

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
July 19, 2016, 8:00 pm
Town Hall Auditorium
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

SPECIAL PRESENTATION:

~ 50th Anniversary ~
Congers/Valley Cottage Ambulance Corps

PUBLIC HEARING:

1. Instituting Chapter 216 of the Town Code.
2. Application of Benim Scholastic Academy for a Special Permit to conduct a Child Day Care Center.

PUBLIC COMMENTS REGARDING AGENDA ITEMS

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting Minutes of the Town Board Meetings of June 7, 2016, June 13, 2016, June 21, 2016 and June 28, 2016, as presented by the Town Clerk.
2. Authorizing Installation of Street Lights at the following locations:
 - a) Pole #61209/40398 - S/W Corner of Christian Herald Road & Roseland Road, Upper Nyack
 - b) Pole #60942/42055 - in front of house #15 Hilltop Road, Congers
3. Setting a Public Hearing on a proposed local law entitled: "A Local Law Amending Chapter 262 (Taxation) of the Code of the Town of Clarkstown regarding Senior Citizen Tax Exemptions" (August 9, 2016).
4. Authorizing Amending the Budget.
5. Establishing the Base Percentages, Current Percentages and Current Base Proportions for Certification to New York State Office of Real Property Services.
6. Establishing the Adjusted Base Proportions for Certification to the State Board of Real Property Services.

7. Authorizing Acceptance of Easement for Ingress, Egress and Construction and Maintenance of Sewer Pump Station (65 No. Route 9W, Congers – 44.16-2-2).
8. Scheduling a Special Town Board Meeting for September 27, 2016.
9. Appointing Hearing Officer for Disciplinary Hearing.
10. Authorizing the Supervisor to enter into an Agreement with F.J. Rella and Co., LLC to be Consultant to the Town Assessor (\$50.00/hr.).
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, N.Y. (8/1/16-7/31/17 - \$60,000; 8/1/17-7/31/18 - \$61,800; 8/1/18-7/31/19 - \$63,660; 8/1/19-7/31/20 - \$65,568; 8/1/20-7/31/21 - \$67,536)
12. Authorizing the Installation of the following signage:
 - a) "Stop" sign on w/s of Waldron Avenue & Upper Depew Avenue, Central Nyack.
 - b) "30 MPH" speed limit sign on Buena Vista Road in New City.
 - c) Relocate "No Parking Anytime" sign further north on South Grant Avenue.
 - d) Remove "Turn Right" on *eastbound* Birch Lane and install a Reverse "Turn Right" sign in its place. Install a Reverse "Turn Right" sign on *westbound* Birch Lane off of Red Hill Road in advance of the first curve in the road.
13. Authorizing the Director of Environmental Control to Advertise a Public Notice.
14. Authorizing the following Personnel Changes:
 - a) Creation: Zoning Enforcement Officer and Community Liaison (Perm) – Town Attorney's Office.
 - b) Appointment (Prov): Ian Smith, Zoning Enforcement Officer & Community Liaison – Town Attorney's Office (\$77,177).
 - c) Appointment (Prov): James J. Molinaro, Jr., Supervising Real Property Assessor – Assessor's Office. (\$97,890).
 - d) Resignation (Retirement): William Fritz, Police Officer – Police Department.
 - e) Appointment: Joseph Jacobs, Member, AHRB. (\$2,600).
 - f) Appointment: Robert Knight, Town Historian and Advisor to the AHRB. (\$2,040)
 - g) Appointment: Steven Kunis, Member, AHRB. (\$2,600).
 - h) Appointment: Steven Kunis, Chairman, AHRB. (\$600)
 - i) Appointment: Robert Milone, Member, AHRB. (\$2,600)
 - j) Appointment: James Palmer, Member, AHRB. (\$2,600)
15. Authorizing the Supervisor to file an application to the NYS DOS LGE Program requesting funding in the amount of \$12,500 to underwrite a portion of the Clarkstown Police Department review.

GENERAL PUBLIC COMMENTS

(Limited to 3 minutes per person)

1

RESOLVED, that the Town Board Minutes of June 7, 2016, June 13, 2016, June 21, 20016 and June 28, 2016 are hereby accepted as submitted by the Town Clerk.

