

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING
January 15, 2013
Immediately Following Workshop Meeting
Town Hall – Room 301
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC HEARING:

1. 2013 Community Development Block Grant Funds Program.
2. Acquisition (by Condemnation) of a Permanent Easement on a Portion of Property known as 59.18-1-22.

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting the Minutes of the Town Board Meetings of December 20, 2012 and January 3, 2013, as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes: Reappointment:
 - a) Reappointment: Edward J. Guardaro, Jr., Vice-Chairman, Zoning Board of Appeals.
 - b) Resignation (by Retirement): Joseph Berry, MEO II, Clarkstown Highway Department.
3. Authorizing the Supervisor to Enter into an Agreement with the County of Rockland for Reimbursement for Police Overtime during the Maccabi Games.
4. Authorizing the Supervisor to Enter into a Pilot Agreement with the County of Rockland Industrial Development Agency with The Retail Property Trust (d/b/a "The Shops at Nanuet")
5. Authorizing the Supervisor to Enter into an Agreement for Implementing a Town Program that will Promote Control of the Canadian Geese Population.
6. Authorizing the following Bid Award:
~ Bid #1-2013 – Athletic & Recreation Supplies
7. Authorizing Execution and Acceptance of Maintenance Agreement Regarding United Water New York, Inc./Pascack Well Site Plan (57.11-1-44).
8. Consenting to Formation of the Wolfe Landing LLC Sewage-Works Corporation.
9. Granting Certificates of Registration:
 - 13-5 – Belleville Landscaping, Inc.
 - 13-6 – Rino Paving & Construction, Inc
 - 13-7 – Ronald Filera Landscape Contractors, LLC
 - 13-8 – W. Harris & Son, Inc.
 - 13-9 – Victor P. Zugibe, Inc.
 - 13-10 – Coppola Services, Inc.
 - 13-11 – Rooter Plumbing Hudson Valley, Inc. (d/b/a Mr. Rooter Plumbing)
 - 13-12 – Kevin Stokes Excavating, Inc.
 - 13-13 – Paul Bitts Co., Inc.
 - 13-14 – Omni Landscaping, Inc.
 - 13-15 – Carmelo Scaffidi & Sons Blacktopping, Inc.
 - 13-16 – Richard Orsini, Inc. (d/b/a Green Horizon Landscape & Contracting, Inc.)
 - 13-17 – Monsey Excavating, Inc.
 - 13-18 – American Minutemen Sewer & Drain
 - 13-19 – Cal Mart Enterprises, Inc.

10. Authorizing Settlement of Tax Certiorari – ISB Realty, LLC (Tax Map 58.14-1-49).
11. Authorizing an Increase in the Allotment for Bid #36-2009 – Old Haverstraw Road Culvert Replacement Project to Cover the Costs Associated with a Project Labor Agreement Feasibility Study.
12. Accepting Proposal for Engineering Services for Comprehensive Drainage Study – Hackensack River Basin, West Nyack.
13. Increasing the Authorized Amount for Repairs to an Existing Drainage Structure Located at 186 West Mary Lane in Valley Cottage.
14. Authorizing the Lease of Real Property known as Tax Lot 13-D-28 Under Provision of Town Law Section 64(2)
15. Authorizing Change Order to the Lake Lucille Dam Project.

ADDITIONAL TENTATIVE RESOLUTIONS:

16. Authorizing the following Personnel Change:
 - Resignation (by Retirement): John J. Mahoney, Police Officer (Detective), Clarkstown Police Department.
17. Authorizing the following Bid Awards:
 - a) Bid #42-2012 – Highway Signing and Road Maintenance Supplies
 - b) Bid #43-2012 – Work Clothing and Safety Accessory Items.
18. Requesting the Rockland County Consortium Consider Several Projects for Community Development Block Grant Funding.
19. Authorizing funds for the following:
 - a) Construction of Drainage Improvements on Nancy Drive, New City.
 - b) Preparation of Plans and Specifications in Connection with Possible Capital Drainage Improvements in the area of the Hackensack River Basin, West Nyack.
20. Setting a Public Hearing and Referring a Proposed Local Law entitled: “Amendment to the Town Zoning Map and Chapter 290 (Zoning) of the Code of the Town of Clarkstown with Respect to Major Regional Shopping and Regional Shopping” to the Clarkstown Planning Board and the Rockland County Department of Planning.

