

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
April 9, 2013, 8:00 PM
Town Hall Auditorium
AGENDA
(Tentative)

SALUTE TO THE FLAG

SPECIAL PRESENTATION:

- ❖ St. Augustine's 5TH Grade Girls' Division CYO Basketball State Champions

CLERK CALLS THE ROLL

PUBLIC HEARING:

- 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"

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

RESOLUTIONS:

1. Accepting Minutes of the Town Board Meeting of March 5, 2013 and the Special Town Board Meeting of April 2, 2013, as submitted by the Town Clerk.
2. Accepting Funds / Amending Budget
3. Authorizing the following Personnel Changes:
 - a) Resignation (Retirement): Patricia H. Smith, Recreation Supervisor, Parks & Recreation Dept.
 - b) Resignation: Anthony Rizzetta (full-time): Crossing Guard, CPD.
 - c) Appointment: Joseph Maragliano (full-time): Crossing Guard, CPD
 - d) Resignation (Retirement): Charles T. Delo, Police Lieutenant (Detective), CPD.
 - e) Appointment (Promotional/Permanent): Jeffrey M. Wanamaker, Police Lieutenant, CPD
 - f) Appointment (Promotional/Permanent): Christopher L. Brigando, Police Sergeant, CPD
 - g) Appointment (Permanent): William J. Cunnane, Police Officer, CPD
 - h) Appointment (Permanent): Michael A. Feltham, Police Officer, CPD
 - i) Appointment (Permanent): Eric W. Levy, Police Officer, CPD
 - j) Appointment (Permanent): Aaron D. Gould, Police Officer, CPD
 - k) Appointment (Permanent): Michael G. Graham, Police Officer, CPD
 - l) Appointment (Permanent): Steven E. Quinones, Police Officer, CPD
 - m) Appointment (Permanent): Matthew J. Sheehy, Police Officer, CPD
 - n) Reappointment: Patricia E. Parke, Member, Traffic & Traffic Fire Safety Advisory Board.
 - o) Appointment (Part-Time): Victoria Como, Clerk Typist, Personnel Dept.
 - p) Reclassification: Constance Zayac, Recreation Information Clerk to Recreation Information Clerk II, Parks & Recreation Dept.
 - q) Reclassification: Christopher Hughes, Solid Waste Facility Attendant to Motor Equipment Operator II, Solid Waste Facility.
 - r) Reclassification: Joseph Maggino, Solid Waste Facility Attendant to Motor Equipment Operator II, Solid Waste Facility.
 - s) Reallocation: Robert Paul, Jr., Security Administrator (Town) from a Grade 27 to a Grade 31.
 - t) Resignation: Jason M. Vogel, Member, Historical Review Board
 - u) Appointment: Jennifer A. Knecht, Crossing Guard (Substitute), CPD

4. Awarding the following Bids:
 - a) Bid #2-2013 – Fireworks Display
 - b) Bid #3-2013 – Swimming Pool Chemicals
 - c) Bid #4-2013 – Athletic Field & Turf Maintenance
 - d) Bid #5-2013 – Grounds keeping/Landscape Supplies
 - e) Bid #6-2013 – First Aid/Safety Supplies
 - f) RFP#7-2013 – License to Operate Food & Refreshment Concession Stands at Town Parks
5. Authorizing the Purchasing Agent to Advertise for the following Bids:
 - a) Bid #14A-2013 – Tree Stump Removal & Disposal at Various Locations, Clarkstown, NY
 - b) Bid #15-2013 – Hereford Lane Drainage Improvements
 - c) Bid #16-2013 – Denver Drive Drainage Improvements.
6. Authorizing Funds for the Acquisition of Salt Spreading Dump Bodies.
7. Authorizing the Supervisor to enter into a Renewal “Adopt-A-Road” Agreement with Yaboo Fence Company
8. Authorizing the Installation of the following Signs:
 - a) “No Parking” Sign – Meadowlark Drive, West Nyack
 - b) “No Parking Here to Corner” – Lenox Avenue, Congers
9. Accepting Road and Improvements in the Town of Clarkstown (Goldkirch Partners Subdivision (129-A-5.03)
10. Authorizing Renewal of an Agreement with Hi-Tor Animal Care Center, Inc.
11. Accepting Conservation Easement and Stormwater Maintenance Agreement regarding Wolfe Landing Subdivision/Site Plan (64.07-1-9.2)
12. Authorizing the Supervisor to Execute Affordable Housing Restrictive Declaration of Covenant and Agreement concerning Wolfe Landing Zone Change
13. Authorizing the Correction of Zoning Map Errors
14. Authorizing Execution and Acceptance of a Rental Preference Agreement and Covenant regarding Congers Overlay District (44.1-3-60)
15. Authorizing Refund of Overpayment of Building Permit Fee to Makan Land Development Two, LLC for Property known as Tax Map No. 44.20-2-53.
16. Authorizing Release of Letter of Credit concerning Commerce Bank North (TD Bank) Site Plan (51.7-1-24)
17. Authorizing the Refund of Sign Permit Fee to Woolley Excavating & Site Development, Inc.
18. Authorizing Acceptance of Proposal from O&R Utilities, Inc. for the Installation of Street Lights at Yellowstone Fields Subdivision, West Nyack, New York.
19. Increasing the Authorized Amount to Perform Corrective Drainage Work at #15 The Rise, Congers, N.Y.
20. Authorizing Extension of Lease with the Rockland County Radio Control Club to Utilize a Portion of the Capped Clarkstown Sanitary Landfill site for Radio Control Model Airplane Airdrome.
21. Amending Resolution No. 197-2011 regarding Agreement with HDR
22. Authorizing Settlement of Tax Certiorari (Alex Vursta : 34.18-2-49)
23. Granting Permission to West Nyack Fire Engine Co. #1 Inc. to have a Licensed Fireworks Display at Germonds Park, West Nyack, NY

24. Authorizing the Director of the Department of Environmental Control to Retain the Services of a Private Contractor to Install a Trench Drain within the Right-of-Way at 141 Helene Road, Valley Cottage

ADDITIONAL TENTATIVE RESOLUTIONS:

25. Adopting the Massmutual Proposal dated February 27, 2013 to be the Financial Organization and Administrative Agency to Town's Deferred Compensation Plan and Reliance Trust Company to act as Trustee of Said Plan.
26. Authorizing the Supervisor to Enter into an Equipment Rental Agreement with Goosetown Communications to Provide Project Management Services in Connection with the Town's Sewer Pump Stations.
27. Amending Resolution No. 624-2012 (Fee Schedule for 2013)
28. Setting a Public Hearing on a Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to New City Hamlet Zoning and the Town Zoning Map."
29. Setting a Public Hearing (by Order Calling for Public Hearing) in the Matter of a Road Improvement Project for a Portion of Ridge Road, Valley Cottage, N.Y.
30. Authorizing Retention of an Appraiser to Prepare an Appraisal of the Middlewood Senior Housing Complex.

