

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
May 5, 2015 – 8:00 pm
Town Hall Auditorium
AGENDA
(Tentative)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

SPECIAL PRESENTATION:

- Clarkstown Environmental Excellence Award Presentation
- Nanuet Chamber Art Presentation

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Authorizing the Supervisor to Enter into the following Agreements:
 - a) County of Rockland – Youth Bureau/Rockland County Americorps (Planning Dept)
 - b) Board of Education – Nyack School District – 2015-2016 School Resource Officer Program
 - c) Board of Education – Clarkstown Central School District – 2015-2016 School Resource Officer Program.
 - d) Board of Education – Nanuet School District – 2015-2016 School Resource Officer Program
2. Awarding Bid #2-2015 – Fireworks Display
3. Authorizing the following Personnel Changes:
 - a) Abolishment: Zoning Enforcement Officer & Community Liaison – Attorney’s Office
Creation: Zoning Enforcement Officer & Community Liaison – Building Department
 - b) Creation: Code Enforcement Officer II, Building Department
 - c) Resignation: John E. Perrotta III, Member, Traffic & Traffic Fire Safety Advisory Board
 - d) Resignation: Rosalie Passariello, Full Time Crossing Guard, Police Department
4. Granting the following Certificates of Registration:
15-29 – Pro Cut Lawns, Landscaping & Contracting, Inc.
15-30 – SDM Industries, Inc.
5. Authorizing Execution and Acceptance of Maintenance Agreements regarding Little Tor Plaza Site Plan
6. Authorizing the Supervisor to enter into an agreement with Maser Consulting for professional services at the Clarkstown Executive Park
7. Awarding Bids:
 - a) Bid #10-2014: 2015 Road Resurfacing Program
 - b) Bid #11-2014: Concrete Curbing for 2015

8. Authorizing the Purchasing Department to advertise for a Request for Proposal (RFP) #16-2015:
Sale of Four (4) Cell Tower Leases near major New York Thruway Interchanges
9. Approving Installation of Street Lights located at:
 - a) Courtney Drive, New City between house #14 and #16
 - b) Fulton Street, Nanuet at the south east corner of house #9
10. Authorizing Execution and Acceptance of Maintenance Agreement regarding Hard Wok
Shopping Center Site Plan
11. Authorizing funds for the construction of Road Improvements
12. Authorizing the settlement of Tax Certiorari regarding Sunrise New City Senior Living, LLC
13. Adopting Hearing Officer's recommendation regarding a Clarkstown Police Department
personnel matter

GENERAL PUBLIC COMMENTS:

(Limited to 3 minutes per person)

*****PLEASE NOTE*****

Additional items may be added to this agenda

*****To View Actual Resolutions, go to Town Clerk's Website, Click on Legal Matters*****

1A

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AGREEMENT WITH THE COUNTY OF ROCKLAND, ACTING ON BEHALF OF
THE YOUTH BUREAU/ROCKLAND COUNTY AMERICORPS, FOR SUMMER
MEMBER PROGRAM (PLANNING DEPARTMENT)

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

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

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

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

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

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

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

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

DATED: May 5, 2015

Ann

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT
WITH THE BOARD OF EDUCATION OF THE NYACK SCHOOL DISTRICT FOR THE
SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2015-2016 SCHOOL TERM

1B

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

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

NOW, THEREFORE, be it

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

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

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

Dated: May 5, 2015

Aum

10

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT
WITH THE BOARD OF EDUCATION OF THE CLARKSTOWN CENTRAL SCHOOL
DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2015-2016
SCHOOL TERM

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

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

NOW, THEREFORE, be it

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

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

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

Dated: May 5, 2015



(1D)

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT
WITH THE BOARD OF EDUCATION OF THE NANUET SCHOOL DISTRICT FOR THE
SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2015-2016 SCHOOL TERM

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

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

NOW, THEREFORE, be it

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

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

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

Dated: May 5, 2015

awm

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

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

NOW THEREFORE, be it

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

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

BID # 2-2015 – FIREWORKS DISPLAY

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

PRINCIPALS: JOHN SAGARIA

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

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

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

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

DATED: May 5, 2015

Aum

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

NOW, therefore, be it

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

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

DATED: May 5, 2015

P

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

NOW, therefore, be it

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

DATED: May 5, 2015
P

30

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

DATED: May 05, 2015

P

3D

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

DATED: May 05, 2015

P

**RESOLUTION GRANTING CERTIFICATES OF REGISTRATION
PURSUANT TO SECTION 236-48 OF THE TOWN CODE**

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

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

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

NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

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

DATED: May 5, 2015

TB 05-05-15-TA RES Certificate of Registration Sewers-sk

AWM

5
Revised

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF
MAINTENANCE AGREEMENTS REGARDING
LITTLE TOR PLAZA SITE PLAN (TAX MAP 51.13-2-64.1 & 64.2)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the Little Tor Plaza site plan (tax map 51.13-2-64.1 & 64.2), Little Tor Road, LLC has provided two (2) stormwater control facility maintenance agreements to the Town, and

