

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/07/11

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Shirley Lasker, Frank Borelli,
George Hoehmann & Stephanie Hausner
Amy Mele, Town Attorney
Justin Sweet, Town Clerk

:
The Supervisor declared Town Board meeting opened. Assemblage saluted the flag. The Town Clerk read the roll call.

The Supervisor opened up the meeting to public comments regarding agenda items. No one appeared.

RESOLUTION NO. (307-2011)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of May 17, 2011 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (308-2011)
Co. Lasker offered and Co. Borelli seconded

RESOLVED, that the resignation of John J. Sullivan, 3 Benton Court, New City, New York – Member – Planning Board - is hereby accepted – effective and retroactive to June 5, 2011.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (309-2011)
Co. Lasker offered and Co. Borelli seconded

RESOLVED, the Mary Jane O'Connor, 4 Balsam Court, New City, New York – is appointed to the position of Member – Planning Board – (to fill the unexpired term of John Sullivan) – term effective and retroactive to June 6, 2011 and to expire on January 1, 2016 – at the current 2011 annual salary of \$7,250.

RESOLUTION NO. (309-2011) continued

On roll call the vote was as follows:

Co. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (310-2011)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that the resignation of Jason M. Vogel, 68 High Tor Road, New City, New York – Member – Traffic and Traffic Fire Safety Advisory Board - effective and retroactive to June 5, 2011.

On roll call the vote was as follows:

Co. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (311-2011)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that Colleen Martens, 35 Rockford Drive, West Nyack, New York – is hereby appointed to the position of (part-time) Clerk Typist – Personnel Department – at the 2011 hourly rate of \$19.00., - effective June 6, 2011.

On roll call the vote was as follows:

Co. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (312-2011)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that Jason M. Vogel, 68 High Tor Road, New City, New York – is hereby appointed to the position of Member – Historical Review Board - (to fill the unexpired term of Laurie A. Peek) – term effective and retroactive to June 6, 2011 and to expire on December 31, 2015.

On roll call the vote was as follows:

Co. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (313-2011)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that Michael D. Melton, 6 Truman Drive, Stony Point, New York – is hereby appointed to the position of Groundskeeper – Maintenance Department – at the current 2011 annual salary of \$45,054., effective June 20, 2011.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (314-2011)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that Scott V. Aprile, 97 Walnut Street, Blauvelt, New York – is hereby appointed to the position of Groundswoker – Maintenance Department – at the current 2011 annual salary of \$39,587., effective and retroactive to June 6, 2011.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (315-2011)

Co. Lasker offered and Co. Borelli seconded

RESOLVED, that Joan M. Murphy, 12 Shore Road, New City, New York – is hereby appointed to the (promotional) (provisional) position of Principal Clerk –Police Department – at the current 2011 annual salary of \$57,177., effective and retroactive – June 6, 2011.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (316-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

RESOLUTION NO. (316-2011) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2011 to March 31, 2012, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (317-2011)

Co. Hoehmann offered and Co. Lasker seconded

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 Grand Prize Chevrolet-Cadillac site plan (58.18-1-22 & 23), Grand Prize Chevrolet-Cadillac has provided a stormwater control facility maintenance agreement, and

WHEREAS, 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 Grand Prize Chevrolet-Cadillac in connection with the Grand Prize Chevrolet-Cadillac site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (318-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

WHEREAS, Luke Kalarickal, Director of Environmental Control, has recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

RESOLUTION NO. (318-2011) continued

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the Town of Clarkstown representative for the 2011 Storm Water II Education Program shall be Luke Kalarickal, P.E., Director of the Department of Environmental Control, and the alternate representative shall be Dennis Letson, P.E., Deputy Director of DEC, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 per year and shall be charged to Account No. A-8730-409.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (319-2011)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has prepared the MS4 Annual Report for the New York State Department of Environmental Conservation concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02), and

WHEREAS, the report was published on the Town’s website at www.clarkstown.ny.us, and

WHEREAS, copies of the report were available for inspection and comment at the Town Board’s June 7, 2011 regularly scheduled meeting, and

WHEREAS, no comments were received;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the report and the Director of the Department of Environmental Control to file the MS4 Annual Report concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems with the New York State Department of Environmental Conservation.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (320-2011)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, a certain veterans’ organization has requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLUTION NO. (320-2011) continued

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veterans' organization for the year 2011:

