January 19, 2016. The estimated maximum cost thereof, including preliminary costs and costs incidental to such acquisition and the financing thereof, is \$975,000 and said amount is hereby appropriated for such purpose. The plan of

RESOLUTION NO. (227-2016) continued

financing includes the issuance of bonds in the principal amount of \$975,000 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 \$975,000 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 class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

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

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

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

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

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:

RESOLUTION NO. (227-2016) continued

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on May 17, 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 May 17, 2016, authorizing financing for acquisition of highway equipment, stating the estimated maximum cost thereof is \$975,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$975,000 to finance said appropriation,”

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

FIRST: AUTHORIZING said Town to finance the acquisition of highway equipment as itemized in Resolution No. 69-2016 adopted by the Town Board on January 19, 2016; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$975,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$975,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$975,000 pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

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

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

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

Justin Sweet
Town Clerk

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

On roll call the vote was as follows:

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

RESOLUTION NO. (228-2016)
Co. Noto offered and Co. Carey seconded

WHEREAS, By Resolution No. 346-2014, the Town Board awarded a contract to HVS, LLC, to perform electrical construction at the Laurel Road, Route 9W and Forest Brook sewer pump stations, and

WHEREAS, during construction, field conditions were found which required additional work not included in the original scope of work under the contract; and

WHEREAS, the Contractor has requested a change for additional work not included in the scope of work under the contract; and

WHEREAS, the project design consultant has reviewed the requested change order and has found the scope and terms acceptable; and

WHEREAS, the total cost of Change Order #1 is \$6,385.04; and

WHEREAS, Resolution No. 346-2014 awarding the contract to HVS, LLC included a 10% contingency allowance in the amount of \$48,045.00; and

WHEREAS, the cost of Change Order #1 will be paid using a portion of the contingency allowance approved by resolution No. 346-2014;

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes Change Order #1 for additional work under the subject contract in the amount of \$6,385.04; and

BE IT FURTHER RESOLVED that the total contract amount shall remain \$480,450.00 plus 10% contingency allowance; AND

BE IT FURTHER RESOLVED that the cost for Change Order #1 shall be a proper charge to account No. H 8760-409-0-84-9; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that the cost of the additional work shall be reimbursed by the Rockland County Sewer District #1.

On roll call the vote was as follows:

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

RESOLUTION NO. (229-2016)
Co. Carey offered and Co. Borelli seconded

WHEREAS, the County of Rockland and the Town of Clarkstown wish to coordinate bus fares as it relates to cash paying full fare adults on the “Transport of Rockland” (TOR) and the “Clarkstown Mini Trans” (CMT), and

WHEREAS, the Town Board of the Town of Clarkstown wishes to participate in the County of Rockland Department of Public Transportation “Super Saver” Discount Program for the Clarkstown Mini Trans;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to provide for the coordination of bus fares as it relates to cash paying full fare adults on the Transport of Rockland and the Clarkstown Mini Trans, and for the Town of Clarkstown to participate in the County’s “Super Saver” Discount Program for the period April 4, 2016 through April 3, 2018 and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to April 4, 2016.

RESOLUTION NO. (229-2016) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (230-2016)
Co. Borelli offered and Co. Noto seconded

Whereas, the Town Board of the Town of Clarkstown has previously, via resolution #271-2013, awarded a contract to McLaren Engineering Group of West Nyack, New York to provide construction administration services and resident engineering services for the Central Nyack Drainage Improvement Project - Phase II; and

Whereas, the redesign of certain project elements was required to address changes to the plans resulting from unforeseen field conditions and from modifications directed by the Town; and

Whereas, said redesign and preparation of revised contract drawings was excluded from McLaren Engineering Group’s original Scope of Services for this project; and

Whereas, McLaren Engineering Group has provided a detailed accounting of these additional construction administration services; and

Whereas, the Department of Environmental Control has reviewed said accounting and finds it to be acceptable;

Now, Therefore, Be It Resolved that the allowance for construction administration services for the Central Nyack Drainage Improvement Project – Phase II be increased by **\$35,375.00** to a new total amount not to exceed **\$490,425.00** without further Town Board resolution; and

Be It Further Resolved that said increase in fees shall be paid from the allocated contingency for this project; and

Be It Further Resolved that this increase shall constitute a proper charge to account number **H-8755-400-409-0-79-7**.