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*****

PH

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

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 93 (ALCOHOLIC BEVERAGES), AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION), AMENDING CHAPTER 112 (GRAFFITI), AMENDING 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"

was introduced by Councilman George Hoehmann, at a Town Board meeting held on March 5, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 5, 2013, directed that a public hearing be held on April 9, 2013, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on April 1, 2013, 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 March 28, 2013;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2013 entitled:

"A LOCAL LAW AMENDING CHAPTER 93 (ALCOHOLIC BEVERAGES), AMENDING CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION), AMENDING CHAPTER 112 (GRAFFITI), AMENDING 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"

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:

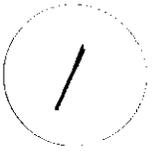
Alexander J. Gromack, Supervisor . . .
Shirley Lasker, Councilwoman
Frank Borelli, Councilman
George A. Hoehmann, Councilman . . .
Stephanie G. Hausner, Councilwoman . .

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

Dated: April 9, 2013

TB 04-09 TA RES Adopt LL-Amend Many Chapters (Fines-Penalties)-Add Double Pole
Language-pm

AWM



RESOLVED, that Town Board Minutes of March 5, 2013 and the Special Town Board Meeting of April 2, 2013 are hereby accepted, as submitted by the Town Clerk.

DATED: April 9, 2013

WHEREAS, the Town has received \$816,901.77 from the Rockland County Sewer District #1, \$3,463.89 from D.A.R.E. donations and \$4,867 from the State of New York,

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 \$816,901.77 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General Fund-Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$3,463.89 and be it

FURTHER RESOLVED, to increase Revenue Account H-15-10-3060-0 (Capital-NYS Archives Grant) and Expense Account H-8758-409-0-82-37 (Capital Project-Records Management Archive Project) by \$4,867 and

WHEREAS, it is necessary to amend certain budgets,

NOW THEREFORE BE IT,

RESOLVED, to decrease Expense Account A-1430-438-0 (Personnel-Maintenance Agreements) and increase Expense Account A-1430-319-0 (Personnel-Misc Supplies) by \$500 and be it

FURTHER RESOLVED, to decrease Expense Accounts A-3120-110-0 (Police-Salaries) by \$6,605.50, A-3120-409-0 (Police-Fees for Services) by \$6,000, A-3120-438-0 (Police-Maintenance Agreements) by \$6,000 and increase Expense Account A-3989-409-0 (Emergency Operations-Fees for Services) by \$18,605.50 and be it

FURTHER RESOLVED, to decrease Contingency Account A-1990-505 by \$30,000 and increase Expense Accounts A-3989-409-0 (Emergency Operations-Fees for Services) by \$20,000 and A-3989-209-0 (Emergency Operations-Other Equipment) by \$10,000.

RESOLVED, that the resignation (by retirement) of
Patricia H. Smith, 332 Strawtown Road, New City, New York -
Recreation Supervisor - Parks & Recreation Department - is
is hereby accepted - effective and retroactive to
March 31, 2013.

DATED: April 9, 2013

P

RESOLVED, that the resignation of Anthony Rizzetta,
57 Endicott Street, Congers, New York - Crossing Guard
(full-time) - Clarkstown Police - is hereby accepted -
effective and retroactive to March 12, 2013.

DATED: April 9, 2013

P

RESOLVED, that Joseph Maragliano, 109 School Street,
Upper Nyack, New York - is hereby appointed to the position of
Crossing Guard (full-time) - Police Department - at the current
2013 hourly rate of \$19.04., per crossing - effective and
retroactive to April 1, 2013.

DATED: April 9, 2013

P

RESOLVED, that the resignation (by retirement) of
Charles T. Delo, 59 Sherwood Drive, Nanuet, New York -
Police Lieutenant (Detective) - Clarkstown Police Department
is hereby accepted - effective and retroactive to
March 30, 2013.

DATED: April 9, 2013

P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09099 Police Lieutenant - Clarkstown Police Department - which contains the name of Jeffrey M. Wanamaker,

NOW, therefore, be it

RESOLVED, that Jeffrey M. Wanamaker, 650 Andover Road, Valley Cottage, New York - is hereby appointed to the position of (Promotional) (Permanent) Police Lieutenant - Clarkstown Police Department - at the current 2013 annual salary of \$176,107., - effective and retroactive to April 1, 2013.

DATED: April 9, 2013

P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09066 Police Sergeant Clarkstown Police Department - which contains the name of Christopher L. Brigando,

NOW, therefore, be it

RESOLVED, that Christopher L. Brigando, 64 Radcliff Drive, New City, New York - is hereby appointed to the position of (Promotional) (Permanent) Police Sergeant - Clarkstown Police Department - at the current 2013 annual salary of \$146,113., - effective and retroactive to April 1, 2013.

DATED: April 9, 2013

P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of William J. Cunnane,

NOW, therefore, be it

RESOLVED, that William J. Cunnane, 123 Sleepy Hollow Lane, Congers, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer - Clarkstown Police Department effective and retroactive to March 20, 2013.

DATED: April 9, 2013

P

3H

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Michael A. Feltham,

NOW, therefore, be it

RESOLVED, that Michael A. Feltham, 22 Verdin Drive, New City, New York, is hereby appointed to the position of (Permanent) Police Officer - Clarkstown Police Department - at the current 2013 annual salary \$71,275., - effective and retroactive to April 8, 2013.

DATED: April 9, 2013

P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Eric W. Levy,

NOW, therefore, be it

RESOLVED, that Eric W. Levy, 9-D Heritage Drive, New City, New York, is hereby appointed to the position of (Permanent) Police Officer - Clarkstown Police Department - at the current 2013 annual salary \$71,275., - effective and retroactive to April 8, 2013.

DATED: April 9, 2013

P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Aaron D. Gould,

NOW, therefore, be it

RESOLVED, that Aaron D. Gould, 208 Brittany Court, Valley Cottage, New York - is hereby cleared for a (Permanent) appointment to the position of Police Office - Clarkstown Police Department effective and retroactive to March 20, 2013.

DATED: April 9, 2013
P

3K

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Michael G. Graham,

NOW, therefore, be it

RESOLVED, that Michael G. Graham, 12 Randy Lane, New City, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer - Clarkstown Police Department - effective and retroactive to March 20, 2013.

DATED: April 9, 2013

P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Steven Quinones,

NOW, therefore, be it

RESOLVED, that Steven E. Quinones, 76 Western Highway, West Nyack, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer - Clarkstown Police Department effective and retroactive to March 20, 2013.

DATED: April 9, 2013

P

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

NOW, therefore, be it

RESOLVED, that Matthew J. Sheehy, 376 Route 304, Bardonia, New York, is hereby cleared for a (Permanent) appointment to the position of Police Officer - Clarkstown Police Department effective and retroactive to March 20, 2013.

DATED: April 9, 2013

P

RESOLVED, that Patricia E. Parke, 162 Foltim Way,
Congers, New York - is hereby reappointed to the position
of Member - Traffic & Traffic Fire Safety Advisory Board -
at the current 2013 annual salary of \$2,800., term effective
and retroactive to April 1, 2013 and to expire on
March 31, 2018.