Veterans of Foreign Wars of the US-Post 2607

and be it

FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2011 Account No. A 6510-401.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (321-2011)

Co. Lasker offered and Co. Borelli seconded

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

BID#25-2011 – CONGERS LAKE EARTHEN DAM PLANTINGS

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.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (322-2011)

Co. Lasker offered and Co. Borelli seconded

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

BID#26-2011 – TORNE BROOK ESTATES BELGIUM BLOCK CURB REPLACEMENT PROGRAM

RESOLUTION NO. (322-2011) continued

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.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (323-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE PREPARATION OF
A LAND APPRAISAL ON A TAX CERTIORARI MATTER REGARDING THE
RETAIL PROPERTY TRUST (NANUET MALL) A MASSACHUSETTS BUSINESS
TRUST

(Tax Map #s: 57.20-1-27; 57.20-2-59; 63.8-3-3; 63.8-3-6 and 63.8-3-8)

WHEREAS, The Retail Property Trust (Nanuet Mall), a Massachusetts Business Trust has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map(s) Nos. 57.20-1-27; 57.20-2-59; 63.8-3-3; 63.8-3-6 and 63.8-3-8, and more commonly known as 75 W. Route 59, Nanuet, New York, for the year(s) 2010/11; and

WHEREAS, it is desirable to have a land appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such trial appraisal, if necessary, at a fee not to exceed \$10,000.00, and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (324-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING NORMANDY VILLAGE CO. (Tax Map #: 64.9-1-2)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Normandy Village Co. v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 5927/07, 7101/08, 6789/09 and 7639/10, affecting parcels designated as Tax Map(s) 64.9-1-2, and more commonly known as 154 Main Street, Nanuet, New York for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11, and

RESOLUTION NO. (324-2011) continued

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 Nanuet Union Free 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(s) 64.9-1-2 be reduced for the year(s) 2008/09 from \$214,600.00 to \$193,140.00 at a cost to the Town of \$437.45;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-2 be reduced for the year(s) 2009/10 from \$214,600.00 to \$203,870.00 at a cost to the Town of \$239.04;

3. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-2 for the year(s) 2010/11;

4. The proceedings commenced by the petitioner(s) regarding Tax Map(s) 64.9-1-2 be discontinued for the year(s) 2007/08;

5. Reimbursement for the year(s) 2008/09 and 2009/10 on the parcel described as Tax Map(s) 64.9-1-2, 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;

6. 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.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (325-2011)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI REGARDING NORMANDY VILLAGE : 64.5-1-30 AND 64.5.1.31 (Units 690; #14F69, et al, and Units 6000 & 6400)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Normandy Village Co. v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 5916/07, 7103/08, 6791/09 and 7635/10, affecting fifty-nine (59) units and parcels designated as Tax Map(s) 64.5-1-30 and 64.5.1.31, (see attached), and more commonly known as 97 College Avenue, Nanuet, New York for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11, and

RESOLUTION NO. (325-2011) continued

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 Nanuet Union Free 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(s) 64.5-1-30 and 64.5.1.31 be reduced for the year(s) 2010/11 from \$3,271,400.00 to \$3,248,400.00 at a cost to the Town of \$542.48;
2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.5-1-30 and 64.5.1.31 for the year(s) 2008/09 and 2009/10;
3. Reimbursement for the year(s) 2008/09, 2009/10 and 2010/11 on the parcel described as Tax Map(s) 64.5-1-30 and 64.5.1.31, 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;
4. 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.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (326-2011)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI REGARDING NORMANDY VILLAGE CO.

(Tax Maps #: 64.5-1-32, 64.9-1-3, 64.9-1-4 and 64.9-1-67 f/k/a 8)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Normandy Village Co. v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 5924/07, 7102/08, 6790/09 and 7638/10, affecting parcels designated as Tax Map(s) 64.5-1-32, 64.9-1-3, 64.9-1-4 and 64.9-1-67, and more commonly known as 57 – 65 College Avenue, Nanuet, New York for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11, 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 Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

RESOLUTION NO. (326-2011) continued

NOW, THEREFORE, be it
RESOLVED, that:

1. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.5-1-32 for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11;
2. The proceedings commenced by the petitioner(s) regarding Tax Map(s) 64.5-1-32 be discontinued for the year(s) 2007/08;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-3 be reduced for the year(s) 2008/09 from \$2,542,400.00 to \$2,211,900.00 at a cost to the Town of \$6,737.10;
5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-3 be reduced for the year(s) 2009/10 from \$2,542,400.00 to \$2,339,000.00 at a cost to the Town of \$4,531.22;
6. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-3 be reduced for the year(s) 2010/11 from \$2,542,400.00 to \$2,492,400.00 at a cost to the Town of \$1,179.30;
7. The proceedings commenced by the petitioner(s) regarding Tax Map(s) 64.9-1-3 be discontinued for the year(s) 2007/08;
8. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-4 for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11;
9. The proceedings commenced by the petitioner(s) regarding Tax Map(s) 64.9-1-4 be discontinued for the year(s) 2007/08;
10. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-67 be reduced for the year(s) 2008/09 from \$7,408,800.00 to \$6,358,800.00 at a cost to the Town of \$21,403.80;
9. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-67 be reduced for the year(s) 2009/10 from \$7,408,800.00 to \$6,358,800.00 at a cost to the Town of \$23,391.28;
10. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map(s) 64.9-1-67 be reduced for the year(s) 2010/11 from \$6,835,500.00 to \$6,335,500.00 at a cost to the Town of \$11,792.98;
11. The proceedings commenced by the petitioner(s) regarding Tax Map(s) 64.9-1-67 be discontinued for the year(s) 2007/08;
12. Reimbursement for the year(s) 2008/09, 2009/10 and 2010/11 on the parcels described as Tax Map(s) 64.5-1-32, 64.9-1-3, 64.9-1-4 and 64.9-1-67, 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;
13. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (327-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING BRADCO INDUSTRIAL PARK LLC
(Tax Map #: 59.10-1-23)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Bradco Industrial Park LLC v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 7753/10, affecting parcel designated as Tax Map 59.10-1-23 and more commonly known as 2-18 Ford Products Road, Valley Cottage, New York for the year(s) 2010/11, 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 Nyack Union Free 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 59.10-1-23 be reduced for the year(s) 2010/11 from \$2,410,000.00 to \$1,322,250.00 at a cost to the Town of \$25,655.64;
2. Reimbursement for the year(s) 2010/11 on the parcel described as Tax Map 59.10-1-23 , 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;
4. 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.

On roll call the vote was as follows:

Co. LaskerYes
 Co. Borelli Yes
 Co. Hoehmann Yes
 Co. Hausner Yes
 Supervisor Gromack Yes

RESOLUTION NO. (328-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING CARROLLS CORPORATION #305
(TAX MAP #: 51.7-1-35)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Carrolls Corporation #305 v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 6425/07, 7141/08 and 6565/09, affecting parcel designated as Tax Map 51.7-1-35 and more commonly known as 164 S. Main Street, New City, New York for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11;

RESOLUTION NO. (328-2011) continued

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-35 be reduced for the year(s) 2007/08 from \$306,500.00 to \$287,500.00 at a cost to the Town of \$399.38;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-35 be reduced for the year(s) 2008/09 from \$306,500.00 to \$287,500.00 at a cost to the Town of \$387.31;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-35 be reduced for the year(s) 2009/10 from \$306,500.00 to \$287,500.00 at a cost to the Town of \$423.27;

4. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 51.7-1-35 for the year(s) 2010/11;

5. Reimbursement for the year(s) 2007/08, 2008/09 and 2009/10 on the parcel described as Tax Map 51.7-1-35, 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;

6. 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.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (329-2011)

Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI REGARDING UPS OVERNIGHT FREIGHT (TAX MAP #: 58.17-1-37)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, UPS Overnight Freight against The Assessor and the Board of Assessment Review of the Town of Clarkstown and the Town of Clarkstown, Rockland County, New York, Index No(s). 7142/08, 6563/09 and 9256/10, affecting parcel designated as Tax Map 58.17-1-37 and more commonly known as 80 West Nyack Road, Nanuet, New York for the year(s) 2008/09, 2009/10 and 2010/11;

RESOLUTION NO. (329-2011) continued

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 Nanuet Union Free 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 58.17-1-37 be reduced for the year(s) 2008/09 from \$572,600.00 to \$490,000.00 at a cost to the Town of \$1,683.77;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.17-1-37 be reduced for the year(s) 2009/10 from \$572,600.00 to \$490,000.00 at a cost to the Town of \$1,840.11;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.17-1-37 be reduced for the year(s) 2010/11 from \$572,600.00 to \$490,000.00 at a cost to the Town of \$1,948.20;

