

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
SEPTEMBER 6, 2016

Town Hall

8:00 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. Deputy Town Clerk read the roll call.

On motion of Co. Hausner seconded by Co. Borelli the Continuation of Public Hearing Re: Application of Chabad Lubavitch of Rockland a/k/a Chabad Synagogue of New City for a Special Permit to conduct a Child Day Care Center was opened, time: 8:00 pm, closed, 8:05 pm, to be continued on September 20.

RESOLUTION NO. (377-2016) ADOPTED

On motion of Co. Noto seconded by Co. Borelli the Continuation of Public Hearing Re: Proposed Local Law amending Chapter 157 (Housing Standards applicable to Residential Premises) and Chapter 290 (Zoning) was opened, time:8:05 closed, 8:15 pm.

RESOLUTION NO. (378-2016) ADOPTED

On motion of Co. Hausner seconded by Co. Borelli the Continuation of Public Hearing Re: Application of "Kid's Kingdom" for a Special Permit to conduct a Child Day Care Center was opened, time: 8:15 pm , closed 8:20 pm. .

RESOLUTION NO. (379-2016) ADOPTED

On motion of Co. seconded by Co. the Continuation of Public Hearing Re: Application of Benim Scholastic Academy to conduct a Child Day Care Center was opened, time: 8:20 pm, closed 8:25 pm.

RESOLUTION NO. (380-2016)

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.

Sandra Siegel, New City
Spoke about the need for traffic lights at certain locations. Regarding police budget she feels the Town Board should not interfere.

Marge Hook, New City
Asked for clarification on 12a , b & e, personnel appointments and stated that Item 16, Cole-Hatchard resignation is a disgrace.

Frank Grandel, New City

Asked for clarification on Item 7, Street lighting, aren't we replacing with LEDs?

The Town Planner addressed the issue of traffic lights. The Supervisor confirmed we are in the process of purchasing our own street lights and he explained the personnel appointments. Regarding Item 16, he urged everyone to avoid judgment until these matters conclude.

RESOLUTION NO. (377-2016)
Co. Noto offered and Co. Borelli seconded

WHEREAS, Chabad Lubavitch of Rockland, by Rabbi Avremel Kotlarsky, Executive Director, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17Z of the Zoning Local Law, to conduct a Child Day Care Center on a portion of premises known as Tax Map 34.19-1-13, for property located at 315 N. Main Street, New City, New York, and

WHEREAS, on August 9, 2016, a public hearing was held to consider such application, and said public hearing was continued on September 6, 2016, and at such time it was determined by the Town Board that the hearing be again continued on September 20, 2016;

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing, pursuant to Section 290-17Z of the Zoning Local Law, shall be held in Room 301 of the Town Hall, 10 Maple Avenue, New City, New York on September 20, 2016, 2016 at 7:00 p.m., or as soon thereafter as possible, relative to said petition.

On roll call the vote was as follows:

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

RESOLUTION NO. (378-2016)
Co. Carey offered and Co. Noto seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 157 (HOUSING STANDARDS APPLICABLE TO RESIDENTIAL PREMISES) AND CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilperson Borelli at a Town Board meeting held on June 28, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 28, 2016, directed that a public hearing be held on August 9, 2016, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

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

WHEREAS, by resolution adopted June 28, 2016, the Town Board referred the portion of the proposed local law amending Chapter 290 (Zoning) to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, 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 August 23, 2016;

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 9, 2016 and continued on September 6, 2016, and

RESOLUTION NO. (378-2016) continued

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the August 24, 2016 memorandum prepared by the Jose Simoes, Principal Town Planner, as agent for the Town Board, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, by resolution dated August 3, 2016, the Town of Clarkstown Planning Board made several observations pursuant to Town Code Sections 290-33 B(1) and found that the proposed local law appears consistent with the Zoning Code and the Comprehensive Plan goals of providing additional senior housing and ensuring that town building and fire codes are current and enforced, and will also clarify senior housing definitions and the definition of family, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code by a majority plus one vote of the Board in contravention of the recommendations of the Rockland County Department of Planning, dated July 26, 2016, as follows:

No. 1 – It seems the new definition for “family” will not permit four or more unrelated people living together in one dwelling unit; such as four post-college adults who would like to share a house together. This must be clarified if this is the intent - Reason: That is the intent;

No. 2 – It must be clarified if all of the criteria listed to determine the functional equivalent of a traditional family must be met, or if these are guidelines in which the determination is based on, and that this is the criteria to be used for consideration - Reason: Must be read in context with actual law;

No. 3 – The definitions for “Assisted Care Living Quarters,” “Senior Citizen Congregate Housing,” and “Senior Citizen Housing” each had an additional sentence added stating that at least one resident must have attained the age of 55 years or more. Would a person who is eligible for assisted care living quarters (because of a handicap), be able to reside in any of these living facilities if they do not meet the age eligibility? This must be clarified - Reason: Definition already states it is subject to federal regulations;

