

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
March 5, 2013, 8:00 PM
Town Hall Auditorium
AGENDA
(Tentative)

SALUTE TO THE FLAG

SPECIAL PRESENTATIONS:

- Clarkstown Youth Court Graduation
- JT's Forty Something Softball League - 2012 Champions

CLERK CALLS THE ROLL

PUBLIC HEARING:

- 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:

PUBLIC COMMENTS REGARDING AGENDA ITEMS:
(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting Minutes of the Special Town Board Meeting of January 15, 2013 and the Town Board Meeting of February 5, 2013, as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes:
 - a) Resignation (Retirement): Eric Eisele, Police Sergeant, Clarkstown Police Department
 - b) Resignation (Retirement): George Malecot, Municipal Bus Driver & Clerk, Mini-Trans.
 - c) Appointment (Contingent/Permanent): Catherine T. Cirrone, Administrative Secretary, Planning Department.
 - d) Appointment (Promotional): Kathleen Goodyear, Assessing Clerk II, Office of the Town Assessor.
 - e) Appointment (Promotional): Elizabeth McDonald, Assessing Clerk I, Office of the Town Assessor.
 - f) Leave (Family & Medical Leave Act): Erika A. Moschetti, Public Information Specialist, Office of the Town Supervisor.
 - g) Reappointment: Jason Goldsmith, Member, Fire Board of Appeals.
 - h) Creation: Police Sergeant, Clarkstown Police Department.
 - i) Appointment (Permanent): Matthew E. Usef, Police Officer, Clarkstown Police Department.
 - j) Sick Leave of Absence: Michael DeMaio, Senior Groundswoker, Maintenance Department.
3. Authorizing the Purchasing Agent to Advertise for the following:
 - a) Bid #13-2013 – Calvary Drive & North Main Street, New City – Audible Pedestrian Signals and Detectors with Tactile Arrows and Locator Tones.
 - b) Bid #14-2013 – Tree Stump Removal & Disposal at Various Locations, Clarkstown, NY.
4. Authorizing the following Bid Awards:
 - a) Bid #33-2012 – Aquatic Vegetation Management Program.
 - b) Bid #45-2012 – Klein Avenue Pump Station Replacement
 - c) Bid #11-2013 – Purchase of Trailer-Mounted Generators.
 - d) Bid #12-2013 – Purchase of Trailer-Mounted Led Light Towers.
5. Authorizing United Water to install Hydrant #11443 – Yellowstone Drive, W. Nyack.
6. Authorizing the Supervisor to enter into an Agreement with the County of Rockland for Reimbursement for Counter-Terrorism Training Courses, as Per the State Homeland Security Program (SHSP) Grant.

7. Authorizing Partial Refund of Building Permit fee to Max Rosenthal concerning Property designated as Tax Map No. 43.20-2-35.
8. Granting permission for a Fireworks Display conducted by the Clarkstown Parks Board and Recreation Commission -- Nanuet Senior High School -- July 3, 2013.
9. Authorizing Acceptance of a Conservation Easement and General Municipal Easement regarding Elazar Cohen Subdivision (63.12-2-12 & 13)
10. Setting a Public Hearing on a Proposed Local Law entitled: "A Local Law Amending Chapters 93, 109, 112, 125, 126, 136, 149, 173, 180, 200, 202, 205, 208, 216, 220, 226, 231, 236, 239, 244, 248, 250, 258, 270, 278 and 290 of the Code of the Town of Clarkstown."
11. Granting Certificates of Registration:
~ 13-26 -- McGannon Excavating, LLC
12. Defaulting Performance Bond for Public Improvements on the Goldkirch Partners I, LP Subdivision, Congers.
13. Authorizing the Supervisor and the Chief of Police to enter into an Agreement with the County of Rockland regarding Stop-DWI Funds for the Year 2013.
14. Accepting Proposal of CLG Insurance with Respect to Insurance Coverage of the Mini-Trans Bus System of the Town of Clarkstown.
15. Authorizing the Supervisor to enter into the following Adopt-a-Spot Agreements:
 - a) John Mini Distinctive Landscapes -- Brenner Drive & Route 303, Congers
 - b) Curti's Landscaping -- Route 303 & Route 9W (in front of Rockland Masonry), Congers.
 - c) Belleville Landscaping, Inc. -- N/W Corner of Route 9W & Lake Road, Valley Cottage
16. Authorizing the Supervisor to File an Application with the NYS Department of State for a Local Government Efficiency Grant.
17. Authorizing the Changing of Street Names.
18. Authorizing Funds for the Acquisition and Installation of Town Hall and Police Department Technology Improvements.