4. Reimbursement for the year(s) 2008/09, 2009/10 and 2010/11 on the parcel described as Tax Map 58.17-1-37, 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.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (330-2011)

Co. Hausner offered and Co. Borelli seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Highway that

BID # 10-2011 – 2011 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to: BELLAVISTA CONSTRUCTION CORP
P.O. BOX 978
SUFFERN, NY 10901

PRINCIPAL: JOSE SILVA
MARLENE SILVA

as per their proposed total project cost not to exceed \$89,425.00 and be it

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

RESOLUTION NO. (330-2011) continued

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

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

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

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (331-2011)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 491-2009, adopted September 22, 2009, the Town Board authorized an agreement with Maser Consulting P.A. to provide construction administration and inspection services with regard to the New City Downtown Revitalization Project – Phase I, and

WHEREAS, Maser Consulting P.A. has submitted a proposal to provide continued construction administration and inspection services in connection with the New City Downtown Revitalization Project Phase I (B) (Congers Road), which the Public Works Administrator has reviewed and found reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Public Works Administrator, the Town Board hereby authorizes the Supervisor to enter into an amendment to the previous agreement for Maser Consulting P.A. to provide additional construction administration and inspection services with regard to Phase I(B) (Congers Road) pursuant to its proposal dated May 24, 2011, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$262,000.00, and shall constitute a proper charge to Account No. H 5111-409-0-4-16.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (332-2011)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 534-2010, adopted October 5, 2010, and amended by Resolution No. 575-2010, adopted November 4, 2010, the Supervisor was authorized to enter into an Agreement with Away Environmental, Inc., to perform environmental cleaning and certain capital improvements as warranted by test results in the Police Headquarters and Justice Court Complex, as well as in certain areas of 10 Maple Avenue (the "Project"); and

WHEREAS, as the Project has continued, additional lead dust, asbestos and mold were discovered in certain areas of 10 and 20 Maple Avenue, and the Town Board wishes Away Environmental, Inc. to provide further professional services to conduct environmental cleaning and related capital improvements in these areas;

NOW, THEREFORE, BE IT

RESOLVED, that Resolution 575-2010 is hereby amended to authorize an additional expenditure of \$890,000.00; and be it

FURTHER RESOLVED, that approximately \$1,400,000 of the total amount authorized for Away and its subcontractors shall be deemed capital improvements and shall be funded via the issuance of serial bonds;

FURTHER RESOLVED, that this shall be a proper charge against Account No. H8761 409 85 15.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (333-2011)
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 533-2010, adopted October 5, 2010, and amended by Resolution No. 576-2010, adopted November 4, 2010, the Supervisor was authorized to enter into an Agreement with Environmental Assessments & Solutions, Inc., to provide professional services to conduct an assessment and testing for lead in the Police Headquarters and Justice Court Complex, as well as in certain areas of 10 Maple Avenue; and

WHEREAS, as the Project has continued, additional lead dust, mold and asbestos was discovered in certain areas of 10 and 20 Maple Avenue, and the Town Board wishes Environmental Assessments & solutions, Inc. to provide further professional services to conduct an assessment and testing for lead in these areas;

NOW, THEREFORE, BE IT

RESOLVED, that Resolution 576-2010 is hereby amended to authorize an additional expenditure of \$155,000.00; and be it

FURTHER RESOLVED, that this shall be a proper charge against Account No. H8761 409 85 15.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (334-2011)
Co. Hausner offered and Co. Hoehmann seconded

BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby approves and ratifies an agreement between the Town of Clarkstown, the Civil Service Employee’s Association, Inc. and the Rockland County Patrolmen’s Benevolent Association dated June 7, 2011 with regard to the buyback of military service and authorizes the Supervisor to execute same.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (335-2011)
Co. Hoehmann offered and Co. Hausner seconded

RESOLUTION RESCINDING A SCHEDULED PUBLIC HEARING AND
RESETTING PUBLIC HEARING DATE CONCERNING A PROPOSED LOCAL
LAW ENTITLED “A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE
LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE
WEST NYACK HAMLET COMMERCIAL DISTRICT”

WHEREAS, by Resolution No. 235-2011 adopted on April 26, 2011, the Town Board scheduled a public hearing to be held on June 14, 2011 at 8:00 p.m., or as soon thereafter as possible, relative to a proposed local law entitled “A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE WEST NYACK HAMLET COMMERCIAL DISTRICT,” and