NOW, THEREFORE, be it

RESOLVED, that based upon the memorandum prepared by the Jose Simoes, Principal Town Planner, as agent for the Town Board, pursuant to SEQRA, it is hereby determined that the proposed amendments to Chapter 290 (Zoning) are an Unlisted Action under the provisions of SEQRA and shall not have any potential to adversely affect the environment, and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

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

“A LOCAL LAW AMENDING CHAPTER 157 (HOUSING STANDARDS APPLICABLE TO RESIDENTIAL PREMISES) AND CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN”

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

- George Hoehmann, Supervisor
- Frank Borelli, Councilman
- Stephanie G. Hausner, Councilwoman . .
- John J. Noto, Councilman
- Adrienne Carey, Councilwoman

The Clerk of the Town of Clarkstown was 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. Borelli Yes
- Co. Hausner Yes
- Co. Noto. Yes
- Co. Carey Yes
- Supervisor Hoehmann. Yes
- *****

RESOLUTION NO. (379-2016)

Co. Carey offered and Co. Noto seconded

WHEREAS, Kid's Kingdom, by Stacie Scollo, President, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Sections 290-15 and 290-17Z of the Zoning Local Law, to conduct a Child Day Care Center on a portion of premises known as Tax Map 64.6-1-4, for property located at 121 West Nyack Road, Nanuet, New York, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on August 9, 2016 and continued on September 6, 2016 to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Principal Town Planner, Jose Simoes, which states that the project is an unlisted action that will not have the potential for any adverse environmental impact, and

WHEREAS, the Town Board has discussed and considered Mr. Simoes' report in making its decision herein, and

WHEREAS, the Rockland County Planning Department has advised the Town that this action is outside of their jurisdiction and does not require review, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated August 15, 2016, recommended approval of the proposed special permit, which the Board has considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes, dated August 10, 2016, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit for Kid's Kingdom shall not have the potential for any adverse environmental impact and hereby issues a Negative Declaration for this action pursuant to SEQRA, and be it

FURTHER RESOLVED, that the Planning Board Resolution, dated August 3, 2016, recommends in favor of the proposed special permit, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Local Law of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination set forth in §290-13F, G and H any more dangerous and objectionable elements referred to in §290-13A than is characteristic of the uses expressly permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town; and
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a Child Day Care Center on the above described property owned by Help from People to People Inc. and the portion leased by Kid's Kingdom is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-11(C) and Section 290-17(Z) of the Zoning Ordinance of the Town of Clarkstown;
2. As recommended by the Town of Clarkstown Planning Board in their resolution dated August 3, 2016, petitioner is required to provide crossing guards whenever children cross the parking lot to access the outdoor play area;
3. Pursuant to Section 290-17(Z)(2), use shall be limited to children ages two through six. Regardless of the age of the children, the use of property subject to this special permit shall not be utilized as a school;
4. The approval is further subject to final site plan approval by the Town of Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD
TOWN OF CLARKSTOWN

RESOLUTION NO. (379-2016) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (380-2016)
Co. Hausner offered and Co. Carey seconded

WHEREAS, Benim Scholastic Academy, by Dr. Lana Benim, school psychologist/owner, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17Z of the Zoning Local Law, to conduct a Child Day Care Center on a portion of premises known as Tax Map 43.19-2-76, for property located at 114-118 S. Main Street, New City, New York, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on July 19, 2016, continued on August 9, 2016 and continued again on September 6, 2016 to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Principal Town Planner, Jose Simoes, which states that the project is a Type II action that does not have a significant impact on the environment, and

WHEREAS, the Town Board has discussed and considered Mr. Simoes' report in making its decision herein, and

WHEREAS, the Rockland County Planning Department recommended approval with certain modifications by letter dated July 13, 2016, which have been addressed and corrections made, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated July 14, 2016, recommended approval of the proposed special permit, which the Board has considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes dated June 29, 2016, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit for Benim Scholastic Academy shall not have any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that the Planning Board Resolution, dated July 13, 2016, recommends in favor of the proposed special permit, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Local Law of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination set forth in §290-13F, G and H any more dangerous and objectionable elements referred to in §290-13A than is characteristic of the uses expressly permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town; and
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a Child Day Care Center on the above described property owned by St. Augustine's Church and leased by Benim Scholastic Academy is hereby GRANTED to the petitioner subject to the following conditions:\

RESOLUTION NO. (380-2016) continued

1. Petitioner must comply with Section 290-11(C) and Section 290-17(Z) of the Zoning Ordinance of the Town of Clarkstown;

2. Pursuant to Section 290-17(Z)(2), use shall be limited to children ages two through six. Regardless of the age of the children, the use of property subject to this special permit shall not be utilized as a school;

3. The approval is further subject to final site plan approval by the Town of Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD
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

RESOLUTION NO. (381-2016)
Co. Borelli offered and Co. Carey seconded

RESOLVED that the Town Board Minutes of August 9, 2016 are hereby accepted as submitted by the Town Clerk

On roll call the vote was as follows:

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

RESOLUTION NO. (382-2016)
Co. Noto offered and Co. Carey seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for September 20, 2016 at 7:00 p.m. in Room 301 of the Clarkstown Town Hall at 10 Maple Avenue, New City, New York, immediately prior to the Workshop Meeting scheduled for 7:30 p.m.

