

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

7/7/09

7:50 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Shirley Lasker, George Hoehmann & Frank Borelli
Amy Mele, Town Attorney
David Carlucci, Town Clerk

Supervisor declared Town Board meeting opened. Assemblage saluted the flag.

Supervisor opened the meeting to public comments regarding agenda items, with no one wishing to be heard.

RESOLUTION NO. (350-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLVED, that the Town Board Minutes of June 16, 2009 are hereby accepted as submitted by the Town Clerk.
On roll call the vote was as follows

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

RESOLUTION NO. (351-2009)

Co. Borelli offered and Co. Maloney seconded

ECONOMIC RECOVERY PROJECTS MUNICIPAL/SPONSOR RESOLUTION

WHEREAS, the Resurfacing Roadways identified as PIN 8760.83 an Economic Recovery Project (hereinafter "the Project") in the Town of Clarkstown, (hereinafter "the Municipality/Sponsor"), in Rockland County is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

NOW, THEREFORE, the Municipality/Sponsor's Town Board duly convened does hereby:

RESOLVE, that the Municipality/Sponsor's Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor's resources and agrees that the Municipality/Sponsor's Town Board hereby authorizes the Municipality/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phase(s) or portions thereof.

RESOLVED, that the Municipality/Sponsor's Board make a 100% commitment of the non-federal share (if any) of the costs of Construction/Construction Inspection phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to the State/Local Agreement; and it is hereby further,

RESOLVED, that the sum of \$1,000,000.00 is hereby appropriated from Capital Account No. H 8760-400-409-0-84-16, and made available to cover the cost of participation to complete the Project including all phase(s) or portions thereof

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Project exceeds the amount appropriated above, the Municipality/Sponsor Town Board shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the Superintendent of Highways is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipality/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality/Sponsor's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the Superintendent of Highways, the following municipal title: Supervisor is also hereby authorized to execute any necessary Agreements or certification on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

On roll call the vote was as follows

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

RESOLUTION NO. (352-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR NVR FOOD,INC. D/B/A LEMON GRASS RESTAURANT

WHEREAS, Varaporn Shoberg of NVR Food Inc. d/b/a Lemon Grass Restaurant, has advised that they intend to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality. The establishment is located at 191-195 South Main Street, New City, New York, and WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein; NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of NRV Food, Inc. d/b/a Lemon Grass Restaurant for a liquor license at the premises referred to herein. On roll call the vote was as follows

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

RESOLUTION NO. (353-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR LaTRIESTINA CORP. d/b/a La TRIESTINA

WHEREAS, James Djonbalic of LaTriestina Corp., has advised that he intends to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality. The establishment is located at 75 North Route 9W, Congers, New York, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of LaTriestina Corp. for a liquor license at the premises referred to herein.

On roll call the vote was as follows

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

RESOLUTION NO. (354-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Project Engineer that BID # 16A-2009 – FUEL STATION UPGRADES – CLARKSTOWN POLICE DEPARTMENT AND CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to: AMERICAN PETROLEUM, 63 ORANGE AVENUE, WALDEN, NY 12586
PRINCIPAL: ANTHONY M. RIZZI, PRESIDENT

as per their proposed project cost not to exceed \$255,045.00 and be it

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

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Public Works Administrator, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8759-400-409-0-83-17 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

RESOLUTION NO. (357-2009) continued

FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (358-2009)

Co. Borelli offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND, THROUGH THE SHERIFF'S DEPT., FOR REIMBURSEMENT FOR PARTICIPATION IN THE ROCKLAND COUNTY INTELLIGENCE CENTER

WHEREAS, two police officers from the Clarkstown Police Department have been assigned to work at the Rockland County Intelligence Center, throughout the calendar year 2009, and

WHEREAS, the County of Rockland has resolved to reimburse the Town of Clarkstown in the amount of \$147,840.00, upon execution of an inter-municipal cooperation agreement between the County of Rockland and the Town of Clarkstown, and

WHEREAS, Chief of Police Peter Noonan has recommended that the Town enter into such inter-municipal cooperation agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the inter-municipal cooperation agreement with the County of Rockland, in a form satisfactory to the Town Attorney, which after execution by the County, will result in the payment to the Town of Clarkstown in the amount of \$147,840.00, as reimbursement for two members of the Clarkstown Police Department having worked and to work at the Rockland County Intelligence Center Sheriff's Department for the period January 1, 2009 through December 31, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (359-2009)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO GLENN HICKOK FOR PROPERTY KNOWN AS MAP NO. 50.8-3-13

