

SPECIAL TOWN BOARD MEETING
September 20, 2016, 7:00 pm
Town Hall Auditorium
AGENDA

SALUTE TO THE FLAG

TOWN CLERK CALLS THE ROLL

PUBLIC HEARING:

PH-1 *Continuation:* Application of Chabad Lubavitch of Rockland a/k/a Chabad Synagogue of New City Hebrew 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. Authorizing the Town to Retain the Law Firm of Jackson Lewis to Serve as Government Relations Counsel in New York State for the Town of Clarkstown. *(not to exceed \$16,666.68)*
2. ~ Withdrawn ~
3. Authorizing the following Expenses:
 - a) Sgt. James McCormick – Law Enforcement Officers Railroad Operations Academy – Oct. 2-8, 2016 *(not to exceed \$1,100.00)*
 - b) P.O. Keane w/K9 “TAZ”, P.O. Reekie w/K9 “Remy” and P.O. Reilly w/K9 “Brody” – NYS K9 Team Narcotics Detection Recertification – Nov. 27 – Dec. 2, 2016 *(not to exceed \$900.00)*
 - c) P.O. Matthew Usefof, P.O. Eric Levy and P.O. John Giordano– FBI Sniper School Oct. 24 – 29, 2016 *(not to exceed \$1,890.00)*
 - d) Capt. Anthony Ovchinnikoff – Use of Force Summit – Nov. 28 – Dec 1, 2016 *(not to exceed \$1,400.00)*
 - e) Sgt. Brian Gorsky, Dispatcher Richard Cummings & Information Services Spec. Patrick Watson – New World Public Safety Meeting – Oct 5-6, 2016 *(not to exceed \$525.00)*
 - f) P.O. Christian Cortelli, P.O. Robert McDermott and P.O. Raymond Laschet – NYS Advanced Roadside Impaired Driving Enforcement Training – Oct. 16-18, 2016 *(not to exceed \$ 490.00)*

4. Authorizing the following Personnel Changes:
 - a) Appointment (Provisional): Lawrence Kay, Deputy Building Inspector (\$101,355)
 - b) Appointment (Permanent): Edward M. Skiba, Code Enforcement Officer II, Building Department (\$63,129)
 - c) Reclassification: Planner to Senior Planner;
Appointment (Provisional): James Creighton, Sr. Planner, Planning Department (\$117,883)
 - d) Reappointment: Eileen Daly, Member, Assessment Review Board (\$175 per diem)
5. Authorizing the Supervisor to enter into a Lease Agreement for the rental of Unit 8 in Building 20 at Normandy Village, Section II.
6. Amending Resolution #415-2015 (Fee Schedules for 2016)

GENERAL PUBLIC COMMENTS

(Limited to 3 minutes per person)

~ Town Board will Recess into Executive Session ~
"Update on Pending Federal Litigation"

TOWN BOARD WORKSHOP MEETING

September 20, 2016

Immediately following Executive Session

Town Hall Auditorium

AGENDA

Police Matters:

- Capt. Robert Mahon to present.

Presentation:

- Presentation to be Given by the Bonadio Group

PH

RESOLUTION AND SPECIAL FINDINGS GRANTING A SPECIAL PERMIT TO
CONDUCT A CHILD DAY CARE CENTER TO CHABAD LUBAVITCH OF ROCKLAND AKA
CHABAD SYNAGOGUE OF NEW CITY AND THE HEBREW ACADEMY
(TAX MAP 34.19-1-13)

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

WHEREAS, after due notice published and posted, a public hearing
was held before the Town Board of the Town of Clarkstown on August 9,
2016 and continued on September 6, 2016, and continued again on
September 20, 2016 to consider such application, and

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

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

WHEREAS, the Rockland County Planning Department recommended
approval with certain modifications by letter dated August 1, 2016,
which have been addressed and corrections made, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes dated September 9, 2016, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit for Chabad Lubavitch of Rockland shall not have any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that the Planning Board Resolution, dated September 7, 2016, recommends in favor of the proposed special permit, subject to the condition restricting the special permit to follow State requirements on limitations of the number of infants and toddlers per room and facility, and be it