ADDITIONAL TENTATIVE RESOLUTIONS:

19. Transfer of Funds.
20. Authorizing the removal of parking restrictions on Main Street, Nanuet
21. Amending Resolution No. 316-2012
22. Authorizing acquisition of a permanent easement on portion of property owned by Hauser Bros. Holdings, LLC

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~

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RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2013

WHEREAS, 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"

was introduced by Councilperson Lasker, at a Town Board meeting
held on January 15, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by
resolution adopted on January 15, 2013, directed that a public
hearing be held on March 5, 2013, at 8:00 p.m., or as soon
thereafter as possible, relative to such proposed local law, and

WHEREAS, a public hearing was held by the Town Board of the
Town of Clarkstown on March 5, 2013, and

WHEREAS, notice of said hearing was duly prepared and
published in the Journal News on February 20, 2013, and

WHEREAS, by resolution adopted January 15, 2013, the Town
Board referred the proposed local law to the Clarkstown Planning
Board for their comment, pursuant to §290-33 of the Zoning Local
Law of the Town of Clarkstown, and to the Rockland County
Commissioner of Planning, pursuant to General Municipal Law
§§239-1 & m, and

WHEREAS, a copy of the proposed local law in final
form was placed on the desks of the Supervisor and the
Councilpersons at their office at the Clarkstown Town Hall, 10
Maple Avenue, New City, New York, on February 20, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by Jose Simoes, Principal Planner for the Town of Clarkstown, as agent for the Town Board, pursuant to SEQRA, which the Board has discussed and considered in making its decision herein, and

WHEREAS, the Rockland County Planning Department provided their written report on February 14, 2013 recommending that a minimum buffer width be provided for parcels that require buffer areas when the parcel abuts a residential district, and

WHEREAS, said Rockland County Planning Department recommendation has already been included in the bulk table to require a minimum buffer width with enhanced buffers between commercial and residential zones, and

WHEREAS, Jose Simoes, Town Planner, by memo dated February 25, 2013, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and the Town's Comprehensive Plan in that it encourages economic development along State Routes 303 and 59, while safeguarding adjacent residential uses and encouraging Stormwater management to a higher extent than currently applicable, and

WHEREAS, by resolution dated February 6, 2013, the Town of Clarkstown Planning Board recommended in favor of the proposed local law;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Planner, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is an unlisted action under SEQRA, and (2) the proposed action shall not have any significant impact on the environment, and be it

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

FURTHER RESOLVED, that Local Law No. - 2013 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"

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

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

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

Dated: March 5, 2013

TB 03-05 TA RES Adopt LL-Amend Chap 290 Regional Shopping-pm



**STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

Lead Agency: Town Board
Town of Clarkstown
10 Maple Avenue
New City, NY 10956

Project: RS/MRS Zoning

Date: March 5, 2013

This notice is issued pursuant to part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Clarkstown, as lead agency, has determined that the proposed action described below will not have a significant impact on the environment, and a Draft Environmental Impact Statement will not be prepared.

Name of Action: RS/MRS Zoning

SEQRA Status: Unlisted

Description of Action: 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 provide qualitative requirements for buffering commercial uses adjacent to residential uses and incentives for mitigating stormwater runoff in excess of minimum Federal and State requirements.

Location: Town of Clarkstown, New York

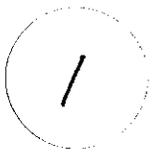
Reasons Supporting this Determination:

The proposed amendments will encourage economic development in areas along State Routes 303 and 59 which are 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. Changes to the MRS district involve the addition of properties into this zoning district that are currently in use by the Palisades Center Mall and do not add to the overall development potential of the MRS zone. The amendment will rezone LIO and RS properties owned by the Palisades Mall to MRS to reflect Town Code Section 290-9 (Interpretation of Boundaries) and the actual use of the property as a major shopping mall. The overall land use scheme for the area will remain commercial. The proposed zoning boundary changes will create a more orderly

zoning scheme for the area by snapping zoning lines to property boundaries. In addition, the proposed adjustment to zoning boundaries will permit development that is more appropriate for properties located along major state roadways near residential uses primarily by changing them from LIO to RS.