WHEREAS, Mr. Glenn Hickok has requested a refund of Building Permit Fee (No. 09-250) paid in the amount of \$1,610.00 for property located at 5 Carrie Drive, New City, New York, more particularly described as Tax Map No. 50.8-3-13, because the proposed addition will not be built at this time, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$200.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$1,410.00, of the total Building Permit fee paid in the amount of \$1,610.00, to Mr. Glen Hickok, to be charged to Account No. B-02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (360-2009)

Co. Maloney offered and Co. Borelli seconded

WHEREAS the Rockland County Personnel Office has furnished Certification of Eligibles #05115 Police Sergeant which contains the name of Glenn P. Cummings,

NOW, therefore, be it

RESOLVED, that Glenn P. Cummings is hereby appointed to the position of (permanent) Police Sergeant – Clarkstown Police Department – at the 2009 salary of \$126,906., - effective and retroactive to June 22, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (361-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLVED, that Resolution No. 665-08 as Amended by Resolution No 227-2009 is hereby rescinded;
and be it

FURTHER RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

Two "No Parking Here to Corner" signs per the NYS Department of Transportation Manual of Uniform Traffic Control Devices, Sec. 221.5, P1-1 signs.

The first, on the Westside of Capral Lane 30 feet from the Stop sign.

The second, on the Eastside of Capral Lane 30 feet from the corner;

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation."

On roll call the vote was as follows

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

RESOLUTION NO. (362-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AMENDING RESOLUTION NO. 358-2008 AUTHORIZING AN AGREEMENT WITH H2M GROUP TO PROVIDE ENGINEERING SERVICES CONCERNING TWO FUEL STATION UPGRADES

WHEREAS, by Resolution No. 358-2008, passed on May 13, 2008, the Town Board authorized the Supervisor to enter into an agreement with H2M Group to provide engineering and design services in connection with updating two fuel stations at the Highway Department and Police Department, and

WHEREAS, the project has since been designed, and the Town Board has requested that H2M Group provide construction management services in connection with the project, and

WHEREAS, H2M Group submitted a proposal dated July 2, 2009 to provide such construction management services, and the Clerk of the Works recommends retaining H2M Group to perform these services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with the H2M Group, in a form approved by the Town Attorney, to provide construction management services regarding the upgrade of two fuel stations at the Highway Department and the Police Department, pursuant to its proposal dated July 2, 2009, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$48,000.00 and will be charged to Account No. H 8759-409-0-83-17.

On roll call the vote was as follows

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

RESOLUTION NO. (363-2009)
Co. Maloney offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 7, 2009, AUTHORIZING THE CONSTRUCTION OF FUEL STATION UPGRADES AT THE POLICE DEPARTMENT HEADQUARTERS AND THE HIGHWAY DEPARTMENT YARD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$257,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$257,000 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:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct fuel station upgrades, including replacement of fuel pumps, the software management system and the island/canopy at the Police Department headquarters, and the replacement of fuel pumps and the software management system at the Highway Department yard. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$257,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$257,000 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 \$257,000 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:

RESOLUTION NO. (363-2009) continued

(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 Section 11.00 a. 35 of the Law, is five (5) 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 not 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, 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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows

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

RESOLUTION NO. (364-2009)

Co. Maloney offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND, ACTING ON BEHALF OF THE YOUTH BUREAU/ROCKLAND COUNTY AMERICORPS, FOR SUMMER MEMBER PROGRAM (RECREATION AND PARKS)

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to participate in a service-oriented, educational and environmentally beneficial program and it has proposed to provide Americorps members under the direction of the Parks Board and Recreation Commission to work in Town parks, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which will be funded in part by the Town of Clarkstown, and

WHEREAS, the Superintendent of Recreation and Parks has recommended this program for adoption in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland County, acting on behalf of the Youth Bureau/Rockland County Americorps, for the calendar year ending August 31, 2009, in a form approved by the Town Attorney, to utilize the service of not more than two (2) Americorps members to participate in the maintenance of Town parks, for a program total not to exceed 250 service hours for each member at a cost not to exceed \$1,660.00, which shall constitute a proper charge be charged to Account No. A 7140-114.