DATED: April 9, 2013

P

RESOLVED, that Victoria Como, 37 York Drive, New City,
New York - is hereby appointed to the position of (part-time)
Clerk Typist - Personnel Department - at the 2013 hourly rate
of \$19.85., effective April 9, 2013.

DATED: April 9, 2013

P

WHEREAS, the Rockland County Personnel Office has certified on March 5, 2013, that the position of Recreation Information Clerk #500605 - (encumbered by Constance Zayac) can be reclassified to the position of Recreation Information Clerk II,

NOW, therefore, be it

RESOLVED, that the position of Recreation Information Clerk - is hereby reclassified to the position of Recreation Information Clerk II - Parks and Recreation Department effective and retroactive to April 8, 2013.

FURTHER RESOLVED, that Constance Zayac, 96 E. George Avenue, Pearl River, New York - is hereby appointed (promotional) (provisional) to the position of Recreation Information Clerk II - Parks and Recreation Department - at the current 2013 annual salary of \$59,650., effective and retroactive to April 8, 2013.

DATED: April 9, 2013
P

WHEREAS, the Rockland County Personnel Office has certified on March 7, 2013 that the position of Solid Waste Facility Attendant #500723 (encumbered by Christopher Hughes) can be reclassified to the position of Motor Equipment Operator II, NOW, therefore, be it

RESOLVED, that the position of Solid Waste Facility Attendant - Solid Waste Facility - is hereby reclassified to the position of Motor Equipment Operator II - effective and retroactive to April 9, 2013.

FURTHER RESOLVED, that Christopher Hughes, 616 Gateway Drive, Valley Cottage, New York - is hereby appointed (promotional) (permanent) to the position of Motor Equipment Operator II - Solid Waste Facility - at the current 2013 annual salary of \$64,974., effective and retroactive to April 8, 2013.

DATED: April 9, 2013
P

WHEREAS, the Rockland County Personnel Office has certified on March 7, 2013 that the position of Solid Waste Facility Attendant #500877 (encumbered by Joseph Maggino) can be reclassified to the position of Motor Equipment Operator I, NOW, therefore, be it

RESOLVED, that the position of Solid Waste Facility Attendant Solid Waste Facility - is hereby reclassified to the position of Motor Equipment Operator I - effective and retroactive to April 8, 2013.

FURTHER RESOLVED, that Joseph Maggino, 2 Stone Court, Congers, New York - is hereby appointed (promotional) (permanent) to the position of Motor Equipment Operator I - Solid Waste Facility - at the current 2013 annual salary of \$67,690., effective and retroactive to April 8, 2013.

DATED: April 9, 2013
P

WHEREAS, in accordance with Article VIII, Section (5) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., has received a request from Mr. Robert Stritmater, Director of Automated Systems, for a reallocation of the title Security Administrator (Town), that is currently a grade 27 to be reallocated to a grade 31. Mr. Stritmater feels the title was incorrectly graded at the time the title was established.

NOW, therefore, be it

RESOLVED, that the Town Board has reviewed the request and has determined that the title of Security Administrator (Town), - Data Processing Department - should be reallocated to a grade 31.

FURTHER RESOLVED, that Robert Paul Jr., 26 Ohio Avenue, Congers, New York - who presently encumbers the position of Security Administrator (Town) - Data Processing - is now appointed to a grade 31 and his salary will reflect the 2013 current annual salary of \$84,844., effective April 9, 2013.

DATED: April 9, 2013

P

RESOLVED, that the resignation of Jason M. Vogel,
68 High Tor Road, New City, New York - Member - Historical
Review Board - is hereby accepted - effective and
retroactive to March 29, 2013.

DATED: April 9, 2013
P

RESOLVED, that Jennifer A. Knecht, 512 Spook Hollow Road, Upper Nyack, New York - is hereby appointed to the position of Crossing Guard (Substitute) - Police Department - at the current 2013 hourly rate of \$19.04., per crossing - effective April 15, 2013.

DATED: April 9, 2013
P

4A

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Recreation and Parks that

BID # 2-2013 – FIREWORKS DISPLAY

is hereby awarded to: FIREWORKS EXTRAVAGANZA
174 ROUTE 17 NORTH
ROCHELLE PARK, NJ 07662
PRINCIPALS: JOHN SAGARIA

as per their proposed total project cost of \$17,000.00 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
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of General Liability Insurance
- e) Certificate of Fireworks Display 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.

DATED: April 9, 2013

awm

4B

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

BID #3-2013 – SWIMMING POOL CHEMICALS

is hereby awarded to: SLACK CHEMICAL CO., INC.
465 SO. CLINTON STREET
CARTHAGE, NY 13619

PRINCIPALS: ROBERT STURTZ
JEAN STURTZ

BEL-AQUA POOL SUPPLY INC.
20 COMMERCE DRIVE
NEW ROCHELLE, NY 10801

PRINCIPALS: MARTIN SILVER
SUSAN WISAN

COMMERCIAL CLEARWATER
P.O. BOX 909
PLANDOME, NY 11030

PRINCIPALS: PAUL ROBERT MEILINK, PRESIDENT

MAIN POOL AND CHEMICAL CO., INC.
110 COMMERCE ROAD
DUPONT, PA 18641

PRINCIPALS: THOMAS O'MALLEY
THERESA O'MALLEY

as per the attached item/price schedule

DATED: April 9, 2013

awm

4C

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Clarkstown Superintendent of Recreation and Parks that

BID# 4-2013 – ATHLETIC FIELD AND TURF MAINTENANCE

is hereby awarded to: FIELD PRO ENTERPRISES, LLC
17 WHITMAN PLACE
MONROE, NY 10950
PRINCIPAL: NATALE NUOVO JR.

as per their proposed total cost of \$32,960.00

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

DATED: April 9, 2013

awm

4D

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

BID #5-2013 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

is hereby awarded to:

JOHN DEERE LANDSCAPES
1385 EAST 36TH STREET
CLEVELAND, OH 44114-1849

PRINCIPALS:

A PUBLIC CORPORATION

PENNINGTON SEED, INC.
9327 US ROUTE 1 SUITE J
LAUREL, MD 20723

PRINCIPALS:

A PUBLIC CORPORATION

POLLACK PAINT INDUSTRIES, INC.
119 WOODWORTH AVENUE
YONKERS, NY 10701

PRINCIPALS:

ROBERT M POLLACK

SHEMIN NURSERIES INC.
42 OLD RIDGEBURY ROAD, 3RD FL
DANBURY, CT 068140

PRINCIPALS:

SHEMIN NURSERIES HOLDING CORP

ORGANIC RECYCLING INC.
117A ROUTE 303
TAPPAN, NY 10983

PRINCIPALS:

BENG LEONY OOI
BENG HOE OOI

as per the attached item/price schedule

Dated: April 9, 2013

awm

4E

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

BID #6-2013 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to: EVER READY FIRST AID
101-01 FOSTER AVENUE
BROOKLYN, NY 11236

