

**TOWN OF CLARKSTOWN
TOWN BOARD MEETING**

Town Hall Auditorium
June 4, 2013, 8:00 PM

AGENDA
(Tentative)

SALUTE TO THE FLAG

SPECIAL PRESENTATION:

- **Mr. James Finn – Senior Citizen of the Year**
- **Clarkstown Youth Academy Graduation**
- **STAR Kids, Inc.**
- **Recognition of Retirement:**
James Vitale, Principal, Clarkstown High School South and
Dianne Basso, Campus Principal, Felix Festa Middle School

CLERK CALLS THE ROLL

PUBLIC HEARING:

1. Approval of Final Map of Boundary Lines of the Valley Cottage Fire District.
2. Proposed Local Law entitled: "A Local Law Amending Chapter 290-3 (Definitions) of the Town Code of the Town of Clarkstown"
3. Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to Senior Citizen Housing, Senior Citizen Congregate Housing and Assisted Care Living Quarters"

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting Minutes of Town Board Meeting of May 7, 2013, as submitted by the Town Clerk.
2. Authorizing the following Personnel changes:
 - a) Appointment (Permanent): Henry Mendez, Police Officer, Clarkstown Police Department.
 - b) Resignation (Retirement): David Elmendorf, Detective, Clarkstown Police Department.
 - c) Resignation (Retirement): Lucille Kelly, Data Entry Operator I, Justice Court
 - d) Sick Leave of Absence: Thomas Isenbek, Office of the Assessor.
3. Authorizing the Purchasing Agent to advertise for the following:
 - a) Bid #17-2013 – One (1) Street Sweeper
 - b) Bid #18-2013 – One (1) Asphalt Hot Patch Dump Trailer
 - c) Bid #19-2013 – One (1) Boom Truck (2014 Purchase)

4. Amending Resolution No. 165-2013 (Street Lighting – Yellowstone Fields Subdivision)
5. Authorizing the Supervisor to enter into the following Agreements:
 - a) New York Power Authority to Accept Funds with Regard to a Power Purchase Agreement with Onforce Solar.
 - b) County of Rockland – Mass Transportation
 - c) Lorencin Contracting Corp. – Town Hall Security Updates
6. Authorizing Preparation of a Preliminary Appraisal for a Tax Certiorari Matter regarding Plaro Estates, Inc. (Tax Map Nos.: 65.5-1-18 and 65.5-1-20)
7. Authorizing Settlement of Tax Certiorari Matter regarding McDonald's Corp. Tax Map Nos. 57.57-1-1 and 57.56-2-7.
8. Authorizing the Execution and Filing of the MS4 Annual Report on Stormwater Discharges in the Town of Clarkstown with the New York State Department of Environmental Conservation.
9. Accepting Easement from Tilcon New York, Inc. concerning the Long Clove Road Pump Station Project.
10. Authorizing Bid No. 19-2012 (Clarkstown Community Centers Upgrades) and Authorizing the Supervisor to enter into an Agreement with DCAK-MSA Architecture in Connection with the Project.
11. Re-Establishment of Pride of Clarkstown Committee
12. Invoking Town Code Chapter 216-9(B): Maintenance of Vacant Properties.
13. Authorizing Funds for the Construction of Improvements at Town Community Centers.

ADDITIONAL TENTATIVE RESOLUTIONS:

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-1

RESOLUTION APPROVING THE FINAL MAP OF THE
VALLEY COTTAGE FIRE DISTRICT
RESOLUTION NO. _____-2013 OF THE TOWN OF CLARKSTOWN

WHEREAS, Town Law § 176(5) requires fire districts to prepare a map showing the exact boundaries of the fire district, and

WHEREAS, the Valley Cottage Fire District has complied with the provisions of Town Law § 176(5), and

WHEREAS, the Valley Cottage Fire District has provided the Town Board of the Town of Clarkstown, New York with the proposed map and legal description as well as proof of service upon adjacent fire districts of the proposed map and description, and

WHEREAS, the Town Board has been advised and believes that no objections to the proposed map and description have been filed, and

WHEREAS, notice of public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice at which hearing no objections to the boundaries were heard;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the proposed map and legal description of the Valley Cottage Fire District is hereby approved.
2. The Town Clerk, pursuant to Town Law § 176(5) is directed to notify the adjacent fire districts of the filing and approval of said map.
3. That the Town Clerk is further directed to file a certified copy of the map in the Office of the Rockland County Clerk as well as to publish a notice of the filing of said map in the official newspaper of the Town of Clarkstown.

