

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
August 21, 2012 - 8:00 p.m.
Town Hall Auditorium
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC HEARINGS:

- PH1.* Continuation: Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to Accessory Apartments"
- PH2.* Proposed Local Law entitled: "Amendment to Chapter 146 (Flood Damage Prevention) of the Code of the Town of Clarkstown."
- PH3.* Proposed Local Law entitled: "A Local Law Amending Chapter 243 (Signs) of the Code of the Town of Clarkstown"

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting Minutes of Town Board Meeting of July 24, 2012, as submitted by the Town Clerk.
2. Authorizing the Purchasing Agent to Advertise for the following:
 - a) Bid #37-2012 – Lake Nanuet Park Sewer Relocation
 - b) Bid #38-2012 – Paper and Plastics
3. Authorizing the following Bid Award:
 - a) Bid #9-2012: Sewer Rehab – Force Mains and Gravity Sewers
 - b) Bid #27-2012: Squadron Boulevard Concrete Curb and Sidewalk Replacement
 - c) Bid #28-2012: Squadron Boulevard Asphalt Resurfacing
 - d) Bid #30-2012: Windgate Drive/Paramount C.C. Drainage Improvements
 - e) Bid #32-2012: Demarest Mill Stream Wall Repair
 - f) Bid #34-2012: Painting and Sandblasting of Lake Nanuet Pool Floor
 - g) Bid #36-2012: Old Haverstraw Road Culvert Replacement.
4. Authorizing the Supervisor to enter into the following "Adopt-a-Road" Agreements:
 - a) John Wall, Insurance & Bonding - #440 West Nyack Road to Demarest Ave., W. Nyack and Demarest Avenue from West Nyack Road to Strawtown Road, W. Nyack.
 - b) Danny Clapp Landscaping, Inc. – Brewery Road, New City, from intersection of Congers Road, New City to intersection of Strawtown Road, New City.
 - c) (Renewal) – The Salvation Army - #440 West Nyack Road, W. Nyack to the intersection of Route 304, W. Nyack.
 - d) Tilcon, New York, Inc. – Old Mill Road, from Tilcon's Driveway to Snake Hill Road Bridge.
5. Authorizing the Supervisor to Execute an Agreement with the County of Rockland with Respect to Community Development Funds for the Year 2012.
6. Authorizing Settlement of the following Tax Certiorari:
~ Squadron VCD, LLC (Tax Map No. 43.7-1-21)
7. Authorizing Preparation of a Preliminary Appraisal for a Tax Certiorari Matter regarding SIK Real Estate LLC (Tax Map No. 58.10-2-17)
8. Authorizing Installation of Street Lighting between House #15 and #17 Norwood Place, Nanuet.
9. Waiving the Notice Requirement in §64 of the New York State ABC Law with Respect to a Liquor License for Hibachi Factory, Inc., Palisades Mall, West Nyack.
10. Referring Proposed Commercial Design Standards and Guidelines to Clarkstown Planning Board and Architecture and Landscape Commission.

11. Authorizing the following Personnel Changes:
 - a) Resignation: Msgr. Edward J. Weber, Member, Board of Ethics
 - b) Appointment: Fr. William Cosgrove, Member, Board of Ethics
 - c) Resignation: Sylvester Almiron, Jr., Member, Parks Board & Recreation Commission
 - d) *~Withdrawn~*
 - e) Appointment (Promotional/Provisional): Richard Cummings, Coordinator, Dispatch Related Services, Clarkstown Police Records Department.
 - f) Appointment (Promotional/Provisional): Raquel Guzman, Senior Purchasing Clerk Typist, Purchasing Department.
12. Amending Resolution #534-2012 authorizing an Amended Agreement with H2M Group for Engineering Services concerning Site Improvement/Communication Shelter at the Police Communication Tower Site, Mountainview Avenue, Nyack, NY
13. Declaring the Town of Clarkstown Lead Agency Pursuant to the State3 Environmental Quality Review Act (SEQRA) for the Construction of Solar Panel Field on the Closed Clarkstown Landfill.
14. Authorizing an Agreement with H2M Group to Provide Additional Construction Observation Services concerning the Reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps Building.
15. Authorizing the Supervisor to retain H2M Group to Prepare a Work Plan and Coordinate Work between Town and Contractors concerning Solar Panels at Town Landfill.

ADDITIONAL TENTATIVE RESOLUTIONS:

16. Authorizing funds for the following:
 - a) Construction of Improvements to the Demarest Mill Stream Wall
 - b) Construction of Curb and Sidewalk Improvements on Squadron Boulevard
 - c) Resurfacing of Squadron Boulevard
 - d) Replacement of Culverts on Old Haverstraw Road
17. Authorizing Settlement of Tax Certiorari regarding Ronald Weiss (tax map no. 59.18-1-11)
18. Authorizing the Town Attorney to Institute a Proceeding Pursuant to Town Code, Chapter 216 (Maintenance of Property)
19. Abolishing the following Vacant Positions in the Highway Department:
 - Assistant Maintenance Mechanic - #500869
 - Automotive Mechanic I and Body Repairer - #500250
 - Automotive Mechanic I and Body Repairer - #500254
 - Automotive Mechanic I and Body Repairer - #500861
 - Automotive Mechanic I and Body Repairer - #500862
 - Senior Storekeeper (Automotive) - #501056
20. Authorizing the Supervisor to enter into a Pilot Agreement with 169 Route 303 LLC, Curti's Landscaping, Inc., William S. Curti, Inc., Curti & Associates, LTD., and The County of Rockland Industrial Development Agency with Respect to Payment in Lieu of Taxes for Property known on the Clarkstown Tax Map as 52.19-1-5.
21. Accepting Deed and Easement – Eden Park Homes Subdivision /Site Plan (64.07-1-8)
22. Transfer of Funds.
23. Authorizing the Supervisor to Extend the Service Agreement for Environmental Operation and Maintenance Services at the Clarkstown Sanitary Landfill and Flare Station, West Nyack.
24. Setting a Public Meeting to Consider Amendments to Chapter 251 (Wireless Communications Facilities Law) – October 2, 2012, 8:00 p.m.
25. Authorizing the Supervisor to Retain H2M Group to Assist the Town with the West Nyack Drainage Study.
26. Authorizing the Supervisor to Execute a Letter of Intent with Solarcity Corporation concerning Installation of Solar Panels at the Landfill.