PRINCIPALS: MICHAEL PERL
BEN PERL

EMERGENCY MEDICAL PRODUCTS, INC.
5235 INTERNATIONAL DRIVE, SUITE B
CUDAHY, WI 53110

PRINCIPALS: BRADLEY G. SMITH – GENERAL MANAGER

HENRY SCHEIN MATRIX, INC.
P.O. BOX 194
WARETOWN, NJ 07858

PRINCIPALS: A PUBLIC CORPORATION

ZAMS, INC.
200 NORTH MAIN STREET
FREEPORT, NY 11520

PRINCIPALS: ZUBAIDA RATCHER

MEDCO SUPPLY COMPANY
500 FILLMORE AVENUE
TONAWANDA, NY 14150

PRINCIPALS: REBECCA HERNANDEZ – BID COORDINATOR

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

Dated: April 9, 2013

awm

4F

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Superintendent of Recreation and Parks that

RFP #7-2013 – LICENSE TO OPERATE FOOD AND REFRESHMENT
CONCESSION STANDS AT TOWN PARKS

is hereby awarded to: RJENS
 16 CHESTER AVENUE
 CONGERS, NY 10920
PRINCIPAL: JUNE RUCKEL

as per their proposed annual fee, payable to the Town of Clarkstown, of \$10,500.00 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) Certificate of Commercial Liability
- c) Certificate of Commercial Automobile Liability Coverage
- d) Certificate of Worker's Compensation 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 be under the supervision of the Superintendent of Recreation and Parks

DATED: April 9, 2013

Awm

5A

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

BID#14A-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: April 9, 2013

awm

5B

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

BID#15-2013 – HEREFORD LANE DRAINAGE IMPROVEMENTS

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: April 9, 2013

awm

50

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

BID#16-2013 – DENVER DRIVE DRAINAGE IMPROVEMENTS

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: April 9, 2013

awm

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED APRIL 9, 2013, AUTHORIZING THE
ACQUISITION OF SALT SPREADING DUMP BODIES,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$260,000, APPROPRIATING SAID AMOUNT FOR SUCH
PURPOSE, AND AUTHORIZING THE ISSUANCE OF
\$260,000 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 salt spreading dump bodies,
including plow equipment and attachments, leaf boxes and other appurtenances. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$260,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of \$260,000 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 \$260,000 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. 28 of the Law, is fifteen (15) 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 April 9, 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 April 9, 2013, authorizing the acquisition of salt spreading dump bodies, stating the estimated maximum cost thereof is \$260,000, appropriating said amount for such purpose, and authorizing the issuance of \$260,000 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 acquire salt spreading dump bodies, including plow equipment and attachments, leaf boxes and other appurtenances; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$260,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$260,000 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 \$260,000 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 fifteen (15) 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 \$260,000 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: April 9, 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.

* * *

allm

7

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning March 22, 2013 to March 22, 2015, as follows:

Sponsor: **Yaboo Fence Company**
 95 West Nyack Way
 West Nyack, NY 10994

Road: **.06 mile segment of West Nyack Way**
 from Route 59 to West Nyack Road
 West Nyack, NY 10994

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Yaboo Fence Company will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning March 22, 2013 to March 22, 2015, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Yaboo Fence Company, to remove trash from the roadways.

Dated: April 9, 2013

8A

RESOLUTION AUTHORIZING THE INSTALLATION OF NO PARKING SIGNS, MEADOWLARK DRIVE, WEST NYACK

WHEREAS, Meadowlark Drive, a dead end Town road off of Bobwhite Lane that ends at the BOCES complex has been the subject of a number of police complaints from residents due to parking, drinking and littering by teenagers, and

WHEREAS, currently, there are no parking restrictions at this location which would afford police better enforcement authority, and

WHEREAS, this issue has been brought to the attention of the Code & Zoning Enforcement Officer by Town Clerk Justin Sweet via residents of Meadowlark Drive, and appropriately investigated,

NOW, THEREFORE, be it **RESOLVED**, that the Town Board hereby authorizes the Superintendent of Highways to install two **"NO PARKING"** signs at the 'half "T" Dead End of Meadowlark Drive where it terminates into the BOCES emergency egress gate, one at the end and one at the side and that a copy of this resolution be forwarded to the Superintendent of Highways and the Chief of Police for implementation and enforcement, respectively.

DATED: April 9, 2013

TB 04-09 TA RES No Parking Signage Meadowlark Drive--jje

awm

8B

**RESOLUTION AUTHORIZING INSTALLATION OF SIGN ON
LENOX AVENUE, CONGERS, NY**

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "No Parking Here To Corner" sign, on Lenox Avenue, 30 feet from Lake Road, Congers, NY, per the NYS DOT's Manual of Uniform Traffic Control Devices, § 221.5 a P1 – 9;
and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Superintendent of Highways, Wayne Ballard, for implementation, and to the Chief of Police for enforcement.

Dated: April 9, 2013

TB 04-09-13 TA RES – No Parking Sign/Lenox Ave.-dt

awm

RESOLUTION ACCEPTING ROADS AND IMPROVEMENTS
IN THE TOWN OF CLARKSTOWN
(GOLDKIRCH PARTNERS SUBDIVISION - 129-A-5.03)

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from: Goldkirch Partners I, L.P., dated October 5, 2004, conveying the following road:

Hemlock Drive, Congers - 1,190 L.F. + 140 foot diameter cul-de-sac

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Goldkirch Partners are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office.

Dated: April 9, 2013

TB 04-09 TA RES Goldkirch-Hemlock Dedication-pm



RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH
HI-TOR ANIMAL CARE CENTER, INC.

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2013 and terminating on December 31, 2013, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of \$33,000.00 for year to be paid quarterly upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

Dated: April 9, 2013

awm

RESOLUTION ACCEPTING CONSERVATION EASEMENT AND
STORMWATER MAINTENANCE AGREEMENT REGARDING
WOLFE LANDING SUBDIVISION/SITE PLAN (64.07-1-9.2)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the subdivision/site plan known as Wolfe Landing (64.07-1-9.2), Wolfe Landing, LLC has provided a conservation easement and a stormwater control facility maintenance agreement, 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 the documents are 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, dated March 19, 2013, and the conservation easement, dated January 3, 2013, from Wolfe Landing, LLC and ordered them recorded in the Rockland County Clerk's Office at the expense of the grantor/applicant.

Dated: April 9, 2013



RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AFFORDABLE HOUSING RESTRICTIVE DECLARATION OF COVENANT AND AGREEMENT CONCERNING WOLFE LANDING ZONE CHANGE (64.07-1-9.2)

WHEREAS, Wolfe Landing, LLC has provided an Affordable Housing Restrictive Declaration of Covenant and Agreement to the Town of Clarkstown pursuant to Section 290-7.1K(2) of the Town Code of the Town of Clarkstown, which was one of the conditions required to be met by the zone change approved by the Town Board on October 18, 2011, and

WHEREAS, the Town Attorney has found that said Covenant and Agreement conforms to the intent of Section 290-7.1K(2) and is in acceptable form for recording;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the Affordable Housing Restrictive Declaration of Covenant and Agreement provided by Wolfe Landing, LLC and orders same recorded in the Rockland County Clerk's Office at the expense of the applicant.