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

NOW, THEREFORE, be it

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

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

Dated: May 5, 2015

TB 05-05 TA RES Little Tor Plaza Stormwater Agree-pm

RESOLUTION AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH MASER CONSULTING FOR PROFESSIONAL SERVICES AT CLARKSTOWN EXECUTIVE PARK

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

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

NOW, THEREFORE, be it

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

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

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

DATED: May 5, 2015

awm

7a.
Revised

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

NOW, THEREFORE, BE IT

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

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

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

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

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

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

FURTHER RESOLVED, that it is the intent of the Town Board to fund in the amount of \$2,500,000.00 with the issuance of Serial Bonds.

DATED: May 5, 2015



7b.

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

NOW, THEREFORE, BE IT

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

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

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

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

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

DATED: May 5, 2015



8

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

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

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

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

DATE: May 5, 2015

awm

9a.

WHEREAS, a resident of Courtney Drive, 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 #59751/41645;

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 #59751/41645 located between house #14 & #16 Courtney Drive, New City, NY

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

Dated: May 05, 2015

awm

96.

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

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

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

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

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

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

Dated: May 05, 2015



RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF MAINTENANCE AGREEMENT REGARDING HARD WOK SHOPPING CENTER SITE PLAN (TAX MAP 51.18-2-47, 48, 49 & 50)

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

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

NOW, THEREFORE, be it

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

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

Dated: May 5, 2015

TB 05-05 TA RES Hard Wok Stormwater Agree-pm

awm

11

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED MAY 5, 2015, AUTHORIZING THE
CONSTRUCTION OF ROAD IMPROVEMENTS, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF BONDS IN THE
PRINCIPAL AMOUNT OF \$2,500,000 TO FINANCE SAID
APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York
(herein called the "Town"), is hereby authorized to construct road improvements. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$2,500,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of bonds in the principal amount of \$2,500,000 to finance said
appropriation, and the levy and collection of taxes on all the taxable real property in the Town to
pay the principal of said bonds and the interest thereon as the same shall become due and
payable.

Section 2. Bonds of the Town in the principal amount of \$2,500,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance
said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "*The Journal-News*," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such

publication and posted on the sign board of the Town maintained pursuant to the Town Law, a

Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on May 5, 2015, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Clarkstown, New York, adopted May 5, 2015, authorizing the construction of road improvements, stating the estimated maximum cost thereof is \$2,500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$2,500,000 to finance said appropriation,”

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

FIRST: AUTHORIZING said Town to construct road improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,500,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds in the principal amount of \$2,500,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$2,500,000 pursuant to the Local Finance Law of the State of New York to finance said appropriation;

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

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

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

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

DATED: May 5, 2015

Justin Sweet
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

awm

12

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING SUNRISE NEW CITY SENIOR LIVING, LLC
TAX MAP NO.: 43.7-1-28**

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

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

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

NOW, THEREFORE, be it

RESOLVED, that:

awm

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2005/06 from \$3,960,000 to \$2,894,000 at a cost to the Town of \$19,324.02;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2006/07 from \$3,960,04 to \$2,728,000 at a cost to the Town of \$22,943.92;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2007/08 from \$3,960,000 to \$2,624,000 at a cost to the Town of \$28,082.55;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2008/09 from \$3,960,000 to \$3,015,500 at a cost to the Town of \$19,253.23;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2009/10 from \$3,960,000 to \$3,063,400 at a cost to the Town of \$19,973.92;
6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2010/11 from \$3,960,000 to \$3,093,300 at a cost to the Town of \$20,441.96;
7. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.7-1-28 be reduced for the year(s) 2011/12 from \$3,960,000 to \$3,094,200 at a cost to the Town of \$21,302.34;

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

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

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

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

12. Reimbursement for the year(s) 2005/06, 2006/07, 2007/08, 2008/09, 2009/10, 2010/11, 2011/12, 2012/13, 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 43.7-1-28, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of

Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

Dated: May 5, 2015

TB 05-05-15 TA RES Sunrise New City Senior Living Settlement-dt

RESOLUTION ADOPTING HEARING OFFICER'S RECOMMENDATION

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

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

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

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

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

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

NOW, THEREFORE, be it

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

Dated: May 5, 2015

TB 05-05-15 TA RES Picott Penalty-dt

