TOWN OF CLARKSTOWN
TOWN BOARD WORKSHOP MEETING
June 21, 2016, 7:30pm
Town Hall – Room 301
AGENDA

Police Matters:

- Chief Michael Sullivan to present.

Review of MS4 Annual Report

SPECIAL TOWN BOARD MEETING
(Immediately following Workshop)

SALUTE TO THE FLAG:

CLERK CALLS THE ROLL:

SPECIAL PRESENTATION:

~ Winners of the Nanuet Chamber of Commerce and Nanuet School District Art Department's Second Annual Art Walk and Exhibitiion Gala ~

PUBLIC HEARINGS:

1. Proposed Local Law entitled: "A Local Law abolishing the Architecture and Landscape Commission and Historic Review Board and Creating the Architectural Historic Review Board of the Town of Clarkstown." *(to be continued – June 28,2016 @ 7:15pm)*

2. Proposed Local Law entitled: "A Local Law Amending Chapter 208 (Peddling, Hawking and Soliciting) of the Code of the Town of Clarkstown."

RESOLUTIONS:

1. Accepting Town Board Minutes of May 17, 2016, as submitted by the Town Clerk.

2. Authorizing the Purchasing Agent to advertise for:
   Bid #17-2016: Town of Clarkstown Upgrade to 911 Phone System and Dispatch Radio System including 5-year Site Maintenance.

3. Amending Resolution #200-2016 (Bid #9-2016 – Highway Signing and Road Maintenance Supplies) to include an awardee who was erroneously omitted.

4. Authorizing Certificate of Registration:
   16-34 – Pro Cut Lawns, Landscaping & Contracting, Inc.

5. Authorizing Execution and Acceptance of an Amended Stormwater Maintenance Agreement regarding Ramah Day Camp Site Plan (Tax Map 59.12-1-11 & 59.16-1-2)

6. Setting a Public Hearing and Referring to the Rockland County Commissioner of Planning and the Clarkstown Planning Board: Application of Chabad Lubavitch of Rockland a/k/a Chabad Synagogue of New City and the Hebrew Academy for a Special Permit to conduct a Child Day Care Center (*August 9, 2016)*

7. Rescinding Resolution No. 204-2016 (*legal services regarding reasonable water rates*).

8. Authorizing the following Personnel Changes:
   a) Appointment: Paul Kunz, Automotive Mechanic I & Body Repairer (Temp), Town Garage.
   b) Sick Leave of Absence: Dina Eigenlaub, Office Services Aide, Building Dept.

9. Authorizing Payment (General Municipal Law §207-c)

10. Authorizing Execution and Acceptance of Stormwater Maintenance Agreement regarding Kohl Industrial Park Site Plan (Tax Map 44.08-1-87 & 44.07-2-11)

11. Authorizing the Supervisor to extend the Service Agreement for Environmental Operation and Maintenance Services at the Clarkstown Sanitary Landfill and Flare Station, West Nyack, New York.

12. Authorizing the Supervisor to hire H2M Architects and Engineers to prepare an amendment to the engineering design report for Phase I of the Sewer Pump Station upgrade project.

13. Authorizing legal services regarding Municipal Consortium in support of reasonable water rates.

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

PH-1

RESOLUTION AUTHORIZING THE CONTINUATION OF A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW ABOLISHING THE ARCHITECTURE AND LANDSCAPE COMMISSION AND HISTORIC REVIEW BOARD AND CREATING THE ARCHITECTURAL HISTORIC REVIEW BOARD OF THE TOWN OF CLARKSTOWN"

WHEREAS, a proposed local law entitled, "A Local Law Abolishing the Architecture and Landscape Commission and Historic Review Board and Creating the Architectural Historic Review Board of the Town of Clarkstown" was introduced by Councilperson Borelli at a Town Board meeting held on May 17, 2016, and

WHEREAS, on June 21, 2016, a public hearing was held to consider said local law, and at such time it was determined by the Town Board that the hearing be continued to June 28, 2016;

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing, pursuant to §20 of the Municipal Home Rule Law, be had in Room 301of the Town Hall, 10 Maple Avenue, New City, New York on June 28, 2016 at 7:15 p.m., prior to the Workshop Meeting, relative to such proposed local law.