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

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

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination set forth in §290-13F, G and H any more dangerous and objectionable elements referred to in §290-13A than is characteristic of the uses expressly permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;

5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town; and

6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a Child Day Care Center on the above described property owned by Chabad Lubavitch of Rockland is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-11(C) and Section 290-17(Z) of the Zoning Ordinance of the Town of Clarkstown;
2. Petitioner must follow State requirements on limitations of the number of infants and toddlers per room and facility;
3. The approval is further subject to final site plan approval by the Town of Clarkstown Planning Board, and be it

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

TOWN BOARD
TOWN OF CLARKSTOWN

Dated: September 20, 2016

By: _____
George Hoehmann
Supervisor

1

RESOLUTION AUTHORIZING TOWN TO RETAIN THE LAW FIRM OF JACKSON
LEWIS TO SERVE AS GOVERNMENT RELATIONS COUNSEL IN NEW YORK STATE
FOR THE TOWN OF CLARKSTOWN

WHEREAS, by Resolution No. 461-205, adopted December 17, 2015, as amended by Resolution No. 19-2016, adopted January 4, 2016, the Town Board authorized the Supervisor to enter into an agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP to provide legal and legislative representation by serving as Government Affairs Counsel in New York State on behalf of the Town of Clarkstown for the period January 1, 2016 through December 31, 2016, and

WHEREAS, the government relations practice of Wilson, Elser, Moskowitz, Edelman & Dicker LLP as of September 1, 2016 moved to Jackson Lewis P.C., and

WHEREAS, Jackson Lewis P.C. has submitted a proposal, dated September 7, 2016, to serve as Government Relations Counsel in New York State on behalf of the Town of Clarkstown for the period September 1, 2016 until December 31, 2016, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Jackson Lewis P.C., in a form approved by the Town Attorney, to provide legal services pursuant to its proposal dated September 7, 2016, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$ 16,666.68 plus actual expenses, and will be charged to Account No. A 1420-409.

Dated: September 20, 2016

RESOLUTION DEFAULTING PERFORMANCE BOND ON THE
CHARLES MICHAEL SUBDIVISION, CONGERS
(TAX MAP 125-A-10)

WHEREAS, Charles Michael, Inc. obtained approval for the subdivision known as "Charles Michael" and as a condition of subdivision approval Charles Michael, Inc., as developer and obligor, provided the Town of Clarkstown with a Letter of Credit No. 90-901 from Provident Bank in the principal amount of \$24,000.00, together with its Owner's Performance Bond, to secure completion of the public and other required improvements, and

WHEREAS, Sterling National Bank, as successor in interest to Provident Bank, amended Letter of Credit No. 00101304 (formerly Provident Bank No. 90-901) on August 31, 2016 to reflect a firm expiration date of September 30, 2016, and

WHEREAS, the Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations during the two (2) year time period pursuant to the terms of the Owner's Performance Bond and that the letter of credit is still required to secure completion of said obligations, and

WHEREAS, the Director of the Department of Environmental Control has recommended that the developer be declared in default of its Owner's Performance Bond and that all reasonable steps be taken to secure completion of the improvements by drawing against Letter of Credit No. 00101304 the full amount of \$24,000.00 to be held pending completion of the remaining items by the developer or, if necessary, by the Town's contractors in the discretion of the Town Department of Environmental Control;

NOW, THEREFORE, be it

RESOLVED, that unless Charles Michael, Inc. provides a renewal of Letter of Credit No. 00101304 by September 26, 2016 which includes language making said letter of credit automatically renewable consistent with the original Letter of Credit, Charles Michael, Inc., as developer and obligor, is hereby declared in default of its Owner's Performance Bond to complete the public and

other required improvements in the Charles Michael Subdivision, and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by drawing against Letter of Credit No. 00101304 in the principal amount of \$24,000.00, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare plans and specifications for completion of the required work and, if necessary, to obtain a contractor or contractors in accordance with all requirements of law to complete the required improvements.

