

**TOWN OF CLARKSTOWN**  
**TOWN BOARD MEETING**  
*Thursday, November 8, 2012 - 7:00 p.m.*  
Town Hall Auditorium  
AGENDA  
*Tentative)*

**SALUTE TO THE FLAG**

**CLERK CALLS THE ROLL**

**PUBLIC HEARING(S):**

PH-1 Proposed Local Law entitled: "Local Law to Override the Tax Levy Limit established by General Municipal Law § 3-C"

PH-2 Town of Clarkstown Preliminary Budget for 2013.

**PUBLIC COMMENTS REGARDING AGENDA ITEMS**

(Limited to 3 minutes per person)

**RESOLUTIONS:**

1. Accepting Minutes of October 2, 2012 Town Board Meeting, as submitted by the Town Clerk.
2. Authorizing the Purchasing Agent to advertise for the following Bids:
  - a) Bid #39-2012 – High Definition Use of Force Marksmanship Training Simulator
  - b) Bid #40-2012 – Drainage System Modification – Virginia Street, New City
  - c) Bid #41-2012 – Federal & Downtown Revitalization South Main Street – Phase III A
  - d) Bid #1-2013 – Athletic & Recreation Supplies
  - e) Bid #2-2013 – Fireworks Display
  - f) Bid #3-2013 – Pools Chemicals
  - g) Bid #4-2013 – Athletic Field and Turf Maintenance
  - h) Bid #5-2013 – Groundskeeping/Landscaping Supplies
  - i) Bid #6-2013 – First Aid Supplies
  - j) RFP#7-2013 – Operation of Food & Refreshment Concession Stands at Town Parks
3. Authorizing the Comptroller to Amend the 2012 Budget for the Purpose of Transferring Unexpected Balances Among Various Accounts.
4. Authorizing the Supervisor to Enter into the following Agreements:
  - a) State of New York – Grant to the Town for "Buckle-Up" Program.
  - b) North Rockland School District – Universal Pre-Kindergarten Program.
5. Authorizing the Supervisor to Enter into a Renewal "Adopt-a-Road" Program with Woodmont Day Camp – Overlook Boulevard from Smith Road to Clarkstown Road, New City.
6. Expressing Support for Proposed Congers Lake Village Affordable Senior Housing.
7. Authorizing Supervisor to Execute Limited Release (Leonard Jackson & Leonard Jackson Assoc)

8. Setting the following Public Hearing to Consider Approving the Final Map of Boundary Lines of the Nanuet Fire District – November 20, 2012, 8:00 pm.
9. Authorizing a Partial Refund of Building Permit Fee to Minest Patel concerning Property designated as Tax Map No. 63.15-1-2.
10. Scheduling Town Board Workshops and Town Board Meetings for the Year 2013.
11. Authorizing the Purchasing Agent to advertise for:  
Bid #41-2012 – Highway Signing and Road Maintenance Supplies
12. Authorizing the Town Attorney to Institute a Proceeding under New York State Eminent Domain Procedure Law.
13. Authorizing installation of the following hydrants:
  - Hydrant #11599h – Intersection of Vermont Avenue & Colton Street
  - Hydrant #11600h – W/S of Massachusetts Ave, north of Butler Street
  - Hydrant #11601h – 262’ south of Intersection of Colton St. & Massachusetts Ave.
  - Hydrant #11634h – 360’ south of Intersection of Lenox Ave. & Lake Rd.
14. Authorizing Preparation of a Preliminary Appraisal for a Tax Certiorari Matter regarding C&M 345 North Main Street LLC (tax map no. 34.19-1-6)
15. Authorizing the Supervisor to enter into an “Adopt-a-Spot” Agreement with Steve Weiss Landscaping, Inc. & Snow Plowing – Kings Highway (s/o railroad crossing) Valley Cottage.
16. Setting a Public Hearing on a Proposed Local Law entitled: “Amendment to Chapter 290 (Zoning) of the Code of the Town of Clarkstown and the Town Zoning Map with respect to Neighborhood Shopping” – December 11, 2012, 8:00 pm.
17. Authorizing Settlement of Tax Certiorari regarding Sunshine Associates LLC (tax map no. 43.15-1-16.)