These changes will result in approximately 124,000 square feet of additional building floor area beyond what the current zoning permits. Potential visual and noise impacts will be mitigated by the inclusion of enhanced buffers between commercial and residential zones. Buffer areas abutting residential districts will be required to be landscaped in such a way that commercial activities are screened from residential uses. The intent of this landscaping is to maintain the residential character of residential districts, preserve scenic areas, minimize aesthetic impacts, minimize noise and light impacts, and preserve the health and safety of residents. The Planning Board will be able to enforce the maintenance of buffers through the use of covenants. While this amendment will also slightly raise the total potential amount of impervious surfaces, development density incentives will be provided to projects which mitigate stormwater runoff beyond the currently established minimum. There should be adequate area infrastructure such as water, sewer, gas, electric and highway capacity in the vicinity to absorb any additional demand in services. Potential site specific impacts will be identified and proposed mitigation analyzed by the Planning Board as applications are made for individual projects, on a case by case basis.

Contact Person: Jose Simoes
Town Planner
10 Maple Avenue
New City, NY 10956
(845-639-2070)



RESOLVED, that the Special Town Board Minutes of January 15, 2013 and the Town Board Meeting of February 5, 2013 are hereby accepted, as submitted by the Town Clerk.

DATED: March 5, 2013

2A

RESOLVED, that the resignation (by retirement) of Eric Eisele, 1813 Whispering Hills Drive, Chester, New York - Police Sergeant - Clarkstown Police Department is hereby accepted - effective and retroactive to February 11, 2013.

DATED: March 5, 2013

P

RESOLVED, that the resignation (by retirement) of
George Malecot, 61 Kleitz Avenue, Highland Falls, New York -
Municipal Bus Driver and Clerk - Municipal Transportation
is hereby accepted - effective and retroactive to
February 23, 2013.

DATED: March 5, 2013
P

20

RESOLVED, that Rockland County Personnel Office has furnished Certification of Eligibles #12013 - Administrative Secretary - which contains the name of Catherine T. Cirrone, NOW, therefore, be it

RESOLVED, that Catherine T. Cirrone, 157 So. Little Tor Road, New City, New York - is hereby appointed to the position of (Contingent-Permanent) Administrative Secretary - Planning Department, at the current 2013 annual salary of \$53,413., - effective and retroactive to March 4, 2013.

DATED: March 5, 2013
P

20

RESOLVED, that Kathleen Goodyear, 19 Strawtown Road,
West Nyack, New York - is hereby appointed (promotional)
(provisional) to the position of Assessing Clerk II -
Office of the Town Assessor - at the current 2013 annual
salary of \$67,690 - effective and retroactive to
March 4, 2013.

DATED: March 5, 2013
P

2E

RESOLVED, that Elizabeth McDonald, 187 Old Route 304,
New City, New York - is hereby appointed (promotional)
(provisional) to the position of Assessing Clerk I -
Office of the Town Assessor - at the current 2013 annual
salary of \$49,933 - effective and retroactive to
March 4, 2013.

DATED: March 5, 2013
P

RESOLVED, that Erika A. Moschetti, 23 Kenwood Lane,
New City, New York - Public Information Specialist - Office
of the Town Supervisor - is hereby granted, as per her request,
a leave pursuant to the Family and Medical Leave Act - effective
and retroactive to February 11, 2013.

DATED: March 5, 2013
P

26

RESOLVED, that Jason Goldsmith, 33 Whitewood Drive,
New City, New York - is hereby reappointed to the position
of - Member Fire Board of Appeals - at the 2013 annual
salary of \$1,100., - tern effective and retroactive to
February 28, 2013 and to expire on February 27, 2016.

DATED: March 5, 2013
P

24

WHEREAS, the Rockland County Personnel Office has
Certified on February 13, 2013 that the position of
Police Sergeant, can be created,

NOW, therefore, be it

RESOLVED, that the position of Police Sergeant -
Clarkstown Police Department - is hereby created -
effective March 5, 2013.

DATED: March 5, 2013

P

21

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Matthew E. Usefof,

NOW, therefore, be it

RESOLVED, that Matthew E. Usefof, 666 Sierra Vista Lane, Valley Cottage, New York, is hereby appointed to the position of (Permanent) Police Officer - Clarkstown Police Department at the current 2013 annual salary \$59,398., - effective and retroactive to February 15, 2013.

DATED: March 5, 2013

P

2J

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.,
Michael De Maio, 40 Pittsford Way, Nanuet, New York, -
Senior Groundswoker Building Maintenance Department is
hereby granted a Sick Leave of Absence at one-half pay
effective March 13, 2013 thru April 13, 2013.