On roll call the vote was as follows:

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

RESOLUTION NO. (231-2016)
Co. Borelli offered and Co. Carey seconded

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

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

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

RESOLUTION NO. (231-2016) continued

1 Finch Road, New City (43.12-1-34 fka 78-A-20.89)
31 Green Avenue, Valley Cottage (52.19-1-67 fka 109-A-3)
18 N. Lexow Avenue, Nanuet (63.8-2-41 fka 162-G-20)
179 S. Harrison Avenue, Congers (52.7-2-40 fka 125-B-15.13/1)

NOW, THEREFORE, be it

RESOLVED, that subject to a reasonable grace period and final re-inspection, the Town Board hereby authorizes the Code Enforcement Official, retroactive to May 1st, 2016, to arrange for the appropriate property maintenance through the tasking of available Town forces, subcontractors or agents to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with any and/or all associated debris removal, throughout the 2016 mowing and growing season, after which a bill of costs will be submitted to said office for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

On roll call the vote was as follows:

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

RESOLUTION NO. (232-2016)

Co. Noto offered and Co. Borelli seconded

WHEREAS, Theresa M. Russo, Esq., attorney for GC Fridays NY LLC, has advised the Town by letter dated May 3, 2016 that GC Fridays NY LLC has applied for an on-premises liquor license at 4482 Palisades Center Drive, West Nyack, New York, and

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 110-b of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of GC Fridays NY LLC for a license at premises located at 4482 Palisades Center Drive, West Nyack, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (233-2016)

Co. Carey offered and Co. Noto 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;

RESOLUTION NO. (233-2016) continued

NOW, THEREFORE, be it

RESOLVED, that Supervisor George Hoehmann 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 2016 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., First Deputy Director of Department of Environmental Control, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 for the period of April 1, 2016 to March 31, 2017 and shall be charged to Account No. A-8730-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (234-2016)

Co. Carey offered and Co. Borelli seconded

WHEREAS, an investigation by the Traffic and Traffic Fires Safety Advisory Board resulted in the following recommendation:

1.) Two (2) “No Parking” signs each with an inward arrow facing the other on the east side of Pine Street, at both ends of the sharp curve, to restrict parking along the curve and alleviate the safety issue.

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install such signs, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Superintendent of Highways 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 Absent
Co. Carey Yes
Co. Noto. Yes
Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (235-2016)

Co. Carey offered and Co. Borelli seconded

WHEREAS, an investigation by the Traffic & Traffic Fire Safety Advisory Board resulted in the following recommendations:

1.) One (1) “Turn Left” advisory sign (W1-1L) with supplementary 20 mph advisory speed plaque (W13-1P) be installed on the east side of McCarthy Way just south of the Rockland BOCES parking lot.

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install such signs, and be it

RESOLUTION NO. (235-2016) continued

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to 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 Absent
Co. Carey Yes
Co. Noto. Yes
Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (236-2016)
Co. Borelli offered and Co. Noto seconded

WHEREAS, Councilperson _____, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,
"A LOCAL LAW ABOLISHING THE ARCHITECTURE AND LANDSCAPE COMMISSION AND HISTORIC REVIEW BOARD AND CREATING THE ARCHITECTURAL HISTORIC REVIEW BOARD OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to replace the Architecture and Landscape Commission and Historic Review Board by combining these boards into one board called the Architectural Historic Review Board;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in Room 301 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York on June 21, 2016 immediately following the Workshop meeting scheduled for 7:30 p.m. 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 Absent
Co. Carey Yes
Co. Noto. Yes
Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (237-2016)
Co. Borelli offered and Co. Noto 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 CHAPTER 208 (PEDDLING, HAWKING AND SOLICITING) OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to amend Section 208 to allow for the creation of a "Do Not Knock" registry in order that residents of the Town of Clarkstown can register their premises with the Town Clerk to prohibit solicitation on their premises;

NOW, THEREFORE, be it

RESOLUTION NO. (237-2016) continued

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in Room 301 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York on June 21, 2016 immediately following the Workshop meeting scheduled for 7:30 p.m. 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 Absent
Co. Carey Yes
Co. Noto. Yes
Supervisor Hoehmann. Yes

RESOLUTION NO. (238-2016)
Co. Carey offered and Co. Borelli seconded

WHEREAS, NEWTON ASSOCIATES, LLC, and its managing agent Kamber Management Company, LLC (hereinafter collectively “Kamber”) is in the process of redeveloping the shopping center known as the New City Center, being tax lot Section 43.15; Block 1; Lot 22, which is located in the hamlet of New City in Rockland County, New York, being also known as 24 North Main Street, New City, New York (hereinafter the “Premises”); and

WHEREAS, the Premises is an important part of the commerce and shopping area located in the hamlet center of New City; and

WHEREAS, Kamber will be submitting a proposed Site Plan for the redevelopment of the Premises which will include additional retail, commercial, and service establishments, which will be reviewed by the Planning Board for the Town of Clarkstown; and

WHEREAS, the proposed Site Plan to be submitted by Kamber will include a proposed entrance to the Premises from State Route 304 which abuts the easterly side of the Premises; and

WHEREAS, the proposed new access to the Premises from State Route 304 will enhance the traffic flow into the Premises, and upon the surrounding streets, namely Congers Road, North Main Street and South Main Street, and will, in general, reduce truck traffic on said roads, thereby enhancing the commercial, retail and service establishments throughout the New City hamlet center.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Clarkstown hereby expresses its support of the proposed new entrance to the Premises from State Route 304 and the application to the New York State Department of Transportation for the proposed new entrance way from State Route 304 into the Premises, and

NOW THEREFORE BE IT FURTHER RESOLVED, that this resolution shall not constitute an approval of the proposed Site Plan to be submitted by Kamber, which can only be approved upon application to the boards and commissions of the Town of Clarkstown and shall be subject to the usual and customary processes of approval from such various boards and commissions.