Dated: June 21, 2016

TB 06-21 TA RES Continue Public Hearing-LL Abolish ALC & HRB & Create AHRB-pm

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PH-2

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2016

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 208 (PEDDLING, HAWKING AND SOLICITING) OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Borelli at a Town Board meeting held on May 17, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on May 17, 2016, directed that a public hearing be held on June 21, 2016, immediately following the Workshop meeting scheduled for 7:30 p.m., relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on June 13, 2016, 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 June 13, 2016;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2016 entitled:

"A LOCAL LAW AMENDING CHAPTER 208 (PEDDLING, HAWKING AND SOLICITING) OF THE CODE OF THE TOWN OF CLARKSTOWN"

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

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

The Clerk of the Town of Clarkstown is hereby directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Dated: June 21, 2016

TB 06-21 TA RES Adopt LL-Amend 208-No Knock-pm

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RESOLVED, that the Town Board Minutes of May 17, 2016 are hereby accepted as submitted by the Town Clerk.

DATED: June 21, 2016

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

BID#17-2016 – TOWN OF CLARKSTOWN UPGRADE TO 911 PHONE SYSTEM
AND
DISPATCH RADIO SYSTEM INCLUDING 5 YEAR SITE MAINTENANCE

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: June 21, 2016

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3

WHEREAS, Resolution #200-2016 authorized awarding Bid #9-2016 – Highway Signing and Road Maintenance Supplies to various bidders and,

WHEREAS, a certain bidder was recommended by the Authorized Purchasing Agent to be included as an awardee of Bid #9-2016 and was erroneously omitted from Resolution #200-2016,

NOW THEREFORE BE IT,

RESOLVED, to amend Resolution #200-2016 to include:

	CUSTOM PRODUCTS CORPORATION P.O. BOX 54091 JACKSON, MS 39288-4901
PRINCIPAL:	DENNIS HENRY PERKINS SR. HAL PERKINS

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

DATED: June 21, 2016

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4

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

NOW, THEREFORE, be it

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

16-34 PRO CUT LAWNS, LANDSCAPING & CONTRACTING, INC.

DATED: June 21, 2016

TB 06-21-16 - TA RES Certificate of Registration Sewers-sk

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5

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF AN AMENDED STORMWATER MAINTENANCE AGREEMENT REGARDING RAMAH DAY CAMP SITE PLAN (TAX MAP 59.12-1-11 & 59.16-1-2)

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 Ramah Day Camp site plan (tax maps 59.12-1-11 & 59.16-1-2), the Jewish Theological Seminary of America has provided an amended 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; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the amended stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the amended stormwater control facility maintenance agreement from the Jewish Theological Seminary of America in connection with the Ramah Day Camp site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: June 21, 2016

TB 06-21 TA RES Ramah Day Camp Amended Stormwater Agree-pm

6

RESOLUTION SETTING A PUBLIC HEARING AND REFERRING TO THE ROCKLAND COUNTY COMMISSIONER OF PLANNING AND THE CLARKSTOWN PLANNING BOARD THE APPLICATION OF CHABAD LUBAVITCH OF ROCKLAND AKA CHABAD SYNAGOGUE OF NEW CITY AND THE HEBREW ACADEMY FOR A SPECIAL PERMIT TO CONDUCT A CHILD DAY CARE CENTER

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 34.19-1-15 and 34.19-1-13, for property located at 315 N. Main Street, New City, New York, and

WHEREAS, said petitioner has duly applied to the Clarkstown Planning Board for site plan approval;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to the Town Zoning Code, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on August 9, 2016, at 8:00 p.m., or as soon thereafter as possible, to consider the application of Chabad Lubavitch of Rockland relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that on or before said public hearing the petitioner shall file with the Town of Clarkstown, the following:

1. An affidavit executed by the officer of the corporation stating that the corporation is licensed by the New York State Department of Social Services to operate the type of facility sought or, in the alternative, that the corporation shall be able to meet all requirements to obtain said license.