Dated: April 9, 2013

awm

13
REVISED

RESOLUTION CORRECTING ZONING MAP ERRORS
MAP NOS. 44.15-1-80 & 81

WHEREAS, the Zoning Map Committee, consisting of the Town Attorney, Building Inspector and Town Planner, was established by Town Board Resolution No. 431-2011 adopted on August 2, 2011, and

WHEREAS, the Town Attorney, Building Inspector and Town Planner have investigated zoning map transcription errors which apparently occurred in 1999 as a result of Town Board initiated zone changes made in connection with the implementation of the Town of Clarkstown Comprehensive Plan adopted September 28, 1999, which, upon investigation by the Committee, has disclosed that the following properties located in Congers, New York, were erroneously included in said zone changes, and were depicted on the December 26, 1999 revised Zoning Map in the wrong districts:

- MAP NO: 44.15-1-80 - a small portion of this lot was mistakenly placed in the R-22 district, but should be placed in the PO district;
- MAP NO: 44.15-1-81 - mistakenly placed entirely in PO district, but should be in the PO district on the northerly side and R-22 district on the southerly side;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs that the errors on the Zoning Map be corrected to depict the following properties: 44.15-1-80 - PO District; 44.15-1-81 - PO District/North side and R-22 District/South side as being in their correct Districts, and be it

FURTHER RESOLVED, that the GIS Coordinator is hereby authorized and directed to make the necessary adjustments to the Zoning Map and that the affected property owners be notified by mail that the map has been corrected.

Dated: April 9, 2013
TB 04-09 TA RES Correct Zoning Map Errors-pm

awm

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF A RENTAL PREFERENCE AGREEMENT AND COVENANT REGARDING CONGERS OVERLAY DISTRICT (44.15-3-60)

WHEREAS, as a condition to the granting of a special permit, DMF Holding Corp., successor in interest to SMK Homebuilders, Inc., has provided a rental preference agreement and covenant for the Congers Overlay District with respect to property located at 49 Lake Road, Congers, New York 10920 (tax map 44.15-3-60), and

WHEREAS, the Town Attorney has recommended acceptance of said conveyance and advised that the documents are 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 rental preference agreement and covenant provided by DMF Holding Corp., and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the rental preference agreement and covenant from DMF Holding Corp. in connection with the Congers Overlay District and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: April 9, 2013

TB 04-09 TA RES Congers Overlay-DMF Rental Agree-pm

awm

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF BUILDING PERMIT FEE TO MAKAN LAND DEVELOPMENT TWO LLC FOR PROPERTY KNOWN AS TAX MAP NO. 44.20-2-53

WHEREAS, Makan Land Development Two LLC submitted a payment of \$5,223.00 for a Building Permit Fee (No. 13-262) for property located at 39 Highway Avenue, Congers, New York, more particularly described as Tax Map No. 44.20-2-53, and

WHEREAS, the Building Inspector has advised that the fees for review, processing and inspection for the above permit are \$3,268.00 and has recommended a refund of the amount of overpayment of \$1,955.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a refund of the overpayment in the amount of \$1,955.00 to Makan Land Development Two LLC. P.O. Box 979, Harriman, NY 10926 to be charged to Account No. B 02-6-2555-0.

Dated: April 9, 2013

TB 04-09 TA RES Makan Overpayment Refund Fee-pm

AWM

RESOLUTION AUTHORIZING RELEASE OF LETTER OF CREDIT
CONCERNING COMMERCE BANK NORTH (TD BANK) SITE PLAN
(51.7-1-24)

WHEREAS, TD Bank, N.A. furnished a Developer's Performance Bond secured by Letter of Credit No. 095192070030 in the amount of \$1,000,000.00 to the Town of Clarkstown to cover public improvements and other facilities as shown on the final plat of Commerce Bank North, New City, designated as Tax Map 51.7-1-24, and

WHEREAS, the First Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has advised that the Letter of Credit is no longer required as all the work has been completed in an acceptable manner;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendations of the First Deputy Director of the Department of Environmental Control and the Superintendent of Highways, the Town Board hereby authorizes release of Letter of Credit No. 095192070030 in the amount of \$1,000,000.00.

Dated: April 9, 2013

awm

RESOLUTION AUTHORIZING REFUND OF SIGN PERMIT FEE
TO WOOLLEY EXCAVATING & SITE DEVELOPMENT, INC.

WHEREAS, Woolley Excavating & Site Development, Inc.
has requested a refund of Sign Permit Fee (No. 13-7) paid
in the amount of \$250.00 for a sign permit, which was
submitted in error, and

WHEREAS, the Building Inspector has advised that the
permit application was withdrawn before it was fully
processed and recommends a full refund of \$250.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building
Inspector, the Town Board hereby authorizes a full refund
of \$250.00 to Woolley Excavating & Site Development, Inc.
to be charged to Account No. B 02-6-2555-0.

Dated: April 9, 2013

TB 04-09 TA RES Woolley Refund Fee-pm

awm

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FROM O & R UTILITIES, INC., FOR THE INSTALLATION OF STREETLIGHTS AT YELLOWSTONE FIELDS SUBDIVISION, WEST NYACK, NEW YORK

WHEREAS, the Town of Clarkstown has received a proposal from Orange & Rockland Utilities, Inc. for the installation of two streetlights in the Yellowstone Fields Subdivision, in West Nyack, New York, and

WHEREAS, the location of the streetlights have been reviewed and approved, and the Director of Environmental Control recommends acceptance of the proposal;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Director of Environmental control, the Town Board of the Town of Clarkstown hereby accepts the proposal from Orange & Rockland Utilities, Inc., for the installation of two streetlights at the Yellowstone Fields Subdivision, in West Nyack, New York, for a total increase to the Town of Clarkstown of \$325.44 per year, plus fuel adjustment charges.

Dated: April 9, 2013

awm

**RESOLUTION INCREASING THE AUTHORIZED AMOUNT TO PERFORM
CORRECTIVE DRAINAGE WORK AT #15 THE RISE, CONGERS, NEW YORK**

Whereas, the Town Board of the Town of Clarkstown has, via resolution, previously authorized the Director of the Department of Environmental Control to retain the services of Cal Mart Enterprises, Inc. of Congers, New York to perform work to correct an adverse drainage condition within an existing Town drainage easement, and

Whereas, it is necessary to lower the grade of an additional drainage structure and regrade the surrounding area located within the same drainage easement to further alleviate the ponding of surface runoff; and

Whereas, this additional work was due to unforeseen field conditions; and

Whereas, the Department of Environmental Control has solicited a proposal from Cal Mart Enterprises, Inc. to perform this additional work; and

Whereas, the Department of Environmental Control has reviewed said proposal and finds it to be acceptable;

Now, Therefore, Be It Resolved that the allotment for this project be increased by **\$1,980.00**, the amount of said proposal, to a new total of **\$6,974.00**; and

Be It Further Resolved that the amount for this work shall not be increased without further resolution by the Town Board of the Town of Clarkstown; and

Be It Further Resolved that this shall be a proper charge to account # **H-8765-409-88-21**.