On roll call the vote was as follows

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

RESOLUTION NO. (365-2009)
Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A INTER-LOCAL AGREEMENT WITH THE VILLAGE OF SPRING VALLEY AND THE COUNTY OF ROCKLAND REGARDING THE 2009 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

WHEREAS, the U.S. Department of Justice has approved the application (GMS application NO. 2009-G9256-NY-DJ) from the Town of Clarkstown for funding under the 2009 Byrne Justice Assistance Grant Program (JAG) in the amount of \$11,613.00, and

WHEREAS, the Town of Clarkstown has agreed to be the point of contact and fiscal agent for the JAG grant, and has further agreed to administer the grant for the VILLAGE OF SPRING VALLEY, and

WHEREAS, the Sheriff of Rockland County, on behalf and with the authority of the County of Rockland, has decided not to participate in JAG funding in the fiscal year 2009, but will remain a partner with the Town of Clarkstown and the Village of Spring Valley for the 2009 JAG grant award period, and

WHEREAS, the Town of Clarkstown shall receive grant funds totaling the amount of \$36,946.00 from the U.S. Department of Justice, to act as fiscal agent to distribute said funds to itself and the Village of Spring Valley, and

WHEREAS, the Town of Clarkstown shall receive \$11,613.00 and the Village of Spring Valley shall receive \$25,33.00 in grant funding;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an Inter-local Agreement with the Village of Spring Valley and the County of Rockland, in a form approved by the Town Attorney, regarding the 2009 Byrne Justice Assistance grant (JAG) from the New York State Department of Justice, in the amount of \$36,946.00, for use by the Clarkstown Police Department in their Immediate Action Deployment Training, and the Village of Spring Valley.

On roll call the vote was as follows

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

RESOLUTION NO. (366-2009)
Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE FOR FUNDING THE COPS 2009 TECHNOLOGY PROGRAM

WHEREAS, the Clarkstown Police Department is applying for a federal grant from the U.S. Department of Justice, Office of Community Policing (COPS 2009 Technology Program), for the purpose of purchasing equipment necessary for the Centralized Communications Center at the Clarkstown Police Department, and

WHEREAS, the Town of Clarkstown is eligible to apply for such funding in the amount of \$100,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all documents necessary to make application to the U.S. Department of Justice for the grant award, for the purpose of purchasing equipment necessary for the Centralized Communications Center at the Clarkstown Police Department.

On roll call the vote was as follows

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

RESOLUTION NO. (367-2009)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (AVALON PROPERTIES, INC. AND/OR AVALONBAY COMMUNITIES, INC. – 57.12-1-43 AND 43./3)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Avalon Properties, Inc. and/or Avalonbay Communities, Inc., Index Nos. 5343/03, 4921/04, 5371/05, 6038/06, 6675/07 and 8804/08, affecting parcels designated as Tax Map 57.12-1-43 and 43./3, and more commonly known as 11-648 Smith Road and 80 Overlook Boulevard, Nanuet, New York for the years 2003/04, 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09, and

WHEREAS, the attorney for the petitioner 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

RESOLUTION NO. (367-2009) continued
RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43 be reduced for the year 2004/05 from \$21,060,000 to \$20,984,000 at a cost to the Town of \$1,336.42;
 2. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43 be reduced for the year 2005/06 from \$21,060,000 to \$19,972,000 at a cost to the Town of \$19,722.83;
 3. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43 be reduced for the year 2006/07 from \$21,060,000 to \$19,046,000 at a cost to the Town of \$37,507.34;
 4. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43 be reduced for the year 2007/08 from \$21,060,000 to \$17,693,000 at a cost to the Town of \$70,085.87;
 5. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43 be reduced for the year 2008/09 from \$21,060,000 to \$18,891,000 at a cost to the Town of \$44,214.14;
 6. There is no reduction of the assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43 for the year 2003/04.
 7. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43.3 be reduced for the year 2003/04 from \$8,190,000 to \$7,501,000 at a cost to the Town of \$10,403.38;
 8. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43.3 be reduced for the year 2004/05 from \$8,190,000 to \$7,065,000 at a cost to the Town of \$19,782.46;
 9. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43.3 be reduced for the year 2005/06 from \$8,190,000 to \$6,621,000 at a cost to the Town of \$28,442.20;
 10. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43.3 be reduced for the year 2006/07 from \$8,190,000 to \$6,509,000 at a cost to the Town of \$31,305.78;
 11. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43.3 be reduced for the year 2007/08 from \$8,190,000 to \$6,085,000 at a cost to the Town of \$43,816.68;
 12. The assessment on the premises owned by the petitioner described on the assessment roll as Tax Map 57.12-1-43.3 be reduced for the year 2008/09 from \$8,190,000 to \$6,634,000 at a cost to the Town of \$31,718.39;
 13. Reimbursement for the years 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09 on the parcel described as Tax Map 57.12-1-43 and reimbursement for the years 2003/04, 2004/05, 2005/06, 2006/07, 2007/08 and 2008/09 on the parcel described as Tax Map 57.12-1-43.3, 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;
 14. 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. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (368-2009)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AMENDING TOWN BOARD RESOLUTION 146-2009 FOR BID #34-2008; MAPLE AVENUE, NEW CITY DRAIN LINE REPLACEMENT, AND AMENDING RESOLUTION NO. 211-2009 FOR BID NO. 8-2009 ROAD RESURFACING PROGRAM