**ADDITIONAL TENTATIVE RESOLUTIONS:**

**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 Town Clerk's Website – Legal Notices)*

**Town Board Workshop to Follow**

**RESOLUTION OF THE TOWN BOARD  
ADOPTING LOCAL LAW NO. 5 - 2012**

WHEREAS, a proposed local law entitled,

"A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT  
ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C"

was introduced by the Town Board at a Town Board meeting held on October 2, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on October 2, 2012, directed that a public hearing be held on November 8, 2012 at 7:00 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 October 29, 2012, and

WHEREAS, a copy of the proposed local law 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 October 26, 2012;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5 - 2012 entitled:

"A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT  
ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C"

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is hereby ADOPTED and passed by a sixty percent (60%)  
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: November 8, 2012

TB 11-08 TA RES Adopt LL-Override Tax Levy Limit-pm

*awm*

PH-2

RESOLUTION ADOPTING THE 2013 BUDGET  
FOR THE TOWN OF CLARKSTOWN

WHEREAS, a public hearing pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 2013, was duly scheduled and noticed for November 8, 2012 at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and heard all persons desiring to be heard;

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, as adjusted, a copy of which is attached hereto, be and is hereby adopted as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1<sup>st</sup> day of January, 2013, and that such Budget, as so adopted, be entered in detail in the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2, and Section 231, Subd. 2 of the Town Law, and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County, pursuant to Section 115 of the Town Law and other applicable sections of the Town Law.

Dated: November 8, 2012

TB 11-08 TA RES Adoption Town Budget-2013-pm

*awm*

RESOLVED, that the Town Board Minutes of October 2, 2012 are hereby  
accepted, as submitted by the Town Clerk.

DATED: November 8, 2012

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

BID#39-2012 – HIGH DEFINITION USE-OF FORCE MARKSMANSHIP  
TRAINING SIMULATOR

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: November 8, 2012

*awm*

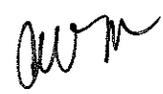
**RESOLVED**, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:

BID#40-2012 --DRAINAGE SYSTEM MODIFICATION  
VIRGINIA STREET, NEW CITY

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: November 8, 2012



20

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

BID#41-2012 – FEDERAL AID DOWNTOWN REVITALIZATION  
SOUTH MAIN STREET - PHASE III A

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: November 8, 2012

*Quem*

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

BID#1-2013 – ATHLETIC AND RECREATION SUPPLIES

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: November 8, 2012

*awm*

2E

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

BID#2-2013 – FIREWORKS DISPLAY

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: November 8, 2012

*awm*

2F

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

BID#3-2013 – POOLS CHEMICALS

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: November 8, 2012

awm

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

BID#4-2013 – ATHLETIC FIELD AND TURF MAINTENANCE

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: November 8, 2012

*AWM*

2H

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

BID#5-2013 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

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: November 8, 2012

awm

21

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

BID#6-2013 – FIRST AID SUPPLIES

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: November 8, 2012

*amm*

2J

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

RFP#7-2013 – OPERATION OF FOOD& REFRESHMENT CONCESSION  
STANDS AT TOWN PARKS

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: November 8, 2012

*am*

**WHEREAS**, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2012 budget for the purpose of transferring unexpended balances of appropriation accounts among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

**NOW THEREFORE, BE IT RESOLVED**, that the 2012 budget is hereby amended.

Dated: November 8, 2012

TB 11-08-12 COM RES Section 115 Town Law

*awm*

4A

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER  
INTO AN AGREEMENT WITH THE STATE OF NEW YORK CONCERNING A  
GRANT TO THE TOWN FOR THE BUCKLE UP PROGRAM

WHEREAS, Chief of Police Michael Sullivan has advised that the Governor's Traffic Safety Committee, Department of Motor Vehicles, State of New York, has awarded \$9,720.00 to the Town of Clarkstown Police Department to participate in the statewide "Buckle Up New York" program, for the period October 1, 2012 through September 30, 2013;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$9,720.00 for the purpose of participating in the statewide "Buckle Up New York" program for the period October 1, 2012 through September 30, 2013, by the Town of Clarkstown Police Department.

