

**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. *Withdrawn.*
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 #42-2012 – 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:**

18. Authorizing the Supervisor to execute a Power Purchase Agreement with On Force Solar concerning installation of solar panels at the Landfill.
19. Authorizing the following Personnel changes:
  - a) Sick Leave of Absence: Joseph Berry, MEO II, Highway Department
  - b) Appointment (Promotional/Permanent): Adam C. Szkodzinsky, Automotive Mechanic I and Body Repairer – Town Garage.
  - c) Appointment (Promotional/Permanent): Janet A. Brace, Senior Clerk Typist, Office of the Town Attorney.
  - d) Appointment (Promotional/Permanent): Valerie A. Cassidy, Senior Clerk Typist, Department of Environmental Control.
  - e) Appointment (Promotional/Permanent): Elizabeth R. Noonan, Senior Clerk Typist, Police Department.
  - f) Resignation (Disability Retirement): Lee V. DeForest, Laborer, Highway Department.
  - g) Resignation: Colleen Martens, Part Time Clerk Typist, Building Department.
20. Transfer of funds.
21. Authorizing the Supervisor to enter into a Memorandum of Understanding Agreement with the County of Rockland regarding Participation in the Regional Investigative Resource Center.
22. Authorizing the Supervisor to enter into an Agreement with Lorencin Contracting, Inc.
23. Authorizing Change Order #3, Contract "E" Electrical Construction, Project No. CLKT910, Pump Station Upgrade Project, Woodhaven Drive Pump Station, Lakewood Drive Pump Station and Route 303/Landfill Pump Station.
24. Authorizing Acceptance of Conservation Easement regarding SMK-Massachusetts Ave Subdivision (52.08-3-48.2)

**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**

AH-1

**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"

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

*Quinn*

/

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

A handwritten signature in black ink, appearing to be the initials 'ARM'.

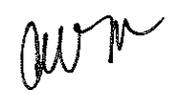
**RESOLVED**, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:

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

A handwritten signature in black ink, appearing to be the initials 'AWM'.

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

*am*

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



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**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

*awn*

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 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

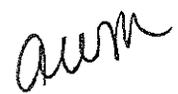
WHEREAS, Leonard Jackson and Leonard Jackson Associates have performed the work on the contract,

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



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

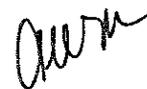
WHEREAS, said map was created by the Rockland County Geographical Information Systems and accepted and approved by the Board of Fire Commissioners of the Nanuet Fire District;

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



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  
February - 12  
March - 19  
April - 23  
May - 21  
June - 18  
July - 23  
August - 6  
Sept. - 24  
October - 22  
\*\*November - 7 (Thurs @ 7:30 pm)  
December - 3

January - 3 (Reorganization) (Thurs)  
February - 5  
March - 5  
April - 9  
May - 7  
June - 4  
July - 2  
August - 20  
September - 10  
October - 8  
\*\*November - 7 (Thurs @ 7 pm)  
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



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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)**

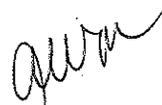
WHEREAS, C&M 345 NORTH MAIN STREET LLC., has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 34.19-1-6, and more commonly known as 345 N. Main Street, New City, New York, for the year(s) 2008/09, 2009/10 and 2010/11, and

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

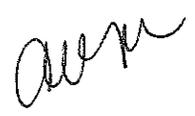
WHEREAS, this proposed local law is to add a new zone, "Neighborhood Shopping," to certain areas within the Town which further the goals and objectives of the Town's Comprehensive Plan by allowing for areas of small commercial and mixed-use development;

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.

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

Dated: November 8, 2012

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A POWER PURCHASE AGREEMENT WITH ON FORCE SOLAR CONCERNING INSTALLATION OF SOLAR PANELS AT THE LANDFILL

WHEREAS, the Town has solicited Requests for Proposals from qualified contractors to fund and install solar panels at the Clarkstown landfill, and

WHEREAS, after careful consideration, the Town Board has selected On Force Solar as the most competitive proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a power purchase agreement with On Force Solar, pursuant to the terms of On Force Solar's October 19, 2012 proposal.

Dated: November 8, 2012

TB 11-08 TA RES On Force Solar-Power Purchase Agree-pm

*awm*

RESOLVED, that in accordance with Article XVIII,  
Section 3 (k) of the Labor Agreement between the Town of  
Clarkstown and the Clarkstown Unit of the C.S.E.A., Joseph  
Berry, 82 Massachusetts Avenue, Congers, New York - Motor  
Equipment Operator II - Highway Department - is hereby  
granted a Sick Leave of Absence - at one-half pay -  
effective November 8, 2012 thru December 8, 2012

DATED: November 8, 2012

P

RESOLVED, that Adam C. Szkodzinsky, 25 Briarwood Avenue,  
Monroe, New York - is hereby appointed to the position of  
(promotional) (permanent) Automotive Mechanic I & Body Repairer -  
Town Garage - at the current 2012 annual salary of \$84,871.,  
effective and retroactive to November 5, 2012.