WHEREAS, Town Board resolution 146-2009 awarded bid #34-2009; Maple Avenue, New City Drain Line Replacement to AJM Contractors Inc., and
 WHEREAS, Town Board resolution 211-2009 awarded bid #8-2009; 2009 Road Resurfacing Program to AJM Contractors Inc., which bid provided that additional paving projects could be added based upon available highway funds, and
 WHEREAS, the original contract for the Maple Avenue Drain Line Replacement called for new asphalt to be installed only within the limits of the pipe trench; and
 WHEREAS, AJM Contractors Inc. has agreed to resurface the entire width of Maple Avenue from Demarest Avenue to Second Street pursuant to its Bid No. 8-2009 bid price, and
 WHEREAS, the Department of Environmental Control has determined that it is cost effective and beneficial to resurface the entire width of Maple Avenue where the new drain line has been installed at the price provided by AJM Contractors, Inc.; and
 WHEREAS, the Department of Environmental Control has additionally determined that an existing storm drain crossing Maple Avenue and tying into the new drain line was found to be deteriorated and in need of replacement during construction; and
 WHEREAS, Change Order #1 & 2 have been reviewed by the Department of Environmental Control and found acceptable as follows:

Change Order #1: (to Bid No. 34-2008)	
Remove existing 15" deteriorated drain line and replace with 15" HDPE drain line	\$5,075.00
Change Order #2: (to Bid No. 34-2008)	
Credit for top course asphalt restoration under original contract	-\$5,600.00
Change Order #1: (to Bid No. 8-2009)	
Milling, paving, and striping full width of Maple Avenue from Demarest Avenue to Second Street	<u>\$51,838.50</u>
Total amount of change orders	<u>\$51,313.50</u>

NOW, THEREFORE, BE IT

RESOLUTION NO. (368-2009) continued

RESOLVED that the allowance for this project be increased from the original bid amount of \$156,800.00 to \$208,113.50 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #H 8760 400 409 0 84 4

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (369-2009)

Co. Lasker offered and Co. Maloney seconded

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 2009 Assessment Roll for the Town of Clarkstown, and be it FURTHER RESOLVED, that said figures for percentages and proportions are attached.

RP-6701 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE LEVY OF TAXES ON THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion		Town of Clarkstown Town of Clarkstown					
DETERMINATION OF BASE PERCENTAGES							
Section I	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) Base Percentages (C/sum of C)			
Class							
Homestead	2,771,836,960	76.63	3,617,169,464	78.91471			
Nonhomestead	813,385,178	84.16	966,474,784	21.08529			
Total	3,585,222,138		4,583,644,247	100.00000			
DETERMINATION OF CURRENT PERCENTAGES							
Section II	(E) 2008 Taxable Assessed Value	(F) 2008 Class Equalization Rate	(G) Estimated Market Value E/(F/100)	(H) Current Percentages (G/sum of G)			
Class							
Homestead	3,231,852,693	25.35	12,748,925,811	81.07833			
Nonhomestead	948,817,759	31.89	2,975,283,032	18.92167			
Total	4,180,670,452		15,724,208,843	100.00000			
DETERMINATION OF CURRENT BASE PROPORTIONS							
Section III	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Column (J) Prorated to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ((K/L)-1*100)	(N) Maximum Current Base Proportion	(O) Current Base Proportions for 2008 Roll
Class		I*(H/D)	J/sum of J			L*1.05	
Homestead	71.99773	73.97171	74.64306	76.57255	-2.52		75.40118
Nonhomestead	28.00227	25.12888	25.35694	23.42745	8.24	24.59882	24.59882
Total	100.00000	99.10059	100.00000	100.00000			100.00000