27. Authorizing the Supervisor to Enter into a Lease Agreement for the Rental of Unit 8 in Building 20 at Normandy Village Section II.
28. Authorizing the Supervisor to Enter into Agreements with the following School Districts concerning Universal Pre-Kindergarten Program:
 - a) Nyack School District
 - b) East Ramapo School District
 - c) Clarkstown Central School District

GENERAL PUBLIC COMMENTS:
(Limited to 3 minutes per person)

*****PLEASE NOTE*****
Additional items may be added to this agenda

(To View Actual Resolutions, go to the Town Clerk's Website – Click on Legal Notices)

SPECIAL MEETING: Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc.

PH-1

RESOLUTION AUTHORIZING THE CONTINUATION OF A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO ACCESSORY APARTMENTS"

WHEREAS, a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO ACCESSORY APARTMENTS," was introduced by Councilperson Hausner at a Town Board meeting held on April 17, 2012, and

WHEREAS, a public hearing was held on July 24, 2012 and continued on August 21, 2012 to consider said proposed local law, and

WHEREAS, it was determined by the Town Board to continue the public hearing again to October 2, 2012 to allow time to address the suggested modifications to said proposed local law by the Comprehensive Plan Housing Committee;

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing, 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 October 2, 2012 at 8:00 p.m., or as soon thereafter as possible, relative to said 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.

Dated: August 21, 2012

awm

PH-2

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2012

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman George Hoehmann, at a Town Board meeting held on July 24, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 24, 2012, directed that a public hearing be held on August 21, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on August 13, 2012, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 10, 2012;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2012 entitled:

"AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

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

Alexander J. Gromack, Supervisor . .
Shirley Lasker, Councilwoman
Frank Borelli, Councilman
George A. Hoehmann, Councilman . . .
Stephanie G. Hausner, Councilwoman . .

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

Dated: August 21, 2012

TB 08-21 TA RES Adopt Local Law 146-pm

awm

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2012

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 243 (SIGNS) OF THE
CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Borelli at a Town Board meeting held on July 10, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 10, 2012, directed that a public hearing be held on August 21, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 13, 2012, and

WHEREAS, by resolution adopted July 10, 2012, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-1 & m, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 13, 2012, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 21, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by K. Luke Kalarickal, PE, LS, Director of the Department of Environmental Control, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, by resolution dated July 18, 2012, the Town of Clarkstown Planning Board made several observations pursuant to Town Code Sections 290-33B(1), and found that the proposed local law appears consistent with the Zoning Code and does not conflict with, or require an amendment to, the Comprehensive Plan, and recommended review of the proposed Local Law by the Architecture and Landscape Commission, which observations are hereby adopted and incorporated herein by reference, and

WHEREAS, the current draft of the local law substantially addresses the Clarkstown Planning Board's and Architecture and Landscape Commission's observations, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code by a majority plus one vote of the Board in contravention of the recommendations of the Rockland County Department of Planning, dated August 1, 2012 because the Town Board believes the majority of their recommendations were

addressed and incorporated in the current draft of the local law, except for the following numbered items:

No. 5 - Section 243-11C is vague and some parameters should be provided - Reason: This section was purposely drafted to provide latitude and flexibility to the ALC to approve unique features;

No. 12 - A major section of the new sign law seems to have been written for only one of the two major shopping malls - Reason: Strongly disagree, sign standards apply to both malls as existing and proposed and will provide the proper guidance for future renovations;

No. 26 - Section 243-11G.C.6. is very unclear - Reason: This section is perfectly clear. The "retail center" is the Shops at Nanuet or The Palisades Center Mall. The "primary retail center entry sign" is that sign placed at the pedestrian entrance;

No. 28 - Limitations for the number and area size of the ads discussed in Section 243-11G.C.7 must be provided - Reason: These directory signs are typically found in every enclosed mall. This section permits them in unroofed malls. They will be helpful to the customer and visible only from within the open mall and not from public roadways;

No. 29 - The mechanism that the Town will have in place to deal with unsightly directional/decorative signs must be stated

in the code - Reason: Section 243-12D & E provide for the removal of unused, abandoned and unsightly signs; including the pole, pylon, frame or bracket;

No. 34 - Sign requirements must be provided in Table 1 for the bulletin board signs permitted for places of worship, schools, and other institutional facilities - Reason: Table 1 directs the user to comply with all requirements of Table 1, the Design Guidelines, and Chapter 243. Section 243-7E adequately covers the requirements for these bulletin board signs;

No. 35 - Table 1 requires that freestanding signs be attractively landscaped and specific standards would be beneficial so that applicants will know what is expected of them - Reason: The ALC should review each application separately as each situation will vary greatly based on sign design, location, line of sight, existing landscaping, maintenance etc. Specific standards would restrict both the applicant and the ALC;

No. 38 - Standards for shopping center developments and large retail establishments must be provided in Table 1 and discrepancies between Table 1, Sections 243-11F. and 243-11F.ii.(b) must be corrected - Reason: The footnote in Table 1 directs the user to review separate and additional sign requirements found within Chapter 243 for these uses;

No. 39 - Table 1 provides sign standards for signs located in the LIO/PED/M zoning districts and corresponding text must be provided in the sign ordinance - Reason: This is not necessary as Table 1 has functioned particularly well since its adoption for these zoning districts;

No. 41 - Wall signs are not permitted to exceed 75% of business frontage and it should be stated that if a wall sign complies with square footage permitted, but is larger than the 75% of the business frontage, that whichever standard is more restrictive applies - Reason: This is not necessary as a fundamental tenet of zoning is compliance with all rules and regulations.

