

**TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING**

December 4, 2012, 7:30 PM

Room 301, Town Hall.

AGENDA

(Tentative)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Authorizing the following Personnel Change:
 - a) Leave of Absence (Family Medical Leave Act): Elizabeth R. Noonan, Senior Clerk Typist, Clarkstown Police Department.
 - b) Appointment: Radhika Nagubandi, Member, Historical Review Board.
2. Authorizing the Purchasing Agent to Advertise for the following Bids:
 - a) Bid #44-2012 – Congers Corporate Corridor Signs
 - b) Bid #45-2012 – Klein Avenue Pump Station Replacement.
3. Removal of Snow on Undedicated Streets in Clarkstown.
4. Setting the following Public Hearings:
 - a) Proposed Local Law entitled: “A Local Law Creating Chapter 41 (Planning Board) and Amending Chapters 42 and 43 of the Code of the Town of Clarkstown.”
 - b) Adopting Official Map of the Town of Clarkstown.
5. Authorizing Release of Escrow Funds concerning M.V.E. Development Corp. Site Plan (35.20-1-12)
6. Authorizing Refund of Building Department Fee to Hardenburgh Abstract Co., Inc. for Property Known as Tax Map No. 50.12-1-37.
7. Granting Certificates of Registration Pursuant to §236-48 of the Town Code:
 - 12-36 – MRJ Excavating, Inc.,
 - 12-37 – JGC Heating, Inc.
8. Amending Town Board Resolution 565-2011 for Bid #32-2012; Central Nyack Off-site Wetlands Mitigation

1A

RESOLVED, that Elizabeth R. Noonan, 1 Kings Court,
Nanuet, New York - Senior Clerk Typist - Police Department -
is hereby granted, as per her request, a leave without pay
pursuant to the Family Medical Leave Act - effective and
retroactive to November 21, 2012.

DATED: December 4, 2012

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1B

RESOLVED, that Radhika Nagubandi, 6 Crum Creek Road,
New City, New York - is hereby appointed to the position
Of Member - Historical Review Board - (to fill the unexpired
term of Stephen M. Papas) - term effective December 4, 2012 and
to expire on December 31, 2014 - at the current 2012 annual
salary of \$2,000.

DATED: December 4, 2012
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2A

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

BID#44-2012 – CONGERS CORPORATE CORRIDOR SIGNS

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: December 4, 2012

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

BID#45-2012 – KLEIN AVENUE PUMP STATION REPLACEMENT

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: December 4, 2012



RESOLUTION FOR REMOVAL OF SNOW ON
UNDEDICATED STREETS IN CLARKSTOWN

WHEREAS, heavy snowfall and other inclement weather may create hazardous conditions which may pose an increased danger to life and property in the event of fire, sickness, lack of food and medical assistance to persons house bound on unplowed or otherwise impassable streets;

NOW, THEREFORE, be it

RESOLVED, that in addition to the authority granted under Executive Law, Sections 24 and 25, the Supervisor of the Town of Clarkstown is hereby authorized to use and direct any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any urgent situation, crisis, natural emergency disaster or extraordinary condition created by any snow fall or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes and directs the Superintendent of Highways to seek the cooperation of the developers/owners of undedicated streets to properly plow and sand during inclement

weather and to use personnel and equipment to plow undedicated streets in the Town of Clarkstown at such time when necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to seek recovery of the reasonable costs for such services from the developers of undedicated subdivision roads or any responsible party, and where appropriate, to assess such costs, if unpaid, on the responsible property owner's next Town tax bill, or otherwise seek recovery by any available legal remedy.

Dated: December 4, 2012

TB 12-04 TA RES Snow Removal-pm

4A

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW CREATING CHAPTER 41 (PLANNING BOARD) AND AMENDING CHAPTERS 42 AND 43 OF THE CODE OF THE TOWN OF CLARKSTOWN"

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

"A LOCAL LAW CREATING CHAPTER 41 (PLANNING BOARD) AND AMENDING CHAPTERS 42 AND 43 OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to add a new chapter, Chapter 41, entitled Planning Board to the Town Code of the Town of Clarkstown and to amend Chapter 42 by changing the title to Certification of Planning Board and Board of Appeals Members and to amend Chapter 43 by changing the title to Planning Department and amending the planning functions of the Town of Clarkstown;

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 20, 2012 at 12:00 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: December 4, 2012

TB 12-04 TA RES Local Law Chap 41 & Amend Chap 42 & 43-pm

RESOLUTION SETTING A PUBLIC HEARING ON ADOPTING
OFFICIAL MAP OF THE TOWN OF CLARKSTOWN

WHEREAS, the Official Map Committee has reviewed the Official Map of the Town of Clarkstown and the GIS Coordinator has corrected any errors or discrepancies contained on said map, and

WHEREAS, the Official Map Committee recommends adoption of the updated Official Map of the Town of Clarkstown pursuant to Section 270 of Town Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 5, 2013 at 8:00 P.M., or as soon thereafter as possible, to consider the adoption of the Official Map of the Town of Clarkstown, which is on file in the Town Clerk's Office, and be it

FURTHER RESOLVED, that the updated version of the Official Map is hereby referred to the Clarkstown Planning Board for its review and recommendations, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, 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 Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the same manner provided by law and file proof thereof in the Office of the Town Clerk.