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, Click on Legal Matters*****

1

RESOLVED, that the Town Board Minutes of December 20, 2012 and the Town Board Reorganization Meeting of January 3, 2013 are hereby accepted, as submitted by the Town Clerk.

DATED: January 15, 2013

2A
Amended

RESOLVED, that Edward J. Guardaro, Jr., 9 Emerald Drive, Valley Cottage, New York - is hereby reappointed to the position of Vice-Chairman - Zoning Board of Appeals - to serve without compensation - term effective and retroactive - to January 1, 2013 and to expire at 12:01 a.m. on January 1, 2014.

DATED: January 15, 2013
P

2B
Amended

RESOLVED, that the resignation (by retirement) of
Joseph Berry, 82, Massachusetts Avenue, Congers, New York
Motor Equipment Operator II - Clarkstown Highway Department
is hereby accepted - effective and retroactive to
January 9, 2013.

DATED: January 15, 2013
P

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT FOR POLICE OVERTIME DURING THE MACCABI GAMES

WHEREAS, the County of Rockland wishes to reimburse the Town of Clarkstown Police Department for overtime costs incurred during the Maccabi Games pursuant to the 2010 Homeland Security Grant;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain reimbursement for overtime in the amount of \$38,231.22 with regard to the Maccabi Games for the period from August 1, 2012 through July 31, 2013.

Dated: January 15, 2013

TB 01-15 TA RES Police-County Agree - Maccabi Games OT Reim-pm

Awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A PILOT AGREEMENT WITH THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with THE RETAIL PROPERTY TRUST (d/b/a “THE SHOPS AT NANUET”) and THE COUNTY OF ROCKLAND and THE NANUET UNION FREE SCHOOL DISTRICT WITH RESPECT TO PAYMENT IN LIEU OF TAXES FOR PROPERTY KNOWN ON THE CLARKSTOWN TAX MAP(S) AS 57.20-2-59, 63.8-3-3, 63.8-3-6 and 63.8-3-8

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 buildings and the land for Lessee’s The Retail Property Trust (d/b/a “The Shops at Nanuet”) redevelopment of a retail center therein of certain materials which project has offices located at 75 West Route 59, Nanuet, 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 The Retail Property Trust (d/b/a “The Shops at Nanuet”), as Lessee, the Agency’s interest in the Project (the “Lease Agreement”); and

WHEREAS, the proposed agreement provides for the payment in lieu of taxes for the full amount of real estate taxes that it would pay if the RCIDA were not involved in the transaction; 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 THE RETAIL PROPERTY TRUST (d/b/a “THE SHOPS AT NANUET”), THE NANUET 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(s) as 57.20-2-59, 63.8-3-3, 63.8-3-6 and 63.8-3-8, and located at 75 West Route 59, Nanuet, New York.

Dated: January 15, 2013

TB 01-15-13 TA RES “The Shops at Nanuet” PILOT Agreement-dt

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR IMPLEMENTING A TOWN PROGRAM THAT WILL PROMOTE CONTROL OF THE CANADIAN GEESE POPULATION

WHEREAS, the Town has previously contracted with wildlife control specialist Thomas J. Maglaras of Nuisance Wildlife Control Agents to implement a program to egg addle Canadian Geese sites throughout the Town under a License granted to the Town by the USDA Wildlife Services in order to promote control of the Canadian Geese population, and

WHEREAS, the Town has received a proposal for a 2013 Canadian Geese Program from Nuisance Wildlife Control Agents, and its past programs have been most successful, and the proposed fee is found to be reasonable along past years' proposals.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with wildlife control specialist Thomas J. Maglaras, satisfactory to the Town Attorney, to implement a Town program for the control of the Canadian Geese Population during 2013, including a License Agreement with United Water New York, Inc., to enter upon its property during implementation of the program, and to take all steps necessary for the Town of Clarkstown to comply with all applicable State and Federal regulations; and be it

FURTHER RESOLVED, that all reasonable expenses in connection with the use of a wildlife control specialist to carry out the Town of Clarkstown program shall not exceed \$10,200.00 and shall be charged to Account No. A-8090-409-0.