Dated: June 4, 2013

awm

PH-2

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

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 290-3 (DEFINITIONS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Hoehmann at a Town Board meeting held on May 7, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 7, 2013, directed that a public hearing be held on June 4, 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 June 4, 2013, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on May 28, 2013, and

WHEREAS, by resolution adopted May 7, 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 May 24, 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 May 29, 2013 recommending approval of the proposed local law since it will have no adverse impacts on any County-wide interests and remanding it for local determination, and

WHEREAS, Jose Simoes, Town Planner, by memo dated May 29, 2013, found that the proposed local law is a minor text amendment to the definitions of "lot coverage" and "building coverage", which will not adversely affect the environment, and

WHEREAS, by resolution dated May 22, 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 does not have the potential to adversely impact 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:

"A LOCAL LAW AMENDING CHAPTER 290-3 (DEFINITIONS) OF THE TOWN 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 was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Dated: June 4, 2013

TB 06-04 TA RES Adopt LL-Amend Chap 290-3-Definitions-pm

A handwritten signature in cursive script, appearing to read "awm", is located in the lower right quadrant of the page.

**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: Lot Coverage and Building Coverage Definitions Text Amendment

Date: June 4, 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: Lot Coverage and Building Coverage Definitions Text Amendment

SEQRA Status: Unlisted

Description of Action: Text amendment to modify the definition of "lot coverage" to include all impervious surfaces. The current definition in the Town Code only includes coverage by structures; thus, it is proposed that this definition be expanded and the definition of "lot coverage" be redefined as "building coverage."

Location: Town of Clarkstown, New York

Reasons Supporting this Determination: This action is a minor text amendment that will resolve an unintended discrepancy in the definition of "lot coverage" and thereby enable regulation using this enhanced definition to limit impervious surfaces to the maximum extent. Limiting impervious surfaces increases the amount of runoff that may be naturally mitigated on site, which increases water quality and reduces flooding.

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

PH-3

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

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO SENIOR CITIZEN HOUSING, SENIOR CITIZEN CONGREGATE HOUSING AND ASSISTED CARE LIVING QUARTERS"

was introduced by Councilperson Borelli at a Town Board meeting held on May 7, 2013, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 7, 2013, directed that a public hearing be held on June 4, 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 June 4, 2013, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on May 28, 2013, and

WHEREAS, by resolution adopted May 7, 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 May 24, 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 May 29, 2013 recommending that two (2) minor modifications be made which have already been addressed in the current draft of the proposed local law, and

WHEREAS, Jose Simoes, Town Planner, by memo dated May 29, 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 would expand the Town's housing options and add the opportunity for the development of crucially needed senior housing, and

WHEREAS, by resolution dated May 22, 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

a Type I Action under SEQRA, and (2) the proposed action does not have the potential to adversely impact 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:

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO SENIOR CITIZEN HOUSING, SENIOR CITIZEN CONGREGATE HOUSING AND ASSISTED CARE LIVING QUARTERS"

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: June 4, 2013

TB 06-04 TA RES Adopt LL-Amend Chap 290 Sr Housing-Congregate Housing-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: Senior Citizen Housing, Senior Citizen Congregate Housing and Assisted Care Living Quarters Text Amendment

Date: June 4, 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: Senior Citizen Housing, Senior Citizen Congregate Housing and Assisted Care Living Quarters Text Amendment