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

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-L and 239-M of the General Municipal Law for report, the Clarkstown Planning Board, and to the following agencies for comment or study and report as soon as possible:

1. Clarkstown Department of Environmental Control
2. Clarkstown Building Inspector
3. Rockland County Health Department

Dated: June 21, 2016

TB 06-21 TA RES special permit pub hearing-referral-Chabad-pm

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7

RESOLUTION RESCINDING RESOLUTION NO. 204-2016

WHEREAS, Resolution No. 204-2016 was adopted by the Town Board on May 3, 2016 for legal services regarding reasonable water rates;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby rescinds Resolution No. 204-2016 in its entirety.

Dated: June 21, 2016

TB 06-21 TA RES Rescind Res 204-2016-Duthie-pm

8A
AMENDED

RESOLVED, that Paul Kunz - is hereby appointed to the position of (Temp) Automotive Mechanic I & Body Repairer - Town Garage - at the current 2016 annual salary of $59,188., - effective June 27, 2016.

DATED: June 21, 2016

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8B

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., Dina Eigenlaub - Office Services Aide - Building - is hereby granted a Sick Leave of Absence at one-half pay effective July 11, 2016.

DATED: June 21, 2016
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9

RESOLUTION AUTHORIZING PAYMENT

WHEREAS, Robert Lynn ("Lynn") was employed by the Town as a police officer; and

WHEREAS, Lynn claimed to have sustained two injuries in the line of duty and sought disability benefits from the Town pursuant to General Municipal Law section 207-c; and

WHEREAS, the Chief of Police denied both of the applications for line of duty injury benefits; and

WHEREAS, Lynn commenced two Article 78 legal proceedings to challenge the denial of his claims for line of duty injury benefits; and

WHEREAS, the Supreme Court, Rockland County, granted both petitions finding that the Chief of Police's determinations in these cases were arbitrary and capricious, and that Lynn was entitled to benefits under this statute; and

WHEREAS, all appeals taken by the Town to review the Court's determinations were denied and the Town was ordered to pay certain legal costs incurred by Lynn as a result of these appeals; and

WHEREAS, Lynn subsequently received a disability pension from the State of New York as a result of these same injuries; and

WHEREAS, General Municipal Law section 207-c provides that the salary of an officer disabled in the line of duty shall terminate upon receipt of a disability pension; and

WHEREAS, the New York State Retirement System has determined that Lynn's disability pension is effective August 13, 2013;

NOW, THEREFORE, be it

RESOLVED that the Town Comptroller is authorized to issue payment to Lynn in the amount of $163,836.37 consisting of lost salary and interest through the effective date of his disability retirement and an additional payment of $1,500 resulting from costs assessed against the Town; and be it

FURTHER RESOLVED, that the payments shall be funded from the Police Department's budget.

Dated: June 21, 2016

TB 06-21 TA RES Lynn Payment

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10

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF STORMWATER MAINTENANCE AGREEMENT REGARDING KOHL INDUSTRIAL PARK SITE PLAN (TAX MAP 44.08-1-87 & 44.07-2-11)

WHEREAS, based upon the recommendation of the Department of Environmental Control with regard to the Kohl Industrial Park site plan (tax map 44.08-1-87 & 44.07-2-11), Kohl Industrial Park, LLC 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; and the Town Attorney has advised that the document is in proper legal form;

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, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from Kohl Industrial Park, LLC in connection with the Kohl Industrial Park site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: June 21, 2016