Dated: January 15, 2013

TB 01-15-13 TA Res. Maglaras Agreement-dt

awm

Resolved, based upon the recommendation of the Authorized Purchasing Agent in concurrence with Recreation and Parks, that the bid furnishing athletic and recreation supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #1-2013 Athletic and Recreation Supplies

- ARC Sports 850 Peach Lake Road, North Salem, NY 10560 for items # 1, 2, 4, 11, 12, 14, 17, 21, 26, 35, 87, 88, 90, 91, 94, 95 and 96 as per specifications at a net bid price of \$3,801.55.
- Flaghouse 601 Flaghouse Drive, Hasbrouck Heights, NJ 07604 for items # 22, 23, 28, 29, 31, 32, 38, 51, 52, 61, 62, 63, 74, 77, 78, 79, 80, 81 and 97 as per specifications at a net bid price of \$1,193.16.
- Kenmar Shirts, Inc. 1578 White Plains Road, Bronx, NY 10462 for item # 102 as per specifications at a net bid price of \$2,613.24.
- The LifeguardStore 2012 W. College Avenue, Normal, IL 61761 for items # 53, 100, 115, 116 and 117 as per specifications at a net bid price of \$6,909.00.
- Mainly Monograms 260 West Nyack Road, West Nyack, NY 10994 for items #103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 118, 119, 121, 124 and 125 as per specifications at a net bid price of \$12,505.05.
- Passon's Sports (Sports Supply Group) P.O. Box 49, Jenkintown, PA 19046 for items # 3, 5, 8, 10, 13, 18, 19, 24, 33, 37, 39, 43, 46, 47, 57, 58, 59, 60, 65, 66, 67, 69, 72, 73 and 99 as per specifications at a net bid price of \$1,771.27.
- Riddell/All American 669 Sugar Lane, Elyria, OH 44035-6309 for items # 6, 7, 15, 20, 120, 122 and 123 as per specifications at a net bid price of \$1,396.55.
- S&S Worldwide 75 Mill Street, Colchester, CT 06415 for items # 16, 25, 30, 40, 41, 42, 44, 45, 48, 49, 54, 55, 56, 68, 75, 76, 89, 93 and 98 as per specifications at a net bid price of \$1,133.17.
- United Supply Corp. 250 44th Street, Brooklyn, NY 11232 for items # 9, 27, 34, 50, 85, 86, 92, and 101 as per specifications at a net bid price of \$612.28.

Gross total for all items: **\$31,935.27**

Further resolved, that this amount \$31,935.27 be charged against accounts:

7140-222	\$ 2,789.71
7140-307	907.25
7141-222	-0-
7141-307	1,277.10
7141-329	1,715.44
7180-307	8,342.82
7180-329	984.72
7310-307	8,777.00
7310-329	7,056.83
7610-329	84.40

TOTAL: \$31,935.27

Dated: January 15, 2013

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RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF
MAINTENANCE AGREEMENT REGARDING UNITED WATER
NEW YORK, INC./PASCACK WELL SITE PLAN (57.11-1-44)

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 United Water New York, Inc./Pascack Well site plan
(57.11-1-44), United Water New York, Inc. has provided a stormwater control facility
maintenance agreement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental
Control has recommended acceptance of said conveyance; and 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 authorizes
the Supervisor to execute the stormwater control facility maintenance agreement, and be
it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby
accepts the stormwater control facility maintenance agreement from United Water New
York, Inc. in connection with the United Water New York, Inc./Pascack Well site plan
and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of
recording fees.