On roll call the vote was as follows:

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

RESOLUTION NO. (383-2016)
Co. Noto offered and Co. Borelli seconded

WHEREAS, Clarkstown Police Lieutenant Steve Morgan has advised that the State of New York Governor’s Traffic Safety Committee has awarded a grant to the Town of Clarkstown Police Department for the purpose of participating in the “Police Traffic Services Program,” which has a goal of increasing seat belt usage and reducing dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes, and

WHEREAS, the State shall provide \$20,000.00 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that, on the recommendation of Clarkstown Police Lieutenant Steve Morgan, the Town Board hereby authorizes the Supervisor to accept a grant award of \$20,000.00 for the Town of Clarkstown Police Department to participate in the “Police Traffic Services Program.”

On roll call the vote was as follows:

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

RESOLUTION NO. (384-2016)
Co. Hausner offered and Co. Carey seconded

WHEREAS, by Resolution No. 627-2007, adopted October 23, 2007, as amended by Resolution No. 623-2010, adopted November 23, 2010, the Town Board authorized the Supervisor to enter into an agreement for fiber communications to be provided within the Town; and

WHEREAS, the agreement will expire in October, 2016; and

WHEREAS, Cablevision Lightpath, Inc., a supplier of fiber communications, has submitted a proposal to provide the Town with fiber communications at higher speeds at a much lower cost for a period not to exceed 3 years; and

WHEREAS, Christopher Alvarado, Information Services Specialist, has reviewed the proposal and finds it acceptable in terms of scope and price;

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 Cablevision Lightpath, Inc., 200 Jericho Quadrangle, Jericho, NY 11753 to provide fiber communications within the Town for a period not to exceed 3 years at the monthly cost of \$9,020.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (385-2016)
Co. Noto offered and Co. Hausner seconded

WHEREAS, Sunrun Installation Services, Inc. has requested a refund of Building Permit Fee (#16-244) paid in the amount of \$348.00 for property located at 65 Spring Brook Road, Nanuet, New York, more particularly described as Tax Map No. 57.7-3-5, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$150.00;

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 \$198.00 to Sunrun Installation Services, Inc., 775 Fiero Ln #200, San Luis Obispo, CA 93401 to be charged to Account No. B-02-6-2555-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (386-2016)
Co. Noto offered and Co. Hausner seconded

WHEREAS, Matthew Marrano has requested a refund of Building Permit Fee (No. 16-1073) paid in the amount of \$222.00 for property located at 79A Kings Hwy, New City, New York, more particularly described as Tax Map No. 51.14-4-24, and

WHEREAS, the Building Inspector has advised that the permit application was submitted in error with no review being made and recommends a full refund of \$222.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$222.00 to Matthew Marrano, 47 West Street, West Nyack, New York 10994 to be charged to Account No. B 02-6-2555-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (387-2016)
Co. Hausner offered and Co. Borelli seconded

WHEREAS, Section 93-3 of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to any person, company or organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Heritage of West Nyack, Ltd. wishes to obtain a permit from the Town Board to dispense alcohol at the Traphagen Property located at 131 Germonds Road, West Nyack, New York, on October 22, 2016 for a wine and cheese fundraiser;

NOW, THEREFORE, be it

RESOLUTION NO. (387-2016) continued

RESOLVED, that the Town Board hereby grants permission for the Heritage of West Nyack, Ltd. to dispense alcoholic beverages at the Traphagen Property located at 131 Germonds Road, West Nyack, New York, on October 22, 2016 from 2 p.m. to 5 p.m., in accordance with Section 93-3 of the Town Code of the Town of Clarkstown and subject to receipt of a Certificate of Insurance to the satisfaction of the Town Attorney naming the Town of Clarkstown as an additional insured, and be it

FURTHER RESOLVED, that this Resolution shall constitute the permit.

On roll call the vote was as follows:

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

RESOLUTION NO. (388-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, a resident of Oak Road , 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

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 #58911/41555;

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 #58911/41555 located between house #12 and 16 Oak Road, 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 \$14.07 per month (\$168.84 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. Borelli Yes
Co. Hausner Yes
Co. Noto. Yes
Co. Carey Yes
Supervisor Hoehmann. Yes

RESOLUTION NO. (389-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, a resident of Havermill Road, 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

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 #59091/41608;

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 #59091/41608 located between house #65 and 67 Havermill Road, 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 \$14.07 per month (\$168.84 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. Borelli Yes
 Co. Hausner Yes
 Co. Noto. Yes
 Co. Carey Yes
 Supervisor Hoehmann. Yes

RESOLUTION NO. (390-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, a resident of Branchville Road , Valley Cottage, NY 10989 in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

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

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole #60301/40750;

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 #60301/40750 located between house #59 and 61 Branchville Road, Valley Cottage.