DATED: March 5, 2013
P

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

BID#13-2013 -- CAVALRY DRIVE AND NORTH MAIN STREET, NEW CITY --
AUDIBLE PEDESTRIAN
SIGNALS AND DETECTORS WITH TACTILE ARROWS AND LOCATOR TONES

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: March 5, 2013

awm

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

BID#14-2013 -- TREE STUMP REMOVAL & DISPOSAL AT VARIOUS LOCATIONS, CLARKSTOWN, NY

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: March 5, 2013

awm

4A

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

BID # 33-2012 – AQUATIC VEGETATION MANAGEMENT PROGRAM

is hereby awarded to: DeANGELO BROTHERS, INC.
100 NORTH CONAHAN DRIVE
HAZLETON, PA 18201
PRINCIPAL: DBI HOLDING CORP.

as per their proposed total project cost of \$39,995.00 per year and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

DATED: March 5, 2013



4B

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

BID # 45-2012 – KLEIN AVENUE PUMP STATION REPLACEMENT

is hereby awarded to: RAPID PUMP & METER SERVICE CO., INC.
285 STRAIGHT STREET
PATERSON, NJ 07509
PRINCIPAL: RICHARD G. TAYLOR, PRESIDENT

as per their proposed total project cost not to exceed \$74,390.00 plus 10% contingency and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with FEMA reimbursement money

DATED: March 5, 2013



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

BID #11-2013 - PURCHASE OF TRAILER MOUNTED
GENERATORS

is hereby awarded to: TRANSPORTATION TECHNOLOGY, INC.
 d/b/a POWER PERFORMANCE INDUSTRIES
 940 NEPPERHAN AVENUE
 YONKERS, NY 10703
PRINCIPAL: JOHN SANTACROCE

For two (2) PRAMAC 161 KILOWATT PRIME POWER RATED (@161kw) MOBILE
GENERATOR SET MODEL GSW200 as per their proposed of \$72,820.00 each

And One (1) PRAMAC 254 KILOWATT PRIME POWER RATED (@254KW) MOBILE
GENERATOR SET MODEL PSW255M as per their proposed of \$104,225.00 each

and be it

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

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

DATED: March 5, 2013



4D

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

BID #12-2013 - PURCHASE OF TWO (2) TRAILER MOUNTED
LED LIGHT TOWERS

is hereby awarded to: HERTZ EQUIPMENT RENTAL CORPORATION
 49 WESLEY STREET
 SOUTH HACKENSACK, NJ 07606
PRINCIPAL: KYLE SCOTT

For two (2) 1080 WATT LED LIGHTS (4) x 270 WATTS, 100 LEDs PER PANEL, HAND WINCH OPERATED 30FT GALVANIZED TOWERS as per their proposed of \$24,199.00 each.

and be it

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

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

awm

DATED: March 5, 2013

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 conjunction with Hydrant Investigation No. 12886,

Hydrant #11443 - located 426' east of Germonds Road on Yellowstone Drive, West Nyack, NY

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

awm

6

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT FOR COUNTER-TERRORISM TRAINING COURSES AS PER THE STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT

WHEREAS, the County of Rockland has tendered a contract award to the Town of Clarkstown Police Department for reimbursement for overtime for instructors for counter-terrorism training and backfill at the Rockland County Police Academy in the amount of \$30,603.82, in accordance with the State Homeland Security Program;

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 instructor overtime reimbursement in the amount of \$30,603.82 for training courses at the Police Academy.

Dated: March 5, 2013

TB 03-05 TA RES County Agree-PD Reimbursement-Counter-Terrorism Training-pm

awm

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT
FEE TO MAX ROSENTHAL CONCERNING PROPERTY DESIGNATED AS
TAX MAP NO. 43.20-2-35

WHEREAS, Max Rosenthal has requested a refund of
Building Permit Fee No. 12-1436 paid in the amount of
\$174.00 for property located at 16 Scott Drive, New City,
New York, more particularly described as Tax Map No. 43.20-
2-35, because he was unable to get a generator, and

WHEREAS, the Building Inspector has recommended a
partial refund with retention of a processing review fee of
\$90.00;

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 \$84.00 of the total Building Permit
fee paid in the amount of \$174.00, to Max Rosenthal, 16
Scott Drive, New City, New York, to be charged to Account
No. B-02-6-2555-0.

Dated: March 5, 2013

TB 03-05 TA RES Bldg Permit Partial Refund Rosenthal-pm



RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Nanuet Senior High School at approximately 9:30PM on Wednesday, July 3, 2013 with a rain date of Wednesday, July 10, 2013 pursuant to Section 405 of the Penal Law.

Dated: March 5, 2013
R&P

awm

RESOLUTION AUTHORIZING ACCEPTANCE OF A CONSERVATION EASEMENT AND GENERAL MUNICIPAL EASEMENT REGARDING ELAZAR COHEN SUBDIVISION (63.12-2-12 & 13)

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Elazar Cohen (63.12-2-12 & 13), the Planning Board of the Town of Clarkstown requested a conservation easement and general municipal easement, and

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

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, a conservation easement and a general municipal easement, both dated January 18, 2012, from Rimzco, LLC to the Town of Clarkstown with regard to the Elazar Cohen subdivision are hereby accepted and ordered recorded in the Rockland County Clerk's Office at the expense of the grantor.