TB 06-21 TA RES Kohl Stormwater Agree-pm

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11
AMENDED

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXTEND THE SERVICE AGREEMENT FOR ENVIRONMENTAL OPERATION AND MAINTENANCE SERVICES AT THE CLARKSWTOWN SANITARY LANDFILL AND FLARE STATION, WEST NYACK, NEW YORK

WHEREAS, HDR Engineering, Inc. currently provides environmental operation and maintenance services At the Clarkstown Sanitary Landfill, and

WHEREAS, the current contract between HDR Engineering, Inc. and the Town of Clarkstown expires on June 30, 2016, and

WHEREAS, the Department of Environmental Control is currently soliciting proposals from qualified contractors to perform Operation and Maintenance services at the Clarkstown Sanitary Landfill for a five (5) year period beginning on August 1, 2016.

WHEREAS, HDR Engineering, Inc. has agreed to extend the existing service contract to July 31, 2016 at the current monthly rate;

NOW, THEREFORE, BE IT RESOLVED, that the current contract between HDR Engineering, Inc. and the Town of Clarkstown be extended to July 31, 2016 and

BE IT FURTHER RESOLVED, that the total monthly cost for operation and maintenance service shall remain $6,219.00 and shall continue to be a proper charge to SR 8160 409.0

Dated: June 21, 2016

TB 06 21 16 DEC RES HDR Extension

RESOLUTION AUTHORIZING THE SUPERVISOR TO HIRE H2M ARCHITECTS AND ENGINEERS (H2M) TO PREPARE AN AMENDMENT TO THE ENGINEERING DESIGN REPORT FOR PHASE I OF THE SEWER PUMP STATION UPGRADE PROJECT

WHEREAS, The Rockland County Sewer District #1 (RCSD #1) is reimbursing the Town of Clarkstown for costs associated with the Sewer Pump Station Upgrade Project – Phase I; and

WHEREAS, the Town of Clarkstown is seeking additional reimbursement from the RCSD #1 for additional expenses related to the project; and

WHEREAS, RCSD #1 requires that the Town submit an amendment to the Original Engineering Design Report containing updated construction costs and a detailed cost estimate for the additional expenses for review by RCSD #1; and

WHEREAS, H2M has submitted a proposal to prepare Amendment #6 to the Engineering Design Report for submission to RCSD #1; and

WHEREAS, The Department of Environmental Control has reviewed the proposal and has found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the supervisor to hire H2M to prepare Amendment #6 to the Engineering Design Report for the Sewer Pump Station Upgrade Project – Phase I, for an amount not to exceed $2,700.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8760 409 0 84 9; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this charge shall be reimbursed by the RCSD #1.

Dated: June 21, 2016

L:\shared\TB 06 21 16 DEC RES Pump Station Upgrade Project – Phase I – EDR Amendment #6

RESOLUTION AUTHORIZING TOWN TO SHARE THE COST OF LEGAL SERVICES PERFORMED BY DICHTER LAW LLC AS PART OF THE MUNICIPAL CONSORTIUM IN SUPPORT OF REASONABLE WATER RATES

WHEREAS, the Town of Clarkstown has joined the Municipal Consortium in Support of Reasonable Water Rates in connection with Suez Water New York's 2016 Rate Case 16-W-0130 before the Public Service Commission, and

WHEREAS, Dichter Law LLC has submitted a proposal dated June 17, 2016 to represent and provide legal services to the Town of Clarkstown as part of its share in connection with the case before the Public Service Commission, and

WHEREAS, the Town Attorney finds said proposal to be reasonable in terms of scope and price, and recommends the hiring of Dichter Law LLC;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Dichter Law LLC, in a form approved by the Town Attorney, to provide legal services pursuant to its proposal dated June 17, 2016, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed $15,750.00, plus reimbursement for out of pocket costs and expenses incurred for such legal services, for the Town of Clarkstown's share of the fee, and said fee and expenses will be charged to Account No. A 1420-409.

Dated: June 21, 2016

OK