

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
February 9, 2016, 8:00 pm
Town Hall Auditorium
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

SPECIAL PRESENTATIONS:

- Youth Court Graduation
- Pride of Clarkstown Awards

PUBLIC HEARING:

- Approving the Final Map of the Congers Fire District

PUBLIC COMMENTS REGARDING AGENDA ITEMS:
(Limited to 3 minutes per person)

RESOLUTIONS

1. Authorizing Renewal of an Agreement with Hi-Tor Animal Care Center, Inc.
2. Authorizing Partial Refund of Building Permit Fee to Roberts Contracting, Inc. concerning property designated as Tax Map No. 44.12-1-4./560 (Georgetown Manor)
3. Authorizing Settlement of the following Tax Certiorari matters:
 - a) Tzetzoince Motel Realty, Inc. and 30-9W, LLC (Tax Map No. 44.16-3-58)
 - b) JACS Family Realty LLC (Tax Map No. 44.151-3-21)
4. Awarding Bid #23-2015 – Refuse Pick-Up Service – Town Facilities
5. Authorizing the Purchasing Agent to Advertise for:
Bid #13-2016 – Purchase of One (1) Prinoth Municipal Vehicle, Model SW 4S
6. Accepting Creating Healthy Schools and Communities Contract.
7. Authorizing the Installation of Lighting at the following locations:
 - a) Mayfield Street & Kings Highway, Valley Cottage
 - b) Ludvigh Road & Poplar Street, Nanuet
8. Granting the following Certificates of Registration:
16-29 – Environmental Construction, Inc.
16-30 - County Wide Plumbing, LLC
9. Authorizing the Purchasing Agent to Advertise for:
Bid #14-2016 – Asphalt Sidewalk Construction at various locations through Clarkstown.
10. Authorizing Installation of Signs at the following locations:
 - a) “STOP” sign at intersection of Ember Drive and Verona Court, New City
 - b) “STOP” sign at intersection of No. Rockland Ave. and Lake Rd., Valley Cottage
11. Authorizing the Supervisor to enter into an Agreement for Implementing a Town Program that will promote control of the Canadian Geese Population.
12. Scheduling a Special Town Board Meeting for March 22, 2016.

13. Refund of 2007 and 2008 Bonds

14. Setting the following Public Hearings:

- a) Proposed Local Law entitled: "A Local Law establishing the Residency of all Appointed Officials within the Town of Clarkstown." (March 8, 2016)
- b) Proposed Local Law entitled "A Local Law Amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering & Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown. (March 22, 2016)

15. Authorizing the following Personnel Changes:

- a) Reinstatement: Cathy Conklin (Part-Time) Acting Assessor
- b) Resignation (Disability Retirement): Edward Stoker, Police Officer, Clarkstown Police Dept.
- c) Resignation: Gregory Barra, Auto Mechanic I & Body Repairer – Town Garage
- d) Appointment (Permanent): Maureen Landro, Registry Clerk-Typist, Town Clerk's Office
- e) Appointment: James J. Timmings, Assessor
- f) Reappointment: Rudolph Yacyshyn, Vice Chairman – Planning Board.
- g) Appointments: Tom Morr (Comptroller), Vincent Balascio (Dir of Finance) and JoAnne Pedersen (Supt Parks & Rec): Deferred Compensation Hardship Committee.
- h) Appointments: Tom Morr (Comptroller), Vincent Balascio (Dir of Finance) and JoAnne Pedersen (Supt Parks & Rec): Deferred Compensation Committee.
- i) Request for Reallocation: Senior Groundsworker - from Grade 19-22. Grade to remain 19.
- j) Request for Reallocation: Custodian III – from Grade 21-25. Grade to remain 21.

Note: The Town Board will move into Executive Session to discuss matters relating to Reallocation recommendations and update on pending litigation.

GENERAL PUBLIC COMMENTS

(Limited to 3 minutes per person)

PLEASE NOTE

Additional Items May be Added to this Agenda

SPECIAL MEETING: Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc.