Dated: March 5, 2013



RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTERS 93, 109, 112, 125, 126, 136, 149, 173, 180, 200, 202, 205, 208, 216, 220, 226, 231, 236, 239, 244, 248, 250, 258, 270, 278 & 290 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 AMENDING CHAPTER 93 (ALCOHOLIC BEVERAGES), AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION), AMENDING CHAPTER 112 (GRAFFITI), CHAPTER 125 (DOGS AND OTHER ANIMALS), AMENDING CHAPTER 126 (MASSAGE ESTABLISHMENTS), AMENDING CHAPTER 136 (EXPLOSIVES), AMENDING CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE), AMENDING CHAPTER 173 (LITTERING AND POSTING), AMENDING CHAPTER 180 (MEMORIAL DAY ACTIVITIES), AMENDING CHAPTER 200 (PARKING), AMENDING CHAPTER 202 (PARKS & RECREATION FACILITIES), AMENDING CHAPTER 205 (NOISE), AMENDING CHAPTER 208 (PEDDLING, HAWKING AND SOLICITING), AMENDING CHAPTER 216 (PROPERTY MAINTENANCE), AMENDING CHAPTER 220 (QUARRYING AND BLASTING), AMENDING CHAPTER 226 (RECYCLING), AMENDING CHAPTER 231 (SANITARY LANDFILLS), AMENDING CHAPTER 236 (SEWERS), AMENDING CHAPTER 239 (SHOPPING CARTS), AMENDING CHAPTER 244 (SIGN CONTRACTORS, LICENSING OF), AMENDING CHAPTER 248 (SOLID WASTE TRANSPORTATION AND DISPOSAL), AMENDING CHAPTER 250 (STREETS AND SIDEWALKS), AMENDING CHAPTER 258 (SWIMMING POOLS), AMENDING CHAPTER 270 (TREE PRESERVATION), AMENDING CHAPTER 278 (VEHICLES AND TRAFFIC)AND AMENDING CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to amend various chapters of the Code of the Town of Clarkstown by updating and adjusting the penalty and fine structure for violations of these chapters and to add language to Chapter 250 to include the mandatory removal of double utility poles from Town rights-of-way or Town owned property by the utility

companies and to set a penalty and fine structure for noncompliance;

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 April 9, 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: March 5, 2013

TB 03-05 TA RES Local Law Amend Various Chapters-fees & penalties-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:

McGANNON EXCAVATING, LLC
85A North Central Highway
Garnerville, New York 10923
Robert McGannon, President

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

13-26 McGANNON EXCAVATING, LLC

DATED: MARCH 5, 2013

TB 03-05-13 TA RES Certificate of Registration Sewers-sk

RESOLUTION DEFAULTING PERFORMANCE BOND FOR PUBLIC IMPROVEMENTS ON THE GOLDKIRCH PARTNERS I, LP SUBDIVISION, CONGERS

WHEREAS, Goldkirch Partners obtained approval for the subdivision known as "Goldkirch Partners I, LP" and as a condition of subdivision approval, Goldkirch Partners, as developer and obligor, provided the Town of Clarkstown with a Letter of Credit in the principal amount of \$636,525.00, together with its Owner's Performance Bond, to secure completion of the public and other required improvements, and

WHEREAS, based upon the recommendation of the Deputy Director of the Department of Environmental Control, said Letter of Credit was subsequently reduced by resolution over the years to \$77,000.00, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations and has recommended that the developer be declared in default of its Performance Bond and that all reasonable steps be taken to secure completion of the improvements by drawing against Letter of Credit No. SB-906301-2000 issued by M & T Bank (formerly Letter of Credit No. 8123) the full amount of \$77,000.00 to be held pending calculation by the Department of Environmental Control of the amount deemed necessary to complete the remaining items;

NOW, THEREFORE, be it

RESOLVED, that Goldkirch Partners I, LP, as owner and obligor, is hereby declared in default of its Performance Bond to complete the public and other required improvements in the Goldkirch Partners I, LP Subdivision and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by drawing against Letter of Credit No. SB-906301-2000 the full principal amount of \$77,000.00, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare plans and specifications for completion of the required work and , if necessary, to obtain a contractor or contractors in accordance with all requirements of law to complete the required improvements.