Dated: January 15, 2013

TB 01-15 TA RES United Water Pascack Well Stormwater Agree-pm

awm

RESOLUTION CONSENTING TO FORMATION OF THE WOLFE LANDING LLC
SEWAGE-WORKS CORPORATION

WHEREAS, Wolfe Landing, LLC has submitted plans for approval of a sewage disposal system to the Rockland County Department of Health, and

WHEREAS, the Rockland County Department of Health has found said plans acceptable and requires the formation of a sewage works corporation, and

WHEREAS, pursuant to Transportation Corporation Law, the Town of Clarkstown must consent to the Certificate of Incorporation for the Wolfe Landing LLC Sewage-Works Corporation;

NOW, THEREFORE, be it

RESOLVED, that based upon the prior approval of the Rockland County Department of Health and pursuant to the Transportation Corporation Law, the Town Board of the Town of Clarkstown hereby consents to the Certificate of Incorporation for the formation of the Wolfe Landing LLC Sewage-Works Corporation for the area described in such certificate.

Dated: January 15, 2013

TB 01-15 TA RES Wolfe Landing Sewage Works Corp-pm

awm

**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:

BELLEVILLE LANDSCAPING, INC.
84 N. Route 9W - Suite D
Congers, New York 10920
Isidore J. Castiglia, Vice-President

RINO PAVING & CONSTRUCTION, INC.
20 Viola Road
Suffern, New York 10901
Robert Rino, President

RONALD FILERA LANDSCAPE CONTRACTORS, LLC
520 Pascack Road
Chestnut Ridge, New York 10977
Ronald Filera, Sole Member

W. HARRIS & SON, INC.
37 West Washington Avenue
Pearl River, NY 10965
Tim Harris, President

VICTOR P. ZUGIBE, INC.
66 Railroad Avenue
Garnerville, New York 10923
Victor P. Zugibe, President

COPPOLA SERVICES, INC.
28 Executive Parkway
Ringwood, NJ 07456
Ralph Coppola, President

ROOTER PLUMBING HUDSON VALLEY, INC.,
d/b/a MR. ROOTER PLUMBING
P.O. Box 1740
Pleasant Valley, NY 12569
Clinton C. Kershaw, President

KEVIN STOKES EXCAVATING, INC.
P.O. Box 812
Pearl River, New York 10965
Kevin Stokes, President

PAUL BITTS CO., INC.
9 Germonds Road
New City, New York 10956
Paul Bitts, President

OMNI LANDSCAPING, INC.
12 Colline Drive
Suffern, NY 10901
Paul Ruggieri, President

CARMELO SCAFFIDI & SONS BLACKTOPPING, INC.
26 Dickens Street
Stony Point, New York 10980
Eduardo D. Scaffidi, Vice-President

RICHARD ORSINI, INC.
d/b/a GREEN HORIZON LANDSCAPE & CONTRACTING, INC.
133 W. Clarkstown Road
New City, New York 10956
Richard Orsini

MONSEY EXCAVATING, INC.
71 Montebello Commons Dr. - P.O. Box 677
Suffern, New York 10901
Albert Lepori, President

AMERICAN MINUTEMEN SEWER & DRAIN
P. O. Box 2005
New City, New York 10956
Joseph Simonetti, President

CAL MART ENTERPRISES, INC.
4 Burts Road
Congers, New York 10920
Martin Wortendyke, Vice-President

NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate

of Registration to:

- 13-5 BELLEVILLE LANDSCAPING, INC.
- 13-6 RINO PAVING & CONSTRUCTION, INC.
- 13-7 RONALD FILERA LANDSCAPE CONTRACTORS, LLC
- 13-8 W. HARRIS & SON, INC.
- 13-9 VICTOR P. ZUGIBE, INC.
- 13-10 COPPOLA SERVICES, INC.