RP-6701 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE LEVY OF TAXES ON THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion		Town of Clarkstown Clarkstown TOV					
DETERMINATION OF BASE PERCENTAGES							
Section I	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) Base Percentages (C/sum of C)			
Class							
Homestead	2,666,118,888	76.89	3,467,445,556	79.59196			
Nonhomestead	749,584,693	84.31	889,081,595	20.40804			
Total	3,415,703,581		4,356,527,151	100.00000			
DETERMINATION OF CURRENT PERCENTAGES							
Section II	(E) 2008 Taxable Assessed Value	(F) 2008 Class Equalization Rate	(G) Estimated Market Value E/(F/100)	(H) Current Percentages (G/sum of G)			
Class							
Homestead	3,097,072,968	25.36	12,212,432,839	81.52408			
Nonhomestead	892,313,629	32.24	2,767,722,174	18.47592			
Total	3,989,386,597		14,980,155,013	100.00000			
DETERMINATION OF CURRENT BASE PROPORTIONS							
Section III	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Column (J) Prorated to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ((K/L)-1*100)	(N) Maximum Current Base Proportion	(O) Current Base Proportions for 2008 Roll
Class		I*(H/D)	J/sum of J			L*1.05	
Homestead	72.27771	74.03227	74.68202	76.77996	-2.73		75.61896
Nonhomestead	27.72229	25.09771	25.31798	23.22004	9.04	24.38104	24.38104
Total	100.00000	99.12998	100.00000	100.00000			100.00000

RP-6701

NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND
CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE
LEVY OF TAXES ON THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion Town of Clarkstown Consolidated Lighting

DETERMINATION OF BASE PERCENTAGES

Section I	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) Base Percentages (C/sum of C)
Class				
Homestead	2,835,884,371	76.63	3,700,749,538	79.25287
Nonhomestead	815,339,358	84.16	968,796,766	20.74713
Total	3,651,223,729		4,669,546,304	100.00000

DETERMINATION OF CURRENT PERCENTAGES

Section II	(E) 2008 Taxable Assessed Value	(F) 2008 Class Equalization Rate	(G) Estimated Market Value E/(F/100)	(H) Current Percentages (G/sum of G)
Class				
Homestead	3,302,234,486	25.35	13,026,566,020	81.90629
Nonhomestead	917,687,312	31.89	2,877,664,823	18.09371
Total	4,219,921,798		15,904,230,843	100.00000

DETERMINATION OF CURRENT BASE PROPORTIONS

Section III	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Column (J) Prorated to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ((K/L)-1*100)	(N) Maximum Current Base Proportion	(O) Current Base Proportions for 2008 Roll
Class		I*(H/D)	(J/sum of J)			(L*1.05)	
Homestead	70.78047	73.15023	74.16422	76.19551	-2.67		75.00529
Nonhomestead	29.21953	25.48254	25.83578	23.80449	8.53	24.99471	24.99471
Total	100.00000	98.63278	100.00000	100.00000			100.00000

RP-6701 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND
CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE
LEVY OF TAXES ON THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion Town of Clarkstown Clarkstown School District

DETERMINATION OF BASE PERCENTAGES

Section I	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) Base Percentages (C/sum of C)
Class				
Homestead	1,897,327,527	77.06	2,462,143,170	84.19033
Nonhomestead	426,474,528	92.24	462,353,131	15.80967
Total	2,323,802,055		2,924,496,301	100.00000

DETERMINATION OF CURRENT PERCENTAGES

Section II	(E) 2008 Taxable Assessed Value	(F) 2008 Class Equalization Rate	(G) Estimated Market Value E/(F/100)	(H) Current Percentages (G/sum of G)
Class				
Homestead	2,183,157,342	25.54	8,547,992,725	81.79996
Nonhomestead	608,031,533	31.97	1,901,881,555	18.20004
Total	2,791,188,875		10,449,874,280	100.00000

DETERMINATION OF CURRENT BASE PROPORTIONS

Section III	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Column (J) Prorated to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ((K/L)-1*100)	(N) Maximum Current Base Proportion	(O) Current Base Proportions for 2008 Roll
Class		I*(H/D)	(J/sum of J)			(L*1.05)	
Homestead	75.75935	73.60835	72.51046	74.48036	-2.64		73.20438
Nonhomestead	24.24065	27.90577	27.48954	25.51964	7.72	26.79562	25.79562
Total	100.00000	101.51412	100.00000	100.00000			100.00000

RP-6701 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND
CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE
LEVY OF TAXES ON THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion Town of Clarkstown Nanuet School District

DETERMINATION OF BASE PERCENTAGES

Section I	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) Base Percentages (C/sum of C)
Class				
Homestead	291,749,550	80.33	363,188,784	55.13019
Nonhomestead	223,706,382	75.68	295,595,114	44.86981
Total	515,455,932		658,783,897	100.00000