PH

RESOLUTION APPROVING THE FINAL MAP OF THE
CONGERS FIRE DISTRICT
RESOLUTION NO. ____-2016 OF THE TOWN OF CLARKSTOWN

WHEREAS, Town Law § 176(5) requires fire districts to prepare a map showing the exact boundaries of the fire district, and

WHEREAS, the Congers Fire District has complied with the provisions of Town Law § 176(5), and

WHEREAS, the Congers Fire District has provided the Town Board of the Town of Clarkstown, New York with the proposed map and legal description as well as proof of service upon adjacent fire districts of the proposed map and description, and

WHEREAS, the Town Board has been advised and believes that no objections to the proposed map and description have been filed, and

WHEREAS, notice of public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice at which hearing no objections to the boundaries were heard;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the proposed map and legal description of the Congers Fire District is hereby approved.
2. The Town Clerk, pursuant to Town Law § 176(5), is directed to notify the adjacent fire districts of the filing and approval of said map.
3. That the Town Clerk is further directed to file a certified copy of the map in the Office of the Rockland County Clerk as well as to publish a notice of the filing of said map in the official newspaper of the Town of Clarkstown.

Dated: February 9, 2016

1

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH
HI-TOR ANIMAL CARE CENTER, INC.

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2016 and terminating on December 31, 2017, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$33,000.00 for the period commencing January 1, 2016 and terminating December 31, 2016, to be paid in quarterly installments upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$34,650.00 for the period commencing January 1, 2017 and terminating December 31, 2017, representing an increase of 5% over the prior year, to be paid in quarterly installments upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

Dated: February 9, 2016

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE TO ROBERTS CONTRACTING INC. CONCERNING PROPERTY DESIGNATED AS TAX MAP NO. 44.12-1-4./560 (GEORGETOWN MANOR)

WHEREAS, Roberts Contracting Inc. has requested a refund of Building Permit Fee (#15-934) paid in the amount of \$852.00 for property located at 192 Route 303, Congers, New York, more particularly described as Tax Map No. 44.12-1-4./560, due to cancellation of work, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$140.00;

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 \$712.00 to Roberts Contracting Inc., 1430 Rt. 300, Newburgh, NY 12550 to be charged to Account No. B-02-6-2555-0.

Dated: February 9, 2016

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING TZETZOAINEE MOTEL REALTY INC. and 30-9W LLC
TAX MAP NO.: 44.16-3-58**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Tzetzoinnee Motel Realty Inc. v. Clarkstown, Town of, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 033545/12, 033421/13, 032896/14, and, 30 9W LLC v. Clarkstown, Town of, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No. 032823/15, affecting parcel designated as Tax Map No. 44.16-3-58, and more commonly known as 30 North Route 9W, Congers, New York, for the year(s) 2012/13, 2013/14, 2014/15 and 2015/16, respectively, 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 Central 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. 44.16-3-58 be reduced for the year(s) 2012/13 from \$390,000 to \$243,800 at a cost to the Town of \$3,836.24;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 44.16-3-58 be reduced for the year(s) 2013/14 and 2014/15 from \$390,000 to \$255,000 at a total cost to the Town of \$8,396.43;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 44.16-3-58 be reduced for the year(s) 2015/16 from \$390,000 to \$247,500 at a cost to the Town of \$4,677.64;

4. Reimbursement for the year(s) 2012/13, 2013/14, 2014/15 and 2015/16 on the parcel(s) described as Tax Map No. 44.16-3-58, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

Dated: February 9, 2016

TB 02-09-16 TA RES Tzetzoinnee Motel Realty Inc. & 30-9W LLC Settlement-dt

3B

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING JACS FAMILY REALTY LLC
TAX MAP NO.: 44.15-3-21**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, JACS Family Realty LLC v. The Town of Clarkstown (Municipal Corporation), its Assessor and Board of Assessment Review, Index No(s). 030782/11, 033998/12, 033578/13, 033230/14 and 033205/15, affecting parcel designated as Tax Map No. 44.15-3-21, and more commonly known as 12 Sheridan Avenue, Congers, New York, for the year(s) 2011/12, 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 Central 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. 44.15-3-21 be reduced for the year(s) 2011/12, 2012/13, 2013/14, 2014/15 and 2015/16, from \$280,000 to \$224,000 at a total cost to the Town of \$8,168.46;

OK

2. Reimbursement for the year(s) 2011/12, 2012/13, 2013/14, 2014/15 and 2015/16 on the parcel(s) described as Tax Map No. 44.15-3-21, 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.