Dated: March 5, 2013

TB 03-05 TA RES Goldkirch Default-pm

awm

RESOLUTION AUTHORIZING THE SUPERVISOR AND THE CHIEF OF POLICE TO
ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING
STOP-DWI FUNDS FOR THE YEAR 2013

WHEREAS, the County of Rockland has appropriated funds for the STOP-DWI Program to be shared by all Police Departments in the County of Rockland, and

WHEREAS, the Town of Clarkstown has been notified by letter dated January 25, 2013 that the Town of Clarkstown's share for the STOP-DWI Program for the calendar year 2013 is \$9,922.90;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement dated January 25, 2013, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of \$9,922.90 for the year 2013, subject to the use of all those funds as provided in said agreement.

DATED: March 5, 2013

TB 03-05-13 TA RES Police-County STOP-DWI-kh



RESOLUTION ACCEPTING PROPOSAL OF CLG INSURANCE WITH RESPECT
TO INSURANCE COVERAGE OF THE MINI-TRANS BUS SYSTEM OF THE
TOWN OF CLARKSTOWN

RESOLVED, that at the recommendation of Robert S. Berdy, Insurance and Claims Manager, the Supervisor is hereby authorized to purchase through CLG Insurance, insurance coverage for the Mini-Trans bus system of the Town of Clarkstown, including Automobile Liability, Automobile Physical Damage Coverage, and Automobile Excess Liability Coverage, for a period of one year, commencing March 14, 2013 and expiring March 14, 2014, and be it

FURTHER RESOLVED, that the cost of insurance policies shall not exceed \$100,000.00 to be charged to Account No. CS 1910-420.

Dated: March 5, 2013

awm

15A

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 a specified Town location for a two year period beginning March 15, 2013 to March 15, 2015, as follows:

**Sponsor: John Mini Distinctive Landscapes
250 Brenner Drive
Congers, NY 10920**

**Location: Brenner Drive and Route 303
Congers, 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 March 15, 2013 to March 15, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

Dated: March 5, 2013

awm

15B

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 a specified Town location for a two year period beginning March 15, 2013 to March 15, 2015, as follows:

Sponsor: Curti's Landscaping
91 West Nyack Road
Nanuet, NY 10954

Location: Route 303 and Route 9W
In front of Rockland Masonry
Congers, NY 10920

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 March 15, 2013 to March 15, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

Dated: March 5, 2013

awm

15c

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 a specified Town location for a two year period beginning March 15, 2013 to March 15, 2015 as follows:

**Sponsor: Belleville Landscaping, Inc.
84 N. Rte. 9W, Suite D
Congers, NY 10920**

**Location: Northwest corner of Route 9W and Lake Road
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 March 15, 2013 to March 15, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, 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: March 5, 2013

TB 03-05-13 TA RES Adopt A Spot Belleville Landscaping - kh

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO FILE AN APPLICATION
WITH THE NYS DEPARTMENT OF STATE
FOR A LOCAL GOVERNMENT EFFICIENCY GRANT

RESOLVED: That Alexander Gromack, as Supervisor of the Town of Clarkstown, is hereby authorized and directed to file an application for funds from the New York State Department of State 2012-2013 Local Government Efficiency Grant Program for funds to implement the abolishment of the Office of the Receiver of Taxes and consolidate the duties with the Office of the Town Clerk of the Town of Clarkstown, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for the project in an amount not to exceed \$150,000. The Town of Clarkstown will commit at least \$15,000 in matching funds.

I, Justin Sweet, Clerk of the Town of Clarkstown, New York, do hereby certify that the above resolution was adopted at regular meeting of the Town Council held on March 5, 2013 and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated:
New City, New York

Justin Sweet, Town Clerk

awm

17
with
map

RESOLUTION AUTHORIZING THE CHANGING OF STREET NAMES

WHEREAS, Simon Properties, Inc. has proposed that the private roads within the Shops at Nanuet be named "Market Street" and "Fashion Drive" as set forth on the attached map;

NOW, THEREFORE, be it

RESOLVED, that the Town has no objection to the street names proposed on the attached map, and be it