DATED: November 8, 2012

P

19c

RESOLVED, the Rockland County Personnel Office has furnished Certification of Eligibles #12069 (promotional) Senior Clerk Typist - which contains the name of Janet A. Brace,

NOW, therefore, be it

RESOLVED, the Janet A. Brace, 91 Kings Highway Congers, New York - is hereby appointed to the (promotional) (permanent) position of Senior Clerk Typist - Office of the Town Attorney - at the 2012 current annual salary of \$46,877., - effective November 8, 2012.

DATED: November 8, 2012

P

RESOLVED, the Rockland County Personnel Office has furnished Certification of Eligibles #12069 (promotional) Senior Clerk Typist - which contains the name of Valerie A. Cassidy,

NOW, therefore, be it

RESOLVED, the Valerie A. Cassidy, 11 Fourth Avenue, Nyack, New York - is hereby appointed to the (promotional) (permanent) position of Senior Clerk Typist - Department of Environmental Control - at the 2012 current annual salary of \$53,423., - effective November 8, 2012.

DATED: November 8, 2012

P

192

RESOLVED, the Rockland County Personnel Office has furnished Certification of Eligibles #12069 (promotional) Senior Clerk Typist - which contains the name of Elizabeth R. Noonan,

NOW, therefore, be it

RESOLVED, the Elizabeth R. Noonan, 1 Kings Court, Nanuet, New York - is hereby appointed to the (promotional) (permanent) position of Senior Clerk Typist - Police Department - at the 2012 current annual salary of \$46,877., - effective November 8, 2012.

DATED: November 8, 2012  
P

RESOLVED, that the resignation (by disability retirement)  
of Lee V. De Forest, 93 Church Street, Nanuet, New York -  
Laborer - Highway Department - is hereby accepted effective and  
retroactive to March 12, 2012.

DATED: November 8, 2012  
P

RESOLVED, that the resignation of Colleen Martens,  
35 Rockland Drive, West Nyack, New York - (part time)  
Clerk Typist - Building Department - is hereby accepted -  
effective and retroactive to October 12, 2012.

**WHEREAS**, the Town has received \$74,900 from Rockland County Sewer District #1, \$60,579.45 from Orange & Rockland and \$11,608.50 from Seized Property,

**NOW THEREFORE BE IT,**

**RESOLVED**, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) by \$135,479.45 and Expense Accounts H-8760-409-0-84-9 (Capital-Sewer Pump Station & Collection System Upgrade) by \$74,900 and H-8754-409-0-78-41 (Capital-Emergency Communication Tower) by \$60,579.45 and be it

**FURTHER RESOLVED**, to increase Revenue Account A-01-11-4320-0 (General-Seized Property) by \$11,608.50 and Expense Accounts A-3120-409-0 (Police-Fees for Services) by \$7,326.50 and A-3120-230-0 by \$4,282 and

**WHEREAS**, various accounts need additional funding,

**NOW THEREFORE**, be it

**RESOLVED**, to decrease Account A-1990-905-0 (Contingency-Other Costs) and increase Account A-3120-293-0 (Police-Law Enforcement Equipment) by \$5,675.59 and be it

**FURTHER RESOLVED**, to decrease Accounts A-3120-326-0 (Police-Law Enforcement Supplies) and increase A-3120-438-0 (Police-Maintenance Agreements) by \$8,000 and be it

**FURTHER RESOLVED**, to decrease Account A-3510-307-0 (Control of Animals-Uniforms) and increase Account A-3510-111-0 (Control of Animals-Overtime) by \$200 and be it

**FURTHER RESOLVED**, to decrease Account A-3510-326-0 (Control of Animals-Law Enforcement Supplies) and increase Account A-3510-199-0 (Control of Animals-Vacation Buybacks) by \$173.06 and be it

**FURTHER RESOLVED**, to decrease Account A-7210-219 (Refreshment Stands-Misc Equipment) and increase Account A-7210-306-0 (Refreshment Stands-Maintenance Supplies) by \$239.24 and be it

**FURTHER RESOLVED**, to decrease Account A-7180-219-0 (Swimming Facilities-Misc Equipment) and increase Account A-7180-323-0 (Swimming Facilities-Chemicals) by \$3,339 and be it.

**FURTHER RESOLVED**, to decrease Account DB-5110-230-0 (Highway-Communication Equipment) and increase Account DB-5110-402-0 (Highway Equipment Rental) by \$1,500.