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 \$14.07 per month (\$168.84 per year) for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

RESOLUTION NO. (390-2016) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (391-2016)
Co. Carey offered and Co. Borelli 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 adopt a specified Town location for an additional two year period beginning September 15, 2016 to September 15, 2018, as follows:

Sponsor: **Mr. Landscape, Inc.**
 P.O. Box 974
 New City, NY 10956

Location: **West Side of the Freedom Causeway**
 New City, NY 10956

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which 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 with the entity referred to herein, for a period of two (2) years beginning September 15, 2016 to September 15, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows:

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

RESOLUTION NO. (393-2016) continued

**Location: Bardonia Road & Route 304
Bardonia, NY 10954**

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which 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 with the entity referred to herein, for a period of two (2) years beginning September 15, 2016 to September 15, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows:

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

RESOLUTION NO. (394-2016)

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for the following police officers to attend the 2016 Excelsior Challenge on September 13 – 16, 2016 to provide NYS Homeland Security training for NYS Tactical Team Members;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following police officers to attend the 2016 Excelsior Challenge on September 13 - 16, 2016:

PO Thomas Curley
PO Andrew Kelly
PO Brian Callanan,

and be it

FURTHER RESOLVED, that reasonable and necessary expenses incurred by the aforementioned police officers for hotel, travel and meals shall constitute a proper charge to Account No. A-3120-404, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$600.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (395-2016)
Co. Carey offered and Co. Borelli seconded

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for the following police officers to attend the Advanced Tactical Explosive Breacher course on November 28 – December 2, 2016 to elevate the operational capabilities of the Clarkstown Critical Incidence Response Team (CIRT) explosive breachers;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following police officers to attend the Advanced Tactical Explosive Breacher course from November 28 – December 2, 2016:

- PO Andrew Kelly
- PO George Mendez,

and be it

FURTHER RESOLVED, that the total conference fee of \$2,800 plus reasonable and necessary expenses incurred by the aforementioned police officers for hotel, travel and meals shall constitute a proper charge to Account Nos. A-3120-404 and A-3120-414, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$6,400.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (394-2016)
Co. Carey offered and Co. Borelli 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 adopt a specified Town location for an additional two year period beginning September 15, 2016 to September 15, 2018, as follows:

- Sponsor:** Steve Weiss Landscaping
P.O. Box 77
Valley Cottage, NY 10989
- Location:** Kings Highway (South of Railroad Crossing)
Valley Cottage, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLUTION NO. (394-2016) continued

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement with the entity referred to herein, for a period of two (2) years beginning September 15, 2016 to September 15, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

On roll call the vote was as follows:

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

RESOLUTION NO. (395-2016)
Co. Carey offered and Co. Borelli 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 adopt specified Town locations for an additional two year period beginning September 15, 2016 to September 15, 2018, as follows:

**Sponsor: Blue Sky Landscape, Inc.
505 Kings Highway
Valley Cottage, NY 10989**

**Location: Corner of Lake Road and Kings Highway
Valley Cottage, NY 10989**

**Germonds & Little Tor Roads
New City, NY 10956**

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying these locations, and by removing trash from these locations, which 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 with the entity referred to herein, for a period of two (2) years beginning September 15, 2016 to September 15, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above locations, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of these locations.

On roll call the vote was as follows:

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

RESOLUTION NO. (396-2016)
Co. Carey offered and Co. Borelli 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 adopt specified Town locations for an additional two year period beginning September 15, 2016 to September 15, 2018, as follows:

Sponsor: Majestic Lawn Care & Landscape, Inc.
424 Buena Vista Road
New City, NY 10956

Locations: Route 59 @ Rose Road
West Nyack, NY 10994

Route 303 @ Lake Road
Congers, NY 10920

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying these locations, and by removing trash from these locations, which 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 with the entity referred to herein, for a period of two (2) years beginning September 15, 2016 to September 15, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above locations, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the locations.