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by K. Luke Kalarickal, PE, LS, Director of the Department of Environmental Control, acting as agent to the Town Board as lead agency, it is hereby determined that the proposed amendments are an Unlisted Action under the provisions of SEQRA and shall not have any significant impact on the environment, and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

FURTHER RESOLVED, that Local Law No. - 2012 entitled:

"A LOCAL LAW AMENDING CHAPTER 243 (SIGNS) OF THE CODE OF THE TOWN OF CLARKSTOWN"

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

Alexander J. Gromack, Supervisor . . .
Shirley Lasker, Councilwoman
Frank Borelli, Councilman
George A. Hoehmann, Councilman
Stephanie G. Hausner, Councilwoman . .

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

Dated: August 21, 2012

TB 08-21 TA RES Adopt LL-Amend 243-Signs-pm

RESOLVED, that the Town Board Minutes of July 24, 2012 are hereby accepted,
as submitted by the Town Clerk.

DATED: August 21, 2012

2A

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

BID#37-2012 – LAKE NANUET PARK SEWER RELOCATION

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

DATE: August 21, 2012

AWM

2B

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

BID#38-2012 – PAPER AND PLASTICS

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at _____ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

DATE: August 21, 2012

AWM

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Environmental Control that

BID # 9-2012 – SEWER REHAB – FORCE MAINS AND GRAVITY SEWERS

is hereby awarded to: CAL MART ENTERPRISES, INC.
4 BURTS ROAD
CONGERS, NY 10920

PRINCIPAL: CARL V. WORTENDYKE
MARTIN C. WORTENDYKE
PETER T. WORTENDYKE

as per their proposed total project cost not to exceed \$1,198,911.00 plus 15% contingency 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
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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 emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-9, and be it

FURTHER RESOLVED, that this project shall be funded through proceeds from an inter-municipal agreement with the Rockland County Sewer District #1.

DATED: August 21, 2012



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

BID # 27-2012 – SQUADRON BOULEVARD CONCRETE CURB AND SIDEWALK
REPLACEMENT

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 \$10,505.00 plus 15% contingency 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 constitute a proper charge to account number H-8765-400-409-0-88-19, and be it

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

DATED: August 21, 2012

Quinn

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

BID # 28-2012 – SQUADRON BOULEVARD ASPHALT RESURFACING

is hereby awarded to: TILCON NEW YORK, INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: JOHN T. COONEY, JR.

as per their proposed total project cost not to exceed \$128,090.00 plus 15% contingency 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 constitute a proper charge to account number H-8765-400-409-0-88-19, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds with an anticipated partial reimbursement in the amount of \$75,000.00 by way of a Community Development Block Grant Program

DATED: August 21, 2012

awm

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of the Department of Environmental Control that

BID # 30-2012 – WINDGATE DRIVE/PARAMOUNT C.C. DRAINAGE IMPROVEMENTS

is hereby awarded to: VICTOR P. ZUGIBE, INC.
66W. RAILROAD AVENUE
STONY POINT, NY 10923
PRINCIPAL: VICTOR ZUGIBE, PRESIDENT

as per their proposed total project cost not to exceed \$59,900.00 plus add alternate of \$9,800.00 for a total of \$69,700.00 plus 15% contingency 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 constitute a proper charge to account number H-8765-400-409-0-88-17, and be it

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

DATED: August 21, 2012

awm

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of the Department of Environmental Control that

BID # 32-2012 – DEMAREST MILL STREAM WALL REPAIR

is hereby awarded to: GIRLS GONE GREEN LLC
 617 N. BROADWAY
 UPPER NYACK, NY 10960
PRINCIPAL: JENNIFER CHAITIN

as per their proposed total project cost not to exceed \$48,975.00 plus 15% contingency 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 constitute a proper charge to account number H-8765-400-409-0-88-18, and be it

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

DATED: August 21, 2012



RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Recreation and Parks that

BID # 34-2012 –PAINTING AND SANDBLASTING OF LAKE NANUET POOL FLOOR

is hereby awarded to: RAY PALMER ASSOCIATES, INC.
95 KING STREET
DOVER, NJ 07801

PRINCIPAL: JEFFREY A. LANDRY
ANDREW PLATT

as per their proposed total project cost not to exceed \$247,750.00 plus 10% contingency 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
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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 emergency project shall be under the supervision of the Superintendent of Recreation and Parks, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-87-1, and be it

DATED: August 21, 2012

awm

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Environmental Control that

BID # 36-2009 –OLD HAVERSTRAW ROAD CULVERT REPLACEMENT

is hereby awarded to: GIRLS GONE GREEN LLC
 617 N. BROADWAY
 UPPER NYACK, NY 10960
 PRINCIPAL: JENNIFER CHAITIN

as per their proposed total project cost not to exceed 236,321.00 plus 15% contingency 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
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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 emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-2, and be it

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

DATED: August 21, 2012

QWM

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

4A

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a segment of a town road for a period of two (2) years, beginning August 22, 2012 to August 22, 2014 as follows:

Sponsor: John Wall, Insurance & Bonding
20 Demarest Avenue
West Nyack, NY 10994

Road: 0.2 mile segment of West Nyack Road from #440 to
Demarest Avenue, West Nyack and
.44 mile segment of Demarest Avenue from West Nyack Road to
Strawtown Road, West Nyack

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that John Wall, Insurance & Bonding will perform a public service in removing trash from above roadway which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning August 22, 2012 to August 22, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by John Wall, Insurance & Bonding to remove trash from the roadway.

Dated: August 21, 2012

AWM

4B

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN "ADOPT-A-ROAD" PROGRAM

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, continuing from September 10, 2012 to September 10, 2014, as follows:

Sponsor: Danny Clapp Landscaping, Inc.
PO Box 222
West Nyack, NY 10994

Road: 1.57 mile segment of Brewery Road, New City
from intersection of Congers Road, New City to
intersection of Strawtown Road, New City;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Danny Clapp Landscaping, Inc. will continue to perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from September 10, 2012 to September 10, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by Danny Clapp Landscaping, Inc. to remove trash from the roadway.