Dated: September 20, 2016

TB 09-20 TA RES Charles Michael Subd Default-pm

3A

**RESOLUTION AUTHORIZING EXPENSES FOR CONFERENCE
(LAW ENFORCEMENT OFFICERS RAILROAD OPERATIONS ACADEMY)**

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for Sgt. James McCormick to attend the Law Enforcement Officers Railroad Operations Academy on October 2 - 8, 2016, which provides working knowledge and practical application of freight railroad safety and operations for law enforcement officers;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Sgt. James McCormick to attend the Law Enforcement Officers Railroad Operations Academy on October 2 - 8, 2016, and be it

FURTHER RESOLVED, that reasonable and necessary expenses incurred by the aforementioned police officer for hotel, travel and meals shall constitute a proper charge to Account No. A-3989-404, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$1,100.00.

Dated: September 20, 2016

TB 09-20 TA RES PD LEO-ROA-pm

LS

3B

**RESOLUTION AUTHORIZING EXPENSES FOR CONFERENCE
(NYS K9 TEAM NARCOTICS DETECTION RECERTIFICATION)**

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for the following police officers to attend the NYS K9 Team Narcotics Detection recertification course from November 27 to December 2, 2016, which provides for annual recertification;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following police officers to attend the NYS K9 Team Narcotics Detection recertification course from November 27 to December 2, 2016:

- P.O. Keane/K9 TAZ
- P.O. Reekie/K9 Remy
- P.O. Reilly/K9 Brody,

and be it

FURTHER RESOLVED, that reasonable and necessary expenses incurred by the aforementioned police officers for travel and meals shall constitute a proper charge to Account No. A-3140-404, and be it

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

Dated: September 20, 2016

TB 09-20 TA RES PD NYS K9 Recert Course-pm

LS

3C
Revised

RESOLUTION AUTHORIZING EXPENSES FOR CONFERENCE
(FBI SNIPER SCHOOL)

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for the following police officers to attend the FBI Sniper School from October 24 - 29, 2016 to provide Federal certification for Critical Incidence Response Team (CIRT) snipers;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following police officers to attend the FBI Sniper School from October 24 - 29, 2016:

- P.O. Matthew Usefof
- P.O. Eric Levy
- P.O. John Giordano,

and be it

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

FURTHER RESOLVED, that the total cost shall not exceed \$1,890.00.

Dated: September 20, 2016

TB 09-20 TA RES PD FBI Sniper School-pm

LS

RESOLUTION AUTHORIZING EXPENSES FOR CONFERENCE
(USE OF FORCE SUMMIT)

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization to attend the Use of Force Summit from November 28 through December 1, 2016, which reviews legal and operational standards, and helps departments evaluate practices and training and develop policy regarding police use of force incidents;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Captain Anthony Ovchinnikoff to attend the Use of Force Summit from November 28 through December 1, 2016, and be it

FURTHER RESOLVED, that the registration fee of \$695.00 plus reasonable and necessary expenses incurred by the aforementioned police officer for hotel, travel and meals shall constitute a proper charge to Account Nos. A-3120-404 and A-3120-414, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$1,400.00.

Dated: September 20, 2016

TB 09-20 TA RES PD Use of Force Summit-pm

3E

**RESOLUTION AUTHORIZING EXPENSES FOR CONFERENCE
(NEW WORLD PUBLIC SAFETY MEETING)**

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for the following employees to attend the New World Public Safety NY User Group Meeting from October 5 - 6, 2016 to discuss and explore and provide feedback on software capability and functionality;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following employees to attend the New World Public Safety Meeting from October 5 - 6, 2016:

- Sgt. Brian Gorsky
- Dispatcher Richard Cummings
- Information Services Spec. Patrick Watson,

and be it

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

FURTHER RESOLVED, that the total cost shall not exceed \$525.00.