DATED: July 19, 2016

2A

WHEREAS, a resident of Roseland Road, Upper Nyack, NY 10960 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 #61209/40398;

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 # 61209/40398 located at the south west corner of Christian Herald Road and Roseland Road, Upper Nyack

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: July 19, 2016

2B

WHEREAS, a resident of Hilltop Road, Congers, NY 10920 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 #60942/42055;

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 # 60942/42055 located in front of house #15 Hilltop Road, Congers

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: July 19, 2016

LS

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 262 (TAXATION) OF THE CODE OF THE TOWN OF CLARKSTOWN REGARDING SENIOR CITIZEN TAX EXEMPTIONS"

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 262 (TAXATION) OF THE CODE OF THE TOWN OF CLARKSTOWN REGARDING SENIOR CITIZEN TAX EXEMPTIONS"

and

WHEREAS, this proposed local law is intended to amend Chapter 262, Article I (Senior Citizens Exemption) to authorize the Town Assessor to accept late filing of applications for senior citizen tax exemptions;

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 Clarkstown Town Hall, 10 Maple Avenue, New City, New York on August 9, 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: July 19, 2016

RESOLUTION AUTHORIZING AMENDING BUDGET

WHEREAS, the Town has received \$39,967.79 from Selective Insurance and \$53,535 from Rockland County Sewer District #1,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account DB-041-8-2680-0 (Highway-Insurance Recoveries) and Expense Account DB-5110-409-0 (Highway-Fees for Services) by \$39,967.79 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Revenue) and Expense Account H-8760-409-0-84-9 (Capital Projects-Sewer Pump Station Improvement Project) by \$53,535 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account A-1345-204-0 (Purchasing-Office Machines) and increase Expense Account A-1345-438-0 (Purchasing-Maintenance Agreements) by \$360 and be it,

FURTHER RESOLVED, to decrease Expense Account A-3120-409-0 (Police-Fees for Services) and increase Expense Account A-3260-409-0 (Police/Special Investigations-Fees for Services) by \$1,174.30 and be it,

FURTHER RESOLVED, to decrease Expense Account A-7140-424-0 (Parks & Playgrounds-Contractual Expenses) and increase Expense Account A-7140-323-0 (Parks & Playgrounds-Chemicals) by \$2,000.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN
ESTABLISHING THE BASE PERCENTAGES, CURRENT PERCENTAGES
AND CURRENT BASE PROPORTIONS FOR CERTIFICATION TO NEW YORK
STATE OFFICE OF REAL PROPERTY SERVICES

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2016 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

Dated: July 19, 2016

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN
ESTABLISHING THE ADJUSTED BASE PROPORTIONS FOR
CERTIFICATION TO THE STATE BOARD OF REAL PROPERTY SERVICES

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2016 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

Dated: July 19, 2016

TB 07-19 TA RES Base Proportions (2)-pm

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT FOR INGRESS,
EGRESS AND CONSTRUCTION AND MAINTENANCE OF SEWER PUMP
STATION (65 north route 9W, CONGERS – 44.16-2-2)

WHEREAS, in accordance with the recommendations of the Director of the Department of Environmental Control of the Town of Clarkstown and H2M Group, engineering consultant for the Town of Clarkstown, the Town wishes to accept and record easements deemed necessary to allow for ingress and egress and for construction and maintenance of pump stations and other sanitary sewer purposes in connection with the Sewer Pump Station Upgrade Project in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to accept an easement from the Green Inn Motel, Inc. to further the completion of said Project and directs the Town Attorney to record said easement, in a form acceptable to the Town Attorney, in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the fee for recording this easement shall be a proper charge to Account No. H 8760-409-0-84-9, which fee shall be reimbursed to the Town of Clarkstown by the Rockland County Sewer District No. 1.

Dated: July 19, 2016

RESOLUTION SCHEDULING A SPECIAL MEETING
OF THE TOWN BOARD FOR SEPTEMBER 27, 2016

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for September 27, 2016 at 7:30 p.m. in Room 301 of the Clarkstown Town Hall at 10 Maple Avenue, New City, New York. The purpose of said meeting is to accept the tentative budget for 2017 from the Town Clerk and any other matter that the Town Board may wish to consider.

Dated: July 19, 2016

TB 07-19 TA RES Special TB Meeting-pm

RESOLUTION APPOINTING HEARING OFFICER FOR DISCIPLINARY HEARING

WHEREAS, Rodney Picott is employed by the Town as a police officer; and

WHEREAS, Officer Picott was served with disciplinary charges by the Town; and

WHEREAS, Officer Picott has denied the charges and requested a hearing to contest the charges; and

WHEREAS, the Town Board is permitted to designate a hearing officer to conduct this hearing and submit findings and recommendations to the Town Board;

NOW, THEREFORE, be it

RESOLVED, that Robert Ponzini Esq., is appointed as the hearing officer in this case and shall conduct a disciplinary hearing and upon conclusion of said hearing shall submit his findings and recommendations to the Town Board; and be it

FURTHER RESOLVED, that Mr. Ponzini shall be compensated at the rate of \$300 per hour plus reasonable expenses incurred for services rendered in this matter.