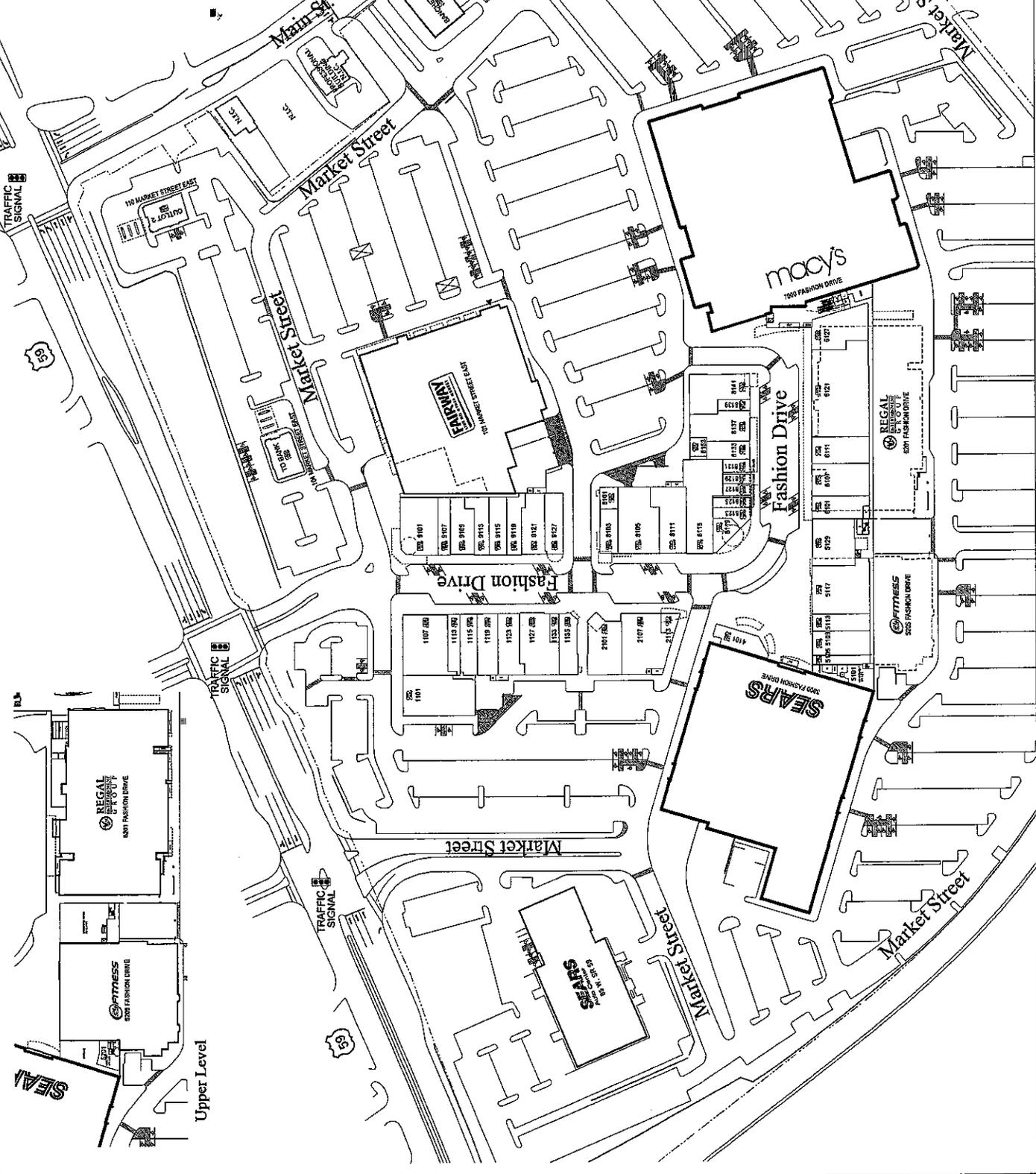
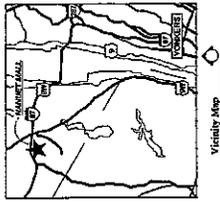
FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to notify the Superintendent of Highways to make appropriate changes in the street signs as may be necessary, and the Town Clerk, pursuant to Town Law S64(9), shall within ten days from the date hereof cause a copy of this resolution to be forwarded to the Planning Board of the Town of Clarkstown, the Nanuet School District, post office, fire department, ambulance corps, and the Clarkstown Police Department, and that a certified copy of this resolution be filed with the Rockland County Clerk, the Rockland County Engineer, and the Rockland County Director of Fire and Emergency Services, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Dated: March 5, 2013

TB 03-05 TA RES Street Name Changes-Shops at Nanuet-pm





SIMON
 725 W. Washington Street
 Indianapolis, IN 46204
 (317) 536-1800

THE SHOPS AT
 NANUET
 CLARKSTOWN
 NEW YORK

ADDRESS
 PLAN

DATE: 08/11/09
 DRAWN BY: J. W. HARRIS
 CHECKED BY: J. W. HARRIS
 SCALE: 1/8" = 1'-0"