Dated: September 20, 2016

TB 09-20 TA RES PD New World Mtg-pm

LS

3F

**RESOLUTION AUTHORIZING EXPENSES FOR CONFERENCE
(NYS ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT TRAINING)**

WHEREAS, Clarkstown Police Department Captain Anthony Ovchinnikoff has requested authorization for the following police officers to attend the NYS Advanced Roadside Impaired Driving Enforcement Training from October 16 - 18, 2016 which will train law enforcement to be more proficient at detecting, apprehending, testing and prosecuting impaired drivers;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following police officers to attend the NYS Advanced Roadside Impaired Driving Enforcement Training from October 16 - 18, 2016:

- P.O. Christian Cortelli
- P.O. Robert McDermott
- P.O. Raymond Laschet,

and be it

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

FURTHER RESOLVED, that the total cost shall not exceed \$490.00.

Dated: September 20, 2016

TB 09-20 TA RES PD NYS ARIDE-pm

LS

4A

RESOLVED, that Lawrence Kay - is hereby appointed
(Provisional) to the position of Deputy Building Inspector -
Building Department - at the current 2016 annual salary of
\$101,355 - term effective September 21, 2016.

DATED: September 20, 2016
P

4B

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles #16022 Code Enforcement
Officer II - which contains the name of Edward M. Skiba,

NOW, therefore, be it

RESOLVED, that Edward M. Skiba - is hereby appointed
(Permanent) to the position of Code Enforcement Officer II -
Building Department at the current 2016 annual salary of
\$63,129, effective and retroactive to September 12, 2016.

DATED: September 20, 2016
P

4c

WHEREAS, the Rockland County Personnel Office has certified on September 8, 2016 that the position of Planner #501072 - Planning Department can be reclassified to the position of Senior Planner,

NOW, therefore, be it

RESOLVED, that the position of Planner - Planning Department - is hereby abolished and reclassified to the position of Senior Planner - Planning Department - effective September 21, 2016,

And be it,

FURTHER RESOLVED, that James Creighton, is hereby appointed (Provisional) to the position of Senior Planner - Planning Department - at the current 2016 annual salary of \$117,883, effective September 21, 2016.

DATED: September 20, 2016
P

4D

RESOLVED, that Eileen Daly is hereby reappointed to the position of Member - Assessment Review Board - term effective October 1, 2016 and to expire on September 30, 2021 - at the per diem rate of \$175., per attendance, when the board is in session.

DATED: September 20, 2016
P

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LEASE AGREEMENT FOR THE RENTAL OF UNIT 8 IN BUILDING 20 AT NORMANDY VILLAGE SECTION II

WHEREAS, pursuant to Resolution No. 433-2010 adopted by the Town Board on August 24, 2010, the Normandy Village Company gratuitously conveyed Unit 8 in Building 20 in Normandy Village Section II to the Town of Clarkstown for rental of the unit to an emergency services volunteer, and

WHEREAS, pursuant to Resolution No. 155-2012 adopted by the Town Board on March 20, 2012, the Town Board authorized the Supervisor to enter into an agreement with the Rockland Housing Action Coalition, Inc. (RHAC), to market and assist with rental of the unit, and

WHEREAS, RHAC has informed the Town Attorney that Vincent Skokos, a volunteer with the Nanuet Fire Engine Company, has met the criteria established for rental of the unit;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a lease agreement, in a form approved by the Town Attorney, for Unit 8 in Building 20 at Normandy Village Section II with Vincent Skokos for a period of one (1) year with an additional year option in an amount of \$670.00 per month, plus any increase in common charges or any special assessments, for the first year as well as the additional option year, along with a security deposit equal to one (1) month's rent.

Dated: September 20, 2016

TB 09-20 TA RES Normandy Vill-Unit 8 Lease-pm

6

RESOLUTION AMENDING RESOLUTION NO. 415-2015
(FEE SCHEDULES FOR 2016)

WHEREAS, by Resolution No. 415-2015, adopted December 17, 2015, the Town Board established and adopted fee schedules for 2016 for various departments and boards within the Town of Clarkstown, and

WHEREAS, the Building Inspector has advised that an additional fee for the rental registry application/permit needs to be added to the 2016 fee schedules;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 415-2015 to include the following fee on the 2016 fee schedules:

- Rental Registry Application/Permit \$250.00

Dated: September 20, 2016

TB 09-20 TA RES Amend Res 415-2015-Fees-pm