SEQRA Status: Type I

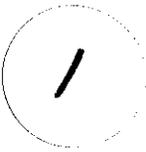
Description of Action: Proposed zoning text change to permit Senior Citizen Congregate Housing and Assisted Living Quarters within the R-10, R-15, PO, CS, RG-1, RG-2, MF-1, MF-2 & MF-3, where Senior Citizen Housing is already allowed, in addition to the R-22 district. The amendment streamlines the permitting process by allowing projects to apply for special permits from the Planning Board. The amendment also increases the cap for these types of development from 106 to 200 units, while maintaining the same density of 20 units per acre. Total new development throughout the Town under this special permit will be limited to 700 units.

Location: Town of Clarkstown, New York

Reasons Supporting this Determination: This text amendment will expand the Town's housing options and adds the opportunity for the development of crucially needed senior housing. Additionally, by permitting the development of Senior Congregate Housing and Assisted Living Quarters, seniors will be provided a "continuum of care," which will require less effort on the part of seniors to transition from one level of senior care to another as their needs change. Senior Housing is currently permitted in all of the zones in which Senior Citizen Congregate Housing and Assisted Living Quarters are being proposed except the R-22 zone. Physically, the new housing types being permitted are nearly identical to currently permitted senior housing; only the level of services being provided within these developments differ, such as dining facilities and limited medical assistance. Senior Citizen Congregate Housing and Assisted Care Living

Quarters will have the same permitted unit/acre densities as currently permitted Senior Housing, and total development under the special permit will now be capped at 700 units. In the past 40 years five senior housing developments totaling 530 units and four senior assisted living facilities, totaling 222 beds, have been constructed. If development of these uses were to continue at a similar rate the influx of new development would be gradual, and not place stress on current municipal resources. These facilities will be permitted on properties which have 300 feet of frontage along a major, secondary or collector street. This requirement will help mitigate potential traffic impacts by ensuring these facilities have access to streets with adequate capacity. All developments will be reviewed individually by the Planning Board under the provisions of SEQRA. Additional studies will be mandated by the Planning Board as required.

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



RESOLVED, that Town Board Minutes of May 7, 2013 are hereby accepted, as submitted by the Town Clerk.

DATED: June 4, 2013

2A

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

NOW, therefore, be it

RESOLVED, that Henry Mendez, 7 Orchard Avenue, New City, New York, - is hereby cleared for a (Permanent) appointment to the position of Police Officer - Clarkstown Police Department effective and retroactive to May 10, 2013.

DATED: June 4, 2013

P

RESOLVED, that the resignation (by retirement) of David Elmendorf, 12 Hacker Place, Nanuet, New York - Police Officer (Detective) - Police Department - is hereby accepted - effective and retroactive to May 30, 2013.

DATED: June 4, 2013

P

RESOLVED, that the resignation (by retirement) of
Lucille Kelly, 5 Birchwood Terrace, Nanuet, New York -
Data Entry Operator I - Justice Court - is hereby
accepted effective and retroactive to June 3, 2013.

DATED: June 4, 2013

P

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.,
Thomas Isenbek, 71 Schneider Ave, Highland Falls, New York,
Real Property Data Collector II - Office of the Assessor's
is hereby granted a Sick Leave of Absence at one-half pay
effective June 5, 2013 thru July 3, 2013.

DATED: June 4, 2013

P

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

BID#17-2013 – ONE (1) STREET SWEEPER

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: June 4, 2013



3B

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

BID#18-2013 – ONE (1) ASPHALT HOT PATCH DUMP TRAILER

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: June 4, 2013

AWM

30

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

BID#19-2013 – ONE (1) BOOM TRUCK (2014 PURCHASE)

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: June 4, 2013

awm

RESOLUTION AMENDING RESOLUTION NO. 165-2013
(STREET LIGHTING-YELLOWSTONE FIELDS SUBDIVISION)

WHEREAS, by Resolution No. 165-2013, adopted April 9, 2013, the Town of Clarkstown accepted a proposal from Orange and Rockland Utilities, Inc. for street lighting at Yellowstone Fields Subdivision, and

WHEREAS, the Town of Clarkstown has received a cost estimate for a revised installation proposed as follows:

Install:

- Two underground streetlight poles and two 9500 lumen 100 watt sodium vapor streetlight
- One streetlight on pole on Germonds Road (48/05)

Annual Charges:

- \$13.56 per light x 3 (lights) x 12 (months) = \$488.16

Increase to the Town of Clarkstown will be \$488.16 per year, plus market supply and fuel adjustment charges.