Dated: February 9, 2016

TB 02-09-16 TA RES JACS Family Realty LLC Settlement-dt

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

BID # 23-2015 – REFUSE PICK-UP SERVICE – TOWN FACILITIES

is hereby awarded to: PAT NAZZARO DISPOSAL, INC.
441 ROUTE 9W
CONGERS, NY 10920
PRINCIPAL: PAT NAZZARO, PRESIDENT

as per the price/item schedule on file in the Purchasing Department, 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

DATED: February 9, 2016

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

BID#13-2016 – PURCHASE OF ONE (1) PRINOTH MUNICIPAL VEHICLE
MODEL SW 4S

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: February 9, 2016

6

RESOLUTION ACCEPTING CREATING HEALTHY SCHOOLS AND COMMUNITIES CONTRACT

WHEREAS, the Town of Clarkstown is committed to the health and wellness of its residents, and

WHEREAS, the Rockland County Department of Health has received a grant from the New York State Department of Health to work with the Town of Clarkstown to implement the community component of the grant "Creating Healthy Schools and Communities" to reach portions of the Town that are a part of the East Ramapo Central School District, and

WHEREAS, the purpose of the grant is to fund a coordinated, multi-sector effort to increase demand for and access to healthy food and opportunities for physical activity to reduce the risk of obesity. The specific focus will address Complete Streets, food standards, and healthy food retail for 5-years from October 1, 2015 - September 30, 2020, and

WHEREAS, the goals of this program support the goals and objectives of the Town of Clarkstown's Comprehensive Plan, and

WHEREAS, the Town of Clarkstown will work under contract with the County of Rockland for a fee of \$12,000 from October 1, 2015 - September 30, 2016;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the acceptance of a new Creating Healthy Schools and Communities contract in the amount of \$12,000 from Rockland County Department of Health, a contractor which received a grant from the New York State Department of Health (NYS DOH) for the period from October 1, 2015 through September 30, 2016.

Dated: February 9, 2016

TB 02-09 RES Healthy Communities Contract

7A

WHEREAS, a resident of Kings Highway, 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 #60550/40550;

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 #60550/40550 located at the intersection of Mayfield Street and Kings Highway.

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.

Dated: February 9, 2016

TB 02-09 DEC RES Mayfield-Kings Hghwy street light

7B

WHEREAS, a resident of Poplar 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 #60878/41419;

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 #59080/40398 located at the south east corner of Ludvigh Road and Poplar Street, Nanuet.

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.

Dated: February 9, 2016

TB 02-09 DEC RES Ludvigh-Poplar street light

LS

**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:

ENVIRONMENTAL CONSTRUCTION INC.
21 Holt Drive
P.O. Box 563
Stony Point, NY 10980
Susan Oelkers-Ramos, President

COUNTY WIDE PLUMBING LLC
159 South Route 303
Congers, NY 10920
Michael Dimaulo

NOW, THEREFORE, be it

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

- 16-29 - ENVIRONMENTAL CONSTRUCTION INC.
- 16-30 - COUNTY WIDE PLUMBING LLC

DATED: February 9, 2016

TB 02-09-16 - TA RES Certificate of Registration Sewers-sk

9

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

BID#14-2016 – ASPHALT SIDEWALK CONSTRUCTION AT VARIOUS LOCATIONS THROUGHOUT CLARKSTOWN

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: February 9, 2016



10A

RESOLUTION AUTHORIZING THE INSTALLATION OF A
STOP SIGN BE INSTALLED AT THE INTERSECTION OF
EMBER DRIVE AND VERONA COURT, NEW CITY

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a "Stop Sign" be installed on Ember Drive at the intersection of Verona Court, New City;

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

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

DATED: February 9, 2016

10B

RESOLUTION AUTHORIZING THE INSTALLATION OF A
STOP SIGN BE INSTALLED AT THE INTERSECTION OF
NORTH ROCKLAND AVENUE AND LAKE ROAD, VALLEY COTTAGE