13-11 ROOTER PLUMBING HUDSON VALLEY, INC.,
d/b/a MR. ROOTER PLUMBING
13-12 KEVIN STOKES EXCAVATING, INC.
13-13 PAUL BITTS CO., INC.
13-14 OMNI LANDSCAPING, INC.
13-15 CARMELO SCAFFIDI & SONS BLACKTOPPING, INC.
13-16 RICHARD ORSINI, INC.
d/b/a GREEN HORIZON LANDSCAPE & CONTRACTING, INC.
13-17 MONSEY EXCAVATING, INC.
13-18 AMERICAN MINUTEMEN SEWER & DRAIN
13-19 CAL MART ENTERPRISES, INC.

DATED: JANUARY 15, 2013

TB 01-15-13 TA RES Certificate of Registration Sewers-sk

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**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING ISB REALTY LLC
(TAX MAP NO.: 58.14-1-49)**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ISB Realty, LLC against The Board of Assessors AND/OR The Assessor of the Town of Clarkstown and the Board of Assessment review. Index No(s). 6792/09, 7636/10, 31317/11, 31468/12, affecting parcel designated as Tax Map 58.14-1-49 and more commonly known as 175 Route 304, Nanuet, New York for the year(s) 2009/10, 2010/11, 2011/12, 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 58.14-1-49 be reduced for the year(s) 2010/11 from \$366,400 to \$329,800 at a cost to the Town of \$863.25;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-1-49 be reduced for the year(s) 2011/12 from \$366,400 to \$351,750 at a cost to the Town of \$360.45;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-1-49 be reduced for the year(s) 2012/13 from \$366,400 to \$355,400 at a cost to the Town of \$288.64;

4. There is no reduction in the assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.14-1-49 for the year(s) 2009/10;

5. Reimbursement for the year(s) 2010/11, 2011/12, and 2012/13 on the parcel described as Tax Map 58.14-1-49, 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;

6. 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: January 15, 2013

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

11

RESOLUTION AUTHORIZING AN INCREASE IN THE ALLOTMENT FOR BID #36-2009 OLD HAVERSTRAW ROAD CULVERT REPLACEMENT PROJECT TO COVER THE COSTS ASSOCIATED WITH A PROJECT LABOR AGREEMENT FEASIBILITY STUDY

Whereas, the Town Board of the Town of Clarkstown has previously, via resolution, retained the services of Holzmacher, McLendon & Murrell, P.C. (d/b/a H2M Group) to perform Project Labor Agreement Feasibility Studies with respect to Town capital improvement projects; and

Whereas, H2M Group prepared and submitted a Project Labor Agreement Feasibility Study for the Old Haverstraw Road Culvert Replacement Project; and

Whereas, in accordance with their existing contract, H2M Group submitted an invoice in the amount of \$8,200.00 for the preparation of said Project Labor Agreement Feasibility Study;

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes an increase in the allotment for Bid #36-2009 Old Haverstraw Road Culvert Replacement Project in the amount of \$8,200.00, for a total project amount of \$279,969.15, to cover the costs associated with the preparation of said Project Labor Agreement Feasibility Study; and

Be It Further Resolved that this shall be a proper charge to account # *H 8762-409-86-15*.

Dated: **January 15, 2013**

K:\shared\Town Board Resolutions\January 13\TB 1-15-13 DEC RES Old Haverstraw Road Culvert Replacement Project - PLA Feasibility Study

awm

**RESOLUTION ACCEPTING PROPOSAL FOR
ENGINEERING SERVICES FOR COMPREHENSIVE DRAINAGE STUDY
HACKENSACK RIVER BASIN, WEST NYACK**

WHEREAS, the Town is desirous of having a qualified consultant perform a hydrologic and hydraulic analysis of the Hackensack River Basin tributary to an area of chronic flooding in the West Nyack hamlet and to recommend measures to mitigate that chronic flooding, and

WHEREAS, the Town, through the West Nyack Drainage Task Force ("WNDTF"), prepared a Request for Proposal to perform said study, and has solicited proposals from qualified Consultants to perform said analysis, and