Dated: **April 9, 2013**

K:\shared\Town Board Resolutions\April 13\TB 4-9-13 DEC RES Dover Road-The Rise Drainage Improvements II

DWM

RESOLUTION AUTHORIZING EXTENSION OF LEASE WITH THE ROCKLAND COUNTY RADIO CONTROL CLUB TO UTILIZE A PORTION OF THE CAPPED CLARKSTOWN SANITARY LANDFILL SITE FOR RADIO CONTROL MODEL AIRPLANE AIRDROME

RESOLVED, that the Town Board authorizes the extension of a license agreement with the Rockland County Radio Control Club for use of the former site of the Clarkstown Sanitary Landfill, now capped, for a period of one year commencing March 31, 2013 and ending on March 31, 2014, for the nominal fee of \$1.00 per year, provided that all residents wishing to participate in club activities continue to be eligible for membership, and all the other terms and conditions in the license agreement, including providing the required proof of insurance, shall remain in full force and effect.

Dated: April 09, 2013

TB 04-09-13 TA RES Rockland Radio Club at Landfill - kh

awm

RESOLUTION AMENDING RESOLUTION NO. 197-2011
REGARDING AGREEMENT WITH HDR

WHEREAS, by Resolution No. 197-2011, adopted on April 12, 2011, the Town Board authorized the Supervisor to enter into an agreement with Henningson, Durham & Richardson Architecture Engineering, P.C. (hereinafter "HDR"), successor to Lawler, Matusky & Skelly Engineers, to provide services related to fill issues on certain property located at 139 Massachusetts Avenue, Congers, New York (52.8-3-53.1), and

WHEREAS, HDR has submitted a proposal, dated February 28, 2013, for additional services requested by the Town in support of the work previously performed, including additional meetings and document preparation, and

WHEREAS, these additional services also relate to the adjoining property located at 141 Massachusetts Avenue, Congers, New York (52.8-3-53.2), and

WHEREAS, the Town Attorney has reviewed said proposal and advised that the additional services are required and finds it acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 197-2011 is hereby amended to reflect that the fee for the additional services performed by HDR shall be \$4,000.00 and shall include the property located at 141 Massachusetts Avenue, Congers, New York, and be it

FURTHER RESOLVED, that the total fee paid to HDR for professional services related to fill issues on the properties located at 139 and 141 Massachusetts Avenue, Congers, New York shall not exceed \$6,600.00, and shall be a proper charge to Account No. A 1420 409.

Dated: April 9, 2013



**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
(ALEX VURSTA : 34.18-2-49)**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Alex Vursta v. The Assessor, The Board of Assessors and The Board of Assessment Review of The Town of Clarkstown and The Town of Clarkstown, and Clarkstown Central School District, Index No(s).7208/08, 6950/09, 7565/10, 31183/11 and 33720/12, affecting parcel designated as Tax Map 34.18-2-49 and more commonly known as 100 Phillips Hill Road, New City, New York for the year(s) 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown 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 34.18-2-49 be reduced for the year(s) 2008/09, 2009/10 and 2010/11 from \$410,000.00 to \$348,500.00 at a total cost to the Town of \$4,074.25;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 34.18-2-49 be reduced for the year(s) 2011/12 and 2012/13, from \$410,000.00 to \$307,500.00 at a total cost to the Town of \$5,211.50;

3. Reimbursement for the year(s) 2008/09, 2009/10, 2010/11, 2011/12 and 2012/13 on the parcel described as Tax Map 34.18-2-49, as stated above, be made within ninety (90) 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;

4. 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: April 9, 2013

TB 04-09-13 TA RES Vursta, Alex Settlement-dt

A handwritten signature in cursive script, likely of the Tax Certiorari Counsel, is located in the bottom right corner of the page.

RESOLUTION GRANTING PERMISSION TO WEST NYACK FIRE ENGINE CO. #1 INC.
TO HAVE A LICENSED FIREWORKS DISPLAY AT
GERMONDS PARK, WEST NYACK, NY

WHEREAS, the West Nyack Fire engine Co. #1 Inc. has requested permission to have a licensed fireworks display on May 19, 2013 and hold a carnival from May 16, 2013 through May 19, 2013 at Germonds Park, West Nyack, NY, and

WHEREAS, Police Chief Michael Sullivan,, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Vincent Narciso, Chief Fire Safety Inspector, have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to West Nyack Fire Engine Co. # 1 to sponsor a fireworks display at Germonds Park on May 19, 2013 subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;
2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than \$5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;
3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
4. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's February 22, 2013 memo; and
5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.



RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A PRIVATE CONTRACTOR TO INSTALL A TRENCH DRAIN WITHIN THE RIGHT-OF-WAY AT #141 HELENE ROAD, VALLEY COTTAGE

Whereas, an adverse drainage condition exists within the right-of-way at #141 Helene Road in Valley Cottage; and

Whereas, said adverse drainage conditions results in potentially hazardous icing on Helene Road; and

Whereas, the Department of Environmental Control has prepared a plan to install approximately twenty-two linear feet of trench drain, tying in an existing four (4) inch diameter private drain line to said trench drain to alleviate said adverse drainage condition; and

Whereas, the Department of Environmental Control has solicited proposals from five (5) qualified contractors to perform the work in accordance with said plan; and

Whereas, the Department of Environmental Control has received five (5) proposals in response to its solicitation; and

Whereas, the Department of Environmental Control has reviewed said proposals and found them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

**MRJ Excavating, Inc.
7 Beaver Court
New City, New York 10956**

having submitted the lowest proposal, to perform this work in accordance with said proposal in the amount of **\$9,810.00**; and

Be It Further Resolved that the amount for this work shall not be increased without further resolution by the Town Board of the Town of Clarkstown; and

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

Dated: **April 9, 2013**

K:\shared\Town Board Resolutions\April 13\TB 4-9-13 DEC RES 141 Helene Road Trench Drain Installation

awm

RESOLUTION ADOPTING THE MASSMUTUAL PROPOSAL DATED FEBRUARY 27, 2013 TO BE THE FINANCIAL ORGANIZATION AND ADMINISTRATIVE AGENCY TO TOWN'S DEFERRED COMPENSATION PLAN AND RELIANCE TRUST COMPANY TO ACT AS TRUSTEE OF SAID PLAN

WHEREAS, the Town of Clarkstown did establish a Deferred Compensation Plan for employees, and

WHEREAS, the Town currently has a contract with MassMutual, 1298 State Street, Springfield, MA 01111, successor in interest to The Hartford Life Insurance Company, to act as the administrative services agency and financial organization for the Town's deferred compensation plan and the Reliance Trust Company as the trustee of the aforesaid plan, which is due to expire on August 4, 2013, and

WHEREAS, MassMutual has offered to extend their contract with the Town for a period of one (1) year from August 4, 2013 to August 3, 2014, and

WHEREAS, the Deferred Compensation Committee has reviewed MassMutual's one year extension offer and has recommended that the Town accept this offer;

NOW, THEREFORE, be it

RESOLVED, that the one (1) year extension period for a Deferred Compensation Plan, at no cost to the Town of Clarkstown, is to be awarded to MassMutual and Reliance Trust Company, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form acceptable to the Town Attorney and the Town's Deferred Compensation Committee, with MassMutual and Reliance Trust Company.