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a "Stop Sign" be installed on North Rockland Avenue at the intersection of Lake Road, Valley Cottage

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

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

DATED: February 9, 2016

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR IMPLEMENTING A TOWN PROGRAM THAT WILL PROMOTE CONTROL OF THE CANADIAN GEESE POPULATION

WHEREAS, the Town has previously contracted with wildlife control specialist Thomas J. Maglaras of Nuisance Wildlife Control Agents to implement a program to egg adde Canadian Geese sites throughout the Town under a License granted to the Town by the USDA Wildlife Services in order to promote control of the Canadian Geese population, and

WHEREAS, the Town has received a proposal for a 2016 Canadian Geese Program from Nuisance Wildlife Control Agents, and its past programs have been most successful, and the proposed fee is found to be reasonable along past years' proposals.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with wildlife control specialist Thomas J. Maglaras, satisfactory to the Town Attorney, to implement a Town program for the control of the Canadian Geese Population during 2016, including a License Agreement with United Water New York, Inc., to enter upon its property during implementation of the program, and to take all steps necessary for the Town of Clarkstown to comply with all applicable State and Federal regulations; and be it

FURTHER RESOLVED, that all reasonable expenses in connection with the use of a wildlife control specialist to carry out the Town of Clarkstown program shall not exceed \$10,200.00 and shall be charged to Account No. A-8090-409-0.

Dated: February 09, 2016

TB 02-09-16 TA RES Maglaras Agreement-kh

OK

RESOLUTION SCHEDULING A SPECIAL MEETING
OF THE TOWN BOARD

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for March 22, 2016 immediately following the Workshop meeting scheduled for 7:30 p.m., in the Room 301 of the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York. The purpose of said meeting is to continue the public hearing to consider adopting a proposed local law and any such other matter that the Town Board may wish to consider.

Dated: February 9, 2016

TB 02-09 TA RES Special TB Meeting-pm

REFUNDING BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 9, 2016, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$13,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$13,000,000 REFUNDING BONDS OF SAID TOWN, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Introduced) February 9, 2016

(Adopted) February 9, 2016

Recitals

Whereas, the Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), has heretofore issued on July 26, 2007, its \$16,569,000 Public Improvement Serial Bonds-2007 (herein called the "2007 Bonds"), currently outstanding in the principal amount of \$7,300,000 (the "2007 Outstanding Bonds"); and its \$8,555,000 Public Improvement Serial Bonds-2008 (herein called the "2008 Bonds") now outstanding in the principal amount of \$4,125,000 (the "2008 Outstanding Bonds"); such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

Whereas, Section 90.10 of the Local Finance Law, constituting Chapter 33a of the Consolidated Laws of the State of New York (herein called "Law"), permits the Town to refund all or a portion of the outstanding unredeemed maturities of the 2007 Outstanding Bonds and

2008 Outstanding Bonds (collectively, the "Outstanding Bonds") by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town;

now, therefore,

**THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, NEW YORK,
HEREBY RESOLVES (by the favorable vote of not less than two-thirds of the voting strength of said Town Board) AS FOLLOWS:**

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the Outstanding Bonds of the Town.
- b. "Bond Certificates" means one or more of the certificates of determination that (i) were executed by the Town Supervisor, in accordance with the delegations of authority contained in the bond resolutions for each of the objects or purposes financed by the Bonds To Be Refunded, and (ii) provided for the issuance of such Bonds To Be Refunded.
- c. "Escrow Contract" means the contract to be entered into by and between the Town and the Escrow Holder pursuant to Section 9 hereof.
- d. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.
- e. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal

and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

- f. "Redemption Date" means (a) June 15, 2017 or any date thereafter with respect to the 2007 Bonds to be Refunded and (b) September 1, 2018 or any date thereafter with respect to the 2008 Bonds to be Refunded.
- g. "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$13,000,000 bonds of the Town of Clarkstown, authorized pursuant to Section 2 hereof.
- h. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of (i) the principal amount of Bonds To Be Refunded, (ii) the aggregate amount of unmatured interest payable on each Bonds To Be Refunded to and including the applicable Redemption Date, (iii) redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the