On roll call the vote was as follows:

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

RESOLUTION NO. (397-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for the following police officers to attend the 2016 Excelsior Challenge on September 13 – 16, 2016 to provide NYS Homeland Security training for NYS Tactical Team Members;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following police officers to attend the 2016 Excelsior Challenge on September 13 - 16, 2016:

RESOLUTION NO. (397-2016) continued

PO Thomas Curley
PO Andrew Kelly
PO Brian Callanan,

and be it

FURTHER RESOLVED, that reasonable and necessary expenses incurred by the
aforementioned police officers for hotel, travel and meals shall constitute a proper charge to
Account No. A-3120-404, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$600.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (398-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has
requested authorization for the following police officers to attend the Advanced Tactical
Explosive Breacher course on November 28 – December 2, 2016 to elevate the operational
capabilities of the Clarkstown Critical Incidence Response Team (CIRT) explosive breachers;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following police officers to
attend the Advanced Tactical Explosive Breacher course from November 28 – December 2,
2016:

PO Andrew Kelly
PO George Mendez,

and be it

FURTHER RESOLVED, that the total conference fee of \$2,800 plus reasonable and
necessary expenses incurred by the aforementioned police officers for hotel, travel and meals
shall constitute a proper charge to Account Nos. A-3120-404 and A-3120-414, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$6,400.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (399-2016)

(THIS RESOLUTION NUMBER NOT USED.)

THIS AREA INTENTIONALLY LEFT BLANK

RESOLUTION NO. (400-2016)

Co. Noto offered and Co. Cary seconded

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for Lt. Steve Morgan to attend the New York Highway Safety Annual Fall Symposium “Partnering for a Safe New York” on October 16 - 19, 2016 which shares, promotes and educates on highway safety;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Lt. Steve Morgan to attend the New York Highway Safety Annual Fall Symposium on October 16 - 19, 2016, and be it

FURTHER RESOLVED, that reasonable and necessary expenses incurred by the aforementioned police officer for travel and meals shall constitute a proper charge to Account No. A-3120-404, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$300.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (401-2016)

Co. Noto offered and Co. Cary seconded

WHEREAS, Racquel Guzman, Principal Purchasing Clerk has requested authorization to attend the New World Users conference on October 2 – 4, 2016 which provides educational sessions on financial management;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Racquel Guzman to attend the New World 2016 Users conference on October 2 - 4, 2016, and be it

FURTHER RESOLVED, that the registration fee of \$1,495.00 plus reasonable and necessary expenses incurred by the aforementioned employee for hotel, travel and meals shall constitute a proper charge to Account Nos. A-1345-404 and A-1345-414, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$2,600.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (402-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, Judge Howard Gerber has requested authorization to attend the NYS Magistrates 2016 Annual Conference on September 25 - 28, 2016;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Judge Howard Gerber to attend the NYS Magistrates 2016 Annual Conference on September 25 - 28, 2016, and be it

FURTHER RESOLVED, that the registration fee of \$50 and hotel reservation fee of \$687.75 plus reasonable and necessary expenses incurred by Judge Gerber for travel and meals shall constitute a proper charge to Account No. A-1110-414, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$900.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (403-2016)
Co. Hausner offered and Co. Borelli 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 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO TABLE 12 (GENERAL BULK REGULATIONS)",

and

WHEREAS, the purpose of the proposed local law is to amend Chapter 290 of the Town Code by modifying Table 12 (General Bulk Regulations), R-40 Zoning District, Group D, Column 12 from 6% to 7.5% and Column 13 from 12% to 15%;

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-l and 239-m of the General Municipal Law for report, and be it

FURTHER 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 for the Town of Clarkstown, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on October 25, 2016 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

RESOLUTION NO. (403-2016) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (404-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Torsoe Commercial Corp. against Clarkstown, Town of, et al., Index No(s). 033126/14 and 033580/15, affecting parcels designated as Tax Map No.(s) 64.6-1-4./30, 64.6-1-4./60, 64.6-1-4./110, 64.6-1-4./120 and 64.6-1-4./130, and more commonly known as 121 West Nyack Road, Nanuet, New York for the year(s) 2014/15 and 2015/16, 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. 64.6-1-4./30, be reduced for the year(s) 2014/15 and 2015/16 from \$102,000 to \$81,600 at a total cost to the Town of \$1,314.25;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 64.6-1-4./60, be reduced for the year(s) 2014/15 and 2015/16 from \$137,700 to \$110,200 at a total cost to the Town of \$1,771.66;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 64.6-1-4./110, be reduced for the year(s) 2014/15 and 2015/16 from \$79,100 to \$63,300 at a total cost to the Town of \$1,017.90;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 64.6-1-4./120, be reduced for the year(s) 2014/15 and 2015/16 from \$49,400 to \$34,000 at a total cost to the Town of \$992.13;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 64.6-1-4./130, be reduced for the year(s) 2014/15 and 2015/16 from \$47,500 to \$34,000 at a total cost to the Town of \$869.72;
6. Reimbursement for the year(s) 2014/15 and 2015/16 on the parcel(s) described as Tax Map No(s). 64.6-1-4./30, 64.6-1-4./60, 64.6-1-4./110, 64.6-1-4./120 and 64.6-1-4./130, 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;
7. 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. Borelli Yes
Co. Hausner Yes
Co. Noto. Yes
Co. Carey Yes
Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (405-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Dream Construction Corp. against Town of Clarkstown (Municipal Corporation), its Assessor and Board of Assessment Review, Index No(s). 033990/12, 033626/13, 033226/14 and 033202/15, affecting parcel designated as Tax Map No. 43.7-1-29.1, and more commonly known as 227 N. Main Street, New City, New York for the year(s) 2012/13, 2013/14, 2014/15 and 2015/16, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-29.1 be reduced for the year(s) 2012/13, 2013/14, 2014/15 and 2015/16, from \$744,100 to \$688,300 at a total cost to the Town of \$6,766.37;
2. Reimbursement for the year(s) 2012/13, 2013/14, 2014/15 and 2015/16, on the parcel described as Tax Map No. 43.7-1-29.1, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (406-2016)
Co. Noto offered and Co. Cary seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Myrna Daos against Clarkstown, town of, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 033524/12, 033448/13, 032904/14, 032840/15 and 032425/16, affecting parcel designated as Tax Map No. 63.11-2-9 and more commonly known as 184 S. Pascack Road, Nanuet, New York for the year(s) 2012/13, 2013/14, 2014/15, 2015/16 and 2016/17, 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:

RESOLUTION NO. (406-2016) continued

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 63.11-2-9 be reduced for the year(s) 2012/13 from \$310,100 to \$251,900 at a cost to the Town of \$1,527.15;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 63.11-2-9 for the year(s) 2013/14 and 2014/15 from \$310,100 to \$263,500 at a total cost to the Town of \$2,898.32;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 63.11-2-9 for the year(s) 2015/16 from \$310,100 to \$255,800 at a cost to the Town of \$1,782.43;

4. It is anticipated that for the year(s) 2016/17, the aforesaid adjustment will occur prior to January 2017 tax bills and no refund will be required;

5. Reimbursement for the year(s) 2012/13, 2013/14, 2014/15, 2015/16 and 2016/17 on the parcel described as Tax Map No. 63.11-2-9 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;

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

RESOLUTION NO. (407-2016)
Co. Borelli offered and Co. Noto seconded

RESOLVED, that Alexandra Walker is hereby appointed to the position of Clerk (PT) – Recreation and Parks Department - at the current 2016 rate of \$19.81., effective September 08, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (408-2016)
Co. Borelli offered and Co. Noto seconded

WHEREAS, the Rockland County Personnel Office has certified on August 24, 2016, that the position of Secretary (PT), can be created,

NOW, therefore, be it

RESOLVED, that the position of Secretary (PT) – Zoning Board of Appeals - is hereby created – effective September 6, 2016, and be it

RESOLUTION NO. (408-2016) continued

FURTHER RESOLVED, that Catherine Cirrone is hereby appointed to the position of Secretary (PT) – Zoning Board of Appeals - at the annual salary of \$10,000., effective September 07, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (409-2016)
Co. Borelli offered and Co. Noto seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of C.S.E.A., Demeurant Louisthelmy – Municipal Bus Driver (FT) – Department of Municipal Transportation - is hereby granted a Sick Leave of Absence at one-half pay effective September 3, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (410-2016)
Co. Borelli offered and Co. Noto seconded

RESOLVED, that Joan Gibbs – Principal Clerk Stenographer – Police Records – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective September 6, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (411-2016)
Co. Borelli offered and Co. Noto seconded

WHEREAS, the Rockland County Personnel Office has certified on July 20, 2016 that the position of Computer Installation Assistant #500980 – Data Processing can be reclassified to the position of Information Services Specialist I (Networked Systems),

NOW, therefore, be it

RESOLVED, that the position of Computer Installation Assistant – Data Processing - is hereby abolished and reclassified to the position of Information Services Specialist I (Networked Systems) – Data Processing - effective August 16, 2016, and be it,

RESOLUTION NO. (411-2016) continued

FURTHER RESOLVED, that Sean Jordan, is hereby appointed (Provisional) to the position of Information Services Specialist I (Networked Systems) – Data Processing – at the current 2016 annual salary of \$77,177, effective and retroactive to August 16, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (412-2016)

WHEREAS, the Town has received \$1,551.52 from “Do More, Inc.”

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) and Expense Account A-3270-307-0 (Auxillary Police-Clothing/Uniforms) by \$1,551.52 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account A-1010-460-4 (Town Council-Cellular Phones) and increase Expense Account A-1010-307-0 (Town Council-Clothing/Uniforms) by \$332.99 and be it,

FURTHER RESOLVED, to decrease Expense Accounts A-1640-114-0 (Town Garage-Part Time) by \$7,660 and A-1640-111-0 (Town Garage-Overtime) by \$20,000 and increase Expense Account A-1640-312-0 (Town Garage-Auto Maintenance Supplies) by \$27,660 and be it,

FURTHER RESOLVED, to decrease Expense Account A-3270-417-0 (Auxillary Police-In Service Training) and increase Expense Account A-3270-319-0 (Auxillary Police-Misc Supplies) by \$611 and be it,