Dated: December 4, 2012

TB 12-04 TA RES Official Map Public Hearing-pm

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RESOLUTION AUTHORIZING RELEASE OF ESCROW FUNDS
CONCERNING M.V.E. DEVELOPMENT CORP. SITE PLAN (35.20-1-12)

WHEREAS, M.V.E. Development Corp. provided Cashier's Check No. 0027802172 in the amount of \$58,825.00 to the Town as security for completion of landscaping in connection with the M.V.E. Development Corp. site plan (35.20-1-12) located at 300 Route 303, Congers, New York, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has advised that the work has been completed in accordance with the site plan and the escrow funds are no longer required;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the First Deputy Director of the Department of Environmental Control, the escrow funds in the amount of \$58,825.00 being held as security for the landscaping may now be released.

Dated: December 4, 2012

TB 12-04 TA RES Release Escrow-MVE Dev-pm

RESOLUTION AUTHORIZING REFUND OF BUILDING DEPARTMENT FEE
TO HARDENBURGH ABSTRACT CO., INC. FOR PROPERTY KNOWN AS
TAX MAP NO. 50.12-1-37

WHEREAS, Hardenburgh Abstract Co., Inc. paid a fee to the Building Department in the amount of \$165.00 in connection with a request for a violation search report for property located at 64 Mallory Road, Spring Valley, New York, more particularly described as Tax Map No. 50.12-1-37, and

WHEREAS, the Building Inspector has advised that only a portion of the rear yard of the property is in the Town of Clarkstown and the dwelling is located in the Town of Ramapo, and

WHEREAS, since no work was performed on this request, the Building Inspector recommends a full refund of \$165.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$165.00 to Hardenburgh Abstract Co., Inc. to be charged to Account No. B 02-6-2555-0.

Dated: December 4, 2012

TB 12-04 TA RES Hardenburgh Refund Fee-pm

**RESOLUTION GRANTING CERTIFICATES OF REGISTRATION
PURSUANT TO SECTION 236-48 OF THE TOWN CODE**

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

MRJ Excavating Inc.
7 Beaver Court
New City, New York 10956
Michael W. Rickli, Jr., President

JGC Plumbing & Heating Inc.
8 Fairmont Terrace
West Nyack, NY 10994
Gerard Campitiello, Owner

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate

of Registration to:

- 12-36 MRJ EXCAVATING INC.
- 12-37 JGC HEATING INC.

DATED: December 4, 2012

TB 12-04-12 TA RES Certificate of Registration Sewers-dt

awm

**RESOLUTION AMENDING TOWN BOARD RESOLUTION 565-2011 FOR
BID #32-2012; Central Nyack Off-site Wetlands Mitigation**

WHEREAS, Town Board Resolution 565-2011 awarded bid #32-2011 Central Nyack Off-site Wetlands Mitigation to Fourmen Construction Inc.; and

WHEREAS, unforeseen conditions required modifications of required work by the contractor and

WHEREAS, change order requests for change orders #1 for the changes in the scope work for a credit amount of \$5,291.35; and

WHEREAS, the change orders have been reviewed by the Department of Environmental Control and found acceptable as follows:

- 1. Reduction in the quantity of material removed from the site.
Cost (-) \$5,291.35

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be reduced from the original bid amount of **\$399,507.00** to **\$394,215.65** to reflect the credit from the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper revision to account # H -8755-400-409-0-79-7

DATED: December 4, 2012

L:\shared\TB 12 04 DEC RES Bid #32-2011 Central Nyack Off-site Wetlands Mitigation Change Order #1

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND TO PROVIDE MAINTENANCE AND UPKEEP TO CERTAIN PARK AND RIDE LOTS

WHEREAS, the County of Rockland, through its Department of Public Transportation, is desirous of entering into an agreement with the Town of Clarkstown for maintenance and upkeep of park and ride lots located at:

- 1. Exit 12 - Lot 1
- 2. Exit 12 - Lot 2
- 3. Exit 14 - East Lot
- 4. Exit 14 - West Lot
- 5. Exit 14 - North Lot
- 6. Municipal/Commuter Lot - Downtown Valley Cottage
- 7. Nanuet Railroad Station - Lot 2
- 8. North Middletown Road
- 9. Smith Street
- 10. Middletown Road Park and Ride
- 11. Route 304/Cavalry Park and Ride Lot; and

WHEREAS, the County of Rockland agrees to pay the Town the sum of \$340,000.00 in connection with maintenance of the park and ride lots;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into such agreement with the County of Rockland, in a form approved by the Town Attorney, for the period January 1, 2012 and terminating December 31, 2012, to provide maintenance and upkeep of park and ride lots located at sites referred to herein, and be it

FURTHER RESOLVED, that the County of Rockland agrees to reimburse the Town of Clarkstown for said work in a sum not to exceed \$340,000.00

Dated: December 4, 2012
TB 12-04-12 Town Attorney RES Agree County Park & Ride-pm

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RESOLUTION AUTHORIZING RETENTION OF AN APPRAISER TO PREPARE APPRAISALS FOR PROPERTIES WITH RESPECT TO THE WEST NYACK DOWNTOWN REVITALIZATION PROJECT

WHEREAS, the Town Board wishes to obtain appraisals for properties located in West Nyack, New York with respect to the West Nyack Downtown Revitalization Project, and

WHEREAS, the Town Attorney recommends hiring the firm of CMS Realty Advisors Corporation to perform said appraisals;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to retain CMS Realty Advisors Corporation to appraise three (3) parcels located at 716 and 718 West Nyack Road and 4A Phillips Lane in West Nyack, and be it

FURTHER RESOLVED, that the fee for said appraisals shall not exceed \$3,500.00 and shall be a proper charge to Account No. H 8755-409-0-79-21, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that the additional funds allocated for this project shall be funded with the issuance of Serial Bonds.

Dated: December 4, 2012

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