Dated: November 8, 2012

TB 11-08 TA RES Police grant Buckle Up-pm

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN  
AGREEMENT WITH THE NORTH ROCKLAND 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 North Rockland 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 North Rockland 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 North Rockland School  
District shall pay \$2,300 for each child duly enrolled in  
the Universal Pre-Kindergarten Program.

Dated: November 08, 2012

TB 11-08-12 TA RES North Rockland School District Pre-K agree-kh

*awm*

5

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 two (2) years, continuing from October 17, 2012 to October 17, 2014, as follows:

Sponsor: Woodmont Day Camp  
420 Phillips Hill Road  
New City, NY 10956

Road: 0.48 mile segment of Overlook Boulevard from  
Smith Road to Clarkstown Road; New City, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that said Woodmont Day Camp 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 October 17, 2012 to October 17, 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 Woodmont Day Camp to remove trash from the roadway.

Dated: November 8, 2012

RESOLUTION EXPRESSING SUPPORT FOR PROPOSED  
CONGERS LAKE VILLAGE AFFORDABLE SENIOR HOUSING

WHEREAS, the Rockland Housing Action Coalition, Inc. (the "Applicant") has proposed developing a certain parcel known as "65 Lake Road" designated on the Town of Clarkstown Tax Map Section 44.15, Block 3, Lots 41 and 42.1 in the hamlet of Congers, and

WHEREAS, at a workshop, the Senior Citizens Director underscored the need for affordable senior housing in the Town of Clarkstown, and the Comprehensive Plan Special Board, as well as its Subcommittee for Senior Housing, have expressed their support for the Project, and

WHEREAS, if the amendment to Local Law Chapter 290 is approved, the Applicant will have the right to submit an application to the Town Board for the approval of the proposed development;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby expresses its support for the Project, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute letter/letters of support as may be required by the applicant to secure funding, and be it

FURTHER RESOLVED, after the project receives state funding, the Supervisor will be authorized to enter into a PILOT agreement with the Rockland Housing Action Coalition pursuant to Article 290-17 of the Clarkstown Code, Section O(A). Senior citizen housing, (4) Tax abatements/payment in lieu of taxes (PILOT), and be it

FURTHER RESOLVED, in order to effectuate the development of the Congers Lake Village Square senior rental complex, the Supervisor is authorized to enter into an agreement with the Rockland Housing Action Coalition to sell a Town owned street adjacent to the proposed Congers Lake Village Square which will enable the Project to achieve the necessary density to provide affordable rental senior housing, and be it

FURTHER RESOLVED, that nothing set forth in this resolution shall be construed so as to bind the Town Board with respect to future action concerning the Project.

Dated: November 8, 2012

*awm*

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE LIMITED RELEASE  
(LEONARD JACKSON AND LEONARD JACKSON ASSOCIATES)

WHEREAS, the Director of Environmental Control retained the services of Leonard Jackson and Leonard Jackson Associates to perform work on the municipal project known as the Elks Drive Drainage Project under the authority of Resolution 534-2003. and

WHEREAS, Leonard Jackson and Leonard Jackson Associates have performed the work on the contract,

NOW, THEREFORE, be it

RESOLVED that the Supervisor of the Town of Clarkstown is hereby authorized to execute a Limited Release, in a form approved by the Town Attorney, in favor of Leonard Jackson and Leonard Jackson Associates subject to the following:

That Leonard Jackson and Leonard Jackson Associates must apply for and obtain a Letter of Map Revision (LOMR) in accordance with the agreement between Releasee and Releasor for the Elks Drive Drainage Project.