WHEREAS, proposals have been received from 5 potential Consultants which were reviewed by the WNDTF Consultant Selection Committee, which subsequently interviewed three firms to further evaluate the firms' qualifications, and

WHEREAS, of the qualified proposing firms, the WNDTF Consultant Selection Committee has recommended that the Town retain Brooker Engineering PLLC of Suffern, NY to perform the said study, that recommendation being based on firm qualifications and experience, and

WHEREAS, after said evaluation of qualifications, the Consultant Selection Committee opened the cost proposal from Brooker Engineering PLLC and found the proposal to be reasonable in terms of scope and cost;

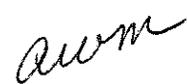
NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Brooker Engineering PLLC, in a form satisfactory to the Town Attorney, to provide the Engineering Services for Comprehensive Drainage Study, Hackensack River Basin, West Nyack, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed ONE HUNDRED TWELVE THOUSAND EIGHT HUNDRED (\$112,800.00) DOLLARS plus reasonable reimbursable expenses not to exceed \$3,000.00, for a total cost of \$115,800.00, and be it

FURTHER RESOLVED, that the fees for said services shall be a proper charge to Account No. H 8765-409-0-88-22, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the cost of the study through the issuance of serial bonds.

Dated: January 15, 2013



**RESOLUTION INCREASING THE AUTHORIZED AMOUNT FOR REPAIRS TO AN
EXISTING DRAINAGE STRUCTURE LOCATED AT #186 WEST MARY LANE IN
VALLEY COTTAGE**

Whereas, the Town Board of the Town of Clarkstown had, via Resolution #471-2012, previously authorized the Director of the Department of Environmental Control to retain the services of Cal Mart Enterprises, Inc. of Congers, New York to effect repairs to an existing drainage structure located within a Town drainage easement in the rear yard of the residence at 186 West Mary Lane in Valley Cottage, New York; and

Whereas, as the work commenced it was determined in the field that an existing storm drain line tied into the drainage structure was also damaged necessitating repairs be made to a portion of this storm drain line; and

Whereas, this unforeseen additional work was not included in the original scope of work; and

Whereas, the Department of Environmental Control obtained a proposal from Cal Mart Enterprises, Inc. to effect repairs to this storm drain line and to accommodate a change in the restoration of the area surrounding the drainage structure performed at the request of the resident; and

Whereas, the Department of Environmental Control reviewed said proposal and found it to be acceptable in terms of scope and price;

Now, Therefore, Be It Resolved that the amount allocated for this work be increased by \$2,536.56 to a total of \$12,636.56 to reflect the change in the scope of work; and

Be It Further Resolved that said cost shall be a proper charge to account # *H-8755-400-409-0-79-1*.

Dated: **January 15, 2013**

K:\shared\Town Board Resolutions\TB 1-15-13 DEC RES 186 West Mary Lane Catch Basin Repairs II

Sum

RESOLUTION AUTHORIZING THE LEASE OF REAL PROPERTY KNOWN AS TAX LOT 13-D-28 UNDER PROVISION OF TOWN LAW SECTION 64(2)

WHEREAS, the Town Board, by Resolution dated January 15, 2002, authorized the expenditure of funds to pay for the cost of the installation of a water meter and water meter pit at the site of the Veterans' Memorial at the Nanuet Train Station (Lot13-D-28), and

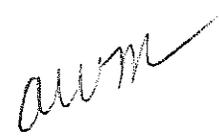
WHEREAS, the site wherein the Veterans' Memorial is located is owned by New Jersey Transit Corporation, and

WHEREAS, the New Jersey Transit Corporation has agreed to extend to lease the aforesaid site to the Town for a term of six (6) months commencing on January 1, 2013 and terminating on June 30, 2013 for a fee of One (\$1.00) Dollar per annum, which fee shall be waived;

NOW, THEREFORE, be it

RESOLVED, in accordance with the authority provided in Town Law Section 64(2), the Town Board authorizes and directs the Supervisor to enter into a lease agreement with New Jersey Transit Corporation for the premises identified on the Tax Map of the Town of Clarkstown as Lot 13-D-28, which lease agreement will be extended for a six (6) month term commencing January 1, 2013 and ending June 30, 2013 at an annual fee of One (\$1.00) Dollar per annum, which fee shall be waived.