WHEREAS, the Clarkstown Planning Board has requested additional time to provide comments with regard to said proposed local law;

NOW, THEREFORE, be it

RESOLVED, that the public hearing scheduled for June 14, 2011 by Resolution No. 235-2001 is hereby rescinded, and be it

FURTHER RESOLVED, that a public hearing be scheduled, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on July 19, 2011 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 the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

RESOLUTION NO. (336-2011)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING INCLUSION OF PROJECT LABOR AGREEMENT
FOR THE PROJECT KNOWN AS “QUASPECK PARK DRAINAGE
IMPROVEMENTS”

WHEREAS, H2M Group conducted a feasibility study for the QUASPECK
PARK DRAINAGE IMPROVEMENTS, and

WHEREAS, said study concluded that a Project Labor Agreement was
recommended for said project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the inclusion of a Project
Labor Agreement for the following public works project:

BID NO. 24-2010
QUASPECK PARK DRAINAGE IMPROVEMENTS

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (337-2011)
Co. Hoehmann offered and Co. Lasker seconded

RESOLUTION INVOKING TOWN CODE CHAPTER 216-9(B): LAWN &
LANDSCAPE MAINTENANCE OF VACANT PROPERTIES

WHEREAS, the Offices of the Building Inspector and Zoning Administrator have
joined forces to field complaints and perform Town-wide inspections of the vacant,
foreclosed, and/or abandoned properties in Clarkstown, the owners or responsible parties
of which have failed to perform required lawn and landscape maintenance pursuant to
Town of Clarkstown Town Code Chapter 216-4, (Property Maintenance, Landscaping
Maintenance) and

WHEREAS, appropriate diligence by Code Officials, to include but not limited
to appropriate notice and posting, has been performed as required pursuant to Chapter
216-9(A), and

WHEREAS, the properties currently in violation are identified as follows:

- 282 N. Main Street, New City (43.7-1-3 f/k/a 60-A-10.1)
- 11 The Promenade, New City (34.18-1-23 f/k/a 41-A-16.25)
- 28 Amundsen Lane, New City (51.5-2-64 f/k/a 37-D-28)
- 16 Briarwood Drive, New City (43.19-4-24 f/k/a 57-B-18)
- 1 Finch Road, New City (43.12-1-34 f/k/a 78-A-20.89)
- 3 Penn Court, New City (50.20-1-35 f/k/a 166-A-8.25)
- 56 Burda Avenue, New City (51.13-1-27 f/k/a 18-A-26.1/2)
- 26 Rolling Way, New City (35.9-2-59 f/k/a 98-B-4.22)
- 7 Roland Court, Nanuet (64.18-3-19 f/k/a 30-A-8.4)
- 45 Green Road, West Nyack (65.9-1-66 f/k/a 88-B-7)
- 103 Robinhood Lane, West Nyack (51.16-2-23 f/k/a 93-A-10.2)
- 357 Old Mill Road, Valley Cottage (52.14-2-24 f/k/a 110-A-23.17)
- 17 Flower Lane, Valley Cottage (52.14-3-3.6 f/k/a 110-A-14)
- 960 Tilton Road, Valley Cottage (52.11-2-32 f/k/a 125-B-12.8)
- 258 Old Haverstraw Road, Congers (35.15-1-33 f/k/a 129-A-24.13)

RESOLUTION NO. (337-2011) continued

NOW, THEREFORE, BE IT RESOLVED, that subject to a reasonable grace period and final re-inspection, the Town Board hereby authorizes the Office of the Zoning Administrator to arrange for the appropriate property maintenance through the tasking of available Town forces, or subcontractors or agents to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with associated debris removal, throughout the 2011 mowing and growing season, after which a bill of costs will be submitted to said office for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (338-2011)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Town Board Resolution No. 86-2011, regarding No Parking signage installation on Rockland Avenue, Nanuet contained errors leading to difficulty in fulfillment of the sign installation and,

WHEREAS, the Superintendent of Highways has recommended that the resolution be rescinded until further investigation and inspection be performed;

NOW, THEREFORE, BE IT RESOLVED, that Town Board Resolution No. 86-2011 is hereby rescinded.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (339-2011)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$509,295 from the Rockland County Sewer District #1, \$67,002.51 from the NYS Department of Transportation, \$81,000, \$38,451.25 and \$3,755 from the County of Rockland, \$38,986.32 from Seized Funds, \$3,205 from the State of NY and \$7,148.31 from D.A.R.E. donations,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc) and Expense Account H-8760-409-0-84-9 (Capital Projects-Sewer Pump Stations Upgrade) by \$509,295 and be it,