DATED: November 8, 2012

*am*

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER APPROVING  
THE FINAL MAP OF BOUNDARY LINES OF THE NANUET FIRE DISTRICT

WHEREAS, the Board of Fire Commissioners of the Nanuet Fire District has requested that the Town Board of the Town of Clarkstown approve the final map of the boundary lines of the Nanuet Fire District, and

WHEREAS, said map was created by the Rockland County Geographical Information Systems and accepted and approved by the Board of Fire Commissioners of the Nanuet Fire District;

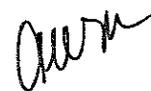
NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 20, 2012 at 8:00 P.M., or as soon thereafter as possible, pursuant to Town Law, to consider approving the proposed final map of the boundary lines of the Nanuet Fire District, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public hearing and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

Dated: November 8, 2012

TB 11-08 TA RES Nanuet Fire Dist Set-Public Hearing-pm



RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE TO MINESH PATEL CONCERNING PROPERTY DESIGNATED AS TAX MAP NO. 63.15-1-2

WHEREAS, Minesh Patel has requested a refund of Building Permit Fee No. 12-905 paid in the amount of \$293.00 for property located at 19 Newport Drive, Nanuet, New York, more particularly described as Tax Map No. 63.15-1-2, because the job was postponed indefinitely, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of \$80.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund in the amount of \$213.00, which is the \$293.00 Building Permit fee that was paid, minus the processing fee, to Minesh Patel, 19 Newport Drive, Nanuet, New York, to be charged to Account No. B-02-6-2555-0.

Dated: November 8, 2012

TB 11-08 TA RES Bldg Permit Partial Refund Patel-pm

*awm*

RESOLUTION SCHEDULING TOWN BOARD WORKSHOPS  
AND TOWN BOARD MEETINGS FOR THE YEAR 2013

RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2013, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

\*WORKSHOP MEETINGS  
7:30 P.M. - Room 301

TOWN BOARD MEETINGS  
8:00 P.M. - Auditorium  
(Except where noted)

January - 15

January - 3 (Reorganization) (Thurs)

February - 12

February - 5

March - 19

March - 5

April - 23

April - 9

May - 21

May - 7

June - 18

June - 4

July - 23

July - 2

August - 6

August - 20

Sept. - 24

September - 10

October - 22

October - 8

\*\*November - 7 (Thurs @ 7:30 pm)

\*\*November - 7 (Thurs @ 7 pm)

December - 3

December - 19 (Thurs @ 12 Noon)

\* Police Department matters will be discussed at the Workshop Meetings.

\*\* The November 7, 2013 Meeting will be a combination of Town Board Meeting and Workshop.

Dated: November 8, 2012

*amm*

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

BID#41-2012 – HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

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: November 8, 2012

*allm*

**RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO INSTITUTE  
PROCEEDING**

**WHEREAS**, the Rockland County Sewer District #1 (RCSD#1) has authorized and funded a major sanitary sewer infrastructure update which is taking place over a four year period, and

**WHEREAS**, this project authorizes the Town of Clarkstown to contract for the engineering and construction of twelve new sewer pump stations, force mains and associated work in order to rehabilitate and rebuild vital infrastructure, and

**WHEREAS**, recorded easements are required by RCSD#1 since many of the original 1960's era stations that are being rebuilt are on property by verbal agreements and are easements by prescription, and

**WHEREAS**, the property owner at 160 N. Route 303, West Nyack (59.18-1-22) has refused to grant said easement after substantial diligence and negotiation by the Town of Clarkstown;

**NOW, THEREFORE** be it

**RESOLVED**, that the Town Board hereby authorizes the Town Attorney to initiate a proceeding under New York State Eminent Domain Procedure Law to acquire the easement at 160 N. Route 303, West Nyack via condemnation, and be it

**FURTHER RESOLVED**, that the Town Board additionally authorizes the Town Attorney to arrange for the appropriate report and submission for determination under the State Environmental Quality Review Act.