Dated: January 15, 2013



**RESOLUTION AUTHORIZING CHANGE ORDER TO THE
LAKE LUCILLE DAM PROJECT**

WHEREAS, by Resolution No. 592-2012, the Town Board authorized the Supervisor to retain Pinebrook Industries to provide construction services for repairs to existing rip-rap embankment and related work related to the Lake Lucille Aquatic Improvement District, and

WHEREAS, unforeseen field conditions varied from those anticipated to exist upon cleanup of eroded areas of the site, requiring changes to the scope of work originally authorized:

- 1) Installation of an additional 15 linear feet of boulders over the 15 linear feet initially estimated by the Town,
- 2) Installation of an additional 10 linear feet of curb over the 20 linear feet initially estimated by the Town, and

WHEREAS, the Deputy Director of Environmental Control has reviewed said changes and found them to be necessary and reasonable, and

WHEREAS, the Contractor has submitted change order proposals in the amount of \$2,500.00 for the change in scope of work, which the Deputy Director of Environmental Control has deemed reasonable;

NOW, THEREFORE, be it

RESOLVED that the Town Board authorizes a change order for additional work in the amount of \$2,500.00, and be it

FURTHER RESOLVED, that the capital account for said project is hereby increased by \$2,500.00, for a total of \$12,500.00, and be it

FURTHER RESOLVED, that the additional cost for such services shall be a proper charge to Account No. H 8765-409-0-88-26 and shall be charged to the District.

Dated: January 15, 2013



RESOLVED, that the resignation (by retirement) of
John J. Mahoney, 35 Hansen Avenue, New City, New York -
Police Officer (Detective) - Clarkstown Police Department
is hereby accepted - effective and retroactive to
January 4, 2013.

DATED: January 15, 2013
P

17A

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID #42-2012- HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to: CHEMUNG SUPPLY CORP.

P.O. BOX 527
ELMIRA, NY 14902
PRINCIPAL: MYRA S. STEMERMAN
MARC P. STEMERMAN

FLINT TRADING, INC.
115 TODD CT.
THOMASVILLE, NC 27360
PRINCIPAL: MATT SOULE
STEVE VETTER

3M CENTER
BLDG. 225-5S-08
BOX 33225
ST. PAUL, MN 55133-3225
PRINCIPAL: A PUBLIC CORPORATION

VULCAN SIGNS
P.O. BOX 1850
FOLEY, AL 36536-1850
PRINCIPAL: AN EMPLOYEE OWNED COMPANY

AMERICAN TRAFFIC SAFETY MATERIALS, INC.
P.O. BOX 1449
ORANGE PARK, FL 32067-1449
PRINCIPAL: A PUBLIC CORPORATION

as per attached item/price schedule on file in the Purchasing Department.

DATED: January 15, 2013



RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID#43-2012 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

is hereby awarded to:

ARAMARK UNIFORM SERVICES
DIV. OF ARAMARK UNIFORM & CAREER APPAREL, INC.
115 NORTH FIRST STREET
BURBANK, CA 91502
PRINCIPALS: A PUBLIC CORPORATION

STAUFFER GLOVE AND SAFETY
361 E. SIXTH STREET
P.O. BOX 45
RED HILL, PA 18076
PRINCIPALS: W. RANDELL STAUFFER
JEFFREY STAUFFER
REBEKAH STAUFFER PUTERA

STRONGWEAR GARMENT CORP
191 THE PLAZA
TEANECK, NJ 07666
PRINCIPALS: GILBERT ORTIZ

as per the price/item list on file in the Purchasing Department

DATED: January 15, 2013

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

RESOLUTION REQUESTING THE ROCKLAND COUNTY CONSORTIUM CONSIDER SEVERAL
PROJECTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