On roll call the vote was as follows:

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

RESOLUTION NO. (239-2016)
Co. Borelli offered and Co. Carey seconded

WHEREAS, the Americans with Disabilities Act (ADA) mandates that a public entity shall take appropriate steps to ensure that communications with members of the public with disabilities are as effective as communications with others, and shall afford them an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of the public entity, and

WHEREAS, the Town of Clarkstown wishes to comply with the ADA by providing an aid to those attending programs in the Auditorium and Meeting Hall at Clarkstown Town Hall who might benefit from an assistive hearing device, and

WHEREAS, the Town received a quote from Hearing Loop Systems of Connecticut for \$12,068.00 to install hearing loop systems in both rooms, which John Coyle, Safety Manager, finds acceptable in terms of scope and price, and

WHEREAS, these hearing loop systems will meet the most recent ADA requirements for assistive hearing devices and enhance communications with members of the public with hearing disabilities;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form satisfactory to the Town Attorney, with Hearing Loop Systems of Connecticut, 3450 Main Street, Bridgeport, Connecticut to install hearing loop systems in both the Auditorium and the Meeting Hall of Clarkstown Town Hall, and be it

FURTHER RESOLVED, that the fee for said installation shall not exceed \$12,068.00, and shall be paid for with anticipated grant funds.

On roll call the vote was as follows:

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

RESOLUTION NO. (240-2016)
Co. Noto offered and Co. Borelli seconded

WHEREAS, As part of the sale of the Clarkstown Transfer Facility to the Rockland County Solid Waste Management Authority, a Host Community Agreement was negotiated and one of the provisions allowed the Town to conduct an oversight program of the RCSWMA operation of three facilities (the West Nyack Landfill Transfer Station, Compost Site and Concrete Crushing Operations) and

WHEREAS, by Resolution Nos. 634-2009, 655-2010, 676-2011, 590-2012 and 495-2013 the Town Board authorized H2M architects +Engineers(H2M) to perform said services for the years 2010, 2011, 2012, 2013 and 2014, and

WHEREAS, H2M has submitted a proposal, dated May 2, 2016, to continue to perform oversight services at the three facilities on a month to month basis for the year 2016, and

WHEREAS, the Director of the Department of Environmental Control has reviewed the proposal and finds it reasonable in both scope and price;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into agreement with H2M, in a form approved by the Town attorney, to perform professional engineering services on a month to month basis regarding the oversight program of the RCSWMA operation at three facilities for the year 2016, and

RESOLUTION NO. (240-2016) continued

BE IT FURTHER RESOLVED that the cost of said services shall not exceed \$3,500 per month and shall constitute a proper charge to Account SR 8160-409-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (241-2016)
Co. Borelli offered and Co. Noto seconded

RESOLVED, that Rabbi Paul Kurland - is hereby appointed to the position of Member – Board of Ethics – (to fill the unexpired term of Rabbi David Fass) term effective May 18, 2016 and to expire on June 22, 2017.

On roll call the vote was as follows:

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

RESOLUTION NO. (242-2016)
Co. Borelli offered and Co. Noto seconded

RESOLVED, that Michael Shields – is hereby appointed to the position of Municipal Bus Driver (PT) – Mini Trans – at the current 2016 annual salary of \$21.82 per hour – effective May 18, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (243-2016)
Co. Borelli offered and Co. Noto seconded

RESOLVED, that the change of assignment of James Pecoraro – Automotive Mechanic I & Body Repairer – Town Garage – to Highway Department – is hereby accepted – effective May 18, 2016, and be it,

FURTHER RESOLVED, that James Pecoraro – is hereby appointed provisionally to the position of Street Construction Inspector I – Highway Department – at the current 2016 annual salary of \$ 94,748 - effective May 18, 2016.

RESOLUTION NO. (243-2016) continued

On roll call the vote was as follows:

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

The Supervisor opened the meeting for general public comments.

Steven Levine, Congers
Inquired as to when the Town Board meetings would be televised.

The Supervisor stated they are trying to find a cost effective way to get the meetings up on line.

There being no one further wishing to be heard, on motion of Co. Noto seconded by Co. Borelli the Town Board went into Executive Session to discuss personnel issues and some pending litigation, time: 8:43 pm

On motion of Co. Carey seconded by Co. Borelli, the Town Board moved out of Executive Session, time: 11:20 pm

On motion of Co. Carey seconded by Co. Borelli the Town Board meeting was adjourned, time: 11:21 pm.

Respectfully submitted,

Justin Sweet
Town Clerk