Date: August 21, 2012

awm

4c

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, continuing from September 10, 2012 to September 10, 2014, as follows:

Sponsor: The Salvation Army
440 West Nyack Road
West Nyack, NY 10994

Road: .46 mile segment of West Nyack Road, West Nyack
from driveway at 440 West Nyack Road to the
intersection of Route 304, West Nyack;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that The Salvation Army will continue to perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from September 10, 2012 to September 10, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by The Salvation Army to remove trash from the roadway.

Date: August 21, 2012

4D

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN "ADOPT-A-ROAD" PROGRAM

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of one (1) year, continuing from September 25, 2012 to September 25, 2013, as follows:

Sponsor: Tilcon New York Inc.
162 Old Mill Road
West Nyack, NY 10994

Roads: .4 mile segment of Old Mill Road, from
Tilcon's Driveway to Snake Hill Road Bridge,

and

.8 mile segment of Crusher Road beginning at
bridge over West Shore Railroad to corner of
Casper Hill Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Tilcon New York, Inc. will continue to perform a public service in removing trash from above roadways that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of one (1) year continuing from September 25, 2012 to September 25, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Tilcon New York Inc. to remove trash from the roadways.

Date: August 21, 2012

AWM

5

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN
AGREEMENT WITH THE COUNTY OF ROCKLAND WITH RESPECT TO
COMMUNITY DEVELOPMENT FUNDS FOR THE YEAR 2012

WHEREAS, the County of Rockland, pursuant to the Cooperation Agreement between the Town of Clarkstown and the County of Rockland, applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended, Public Law 93-383 and Program Year 2012;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2012 Community Development Block Grant Program funds to the Town of Clarkstown with regard to audible pedestrian signals and detectors: tactile arrows and locator tones at Cavalry Drive and North Main Street, New City (\$30,000) and transport vehicle to transport senior citizens (\$25,000) in an amount not to exceed \$55,000.00.

Dated: August 21, 2012

TB 08-21 TA RES RC Agree-Comm Dev Funds-pm

AWM

6

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING SQUADRON VCD, LLC
(TAX MAP NO. 43.7-1-21)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Squadron VCD, LLC. v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, and The Clarkstown Central School District , Index No(s). 7628/10 and 31311/11, affecting parcel designated as Tax Map 43.7-1-21 and more commonly known as 20 Squadron Boulevard, New City, New York for the year(s) 2010/11 and 2011/12, 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 Clarkstown Central 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 43.7-1-21 be reduced for the year(s) 2010/11 from \$2,753,100 to \$2,560,400 at a cost to the Town of \$4,545.02;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.7-1-21 be reduced for the year(s) 2011/12 from \$2,753,100 to \$2,312,600 at a cost to the Town of \$10,838.16;

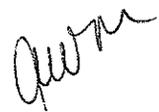
3. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 43.7-1-21, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a 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.

Dated: August 21, 2012

TB 08-21 TA RES Squadron VCD Settlement-lh

A handwritten signature in cursive script, appearing to read "Quinn", is located in the lower right quadrant of the page.

RESOLUTION AUTHORIZING PREPARATION OF A
PRELIMINARY APPRAISAL FOR A TAX CERTIORARI MATTER REGARDING
SIK REAL ESTATE LLC (TAX MAP NO. 58.10-2-17)

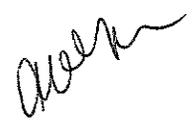
WHEREAS, SIK REAL ESTATE LLC., has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 58.10-2-17, and more commonly known as 445 Route 304, Bardonia, New York, for the year(s) 2010/11 and 2011/12, and

WHEREAS, it is desirable to have a preliminary 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 preliminary appraisal at a fee not to exceed \$2,500; and such fee shall be charged to Account No. A 1420-439-1.

Dated: August 21, 2012



WHEREAS, a resident of Norwood Place, Nanuet, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a physical survey of the surrounding property directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole #58956/39618 ;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts the proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Between house # 15 and #17 Norwood Place, Nanuet
(Install one (1) each - 5,800 lumen 70 watt sodium vapor street light

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment will be at \$12.42 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

Dated: August 21, 2012

awm

9

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64
OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A
LIQUOR LICENSE FOR HIBACHI FACTORY, INC.
(PALISADES MALL, WEST NYACK)

WHEREAS, Barry D. Haberman, Esq., attorney for Hibachi Factory, Inc., has advised the Town by letter dated August 13, 2012, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that Hibachi Factory, Inc. has applied for an on-premises liquor license at the Palisades Mall, 4532 Palisades Center Drive, West Nyack, New York, and

WHEREAS, to expedite processing said corporation's license application, Barry Haberman has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Hibachi Factory, Inc. for a license at premises located at the 4532 Palisades Center Drive, West Nyack, New York.

Dated: August 21, 2012
TB 08-21 TA RES Waive Liquor Notice-Hibachi-pm

Quinn

10
Amended

RESOLUTION REFERRING PROPOSED COMMERCIAL DESIGN STANDARDS AND
GUIDELINES TO CLARKSTOWN PLANNING BOARD AND ARCHITECTURE AND
LANDSCAPE COMMISSION

WHEREAS, the Comprehensive Plan Implementation Special Board has drafted proposed commercial design standards and guidelines which provide standards and guidelines to meet the Town's expectations with regard to future development and redevelopment of commercial properties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the proposed commercial design standards and guidelines prepared by the Special Board to the Clarkstown Planning Board and the Architecture and Landscape Commission for their review and comment.

Dated: August 21, 2012

TB 08-21 TA RES Refer commercial design standards & guidelines-pm

awm

11A

RESOLVED, that the resignation of Msgr. Edward J. Weber,
128 Parrott Road, West Nyack, New York - Member - Board of
Ethics - is hereby accepted - effective and retroactive to
July 31, 2012.