DETERMINATION OF CURRENT PERCENTAGES

Section II	(E) 2008 Taxable Assessed Value	(F) 2008 Class Equalization Rate	(G) Estimated Market Value E/(F/100)	(H) Current Percentages (G/sum of G)
Class				
Homestead	330,570,085	25.54	1,294,322,964	68.38909
Nonhomestead	195,601,661	32.71	597,987,346	31.60091
Total	526,171,746		1,892,310,310	100.00000

DETERMINATION OF CURRENT BASE PROPORTIONS

Section III	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Column (J) Prorated to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ((K/L)-1*100)	(N) Maximum Current Base Proportion	(O) Current Base Proportions for 2008 Roll
Class		I*(H/D)	(J/sum of J)			(L*1.05)	
Homestead	49.64853	61.59933	63.46510	67.81824	-6.42		66.20915
Nonhomestead	50.35047	35.46083	36.53490	32.18176	13.53	33.79085	33.79085
Total	100.00000	97.06016	100.00000	100.00000			100.00000

RP-6701 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE LEVY OF TAXES ON THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion Town of Clarkstown Nyack School District

Section I DETERMINATION OF BASE PERCENTAGES

Class	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) Base Percentages (C/sum of C)
Homestead	425,667,485	72.30	588,751,708	83.44792
Nonhomestead	85,646,575	73.34	116,780,168	16.55208
Total	511,314,060		705,531,876	100.00000

Section II DETERMINATION OF CURRENT PERCENTAGES

Class	(E) 2008 Taxable Assessed Value	(F) 2008 Class Equalization Rate	(G) Estimated Market Value E/(F/100)	(H) Current Percentages (G/sum of G)
Homestead	488,114,710	25.54	1,911,177,408	87.70671
Nonhomestead	78,997,073	29.49	267,677,494	12.29329
Total	567,111,783		2,179,054,902	100.00000

Section III DETERMINATION OF CURRENT BASE PROPORTIONS

Class	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion I*(H/D)	(K) Prospective Current Base Proportion Column (J) Prorated to 100.00 (J/sum of J)	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ((K/L)-1*100)	(N) Maximum Current Base Proportion (L*1.05)	(O) Current Base Proportions for 2008 Roll
Homestead	80.72529	84.84513	85.56341	86.71881	-1.33		86.05475
Nonhomestead	19.27471	14.31540	14.43659	13.28119	8.70	13.94525	13.94525
Total	100.00000	99.16053	100.00000	100.00000			100.00000

On roll call the vote was as follows
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (370-2009)
 Co. Maloney offered and Co. Borelli seconded

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 903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2009 Assessment Roll for the Town of Clarkstown, and be it FURTHER RESOLVED, that said figures for such proportions are attached.

RP-6703 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL FOR THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion Reference Roll 2008 Town of Clarkstown Town of Clarkstown 2009

Section I DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES, EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

Class	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
Homestead	3,312,734,404	20,553,000	4,579,400	15,973,600	3,308,155,004
Nonhomestead	898,422,173	20,688,060	1,101,271	19,586,789	897,320,902

Class	(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes (F-G)	(I) Change in Level of Assessment Factor (H/E)+1
Homestead	335,300	7,664,000	-7,328,700	0.99778
Nonhomestead	825,600	6,741,695	-5,916,095	0.99341

Section II COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

Class	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)
Homestead	3,219,010,823	3,226,157,871	0	3,226,157,871	3,231,852,693	0.99824
Nonhomestead	894,402,152	900,338,140	67,204,189	967,542,329	948,817,759	1.01973

Section III COMPUTATION OF ADJUSTED BASE PROPORTIONS

Class	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions (Q/sum of Q)
Homestead	75.40118	75.26831	75.00386
Nonhomestead	24.59882	25.08427	24.99614
Total	100.00000	100.35258	100.00000

RP-6703 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2009 ASSESSMENT ROLL

Approved Assessing Unit: Town of Clarkstown
Name of Portion: Clarkstown TOV
Reference Roll: 2008
Levy Roll: 2009

Section I
DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES,
EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

Class	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll
				(B-C)	(A-C)
Homestead	3,175,218,804	18,397,300	4,493,700	13,903,600	3,170,725,104
Nonhomestead	836,397,852	19,614,360	1,091,410	18,522,950	835,306,442

Class	(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes	(I) Change in Level of Assessment Factor
				(F-G)
Homestead	317,500	7,558,800	-7,241,300	0.99772
Nonhomestead	825,600	6,722,595	-5,896,995	0.99294