FURTHER RESOLVED, to decrease Expense Account A-3120-414-0 (Police-Conferences & Schools) and increase Expense Account A-3989-414-0 (Emergency Operations-Conferences & Schools) by \$1,239 and be it,

FURTHER RESOLVED, to decrease Expense Account A-7180-114-0 (Swimming Facilities-Part Time) and increase Expense Account A-7180-323-0 (Swimming Facilities-Chemicals) by \$30,000 and be it,

FURTHER RESOLVED, to decrease Expense Account A-7180-427-0 (Swimming Facilities-Publicity) and increase Expense Account A-7180-306-0 (Swimming Facilities-Maintenance Supplies) by \$1,729 and be it,

FURTHER RESOLVED, to decrease Expense Account B-8110-209-0 (Sewer Operations-Other Equipment) and increase Expense Account B-8110-462-0 (Sewer Operations-Water) by \$3,500 and be it,

FURTHER RESOLVED, to decrease Expense Account DA-5130-219-0 (Highway Machinery-Misc Equipment) and increase Expense Account DA-5130-408-0 (Highway Machinery-Building Repairs) by \$500.

On roll call the vote was as follows:

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

RESOLUTION NO. (413-2016)
Co. Noto offered and Co. Borelli seconded

RESOLVED, that The Town Board authorizes Peter Beary, be paid \$94.00 per hour as a consultant to the Building Department while facilitating the Building Department budget, effective and retroactive to July 20, 2016.

On roll call the vote was as follows:

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

RESOLUTION NO. (414-2016)
Co. Noto offered and Co. Borelli seconded

RESOLVED, that The Town Board authorizes Cathy Conklin, be paid \$92.54 per hour, for one and a half hours as a consultant which was required for tax certiorari clarification.

On roll call the vote was as follows:

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

RESOLUTION NO. (415-2016)
Co. Noto offered and Co. Borelli seconded

WHEREAS, William Harrington Esq., was appointed b Town Board Resolution No. 370-2016 on August 9, 2016, as special prosecutor in a disciplinary proceeding; and

WHEREAS, the Respondent in the disciplinary proceeding commenced litigation to prevent the disciplinary proceeding from continuing; and

WHEREAS, Mr. Harrington is defending the Town in the litigation arising out of the disciplinary proceeding; and

WHEREAS, a part of his role as Special Prosecutor, Mr. Harrington is investigating certain alleged improper activities by two Clarkstown police officers; and

WHEREAS, Mr. Harrington’s investigation to date has revealed evidence of wrongdoing which requires that the scope of his retention be revised, now, therefore, be it

RESOLVED, that William Harrington is authorized to expand the scope of his investigation into the circumstances leading to the suspension by the Police Department of Sergeant Steven Cole-Hatchard and the submission of his resignation from the Department, including, but not limited to, the improper or illegal usage or removal of Town property and or the destruction or spoliation of evidence in any pending legal proceeding involving the Clarkstown Police Department.

On roll call the vote was as follows:

Co. Borelli Yes
Co. Hausner No
Co. Noto. Yes
Co. Carey Yes
Supervisor Hoehmann. . . . Yes

RESOLUTION NO. (416-2016)
Co. Borelli offered and Co. Carey seconded

WHEREAS, Steven Cole-Hatchard is employed by the Town as police sergeant; and

WHEREAS, Cole Hatchard has submitted his resignation effective September 4, 2016;
and

WHEREAS, the Town has authorized Special Prosecutor, William Harrington, to investigate the circumstances which led to Cole-Hatchard's suspension and resignation from the Town's employ including but not limited to allegations that Cole-Hatchard removed Town property without authorization and or tampered with evidence, now therefore, be it,

RESOLVED that the Town Board accepts the resignation of Steven Cole-Hatchard and authorizes the Town's Special Prosecutor, William Harrington, to review the circumstances leading to Cole-Hatchard's resignation and to take such action as is necessary and appropriate to protect the Town's interests regarding this matter.

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.

Janet Edwards, New City
She asked for clarification on the proposed local law as it relates to senior housing property.

Sandra Siegel, New City
Is disgusted by how the Town Board is acting. She spoke of witch hunts and bullying against the Town Police Department.

Mark Adelson, New City
Questioned the costs of this litigation.

Patty Klebitz, Nanuet
She had questions on the police investigations and legal costs.

Mary Simon, Bardonia
Outraged at what is being done to Chief Sullivan and the money being spent on this "witch hunt."

Ray Laschet, President Clarkstown PBA
Stated the Clarkstown Police Department does not condone racial profiling and feels that Mr. Harrington's accusations jeopardize the safety of the public and the police.

Peggy Greeley, Congers
She asked the Board to put Chief Michael Sullivan back on the job and to stop going after his wife and family.

Marge Hook, New City
She relayed examples of what she feels demonstrates incompetence, corruption and conflicts of interest by this Town Board and stated the Supervisor should be fired. She spoke about Fire Board of Appeals members being compensated even when they have not had any meetings.