DATED: August 21, 2012
P

RESOLVED, that Fr. William Cosgrove, St. Augustine Church, 140 Maple Avenue, New City, New York - is hereby appointed to the position of Member - Board of Ethics - at the current 2012 annual salary of 2,225., term effective and retroactive to August 1, 2012 to July 31, 2017.

DATED: August 21, 2012
P

11c

RESOLVED, that the resignation of Sylvester Almiron, Jr.
296 Brewery Road, New City, New York - Member - Parks Board and
Recreation Board - is hereby accepted - effective and retroactive
to July 31, 2012.

DATED: August 21, 2012

P

11E

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12043 Coordinator, Dispatch-Related Services - which contains the name of Richard Cummings,

NOW, therefore, be it

RESOLVED, that Richard Cummings, 69 Montgomery Street, Goshen, New York - is hereby appointed to the (promotional) (permanent) position of Coordinator, Dispatch-Related - Services Clarkstown Police Records Department - at the current annual salary 96,300., - effective and retroactive to July 20, 2012.

DATED: August 21, 2012

P

11F

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12050 Senior Purchasing Clerk Typist - which contains the name of Racquel Guzman,

NOW, therefore, be it

RESOLVED, that Racquel Guzman, 85 Grand Avenue, 1st Floor, Pearl River, New York - is hereby appointed to the (promotional) (permanent) position of Senior Purchasing Clerk Typist - Purchasing Department - at the current annual salary of \$60,984., effective August 21, 2012.

RESOLUTION AMENDING RESOLUTION NO.534-2011 AUTHORIZING AN AMENDED AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING SITE IMPROVEMENTS/COMMUNICATION SHELTER AT THE POLICE COMMUNICATION TOWER SITE, MOUNTAINVIEW AVENUE, NYACK, NEW YORK

WHEREAS, the Town Board, by Resolution No. 337-2009, adopted on June 16, 2009, as amended by Resolution Nos. 584-2009 and 534-2011, adopted November 24, 2009 and October 4, 2011, respectively, authorized an agreement with the H2M Group, to provide engineering services for Task 1, the investigative phase, and Task 2, the design phase of the project concerning the site improvements/communications shelter at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and

WHEREAS, H2M has submitted a proposal dated August 10, 2012 that provides for additional construction oversight services in connection with Task 1 due to the construction period being extended to September 1, 2012 because of unanticipated delays in completing the project, which the Town Attorney has reviewed and found to be reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 534-2011, by authorizing the H2M Group to perform additional engineering services for the project pursuant to its proposal dated August 10, 2012, for an additional cost not to exceed \$16,100.00, and be it

FURTHER RESOLVED, that such charge shall constitute a proper charge to Account No. H 8754-409-0-78-41, and shall be partially reimbursed by Orange & Rockland Utilities and the County of Rockland.

Dated: August 21, 2012

awm

**RESOLUTION DECLARING THE TOWN OF CLARKSTOWN LEAD AGENCY
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
(SEQRA) FOR THE CONSTRUCTION OF SOLAR PANEL FIELD ON THE
CLOSED CLARKSTOWN LANDFILL**

WHEREAS, the Town Board of the Town of Clarkstown has retained the services of H2M Group - Holzmacher, McLendon & Murrell, PC, for a feasibility study regarding the installation of solar panels at the closed Clarkstown Landfill; and

WHEREAS, the study recommended to construct two (2) megawatt solar panel field on 8.5 acres of the closed Clarkstown Landfill;

NOW, THEREFORE, BE IT RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Clarkstown determines that it shall act as lead agency; and

BE IT FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board of the Town of Clarkstown with respect to State Environmental Quality Review Act for the installation of said solar panel field at the closed Clarkstown Landfill, and

BE IT FURTHER RESOLVED, that the Director of the Department of Environmental Control shall prepare and distribute an EAF and lead agency declaration in accordance with the provisions of SEQRA.

Dated: August 21, 2012



RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP TO
PROVIDE ADDITIONAL CONSTRUCTION OBSERVATION SERVICES
CONCERNING THE RECONSTRUCTION OF THE
CONGERS-VALLEY COTTAGE VOLUNTEER AMBULANCE CORPS BUILDING

WHEREAS, by Resolution No. 250-2010, adopted April 20, 2010, the Town entered into an agreement with H2M Group to provide professional engineering services for the planning and design of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building, and

WHEREAS, by Resolution No. 646-2010, adopted December 14, 2010, the Town entered into an agreement with H2M Group to provide additional services for the construction testing, quality control and part time construction administration/observation of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building, and

WHEREAS, by Resolution No. 673-2011, adopted December 29, 2011, the Town entered into an agreement with H2M Group to provide additional services for construction observation to conduct specialty inspections required by the NYS Building Code, and

WHEREAS, due to the default of the original contractor, the project has required an additional four (4) month construction period, and

WHEREAS, it is determined that additional construction administration/observation services will be necessary during this additional construction period and H2M Group submitted a proposal, dated August 8, 2012, for construction administration/observation services, and

WHEREAS, the Public Works Administrator has deemed the proposal reasonable in terms of scope and price and recommends that the Town accept said proposal;

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 additional professional engineering services for construction administration/observation for the Congers-Valley Cottage Volunteer Ambulance Corps building, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$19,000.00 without further authorization from the Town Board, and shall constitute a proper charge to Account No. H 8760-409-0-84-25, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the project, including the professional engineering services portion, through the issuance of serial bonds.

Dated: August 21, 2012

TB 08-21-12 TA RES H2M-Congers VC Amb-kh

A handwritten signature in cursive script, appearing to read "Awm", is located in the bottom right corner of the page.