FURTHER RESOLVED, to increase Revenue Account H-15-10-4989-0 (Capital-State Aid) and Expense Account H-8757-409-0-81-27 (Capital Projects-RT 304 Commuter Parking Lot) by \$148,002.51 and be it,

RESOLUTION NO. (339-2011) continued

FURTHER RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc.) and Expense Account H-5111-409-0-4-16 (Capital Projects-New City Downtown Revitalization) by \$42,206.25 and be it,

FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (General-Seized Property) by \$38,986.32 and Expense Accounts A-3120-225-0 (Police-Computer Hardware) by \$27,685.46, A-3120-111-0 (Police-Overtime) by \$2,703.91 and A-3260-401-0 (Police-Rental/Lease Agreements) by \$8,596.95 and be it,

FURTHER RESOLVED, to increase Revenue Account H-15-10-3060-0 (Capital-State Aid) and Expense Account H-8758-409-0-82-37 (Capital Projects-Archive/ Records Project) by \$3,205 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) by \$7,148.31 and Expense Accounts A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$6,298.31 and A-3230-414-0 (D.A.R.E.-Schools & Conferences) by \$850 and

WHEREAS, various accounts need additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-1410-110-0 (Town Clerk-Salaries) by \$5,500 and increase Accounts A-1410-201-0 (Town Clerk-Furniture) by \$3,000 and A-1410-204-0 (Town Clerk-Office Machines) by \$2,500 and be it,

FURTHER RESOLVED, to decrease DA 5130-219-0 (Highway-Misc Equipment) and increase DA-5140-379-0 (Highway-Signs/Posts) by \$7,000.

On roll call the vote was as follows:

- Co. LaskerYes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (340-2011)

Co. Hausner offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 7, 2011, AUTHORIZING THE CONSTRUCTION OF CAPITAL IMPROVEMENTS IN CONNECTION WITH LEAD ABATEMENT AT THE POLICE/COURT FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,800,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,800,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

RESOLUTION NO. (340-2011) continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct capital improvements in connection with lead abatement at the Police/Court Facility. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,800,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,800,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,800,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 12(a)(1) of the Law, is twenty-five (25) years.

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

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

RESOLUTION NO. (340-2011) continued

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on June 7, 2011, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted June 7, 2011, authorizing the construction of capital improvements in connection with lead abatement at the Police/Court Facility, stating the estimated maximum cost thereof is \$1,800,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,800,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct capital improvements in connection with lead abatement at the Police/Court Facility; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,800,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$1,800,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,800,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is twenty-five (25) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,800,000 serial bonds will exceed five (5) years;

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

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

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

RESOLUTION NO. (340-2011) continued

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

* * *

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Borelli Yes
- Co. Hoehmann Yes
- Co. Hausner Yes
- Supervisor Gromack Yes

RESOLUTION NO. (341-2011)
Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING NEW PLAN REALTY TRUST/SUPER INTERMEDIATECO, LLC
(Tax Map #: 57.20-1-49)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, New Plan Realty Trust/Super Intermediateco, LLC v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, Index No(s). 6071/06, 6256/07, 6890/08, 7162/09 and 7744/10, affecting parcel designated as Tax Map 57.20-1-49 and more commonly known as 100-120 W. Route 59, Nanuet, New York for the year(s) 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11, 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 Nanuet Union Free 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 57.20-1-49 be reduced for the year(s) 2006/07 from \$10,309,700.00 to \$9,900,000.00 at a cost to the Town of \$7,629.97;
2. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.20-1-49 for the year(s) 2007/08, 2008/09, 2009/10 and 2010/11;
3. Reimbursement for the year(s) 2006/07 on the parcel described as Tax Map 57.20-1-49, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
4. 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.

RESOLUTION NO. (341-2011) continued

On roll call the vote was as follows:

Co. LaskerYes
Co. Borelli Yes
Co. Hoehmann Yes
Co. Hausner Yes
Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments. No one appeared.

There being no one further wishing to speak, on motion of Co. Borelli, seconded by Co. Lasker and unanimously adopted, the Town Board meeting was closed, time: 8:03 P.M.

Respectfully submitted,

Justin Sweet
Town Clerk