Dated: July 19, 2016

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH F. J. RELLA AND CO., LLC TO BE CONSULTANT TO THE TOWN ASSESSOR

WHEREAS, F.J. Rella and Company, LLC has submitted a proposal to provide professional consulting services to the Town Assessor for a period not to exceed one year commencing on July 1, 2016 and ending June 30, 2017, unless terminated earlier, and

WHEREAS, the services to be provided include implementation of software, preparation of documentation to support property assessments, assisting at hearings, and other duties as required by the Town Assessor, and

WHEREAS, the cost of said services is fifty (\$50.00) per hour as necessary, and

WHEREAS, Scott Shedler, Town Assessor, has reviewed the proposal and finds it reasonable in scope and price,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with F. J. Rella and Company, LLC, in a form approved by the Town Attorney, to provide said services as proposed, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to July 1, 2016.

DATED: July 19, 2016

RESOLUTION 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

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 July 31, 2016; and

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

WHEREAS, The Department of Environmental Control has received three (3) proposals in response to its solicitation;

WHEREAS, The Department of Environmental Control has reviewed the low proposal submitted by HDR Engineering, Inc. and has found it to be acceptable; and

NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Deputy Director of Operations, Department of Environmental Control, that the current contract between HDR Engineering, Inc. and the Town of Clarkstown be extended to July 31, 2021, and

BE IT FURTHER RESOLVED, that the total cost for operation and maintenance services shall be as follows and shall be a proper charge to SR 8160 409.

8/1/2016 through 7/31/2017	\$60,000.00
8/1/2017 through 7/31/2018	\$61,800.00
8/1/2018 through 7/31/2019	\$63,660.00
8/1/2019 through 7/31/2020	\$65,568.00
8/1/2020 through 7/31/2021	\$67,536.00

Dated: July 19, 2016

TB 07 19 16 DEC RES HDR Extension

**RESOLUTION AUTHORIZING THE INSTALLATION OF
STOP SIGNAGE ON THE WEST SIDE OF WALDRON AVENUE AT THE
INTERSECTION OF UPPER DEPEW AVENUE, CENTRAL NYACK**

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

1.) To install Stop Signage on the west side of Waldron Avenue at the intersection of Upper Depew Avenue, Central Nyack

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

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

DATE: July 19, 2016
TTFSA

12B

**RESOLUTION AUTHORIZING THE INSTALLATION OF
R2-1 30 MPH ADVISORY SPEED SIGNAGE TO BE
INSTALLED ON BUENA VISTA ROAD IN NEW CITY**

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

1.) R2-1 30 MPH Advisory Speed Limit Signage be installed along Buena Vista Road in New City.

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

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

DATE: July 19, 2016
TTFSA

12c

**RESOLUTION AUTHORIZING THE RELOCATION OF
THE EXISTING "NO PARKING ANYTIME" WITH RIGHT ARROW SIGNAGE
FURTHER NORTH ON SOUTH GRANT AVENUE, CONGERS**

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

1.) To relocate the existing "No Parking Anytime" with right arrow sign further north on South Grant Avenue. Relocation shall be to the south side of the driveway at house #58, #60 located on the west side of South Grant Avenue, Congers

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

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

DATE: July 19, 2016
TTFSA

12D

**RESOLUTION AUTHORIZING THE REMOVAL OF
ONE (1) W1-1R "TURN RIGHT" ADVISORY SIGN ON EASTBOUND BIRCH LANE
AND REPLACE IT WITH W1-3R REVERSE "TURN RIGHT" AND
INSTALL W1-3R REVERSE "TURN RIGHT" SIGN WESTBOUND
BIRCH LANE, NEW CITY**

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

1.) One (1) Turn Right advisory sign (W1-1R) be removed on eastbound Birch Lane and install a (W1-R3) Reverse Turn Right sign in its place. Install a W1-3R Reverse Turn Right sign on westbound Birch Lane off of Red Hill Road in advance of the first curve in the road.