Dated: April 9, 2013

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN EQUIPMENT RENTAL AGREEMENT WITH GOOSETOWN COMMUNICATIONS TO PROVIDE PROJECT MANAGEMENT SERVICES IN CONNECTION WITH THE TOWN'S SEWER PUMP STATIONS

WHEREAS, the Town Board wishes to enter into a maintenance agreement with regard to Town's sewer pump stations; and

WHEREAS, Goosetown Communications has submitted a proposal for an equipment rental agreement, and the Department of Environmental Control and the Data Processing Department have reviewed said proposal, and find it acceptable in terms of scope and price;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with Goosetown Communications, 58 North Harrison Avenue, Congers, NY 10920, to provide rental equipment in connection with the Town's sewer pump stations; and be it

FURTHER RESOLVED, that fee for said services and equipment shall not exceed \$171,000.00 and shall constitute a proper charge to Account No. # B-8110430.

Dated: April 9, 2013

TB 04-09-13 TA RES Goosetown Com.-dt



RESOLUTION AMENDING RESOLUTION NO. 624-2012
(FEE SCHEDULES FOR 2013)

WHEREAS, by Resolution No. 624-2012, adopted December 20, 2012, the Town Board established and adopted fee schedules for 2013 for various departments and boards within the Town of Clarkstown, and

WHEREAS, the Town Planner from the Planning Department has advised that some fees were inadvertently omitted from the fee schedules for 2013 and recommends that the Town Board include said fees in the 2013 fee schedules;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 624-2012 to include the following fees on the 2013 fee schedules:

- Route 304 Special Permit \$250
- Wireless Telecommunication Category A & B Sites \$500
 Facilities Special Permit Category C Sites \$1,000
 Category D Sites \$1,500
- Appearance before \$500 per appearance
 Antenna Advisory
 Review Board

Dated: April 9, 2013

awm

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO NEW CITY HAMLET ZONING AND THE TOWN ZONING MAP"

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 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO NEW CITY HAMLET ZONING AND THE TOWN ZONING MAP"

and

WHEREAS, the proposed local law is amend Chapter 290 by creating a new section within the Town of Clarkstown Zoning Code, Section 290-7.4, New City Hamlet Zoning of the Clarkstown Town Code, and to amend the zoning map;

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 May 7, 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: April 9, 2013

TB 04-09 TA RES Public Hearing LL Amend Chap 290-NC Hamlet Zoning-pm



“At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Avenue, New City, New York, in said Town of Clarkstown, on April 9, 2013.

PRESENT:

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

-----X

In the Matter of a Road Improvement Project for a portion of RIDGE ROAD, Valley Cottage, New York.

ORDER CALLING FOR A PUBLIC HEARING

-----X

WHEREAS, the Town Board, on its own motion, pursuant to Section 200 of the Town Law, shall consider a road improvement project for a portion of a street known as Ridge Road, Valley Cottage, New York, which is located east of Ridge Road and more particularly described in the attached petition, and shall schedule a public hearing to consider said road improvement project, which improvements shall consist of sidewalks, curbs, gutters and culverts benefiting properties shown on the Clarkstown Tax Map as 52.15-1-16, (owned by Petitioner, Jason Ruffo); Clarkstown Tax Map 52.15-1-17 (owned by Ellen Saliani and Catherine O'Brien); Clarkstown Tax map 52.15-1-18 (owned by Andrew Lazaroff), and Clarkstown Tax map 52.15-1-19 (owned by Steven J. Tarangelo),

and the approximate total length of said frontage along said roadway is approximately 746.23 lineal feet of frontage;

NOW, THEREFORE, be it

ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on June 4, 2013, at 8:00 p.m., or as soon thereafter as possible, relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along Landau Estates, in the time and manner required by law, and it is

FURTHER ORDERED, that the amount to be expended for the improvement shall include the cost of the proceeding to acquire so much land as may be necessary to lay out such road as well as all other associated clerical, legal, surveying and engineering costs involved in any and all proceedings related to the acquisition of land pursuant to Town Law Section 200-12, and be it

FURTHER ORDERED, 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 the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare a cost estimate for the necessary road improvement of LANDAU ESTATES, New City, New York, to be presented at the time of the public hearing on June 4, 2013, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare preliminary and definite plans as and when necessary.

TOWN BOARD
TOWN OF CLARKSTOWN

Alexander J. Gromack, Supervisor

Shirley Lasker, Councilwoman

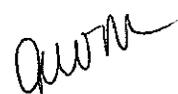
Frank Borelli, Councilman

George Hoehmann, Councilman

Stephanie Hausner, Councilwoman

Dated: April 9, 2013

TB 04-09-13 TA RES Order PH Road Improvement-dt

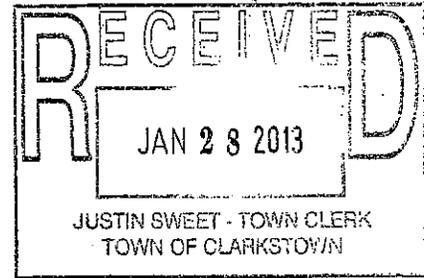
A handwritten signature in black ink, appearing to read 'AWM', is located in the lower right quadrant of the page.

TOWN BOARD OF THE TOWN OF CLARKSTOWN
COUNTY OF ROCKLAND: STATE OF NEW YORK

-----X
In the Matter of the Petition of

JASON RUFFO

for the Formation of a Road Improvement District
for Town of Clarkstown Tax Map Section
52.15, Block 1, Lots 16, 17, 18 & 19
-----X



VERIFIED PETITION

TO THE HONORABLE TOWN BOARD OF THE TOWN OF CLARKSTOWN:

The undersigned, being an owner of real estate fronting or abutting on either side of that portion of the proposed 25' wide right of way shown on a preliminary plat entitled "Landau Estates" and an existing 25' wide right of way as shown on Filed Map #6237 entitled "Subdivision Plat, James R. Peterson and H. Robert Petereson" hereinafter described, to the extent of at least one half of the entire frontage or bounds on both sides of said portion of said Street, and including resident owners owning not less than one—half of the frontage owned by resident owners residing in or along said portion of said Street, do hereby petition as follows:

1. Petitioners propose, pursuant to Town Law § 200, that the Town Board of the Town of Clarkstown, New York (the "Town"), authorize and approve the improvement of that portion of said Street, hereinafter described, by the construction of sidewalks, curbs, gutters, and culverts for the entire length of said portion as is more particularly described on Exhibit "A".
2. A pavement has heretofore been constructed on the above described portion of said

Street of approximately twenty five 25' feet in width.