Section II
COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

Class	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor
						(M/N)
Homestead	3,082,446,236	3,069,501,037	0	3,069,501,037	3,097,072,968	0.99756
Nonhomestead	834,248,107	840,179,504	63,892,247	904,071,751	892,313,629	1.01318

Section III
COMPUTATION OF ADJUSTED BASE PROPORTIONS

Class	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*Q)	(R) Adjusted Base Proportions
			(Q/sum of Q)
Homestead	75.61896	75.43408	75.33133
Nonhomestead	24.38104	24.70231	24.66867
Total	100.00000	100.13639	100.00000

RP-6703 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2009 ASSESSMENT ROLL

Approved Assessing Unit: Town of Clarkstown
Name of Portion: Consolidated Light
Reference Roll: 2008
Levy Roll: 2009

Section I
DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES,
EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

Class	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll
				(B-C)	(A-C)
Homestead	3,298,311,004	19,860,300	4,513,700	15,346,600	3,293,797,304
Nonhomestead	848,098,739	19,624,160	1,093,192	18,530,968	847,005,547

Class	(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes	(I) Change in Level of Assessment Factor
				(F-G)
Homestead	335,300	7,639,700	-7,304,400	0.99778
Nonhomestead	825,600	6,722,595	-5,896,995	0.99304

Section II
COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

Class	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor
						(M/N)
Homestead	3,309,650,249	3,317,006,117	0	3,317,006,117	3,302,234,486	1.00447
Nonhomestead	657,143,612	663,153,028	65,869,959	929,022,987	917,687,312	1.01235

Section III
COMPUTATION OF ADJUSTED BASE PROPORTIONS

Class	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*Q)	(R) Adjusted Base Proportions
			(Q/sum of Q)
Homestead	75.00529	75.34080	74.85852
Nonhomestead	24.99471	25.30346	25.14148
Total	100.00000	100.64426	100.00000

RP-6703

NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion Reference Roll Levy Roll
Town of Clarkstown
Clarkstown School District
2008
2009

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES, EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR						
Section I	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll	
Class				(B-C)	(A-C)	
Homestead	2,209,547,704	14,554,500	3,025,200	11,529,300	2,206,522,504	
Nonhomestead	562,251,673	14,079,770	957,282	13,122,488	561,294,391	
Class				(F-G)	(H/E)+1	
Homestead		310,700	6,445,100	-6,134,400	0.99722	
Nonhomestead		640,500	1,969,595	-1,329,095	0.99763	
COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR						
Section II	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor
Class						(M/N)
Homestead	2,186,122,797	2,192,217,427	0	2,192,217,427	2,183,157,342	1.00415
Nonhomestead	568,666,950	570,016,699	42,771,940	612,788,639	608,031,533	1.00782
COMPUTATION OF ADJUSTED BASE PROPORTIONS						
Section III	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)			(R) Adjusted Base Proportions	
Class				(Q/sum of Q)		
Homestead	73.20438	73.5082			73.13268	
Nonhomestead	26.79562	27.0053			26.86732	
Total RP-6703	100.00000	100.5134			100.00000	

NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2009 ASSESSMENT ROLL

Approved Assessing Unit Name of Portion Reference Roll Levy Roll
Town of Clarkstown
Nanuet School District
2008
2009

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES, EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR						
Section I	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll	
Class				(B-C)	(A-C)	
Homestead	336,303,300	1,206,600	103,700	1,102,900	336,199,600	
Nonhomestead	185,631,458	387,450	87,585	299,865	185,543,873	
Class				(F-G)	(H/E)+1	
Homestead		6,800	465,900	-459,100	0.99863	
Nonhomestead		0	2,708,300	-2,708,300	0.98540	
COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR						
Section II	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor
Class						(M/N)
Homestead	330,467,635	330,919,525	0	330,919,525	330,570,085	1.00106
Nonhomestead	183,118,599	185,831,091	11,298,337	197,129,428	195,601,661	1.00781
COMPUTATION OF ADJUSTED BASE PROPORTIONS						
Section III	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)			(R) Adjusted Base Proportions	
Class				(Q/sum of Q)		
Homestead	66.20916	66.2791			66.05856	
Nonhomestead	33.79085	34.0548			33.94144	
Total	100.00000	100.3339			100.00000	

RP-6703

NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2009 ASSESSMENT ROLL

Approved Assessing Unit: Town of Clarkstown
Name of Portion: Nyack School District
Reference Roll: 2008
Levy Roll: 2009