NOW, THEREFORE, be it

RESOLVED, that Resolution No.165-2013 is hereby amended to read that the number of streetlights accepted for installation shall be three for a total increase to the Town of \$488.16 per year, plus fuel adjustment charges.

DATED: June 4, 2013

5A

RESOLUTION AUTHORIZING THE SUPERVISOR ENTER INTO AN AGREEMENT WITH THE NEW YORK POWER AUTHORITY TO ACCEPT FUNDS WITH REGARD TO A POWER PURCHASE AGREEMENT WITH ONFORCE SOLAR

WHEREAS, the Town of Clarkstown has entered into a power purchase agreement with OnForce Solar with regard to construction of a solar power array ("Project") located at the former Clarkstown landfill in West Nyack, and

WHEREAS, the New York Power Authority will provide funding to the Town of Clarkstown to help defray the costs associated with said Project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York Power Authority to accept funds to help defray the costs associated with the Project.

Dated: June 4, 2013

TB 06-04 TA RES NYPA Agree-Solar-pm

alwm

5B

RESOLUTION AUTHORIZING THE SUPERVISOR TO
ENTER INTO AN AGREEMENT WITH THE COUNTY
OF ROCKLAND FOR MASS TRANSPORTATION

WHEREAS, Section 18 (b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2013 to March 31, 2014, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

Dated: June 04, 2013

Own

50

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT
WITH LORENCIN CONTRACTING CORP. WITH REGARD TO
TOWN HALL SECURITY UPDATES

WHEREAS, the Town Board felt it was necessary to replace certain door locks in connection with security updates to Town Hall, and

WHEREAS, the Town Board received a quote from Lorencin Contracting Corp. for \$7,150.00, which the Public Works Administrator and the Purchasing Agent found acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lorencin Contracting Corp. in an amount not to exceed \$7,150.00, and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No.

H-8765-409-0-88-27.

DATED: June 4, 2013

TB 06-04 TA RES Lorencin Agree-pm

awm

**RESOLUTION AUTHORIZING PREPARATION OF A
PRELIMINARY APPRAISAL FOR A TAX CERTIORARI
MATTER REGARDING PLARO ESTATES, INC.
(TAX MAP NOS.: 65.5-1-18 and 65.5-1-20)**

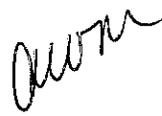
WHEREAS, Plaro Estates, Inc., has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map Nos. 65.5-118 and 65.5-1-20, and more commonly known as, 744 West Nyack Road, West Nyack, New York and 740 West Nyack Road, West Nyack, New York, respectively, for the year(s) 2007/08, 2008/09, 2009/10, 2010/11 and 2011/12, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$3,000, retroactive to May 7, 2013; and such fee shall be charged to Account No. A 1420-439-1.