RESOLUTION AUTHORIZING SUPERVISOR TO RETAIN H2M GROUP TO PREPARE
A WORK PLAN AND COORDINATE WORK BETWEEN TOWN AND CONTRACTORS
CONCERNING SOLAR PANELS AT TOWN LANDFILL

WHEREAS, the Town Board received a feasibility study from H2M Group regarding the installation of solar panels at the Clarkstown Landfill (the "Project") and now wishes to proceed with the Project, and

WHEREAS, the Town is also in the process of securing funding for the Project with no out of pocket cost to the Town, and

WHEREAS, the Town Board has received a proposal from H2M Group, dated August 16, 2012, to provide professional engineering services to the Town of Clarkstown in connection with the Project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to retain H2M Group, 254 South Main Street, Suite 400, New City, New York, to prepare a work plan and review and coordinate the work for the Project, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$51,800.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Capital Account No. H 8765-409-88-15.

Dated: August 21, 2012

TB 08-21 TA RES H2M solar panels (landfill)-pm

awm

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING
THE CONSTRUCTION OF IMPROVEMENTS TO THE
DEMAREST MILL STREAM WALL, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$50,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF \$50,000 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 improvements to the Demarest Mill
Stream wall. The estimated maximum cost thereof, including preliminary costs and costs
incidental thereto and the financing thereof, is \$50,000 and said amount is hereby appropriated
for such purpose. The plan of financing includes the issuance of \$50,000 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 \$50,000 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 a part of 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 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. 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. 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.

* * *

awm

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING
THE CONSTRUCTION OF CURB AND SIDEWALK
IMPROVEMENTS ON SQUADRON BOULEVARD, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$11,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF \$11,000 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 curb and sidewalk improvements
on Squadron Boulevard. The estimated maximum cost thereof, including preliminary costs and
costs incidental thereto and the financing thereof, is \$11,000 and said amount is hereby
appropriated for such purpose. The plan of financing includes the issuance of \$11,000 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 \$11,000 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. 24 of the Law, is ten (10) 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. 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 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 August 21, 2012, 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 August 21, 2012, authorizing the construction of curb and sidewalk improvements on Squadron Boulevard, stating the estimated maximum cost thereof is \$11,000, appropriating said amount for such purpose, and authorizing the issuance of \$11,000 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 curb and sidewalk improvements on Squadron Boulevard; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$11,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$11,000 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 \$11,000 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 ten (10) 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 \$11,000 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.

DATED: August 21, 2012

Justin Sweet
Town Clerk

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.

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16c

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING
THE RESURFACING OF SQUADRON BOULEVARD,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$130,000, APPROPRIATING SAID AMOUNT FOR SUCH
PURPOSE, AND AUTHORIZING THE ISSUANCE OF
\$130,000 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 resurface Squadron Boulevard. The
estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the
financing thereof, is \$130,000 and said amount is hereby appropriated for such purpose. The
plan of financing includes the issuance of \$130,000 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 \$130,000 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. 20(c) of the Law, is fifteen (15) 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. 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 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 August 21, 2012, 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 August 21, 2012, authorizing the resurfacing of Squadron Boulevard, stating the estimated maximum cost thereof is \$130,000, appropriating said amount for such purpose, and authorizing the issuance of \$130,000 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 resurface Squadron Boulevard; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$130,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$130,000 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 \$130,000 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 fifteen (15) 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 \$130,000 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.

DATED: August 21, 2012

Justin Sweet
Town Clerk

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.

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16D

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING
THE REPLACEMENT OF CULVERTS ON OLD
HAVERSTRAW ROAD, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$240,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF \$240,000 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 replace culverts on Old Haverstraw Road.
The estimated maximum cost thereof, including preliminary costs and costs incidental thereto
and the financing thereof, is \$240,000 and said amount is hereby appropriated for such purpose.
The plan of financing includes the issuance of \$240,000 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 \$240,000 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. 4 of the Law, is forty (40) 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. 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 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 August 21, 2012, 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 August 21, 2012, authorizing the replacement of culverts on Old Haverstraw Road, stating the estimated maximum cost thereof is \$240,000, appropriating said amount for such purpose, and authorizing the issuance of \$240,000 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 replace culverts on Old Haverstraw Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$240,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$240,000 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 \$240,000 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 forty (40) 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 \$240,000 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.

DATED: August 21, 2012

Justin Sweet
Town Clerk

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.

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RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING RONALD WEISS
(TAX MAP NO.: 59.18-1-11)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Ronald Weiss v. The Board of Assessors and/or The Assessor of The Town of Clarkstown and The Board of Assessment Review, and The Clarkstown Central School District, Index No(s). 7637/10 and 31248/11, affecting parcel designated as Tax Map 59.18-1-11 and more commonly known as 250 North Route 303, West Nyack, New York for the year(s) 2010 and 2011, 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 Clarkstown Central 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 59.18-1-11 be reduced for the year(s) 2010/11 from \$1,449,800 to \$1,372,700 at a cost to the Town of \$1,818.48;

2 The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-11 be reduced for the year(s) 2011/12 from \$1,449,800 to \$1,329,100 at a cost to the Town of \$2,969.73;

3. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 59.18-1-11, 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.

Dated: August 21, 2012

TB 08-21 TA RES Ronald Weiss Settlement-lh

A handwritten signature in cursive script, appearing to read "AWT", is located in the lower right quadrant of the page.

**RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO
INSTITUTE A PROCEEDING PURSUANT TO TOWN CODE CHAPTER 216
(MAINTENANCE OF PROPERTY)**

WHEREAS, the Code and Zoning Enforcement Officer has advised the Town Board that the premises located at 159 Massachusetts Avenue, Congers, New York (Tax Map designation 52.8-3-59 fka 139-A-19.4) has become, by reason of failure to maintain property and failure to provide landscaping maintenance, an attractive nuisance and a threat to the health and welfare of the community, and

WHEREAS, the Code and Zoning Enforcement Officer has duly issued Violation # 12-436 dated May 14, 2012 to the record property owner to cure said violation with specific Orders for remedy, and

WHEREAS, said Violation and Orders have been ignored, and

WHEREAS, a Second Notice dated August 3, 2012 was issued and posted and also elicited nonresponsiveness by the resident owner;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 216 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises is unsafe and dangerous and said violations must be removed in accordance with the Orders of the Code and Zoning Enforcement Officer subject to further determination after the public hearing as herein provided, and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of

Clarkstown to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned Marlene Hayden, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 2nd day of October 2012, at 8:00 P.M., or as soon thereafter as possible, and that service of Notice as required by Section 216-8 of the Town Code is made, at which time the property owner and all persons in interest shall be heard.