Section I DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES, EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR						
(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll		
			(B-C)	(A-C)		
Homestead	495,370,300	2,320,000	245,600	2,074,400	495,124,700	
Nonhomestead	71,409,099	543,990	38,741	505,249	71,370,358	
			(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes	(I) Change in Level of Assessment Factor
					(F-G)	(H/E)+1
Homestead		17,800	383,100	-365,300	0.99926	
Nonhomestead		185,100	0	185,100	1.00259	
Section II COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR						
(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor	
				(M/N)		
Homestead	489,667,225	490,028,765	0	490,028,765	1.00392	
Nonhomestead	69,673,332	69,692,583	9,831,734	79,524,317	1.00667	
Section III COMPUTATION OF ADJUSTED BASE PROPORTIONS						
(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*Q)		(R) Adjusted Base Proportions			
			(Q/sum of Q)			
Homestead	86.05475		86.02186			
Nonhomestead	13.94525		13.97814			
Total	100.00000		100.00000			

On roll call the vote was as follows

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

RESOLUTION NO. (371-2009)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING MODIFICATION TO DISPOSAL FEES FOR CERTAIN COMMODITIES AT
THE TOWN OF CLARKSTOWN TRANSFER STATION, WEST NYACK, NEW YORK

WHEREAS, the Town of Clarkstown (The "Town") owns a facility for the disposal and processing of various types of waste, including residential and bulk waste, as its Solid Waste Facility, Route 303, West Nyack, New York; and

WHEREAS, pursuant to Section 248-6 of the Clarkstown Town Code, the Town Board by resolution may set fees for the disposal of acceptable waste at Town owned disposal facilities; and

WHEREAS, on November 17, 2008, the Town entered into an Interim Operations Agreement with the Rockland County Solid Waste Management Authority (The "Authority"), pursuant to which the Authority is presently operating the facility, and

WHEREAS, the Interim Operations Agreement provides, among other things, that the Town retains the authority to set tipping fees at the facility but shall not modify the tipping fees without the Authority's consent, and

WHEREAS, by resolution dated June 25, 2009, the Authority consented to a reduction in the tipping fees for residential and commercial garbage;

NOW, THEREFORE, be it

RESOLUTION NO. (371-2009) continued

RESOLVED, that the Town Board hereby establishes revised tipping fees for disposal of the following commodities at the Town's Solid Waste Facility as follows:

Commodity 1101 – Residential Garbage (Clarkstown, Orangetown)	\$76.00 per Ton
Commodity 1102 – Commercial Garbage Roll Off (Clarkstown, Orangetown)	\$76.00 per Ton
Commodity 1103 – Residential Garbage Other (Clarkstown, Orangetown)	\$76.00 per Ton
Commodity 1111 – Residential Garbage (Ramapo, Other)	\$76.00 per Ton
Commodity 1112 – Commercial Garbage Roll Off (Ramapo, Other)	\$76.00 per Ton
Commodity 1113 – Commercial Garbage (Ramapo, Other)	\$76.00 per Ton
Commodity 1121 – Debris Contractor (Clarkstown, Orangetown)	\$76.00 per Ton
Commodity 1122 – Debris Roll Off (Clarkstown, Orangetown)	\$76.00 per Ton
Commodity 1131 – Debris Contractor (Ramapo, Other)	\$76.00 per Ton
Commodity 1132 – Debris Roll Off (Ramapo, Other)	\$76.00 per Ton
Commodity 1133 – Resident Debris (Clarkstown Only)	\$76.00 per Ton
Commodity 1134 – Non Resident Debris (Ramapo, Orangetown, Other)	\$76.00 per Ton

and be it

FURTHER RESOLVED, that the above fees shall become effective as of July 6, 2009.

On roll call the vote was as follows

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

RESOLUTION NO. (372-2009)

Co. Hoehmann offered and Co. Maloney seconded

Resolution Waiving the Notice Requirement in Section 64 of The New York State ABC Law With Respect To a Liquor License for Kilini Inc., d/b/a Cj's Steakhouse, 70 NO. Route 303, W.Nyack

WHEREAS, Kilini, Inc. d/b/a CJ's Steakhouse, advised that they intend to apply for an on-premises liquor license for which thirty days' advance notice of such application must be sent to the municipality, and
 WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and
 WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Kilini, Inc. d/b/a CJ's Steakhouse for a liquor license at the premises referred to herein.

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments, with no one wishing to be heard.

On motion of Co. Hoehmann, seconded by Co. Maloney, and unanimously adopted, Town Board Meeting was adjourned, 8:20 P.M.

Respectfully submitted,

David Carlucci
Town Clerk