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

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

DATE: July 19, 2016
TTFSA

13

AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL CONTROL TO ADVERTISE A
PUBLIC NOTICE

RESOLVED, that the Director of Environmental Control is hereby authorized to advertise a
public notice for:

REVIEW OF NEW YORK RISING COMMUNITY RECONSTRUCTION APPLICATION
FOR THE CRANFORD DRIVE DRAINAGE IMPROVEMENT PROJECT

DATE: July 19, 2016

14A

WHEREAS, the Rockland County Personnel Office has certified on July 7, 2016 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 Officer and Community Liaison (Perm) - Town Attorney's Office - is hereby created - effective July 12, 2016.

FURTHER RESOLVED, that the position of Zoning Enforcement Officer and Community Liaison - Building Department - is hereby abolished - effective July 12, 2016.

DATED: July 19, 2016

P

14B

RESOLVED, that Ian Smith is hereby appointed (Prov)
Zoning Enforcement Officer & Community Liaison - Town
Attorney's Office at the current 2016 annual salary of
\$77,177., effective August 1, 2016.

DATED: July 19, 2016
P

14C

RESOLVED, that James J. Molinaro, Jr - Assessor's Office - is hereby appointed (Prov) Supervising Real Property Appraiser at the current 2016 annual salary of \$97,890, effective July 20, 2016.

DATED: July 19, 2016
P

14D

RESOLVED, that the resignation (by retirement)
of William Fritz - Police Officer - Police Department - is
hereby accepted effective and retroactive to June 30, 2016.

DATED: July 19, 2016

P

14E

RESOLVED, that Joseph Jacobs - is hereby
appointed to the position of Member - Architectural Historic
Review Board - term effective July 20, 2016 and to expire on
December 31, 2016 - at the annual salary of \$2,600.

DATED: July 19, 2016
P

14F

RESOLVED, that Robert Knight - is hereby appointed to the position of Town Historian and advisor to the Architectural Historic Review Board - term effective July 20, 2016 and to expire on December 31, 2016 - at the annual salary of \$2,040.

DATED: July 19, 2016
P

146

RESOLVED, that Steven Kunis - is hereby
appointed to the position of Member - Architectural Historic
Review Board - term effective July 20, 2016 and to expire on
December 31, 2016 - at the annual salary of \$2,600.

DATED: July 19, 2016

P

14I

RESOLVED, that Robert Milone - is hereby
appointed to the position of Member - Architectural Historic
Review Board - term effective July 20, 2016 and to expire on
December 31, 2016 - at the annual salary of \$2,600.

DATED: July 19, 2016

P

14J

RESOLVED, that James Palmer - is hereby
appointed to the position of Member - Architectural Historic
Review Board - term effective July 20, 2016 and to expire on
December 31, 2016 - at the annual salary of \$2,600.

DATED: July 19, 2016
P

Authorizing Resolution
Police Department Review

Whereas, the Town of Clarkstown has initiated a review of the Clarkstown Police Department and has engaged a consultant to conduct this review of operations, current regulations, standard operating procedures and general orders in order to assist the Town to deliver high quality, resident oriented public safety services at an efficient cost consistent with the Town's needs, budget and budget projections; and

Whereas, the Town of Clarkstown intends to complete all components of the review of the Clarkstown Police Department that will provide identification of options for efficiency improvements and the development of recommendations for achieving management improvements and operational savings, including analysis and recommendations concerning the Town's current collective bargaining agreement with the local PBA, which expires on December 31, 2017

Whereas, the State of New York, Department of State provides financial assistance to municipalities studying the potential for efficiency and cost-savings in government operations through the Local Government Efficiency Grant Program, and the Clarkstown Police Department review meets the eligibility criteria of the LGE program; and

Whereas, the Town of Clarkstown intends to submit an application to the NYS DOS LGE program for funding in the amount of \$12,500 to underwrite a portion of the Clarkstown Police Department review, and hereby authorizes the Supervisor, George Heohmann, to submit the application

NOW, THEREFORE, BE IT RESOLVED BY the Board of the Town of Clarkstown:

1. That George Hoehmann, as Supervisor, is hereby authorized to file an application for funding to NYS DOS Local Government Efficiency Grant Program by means of the Consolidated Funding Application process
2. That the Town of Clarkstown agrees that it will fund at least 50% of the cost of the Project and that funds will be available upon execution of the contract with the Department of State

I, Jason Sweet, Clerk of the Town of Clarkstown, New York, do hereby certify that the above resolution was adopted at regular meeting of the Town Council held on July 19, 2016, and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.