Recitals hereof, and (iv) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

Section 2. The Town Board of the Town (herein called "Town Board"), hereby authorizes the refunding of the Bonds To Be Refunded of the Town, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$13,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$13,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Town in the maximum principal amount of \$13,000,000, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the Town by its financial advisor, Munistat Municipal Financial Advisory Service, Port Jefferson Station, New York and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the Town in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due

and payable on and prior to the Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the unmatured aggregate outstanding balances of the 2007 Outstanding Bonds and the 2008 Outstanding Bonds which were originally issued pursuant to the bond resolutions of the Town referenced in the Bond Certificates for each such series of bonds for the purpose of providing original funding for the projects as set forth therein (the "Component Issues"). In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$13,000,000 have been allocated to the Component Issues, and shall mature in amounts and at dates to be determined. The Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the final refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each issue comprising the Bonds to be Refunded is as specified in the respective Bond Certificate for the 2007 Bonds and 2008 Bonds, each of which is incorporated herein by reference.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A.

Section 6. The Refunding Bonds may be sold at public or private sale.

(a) If the Refunding Bonds are sold at private sale, the Supervisor, as the chief fiscal officer of the Town, is hereby authorized to execute a purchase contract on behalf of the

Town for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(b) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Supervisor is hereby authorized and direct to prepare or have prepared a Notice of Sale, which shall be published at least once in "THE BOND BUYER," published in the City of New York, not less than five (5) nor more than thirty (30) days prior to the date of said sale.

(c) Prior to the issuance of the Refunding Bonds, the Supervisor shall have filed with the Town Board a certificate approved by the State Comptroller setting forth the Present Value Savings to the Town resulting from the issuance of the Refunding Bonds.

(d) In connection with such sale, the Town Board hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution.

(e) The Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the Town in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town payable as to both principal and interest by a 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 Refunding

Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Law, the powers and duties of the Town Board relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing a tax certificate relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, and as to any determinations relating to the investment of the proceeds of the Refunding Bonds, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. Prior to the issuance of the Refunding Bonds the Town shall contract with a bank or trust company located and authorized to do business in New York State for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal,

interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the final refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance

with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Town Board hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Supervisor in accordance with Section 8 hereof. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premium, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such call for redemption to be given in the name of the Town by mailing such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Date and the direction to the Escrow Holder to cause notice thereof to be given as provided in this section shall become irrevocable and the provisions of this section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this section may be amended from time to

time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13. 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 this Resolution, or a summary hereof, 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 14. The Town Clerk is hereby directed to publish the foregoing refunding bond resolution, in summary, in "The Journal-News," a newspaper having general circulation in the Town and hereby designated the official newspaper of said Town for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York

Section 15. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by _____
and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

* * *

14A

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW ESTABLISHING THE RESIDENCY OF APPOINTED OFFICIALS WITHIN THE TOWN OF CLARKSTOWN"

WHEREAS, Councilperson _____, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled, "A LOCAL LAW ESTABLISHING THE RESIDENCY OF APPOINTED OFFICIALS WITHIN THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to establish residency requirements for persons holding an appointed office within the Town of Clarkstown and to create a new chapter of the Town Code of the Town of Clarkstown entitled "Chapter 4A - Residency of Appointed Officials;"

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on March 8, 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.

Dated: February 9, 2016

14B

RESOLUTION REFERRING AND SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 4 (APPEARANCE TICKETS), CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION), CHAPTER 126 (MASSAGE ESTABLISHMENTS), CHAPTER 153 (HISTORIC ROAD PRESERVATION), CHAPTER 173 (LITTERING AND POSTING), CHAPTER 240 (SHOPPING CENTER PARKING AREAS), AND CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN"

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 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering and Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown"

and

WHEREAS, the proposed local law is intended to eliminate the position of Zoning Administrator and amend chapters of the Clarkstown Town Code which reference the position;

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 239-1 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 Jose Simoes, Principal Planner 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 in Room 301 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York on March 22, 2016 immediately following the Workshop meeting scheduled for 7:30 p.m. relative to such proposed local law, and be it

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

Dated: February 9, 2016

TB 02-09 TA RES Local Law Refer-P.H.-Zoning Admin-Amend Various Chap-pm

15A

RESOLVED, that Cathy Conklin, is hereby reinstated,
working part-time hours against the full-time position of
Assessor as Acting Assessor - at the hourly rate of \$92.54.,
- not to exceed 90 days.