Dated: August 21, 2012

TB 08-21 TA RES Chap 216 Public Hearing 159 Mass Ave--jje

A handwritten signature in black ink, appearing to be "jje", is located in the lower right quadrant of the page.

RESOLVED, that the following vacant positions at the Highway Department - are hereby abolished effective and retroactive to August 20, 2012.

- Assistant Maintenance Mechanic #500869
- Automotive Mechanic I & Body Repairer #500250
- Automotive Mechanic I & Body Repairer #500254
- Automotive Mechanic I & Body Repairer #500861
- Automotive Mechanic I & Body Repairer #500862
- Senior Storekeeper (Automotive) #501056

DATED: August 21, 2012
P

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A PILOT AGREEMENT WITH 169 ROUTE 303 LLC, CURTI'S LANDSCAPING, INC., WILLIAM S. CURTI, INC., CURTI & ASSOCIATES, LTD., and THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO PAYMENT IN LIEU OF TAXES FOR PROPERTY KNOWN ON THE CLARKSTOWN TAX MAP AS 52.19-1-5

WHEREAS, the Rockland County Industrial Development Agency ("RCIDA") is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

WHEREAS, the "RCIDA" has undertaken a project consisting of the renovation of an existing building and the acquisition and installation thereto of certain machinery and equipment related thereto, all to be used for a manufacturing, warehousing, and distribution facility and administrative offices located at 169 Route 303, Valley Cottage, New York, and

WHEREAS, to facilitate the Project, the Agency has entered into a "straight lease transaction" pursuant to the Agency's uniform tax exemption policy by which the Agency has acquired a leasehold interest in the Project Realty under a Head Lease and the Agency has leased back to 169 Route 303, LLC, as Lessee, the Agency's interest in the Project (the "Lease Agreement"); and

WHEREAS, Lessee is a limited liability company formed for the purposes of acting, among other things, as an entity to hold the Project Realty as lessee to the Agency's interest in the Project; and

WHEREAS. Lessee has simultaneously entered into three (3) separate sublease agreements with Curti's Landscaping, Inc. ("Curti's), William S. Curti, Inc. ("WSC") and Curti & Associates, Ltd. ("Associates"), respectively, whereby Curti's, WSC and Associates (collectively, the "Sublessee"), shall lease from Lessee some of Lessee's interest in the Project; and

WHEREAS, the proposed agreement provides for the payment in lieu of taxes using as a basis the assessed value of \$275,200 plus a percentage increase of 10% per year for ten (10) years on the anticipated value of the improvements to be constructed (\$163,800) on the Project Realty; and

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a "payment in lieu of taxes agreement" (a PILOT Agreement) to be executed by all parties;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with 169 ROUTE 303 LLC, CURTI'S LANDSCAPING, INC., WILLIAM S. CURTI, INC., CURTI & ASSOCIATES, LTD., THE NYACK UNION FREE SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, and THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 52.19-1-5, and located at 169 Route 303, Valley Cottage, New York.

Dated: August 21, 2012

TB 08-21-12 TA RES 169 Route 303 PILOT Agreement-dt

A handwritten signature in cursive script, appearing to read "A. M.", is located in the bottom right corner of the page.

RESOLUTION ACCEPTING DEED AND EASEMENT
EDEN PARK HOMES SUBDIVISION/SITE PLAN
(64.07-1-8)

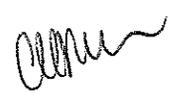
WHEREAS, as a condition to the approval of the final map with regard to a subdivision/site plan known as Eden Park (64.07-1-8), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes and a bus shelter and sidewalk easement along West Nyack Road, West Nyack, New York, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyances; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, deed and bus shelter and sidewalk easement, dated November 30, 2009, from Eden Park Homes, LLC to the Town of Clarkstown, are hereby accepted and ordered recorded in the Rockland County Clerk's Office at the expense of the grantor.

Dated: August 21, 2012



WHEREAS, the Town has received \$617.12 from D.A.R.E donations,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Expense Account A-3230-404-0 (D.A.R.E.-Travel Expenses) by \$617.12 and

WHEREAS, various accounts need additional funding,

NOW THEREFORE, be it

RESOLVED, to decrease Account A-7140-379-0 (Parks & Playgrounds-Signs & Posts) and increase Account A-7180-380-0 (Swimming Facilities-Paint Supplies) by 19.64, and be it

FURTHER RESOLVED, to decrease A-7210-407-0 (Refreshment Stands-Equipment Repairs) and increase A-7210-306-0 (Refreshment Stands-Maintenance Supplies) by \$160, and be it

FURTHER RESOLVED, to decrease A-8511-319-0 (Community Beautification-Misc Supplies) and increase A-8511-409-0 (Community Beautification-Fees for Services) by \$2,250, and be it

FURTHER RESOLVED, to decrease A-1315-313-0 (Comptroller's-Office Supplies & Printing) and increase A-1315-219-0 (Comptroller's-Miscellaneous Equipment) by \$199, and be it

FURTHER RESOLVED, to decrease A-3989-438-0 (Emergency Operations-Maintenance Agreements) and increase A-3989-319-0 (Emergency Operations-Miscellaneous Supplies) by \$7,000, and be it

FURTHER RESOLVED, to decrease A-3120-409-0 (Police-Fees for Services) and increase A-3120-328-0 (Police-Books & Publications) by \$3,567.75, and be it

FURTHER RESOLVED, to decrease A-1990-505-0 (Contingency-Other Costs) and increase A-3120-409-0 (Police-Fees for Services) by \$13,000, and be it

FURTHER RESOLVED, to decrease A-3260-219-0 (Special Investigations-Miscellaneous Equipment) by \$600 and A-3260-230-0 (Special Investigations-Communication Equipment) by \$265 and increase A-3260-414-0 (Special Investigations-Conferences & Schools) by \$865.