4830 SPL20-2

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED MARCH 5, 2013, AUTHORIZING
THE ACQUISITION AND INSTALLATION OF TOWN HALL
AND POLICE DEPARTMENT TECHNOLOGY
IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$180,000, APPROPRIATING SAID
AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF \$180,000 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 acquire and install Town Hall and Police
Department technology improvements. The estimated maximum cost thereof, including
preliminary costs and costs incidental thereto and the financing thereof, is \$180,000 and said
amount is hereby appropriated for such purpose. The plan of financing includes the issuance of
\$180,000 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 \$180,000 are
hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting

Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the

amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together

with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

* * *

awm

WHEREAS, the Town has received \$412,459.01 from the Rockland County Sewer District #1 and \$60,579.45 from Orange & Rockland

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8760-409-0-84-9 (Capital-Sewer Pump Station & Collection System Upgrade) by \$412,459.01 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8754-409-0-78-41 (Emergency Communication Tower) by \$60,579.45 and

WHEREAS, it is necessary to amend certain accounts,

NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account A-1640-312-0 (Town Garage-Auto Maintenance Supplies) and Increase Account A-1640-209-0 (Town Garage-Other Equipment) by \$20,000.

RESOLUTION TO REMOVE PARKING RESTRICTION, MAIN STREET, NANUET

WHEREAS, The Nanuet Community Ambulance Corps sold their former headquarters at 202 Main Street, Nanuet (64.9-1-60) in 2011 to a private concern, and

WHEREAS, the building was adapted for a mixed use consisting of retail and office pursuant to Building Permit # 2011-0084, and

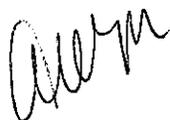
WHEREAS, part of the project entailed the removal of the original garage bays and the drop curb apron for access and turning by the ambulances formerly housed there, and

WHEREAS, the 'No Parking' signage in this area is now superfluous since the curb reveal was restored as part of the project and there is no longer the former wide driveway approach and street parking in downtown Nanuet is at a premium and important to the Town's overall revitalization program,

NOW THEREFORE be it RESOLVED, that the Superintendent of Highways is hereby authorized to remove the No Parking signs on the east side of Main Street, Nanuet on each end of 202 Main Street and that a copy of this resolution be forwarded by the Town Clerk to the Traffic & Traffic Fire Safety Advisory Board and the Chief of the Clarkstown Police Department for information.

Dated: March 5, 2013

TB 03-05 TA Res Remove No Parking signs, Nanuet---jje



RESOLUTION AMENDING RESOLUTION NO. 316-2012

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 598-2009 on December 15, 2009 to reconstitute the composition of the Special Board to carry out the objectives of the Comprehensive Plan, as amended by Resolution Nos. 273-2010 and 316-2012, adopted on May 18, 2010 and July 10, 2012, respectively, and

WHEREAS, the Town Board wishes to change three associate non-voting members to voting members of the Comprehensive Plan Implementation Special Board;

NOW, THEREFORE, be it

RESOLVED, that James Creighton, Jr., Rudy Damonti and William Withington, who are currently associates and non-voting members of the Comprehensive Plan Implementation Special Board, are hereby appointed to the position of voting members of said Board.

Dated: March 5, 2013

TB 03-05 TA RES Amend Comp Plan Special Bd-pm



RESOLUTION AUTHORIZING ACQUISITION OF A PERMANENT EASEMENT ON
PORTION OF PROPERTY OWNED BY HAUSER BROS. HOLDINGS, LLC, DESIGNATED
ON THE TOWN OF CLARKSTOWN MAP AS 59.18-1-22

Whereas, by Resolution No. 26B-2013, the Town Board of the Town of Clarkstown adopted a determination of findings in connection with an eminent domain proceeding to acquire a sewer easement on land owned by Hauser Bros. Holdings, LLC, commonly known as 160 N. Route 303, West Nyack, New York designated on the Clarkstown tax map as 59.18-1-22, and

Whereas, the Town Attorney's Office has pursued negotiations with the property owner to obtain the aforesaid easement, and

Whereas, the owner of subject parcel has offered to sell the easement to the Town for \$90,000;

NOW THEREFORE, be it

RESOLVED, that Town Board hereby directs the Supervisor to enter in a contract, in a form approved by the Town Attorney, to obtain the permanent easement for the construction of a new sewer pump station within the easement, for a price not exceed \$90,000 plus reimbursement of seller's attorney fee, not to exceed \$10,000, and the usual and customary closing costs, provided that all legal requirements regarding the acquisition of subject property are complied with, and be it

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be a proper charge to Account No. H 8760-409-0-84-9.

Dated: March 5, 2013

TB 03-05 TA RES Hauser Easement-pm