3. That in 1988 the Clarkstown Planning Board approved a three lot realty subdivision called "Subdivision Plat, James R. Peterson and H. Robert Petereson" (n/k/a 52.15-1-17, 18 & 19). As a specific condition of approval, the subdivider offered for dedication a twenty five 25' foot strip of land to be dedicated to the Town in the event the adjoining parcel to the north is developed (n/k/a 52.15-1-16). The Petitioner is the owner of lot 52.15-1-16, and proposes a three lot subdivision which is now pending before the Clarkstown Planning Board. As a part of the Petitioner's application, the Petitioner proposes to dedicate a twenty five 25' foot strip of land to the Town of Clarkstown to create a fifty 50' foot right of way.

4. The maximum amount proposed to be expended for the aforesaid improvement is to be determined by the Town's Engineer and made a part of the record in the public hearing on this matter.

5. The entire frontage or bounds on both sides of that portion of said Street above described is seven hundred forty six and 23/100 (746.23') feet . The frontage owned by all resident owners residing in or along that portion of said Street above described is seven hundred forty six and 23/100 (746.23') feet .

6. The Petitioner is the owner of real estate fronting or abutting upon either side of that portion of said Street above described.

7. The names and addresses of residents owning frontage on that portion of the Street to be improved are as follows:

PARCEL 1
Tax Lot 52.15-1-16
Jason Ruffo

PARCEL 2
Tax Lot 52.15-1-17
Ellen Saliani and Catherine O'Brien

PARCEL 3
Tax Lot 52.15-1-18
Andrew Lazaroff

PARCEL 4
Tax Lot 52.15-1-19
Steven J. Tarangelo

WHEREFORE, the Petitioner respectfully request that the Town Board authorize and approve the construction of sidewalks, curbs, gutters and culverts for the entire length of that portion of said Street hereinabove described, and that a public hearing be held on such proposal according to law.

Dated: January 14, 2013
Nyack, New York


JASON RUFFO

Descriptions of properties to be included in the proposed roadway improvement district:

Parcel 1

Tax Lot 52.15-1-17, formerly Tax Lot 124-B-6.2 and further described as Lot 1 as shown on a map titled "Subdivision plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237.

Parcel 2

Tax Lot 52.15-1-18, formerly Tax Lot 124-B-6.3 and further described as Lot 2 as shown on a map titled "Subdivision plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237.

Parcel 3

Tax Lot 52.15-1-19, formerly Tax Lot 124-B-6.4 and further described as Lot 3 as shown on a map titled "Subdivision Plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237.

Parcel 4

Tax Lot 52.15-1-16 and further described as follows:

Beginning at a point located along the easterly right of way boundary of Ridge Road, said right of way being 16.5 from the centerline of Ridge Road, and said point being located at the westerly terminus of the common boundary of N/F Landau, with the northerly boundary of the property depicted on a map titled "Subdivision Plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237; thence

1. Along the easterly right of way boundary of Ridge Road North $16^{\circ}05'36''$ East 200.48' feet; thence
2. South $74^{\circ}27'35''$ East 405.82' feet; thence
3. South $11^{\circ}09'55''$ West 147.90' feet; thence
4. North $81^{\circ}40'05''$ West 422.37' feet to the point of beginning

Proposed Roadway Right of Way Parcel "A" From N/F Landau

Being a portion of Tax Lot 52.15-1-16 consisting of a road right of way widening of 8.50' feet along the easterly side of Ridge Road, a 25 foot widening along the northerly side of the road right of way as depicted on a map titled "Subdivision Plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237, a return curve of 25 foot radius connecting the two widenings and a "TEE" type turnaround at the easterly terminus of the 25 foot right of way widening and further described as follows:

Beginning at a point located along the easterly right of way boundary of Ridge Road, said right of way being 16.5 from the centerline of Ridge Road, and said point being located at the westerly terminus of the common boundary of N/F Landau, with the northerly boundary of a map titled "Subdivision plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237; thence

1. Along the easterly right of way boundary of Ridge Road North $16^{\circ}05'36''$ East 200.48' feet; thence
2. South $74^{\circ}27'35''$ East 8.50' feet; thence
3. South $16^{\circ}05'36''$ West 145.53' feet; thence
4. On a curve to the left an arc length of 42.66' feet on a radius of 25.00' feet; thence
5. South $81^{\circ}40'05''$ East 187.55' feet; thence
6. On a curve to the left an arc length of 39.27' feet on a radius of 25.00' feet; thence
7. South $81^{\circ}40'05''$ East 52.04' feet; thence
8. South $09^{\circ}29'55''$ West 50.01' feet; thence
9. Along the common boundary of N/F Landau with the northerly boundary of the property depicted on a map titled "Subdivision Plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237, North $81^{\circ}40'05''$ West 303.97' feet to the point of beginning.

Existing Roadway Right of Way Parcel "B" From Peterson Subdivision

Being a portion of Tax Lots 52.15-1-17, 18 & 19 consisting of a road right of way as depicted on a map titled "Subdivision Plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237, and further described as follows:

Beginning at a point located along the easterly right of way boundary of Ridge Road, said right of way being 25.00' feet from the centerline of Ridge Road, and said point being located at the westerly terminus of the common boundary of N/F Landau, with the northerly boundary of the property depicted on a map titled "Subdivision plat James R. Peterson and H. Robert Peterson", dated January 26, 1988, and filed in the Rockland County Clerk's office in Book 109, on Page 69 as Map 6237; thence

1. Along said common boundary South 68°16'00" East 295.61' feet; thence
2. South 22°54'00" East 50.01' feet; thence
3. North 68°16'00" West 50.00' feet; thence
4. On a non-tangent curve to the left an arc length of 39.27' feet on a radius of 25.00' feet; thence
5. Tangent to the previous course North 68°16'00" West 200.92' feet; thence
6. On a curve to the left an arc length of 34.50' feet on a radius of 25.00' feet to a point located along the boundary of the easterly right of way of Ridge Road; thence
7. Along the easterly boundary of the right of way of Ridge Road North 29°11'30" East 45.61' feet to the point of beginning.

RESOLUTION AUTHORIZING RETENTION OF AN APPRAISER TO PREPARE AN APPRAISAL OF THE MIDDLEWOOD SENIOR HOUSING COMPLEX

WHEREAS, the Town Board wishes to obtain an appraisal of the Middlewood Senior Housing Complex located in Nanuet, New York, and

WHEREAS, the Town Attorney solicited an appraisal from Beckmann Appraisals, Inc., which she has reviewed and found acceptable in terms of scope and price, and recommends hiring the firm to perform said appraisal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to retain Beckmann Appraisals, Inc. to appraise the Middlewood Senior Housing Complex located in Nanuet, New York, and be it

FURTHER RESOLVED, that the fee for said appraisal shall not exceed \$7,500.00 as per his proposal dated March 20, 2013 and shall be a proper charge to Account No. A 1420 409.

Dated: April 9, 2013

TB 04-09 TA RES Middlewood Appraisal-pm

Allen