WHEREAS, the Town Board of the Town of Clarkstown wishes to request that the
Rockland County Consortium consider several projects for Community Development Block Grant
Funding, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of these applications
in their request for funding;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the Rockland County
Consortium consider Community Development funding for the following purposes:

1st Priority: Town of Clarkstown – Transport vehicle to assist in the transport of senior
citizens from and to various locations within the Town

2nd Priority: Town of Clarkstown – Accessible Pedestrian Signals and Detectors: Tactile
Arrows and Locator Tones at Squadron Blvd. & North Main Street, New City

3rd Priority: Town of Clarkstown – Reconstruction of sidewalks and entrance doors at several Town
community centers to comply with ADA regulations

and be it

FURTHER RESOLVED, that the Town Board hereby requests that from this list, the
Consortium prioritize the applications in the same order they are listed in this resolution
when considering each of these projects submitted by the Town of Clarkstown.

Dated: January 15, 2013



BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JANUARY 15, 2013, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON NANCY DRIVE, NEW CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$26,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$26,000 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 drainage improvements on Nancy Drive, New City. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$26,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$26,000 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 \$26,000 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 January 15, 2013, 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 January 15, 2013, authorizing the construction of drainage improvements on Nancy Drive, New City, stating the estimated maximum cost thereof is \$26,000, appropriating said amount for such purpose, and authorizing the issuance of \$26,000 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 drainage improvements on Nancy Drive, New City; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$26,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$26,000 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 \$26,000 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 \$26,000 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: January 15, 2013

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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BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
 NEW YORK, ADOPTED JANUARY 15, 2013, AUTHORIZING
 THE PREPARATION OF PLANS AND SPECIFICATIONS IN
 CONNECTION WITH POSSIBLE CAPITAL DRAINAGE
 IMPROVEMENTS IN THE AREA OF THE HACKENSACK
 RIVER BASIN, WEST NYACK , STATING THE ESTIMATED
 MAXIMUM COST THEREOF IS \$115,800, APPROPRIATING
 SAID AMOUNT FOR SUCH PURPOSE, AND
 AUTHORIZING THE ISSUANCE OF \$115,800 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 prepare plans and specifications in
 connection with possible capital drainage improvements that may be undertaken in the future in
 the area of the Hackensack River basin in an area of chronic flooding in West Nyack. The
 estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the
 financing thereof, is \$115,800 and said amount is hereby appropriated for such purpose. The
 plan of financing includes the issuance of \$115,800 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 \$115,800 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. 62 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.

* * *

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RESOLUTION SETTING A PUBLIC HEARING AND REFERRING A PROPOSED LOCAL LAW ENTITLED, "AMENDMENT TO THE TOWN ZONING MAP AND CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAJOR REGIONAL SHOPPING & REGIONAL SHOPPING" TO THE CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY DEPARTMENT OF PLANNING

WHEREAS, the Planning Department, in consultation with and as a result of the State Route Corridor Study undertaken by Cambridge Systematics implementing the Town's Comprehensive Plan, has drafted proposed amendments to the Zoning Map and Chapter 290 of the Code of the Town of Clarkstown which would rezone various Light Industrial Office (LIO) and Regional Shopping (RS) zoned properties to Major Regional Shopping (MRS); and various Light Industrial Office (LIO), Manufacturing (M), and Medium Density Single Family Residential (R-15 & R-22) zoned properties to Regional Shopping (RS) in the vicinity of the intersection of Route 59 and Route 303, as well as providing qualitative requirements for buffering commercial uses adjacent to residential uses and incentives for mitigating stormwater runoff in excess of minimum Federal and State requirements, and

WHEREAS, these proposed amendments will encourage economic development in areas best served by the Town's existing infrastructure while safeguarding adjacent residential uses and encouraging stormwater management to a higher extent than currently applicable, all of which further the goals and objectives of the Town's Comprehensive Plan, and

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

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

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and 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 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 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 March 5, 2013 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: January 15, 2013