Richard Sena, Bardonia
He feels there should be a vetting process in hiring Town Attorneys.

Chris Kiernan, Rockland County PBA

Spoke about the current police department saga and asked if a leaked email was authorized by the Town Board. He spoke about the false allegations of racial profiling which place law enforcement officers in danger. He feels that fanning the flames of racial divide is reckless and shameless.

Dan Caprara, New City

He had questions on the Ward system implementation and the way the Town Board changed the referendum that was voted on by the residents.

The Town Planner explained that the AAR zone and special permit for senior housing are two different things and stated he would be happy to meet with Ms. Edwards to explain it further.

Regarding the Fire Board of Appeals the Supervisor stated that the Board will look at changing compensation to a pay per meeting system. He stated the Town Attorney will look at the vetting process going forward and a workshop meeting for the Ward system will take place within the next 30 days.

The Town Attorney stated they would not comment on pending litigation.

Co. Hausner asked if Mr. Harrington's TV appearance was approved ahead of time and if it was a cost to the town.

The Town Attorney responded that when he sees a bill he will have an answer.

There being no one further wishing to be heard, on motion of Co. Carey seconded by Co. Borelli, the Town Board meeting was adjourned, time: 9:45 pm.

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

SEPTEMBER 6, 2016

8:00 pm

Present:

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

RE: Application of Chabad Lubavitch of Rockland a/k/a Chabad Synagogue of New City for a
Special Permit to conduct a Child Day Care Center

On motion of Co. Hausner seconded by Co. Borelli the public hearing was opened.

The Town Attorney explained that this application still has some open items and, therefore, this public hearing will be continued.

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

There being no one wishing to be heard, on motion of Co. Carey seconded by Co. Noto the Public Hearing was closed, time: 8:05pm, to be continued on September 20.

RESOLUTION NO. (343-2016) ADOPTED

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

SEPTEMBER 6, 2016

8:05 pm

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

RE: Continuation: Proposed Local Law entitled "A Local Law amending Chapter
157(Housing Standard applicable to Residential Premises) and Chapter 290 (Zoning)

On motion of Co. Noto seconded by Co. Borelli the public hearing was opened.

The Town Planner gave a synopsis of the local law. The hope is to curb over-occupancy by updating the definition of family and adopting a rental registry. It also deals with age restriction for senior housing.

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

Gerald Halperin, New City

He in favor of this law but is concerned about rumors of senior housing developments being allowed to add a third story and that they will not stick to the age restrictions.

The Town Planner stated there is a limit of 35 feet on the senior housing development. He also reiterated that they will be age restricted.

Dan Caprara, New City

He asked for clarification about the number of stories allowed.

The Town Planner reiterated that there is a 35 foot limit but there would not be a change in density.

Janet Edwards, New City

She had questions about AAR zoning.

The Town Planner explained that this is a different law; this is special permit, not AAR zoning.

The Supervisor asked if there was anyone further wishing to be heard on this. No one appeared.

There being no one further wishing to be heard, on motion Co. Noto seconded by Co Hausner the Negative Declaration was adopted.

On motion of Co. Carey seconded by Co. Noto the Public Hearing was closed, time: 8:15pm.

RESOLUTION NO. (378-2016) ADOPTED

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

SEPTEMBER 6, 2016

8:15 pm

Present:

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

RE: Continuation: Application of "Kid's Kingdom" for a Special Permit to conduct a Child Day Care Center

On motion of Co. Hausner seconded by Co. Borelli the public hearing was opened.

The Town Planner gave a synopsis of this special permit application for a daycare. They currently provide programs for children from 2 to 5 years old; the only change is the amount of time children can be there. He recommended that the Board issue a negative declaration and the Planning Board also recommends approval with a condition of crossing guards, additional speed bumps and sidewalks.

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

There being no one further wishing to be heard, on motion Co. Noto seconded by Co Borelli, the Negative Declaration was adopted.

On motion of Co. Carey seconded by Co. Noto the Public Hearing was closed, time: 8:20pm.

RESOLUTION NO. (379-2016) ADOPTED

Respectfully submitted,

Justin Sweet
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #4

Town Hall

SEPTEMBER 6, 2016

8:20 pm

Present:

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

RE: Continuation: Application of Benim Scholastic Academy for a Special Permit to conduct a Child Day Care Center

On motion of Co. Hausner seconded by Co. Carey the public hearing was opened.

The Town Planner addressed some concerns that were raised concerning impact on Clarkstown School District. The School District has stated that there would be no financial obligations for this school on the part of the school district.

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

Pete Bradley, Congers

He has received clarification from the school district that this would not impact them financially. He visited the academy and it seems a like a fine program.

There being no one further wishing to be heard, on motion Co. Hausner seconded by Co Borelli, the Public Hearing was closed, time: 8:25pm.

RESOLUTION NO. (380-2016) ADOPTED

Respectfully submitted,

Justin Sweet
Town Clerk