DATED: February 9, 2016
P

RESOLVED, that the resignation (by disability retirement) of Edward Stoker - Police Officer- Police Department - is hereby accepted effective and retroactive to November 16, 2015.

Dated: February 9, 2016
P

15C

RESOLVED, that the resignation of Gregory Barra,
- Automotive Mechanic I & Body Repairer - Town Garage - is
hereby accepted effective and retroactive to January 22,
2016 at the close of the work day.

DATED: February 9, 2016

P

150

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #15084 Registry Clerk-Typist - which contains the name of Maureen Landro,

NOW, therefore, be it

RESOLVED, that Maureen Landro,- is hereby appointed (Permanent) to the position of Registry Clerk-Typist - Town Clerk's Office at the current 2016 annual salary of \$88,115., effective and retroactive to January 28, 2016.

DATED: February 9, 2016
P

15E

RESOLVED, that James J. Timmings, is hereby appointed to the position of Assessor (to fill the unexpired term of Cathy Conklin) effective February 16, 2016 and to expire on September 30, 2019 – at the annual salary of \$140,000, and be it

DATED: February 09, 2016

P

RESOLVED, that Rudolph Yacyshyn, - is hereby reappointed to the position of Vice Chairman - Planning Board - as per letter dated January 14, 2016 - term effective and retroactive to January 13, 2016 and to expire on January 14, 2017 - at the current 2016 annual salary of \$3,570.

DATED: February 9, 2016
P

(156)

RESOLUTION APPOINTING MEMBERS TO
DEFERRED COMPENSATION HARDSHIP COMMITTEE

RESOLVED, that the following persons are hereby appointed to the position of member of the Deferred Compensation Hardship Committee, to serve without compensation, for the purpose of determining whether an employee's application to withdraw money from the Deferred Compensation Plan is a hardship due to an unforeseeable emergency - term effective February 9, 2016 and to expire on December 31, 2016.

Tom Morr (to serve the unexpired term of Edward Duer),
Comptroller, who is to serve as Chairman of the
Committee

Vincent Balascio (to serve the unexpired term of John
Sullivan), Director of Finance

Jo Anne Pedersen (to serve the unexpired term of Edward
J. Lettre), Superintendent of Recreation and Parks

DATED: February 9, 2016

P

1511

RESOLUTION APPOINTING MEMBERS TO
DEFERRED COMPENSATION COMMITTEE

WHEREAS, Rules and Regulations of the New York State Deferred Compensation Board and/or Section 457 of Internal Revenue Code require a deferred compensation committee be formed for the purpose of (1) seeking and evaluating competitive proposals from financial organizations and administrative agencies who wish to manage the Town of Clarkstown's Deferred Compensation Plan, (2) evaluating and adopting any changes to the Model Deferred Compensation Plan for employees of the Town of Clarkstown and (3) determining whether an employee's application to withdraw money from the Deferred Compensation Plan is a hardship due to an unforeseeable emergency;

NOW, THEREFORE, be it

RESOLVED, that the following persons are hereby appointed to the position of member of the Deferred Compensation Committee, to serve without compensation, term effective February 9, 2016 and to expire on December 31, 2016.

Tom Morr (to serve the unexpired term of Edward Duer),
Comptroller, who is to serve as Chairman of the Committee

Vincent Balascio (to serve the unexpired term of John
Sullivan), Director of Finance

Jo Anne Pedersen (to serve the unexpired term of Edward
Lettre), Superintendent of Recreation and Parks

DATED: February 9, 2016

P

151

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request for a reallocation of the title Senior Groundswoker, that is currently a grade 19 to be reallocated to a grade 22.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Senior Groundswoker - should remain as a grade 19.

DATED: February 9, 2016
P

155

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request for a reallocation of the title Custodian III, that is currently a grade 21 to be reallocated to a grade 25.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Custodian III should remain as a grade 21.

DATED: February 9, 2016

P