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

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

WHEREAS, the current contract between HDR Engineering, Inc. and the Town of Clarkstown expires June 31, 2012, and

WHEREAS, HDR Engineering, Inc. has submitted a proposal dated 5/11/11 for an extension of the current contract through June 2016, and

WHEREAS, the proposal provides for a three percent (3%) increase per year for each successive year of the contract, and

WHEREAS, the Deputy Director of Operations for the Department of Environmental Control has reviewed the proposal and finds it to be acceptable.

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Deputy Director of Operations, Department of Environmental Control, that the current contract between the Town of Clarkstown and HDR Engineering, Inc., be extended to June 30, 2016, and

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

August 1, 2012 through June 30, 2013	\$68,292.00
July 1, 2013 through June 30, 2014	\$70,341.00
July, 2014 through June 30, 2015	\$72,456.00
July 1, 2015 through June 30, 2016	\$74,628.00

Dated: August 21, 2012
Shared: TB 08 21 12 DEC RES HDR EXTENSION

awm

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 251 – WIRELESS COMMUNICATIONS FACILITIES LAW

WHEREAS, as a result of certain litigation brought against the Town of Clarkstown by various wireless telecommunications carriers (New York SMSA Ltd. Partnership d/b/a Verizon Wireless et. al. v. The Town of Clarkstown, 07-CIV-7637), the Town of Clarkstown is required to make certain amendments to its Wireless Communications Facilities Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, shall be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on October 2, 2012, 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, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and HDR/LMS, the Town's consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Dated: August 21, 2012

awm

RESOLUTION AUTHORIZING SUPERVISOR TO RETAIN H2M GROUP TO ASSIST THE TOWN WITH THE WEST NYACK DRAINAGE STUDY

WHEREAS, the Town Board formed a task force to conduct a Comprehensive Watershed Study ("Drainage Study") for the Hackensack River Drainage Basin necessitated by the frequent and severe flooding which occurs in the West Nyack region, and

WHEREAS, the Town Board has received a proposal from H2M Group, dated August 15, 2012, to provide professional engineering services to the Town of Clarkstown in connection with the Drainage Study, and

WHEREAS, Dennis Letson, P.E., First Deputy Director of the Department of Environmental Control, has reviewed said proposal and finds it acceptable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to retain H2M Group, 254 South Main Street, Suite 400, New City, New York, to assist the Town and the Task Force as outlined in Task 1 of their proposal on an as needed basis during the consultant selection and Drainage Study preparation period, and be it

FURTHER RESOLVED, that the fees for said services shall not exceed \$65,000.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Capital Account No. H 7186-409-0-59-1.

Dated: August 21, 2012

AWM

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LETTER OF INTENT WITH SOLARCITY CORPORATION CONCERNING INSTALLATION OF SOLAR PANELS AT THE LANDFILL

WHEREAS, pursuant to Resolution No. 238-2012 dated May 15, 2012, the Town Board selected a qualified contractor to pursue funding and install solar panels at the Clarkstown Landfill, and

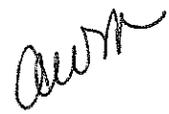
WHEREAS, the Town wishes to execute a Letter of Intent with Solarcity Corporation as a basis for further discussions and negotiations in order to reach definitive agreements for the sale of power under a power purchase agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Letter of Intent with Solarcity Corporation, in a form approved by the Town Attorney, as a basis for discussions and negotiations for funding and installation of solar panels at the Clarkstown Landfill.

Dated: August 21, 2012

TB 08-21 TA RES Solarcity Letter of Intent-pm



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

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a lease agreement, in a form approved by the Town Attorney, for Unit 8 in Building 20 at Normandy Village Section II with Craig Simon for a period of one (1) year with an additional year option in the amount of \$650.00 per month, plus any increase in common charges or any special assessments, for the first year as well as the additional option year, along with a security deposit equal to one (1) month's rent.

awm

Dated: August 21, 2012

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AGREEMENT WITH THE NYACK SCHOOL DISTRICT
CONCERNING UNIVERSAL PRE-KINDERGARTEN PROGRAM

WHEREAS, the Education Law makes provision for local
School Districts to provide Universal Pre-Kindergarten
Programs, and

WHEREAS, the Town of Clarkstown desires to be one of
the sites designated by the Nyack School District to
provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to
enter into an agreement with the Nyack School District, in
a form approved by the Town Attorney, to provide the
Universal Pre-Kindergarten Program at the Town of
Clarkstown Street Community Center, New City, New York,
during the 2012-2013 school year, and be it

FURTHER RESOLVED, that the Nyack Central School
District shall pay \$2,420 for each child duly enrolled in
the Universal Pre-Kindergarten Program.

Dated: August 21, 2012

TB 08-21-12 TA RES Nyack School District Pre-K agree-kh



RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE EAST RAMAPO CENTRAL SCHOOL DISTRICT CONCERNING UNIVERSAL PRE-KINDERGARTEN PROGRAM

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and

WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the East Ramapo Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the East Ramapo Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2012-2013 school year, and be it

FURTHER RESOLVED, that the East Ramapo Central School District shall pay \$2655 for each child duly enrolled in the Universal Pre-Kindergarten Program.

Dated: August 21, 2012

TB 08-21-12 TA RES East Ramapo School District Pre-K agree-kh

awm

280

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE CLARKSTOWN CENTRAL SCHOOL DISTRICT CONCERNING UNIVERSAL PRE-KINDERGARTEN PROGRAM

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and

WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the Clarkstown Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to enter into an agreement with the Clarkstown Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2012-2013 school year, and be it

FURTHER RESOLVED, that the Clarkstown Central School District shall pay \$2,350 for each child duly enrolled in the Universal Pre-Kindergarten Program.

Dated: August 21, 2012

TB 08-21-12 TA RES Clarkstown School District Pre-K agree-kh

awm