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING PARTICIPATION IN THE REGIONAL INVESTIGATIVE RESOURCE CENTER

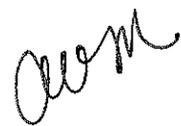
WHEREAS, the County of Rockland wishes to enter into a Memorandum of Understanding with the Town of Clarkstown for the operation of a Regional Investigative Resource Center ("RIRC"), pursuant to Article 5-G of General Municipal Law, and

WHEREAS, the Town of Clarkstown wishes to participate in this shared services environment with the County of Rockland to effectively and efficiently utilize all available resources and avoid duplication of effort and expense by the Police Department for crime fighting activities;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a Memorandum of Understanding Agreement with the County of Rockland, in a form approved by the Town Attorney, to participate in the Regional Investigative Resource Center for the period August 1, 2012 through July 31, 2014.

Dated: November 8, 2012



RESOLUTION AUTHORIZING AN AGREEMENT WITH  
LORENCIN CONTRACTING, INC.

WHEREAS, Lorencin Contracting, Inc. performed certain services in connection with the lead abatement project at 10 and 20 Maple Avenue, and

WHEREAS, the funds for said services were previously authorized by the Town Board and bonded for, as per Resolution No. 340-2011;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with Lorencin Contracting, Inc. to perform certain construction in connection with the lead abatement project, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$289,680.00 and shall be a proper charge to Account No. H 8761-409-85-15.

Dated: November 8, 2012

TB 11-08 TA RES Lorencin Agree-pm

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

**RESOLUTION AUTHORIZING CHANGE ORDER #13, CONTRACT "E" ELECTRICAL CONSTRUCTION, PROJECT NO. CLKT910, PUMP STATION UPGRADE PROJECT, WOODHAVEN DRIVE PUMP STATION, LAKEWOOD DRIVE PUMP STATION AND RT. 303 / LANDFILL PUMP STATION**

**WHEREAS**, the existing Woodhaven Drive, Lakewood Drive and Rt. 303 / Landfill sanitary sewer pump stations are currently being replaced, and

**WHEREAS**, in the course of performing the work, it was determined that additional unforeseen work was required, and

**WHEREAS**, the Contractor for the Town has submitted the proposals for the miscellaneous additional work, and

**WHEREAS**, the Town's Consultant for the project, H2M Engineers, has reviewed the proposals for the additional work and found them to be acceptable. and

**WHEREAS**, the cost for Change Orders #13 is as follows:

1. Installation of temporary transformer at the Woodhaven Drive Pump Station.
2. Installation of modified electrical rack at the Woodhaven Drive Pump Station.
3. Installation of bollards for the new transformer pad at the Woodhaven Drive Pump Station.
4. Disconnect and remove temporary transformer at the Woodhaven Drive Pump Station.
5. Replace street light wiring at the Woodhaven Drive Pump Station.
6. Install phase monitor at the Woodhaven Drive Pump Station.
7. Install site fencing at the Woodhaven Drive Pump Station.
8. Install landscaping restoration at the Woodhaven Drive Pump Station.
9. Install a 30 Amp disconnect plug at the Sewer Dept. Bldg. for the Woodhaven Drive Emergency Generator trailer.
10. Install a methane detector at the Rt. 303 / Landfill Pump Station;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Change Order #13, Contract "E", Electrical Construction, for Project CLKT910 are approved for the total additional cost of \$50,505.00, and

**BE IT FURTHER RESOLVED**, that the total cost for Contract "E", Electrical Construction shall not exceed \$674,819.20, and

**BE IT FURTHER RESOLVED**, that the cost for the project is being reimbursed by the Rockland County Sewer District No. 1

Dated: November 8, 2012

*awm*

RESOLUTION AUTHORIZING ACCEPTANCE OF CONSERVATION EASEMENT  
REGARDING SMK-MASSACHUSETTS AVE SUBDIVISION (52.08-3-48.2)

WHEREAS, based upon the recommendation of the Department of  
Environmental Control and as a condition to the approval of the final map by the  
Planning Board with regard to the SMK-Massachusetts Ave Subdivision (52.08-3-48.2),  
Sean Keenan has provided a conservation easement to the Town, and

WHEREAS, the Town Attorney has advised that the document is in proper legal  
form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the  
conservation easement from Sean Keenan in connection with the SMK-Massachusetts  
Ave Subdivision, subject to the review and approval of the First Deputy Director of the  
Department of Environmental Control, and orders it then recorded in the Rockland  
County Clerk's Office, subject to the receipt of the recording fee.

Dated: November 8, 2012

TB 11-08 TA RES SMK-Mass Ave Cons Ease-pm

*awm*