DATED: November 8, 2012

TB 11-08 TA RES EDPL Proceeding 160 N. Route 303--jje

*awm*

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrant in conjunctions with Hydrant Investigation No. 12980, Congers.

Hydrant #11599h – 215’ south of intersection of Vermont Ave & Colton St.

Hydrant #11600h – west side of Massachusetts Ave, 10’ north of intersection of Butler St. & Massachusetts Ave

Hydrant #11601h – 262’ south of intersection of Colton St. & Massachusetts Ave.

Hydrant #11634h – 360’ south of intersection of Lenox Ave. & Lake Rd.

AND BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Vincent Narciso, Chief Fire Safety Inspector.

*awm*

**RESOLUTION AUTHORIZING PREPARATION OF A  
PRELIMINARY APPRAISAL FOR A TAX CERTIORARI MATTER  
REGARDING C&M 345 NORTH MAIN STREET LLC  
(TAX MAP NO. 34.19-1-6)**

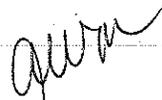
WHEREAS, C&M 345 NORTH MAIN STREET LLC., has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 34.19-1-6, and more commonly known as 345 N. Main Street, New City, New York, for the year(s) 2008/09, 2009/10 and 2010/11, and

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, Steve Sherwood of Valuation Plus, Inc., be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,750; and such fee shall be charged to Account No. A 1420-439-1.

Dated: November 8, 2012



**RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT CONCERNING THE TOWN OF CLARKSTOWN "ADOPT-A-SPOT" 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 adopt specified Town locations for a two year period beginning November 9, 2012 to November 9, 2014, as follows:

**Sponsor:** Steve Weiss Landscaping, Inc. & Snow Plowing  
P. O. Box 77  
Valley Cottage, NY 10989

**Location:** Kings Highway (south of rail road crossing),  
Valley Cottage, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, 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 with the entity referred to herein, for a period of two (2) years beginning November 9, 2012 to November 9, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above locations, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the locations.

Dated: November 8, 2012



RESOLUTION SETTING PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO NEIGHBORHOOD SHOPPING"

WHEREAS, Councilperson \_\_\_\_\_, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO NEIGHBORHOOD SHOPPING"

and

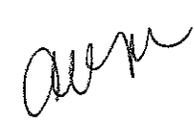
WHEREAS, this proposed local law is to add a new zone, "Neighborhood Shopping," to certain areas within the Town which further the goals and objectives of the Town's Comprehensive Plan by allowing for areas of small commercial and mixed-use development;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on December 11, 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 same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

~~Dated: November 8, 2012~~



RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI  
REGARDING SUNSHINE ASSOCIATES LLC  
(TAX MAP NO.: 43.15-1-16)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Sunshine Associates LLC v. The Town of Clarkstown, its Assessor and Board of Assessment Review of the Town of Clarkstown, Index No(s). 6493/08, 6373/09, 6712/10, 4978/11 and 33542/12, affecting parcel designated as Tax Map 43.15-1-16 and more commonly known as 151 North Main Street, New City, New York for the year(s) 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13, 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 43.15-1-16 be reduced for the year(s) 2008/09 and 2009/10 from \$1,130,500 to \$1,107,900 at a total cost to the Town of \$964.16;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-16 be reduced for the year(s) 2010/11 from \$1,130,500 to \$1,040,100 at a cost to the Town of \$2,132.17;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.15-1-16 be reduced for the year(s) 2011/12 and 2012/13 from \$1,130,500 to \$1,085,300 at a total cost to the Town of \$1,112.11;

4. Reimbursement for the year(s) 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13 on the parcel described as Tax Map 43.15-1-16, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

5. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

Dated: November 8, 2012

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