Dated: June 4, 2013



**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
MATTER REGARDING McDONALD'S CORP.
TAX MAP NOS.: 57.57-1-1 and 57.56-2-7**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, McDonald's Corp. v. Cathy Conklin, Tax Assessor of The Town of Clarkstown, Board of Assessment Review of The Town of Clarkstown, Town of Clarkstown and East Ramapo Central School District, Index No(s). 7370/09; 6851/10; 030684/11 and 034187/12, affecting parcel designated as Tax Map Nos. 57.57-1-1 and 57.56-2-7 and more commonly known as 100 E. Route 59, Spring Valley, New York, and 106 E. Route 59, Spring Valley, New York, respectively, for the year(s) 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, the Deputy Town Attorney assigned to Tax Certiorari matters for the Town of Clarkstown, and the attorneys for the East Ramapo 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 Nos. 57.57-1-1 be reduced for the year(s) 2009/10, from \$45,200.00 to \$40,700.00 at a cost to the Town of \$46.70;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map Nos. 57.57-1-1 be reduced for the year(s) 2010/11, 2011/12 and 2012/13 from \$45,200.00 to \$41,800.00 at a total cost to the Town of \$121.24;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map Nos. 57.56-2-7 be reduced for the year(s) 2009/10, from \$231,200.00 to \$208,100.00 at a cost to the Town of \$239.73;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map Nos. 57.56-2-7 be reduced for the year(s) 2010/11, 2011/12 and 2012/13 from \$231,200.00 to \$213,900.00 at a total cost to the Town of \$616.87;

5. Reimbursement for the year(s) 2009/10, 2010/11, 2011/12 and 2012/13 on the parcel described as Tax Map Nos. 57.57-1-1 and 57.56-2-7, 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;

6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Deputy Town Attorney assigned to handle Tax Certiorari matters for the Town of Clarkstown for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

Dated: June 4, 2013

TB 06-04-13 TA RES McDonald's Corp. Settlement-dt

Autum

RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF THE MS4 ANNUAL REPORT ON STORMWATER DISCHARGES IN THE TOWN OF CLARKSTOWN WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has prepared the MS4 Annual Report for the New York State Department of Environmental Conservation concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02), and

WHEREAS, the report was published on the Town's website at www.clarkstown.ny.us, and

WHEREAS, copies of the report were available for inspection and comment at the Town Board's June 4, 2013 regularly scheduled meeting, and

WHEREAS, no comments were received;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the report and the Director of the Department of Environmental Control to file the MS4 Annual Report concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems with the New York State Department of Environmental Conservation.

Dated: June 4, 2013

TB 06-04 TA RES NYSDEC MS4 Stormwater Report-pm

AWM

RESOLUTION ACCEPTING EASEMENT FROM TILCON NEW YORK, INC.
CONCERNING THE LONG CLOVE ROAD PUMP STATION PROJECT

WHEREAS, the Town of Clarkstown is in the process of upgrading various pump stations within the Town, and

WHEREAS, the Town's engineer, H2M, has advised of the need for an easement from Tilcon New York, Inc. to allow for the installation of a force main from the Long Clove Road Pump Station to Scratchup Road in New City, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said easement provided by Tilcon New York, Inc., and the Town Attorney has advised that the easement is in proper form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts an easement from Tilcon New York, Inc. in connection with the installation of a force main and orders said easement to be recorded in the Rockland County Clerk's Office at the expense of the Town.

Dated: June 4, 2013

AWM

RESOLUTION AWARDING BID #19-2012 AND AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH DCAK-MSA ARCHITECTURE IN CONNECTION WITH THE PROJECT

WHEREAS, the Town of Clarkstown solicited bids for the renovation and upgrades of various community centers; and

WHEREAS, the Town received two (2) bids in response to its solicitation; and

WHEREAS, Lorencin Contracting Corp. has been determined to be the lowest responsible bidder; and

WHEREAS, the Town also solicited a proposal from DCAK -MSA Architecture and Engineering, the architectural firm that designed the project, to provide professional construction management and oversight services in connection with the project, which the Public Works Administrator has deemed acceptable in terms of scope and price;

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Public Works Administrator that

BID #19-2012 -- CLARKSTOWN COMMUNITY CENTERS UPGRADES

is hereby awarded to: LORENCIN CONTRACTING CORP.
17 SCHRIEVER LANE
NEW CITY, NY 10956
PRINCIPAL: LORRAINE DINARDI

as per their proposed project cost of \$1,987,000.00 base plus Alternate #1 of \$262,000.00, Alternate #2 of \$60,000.00 and Alternate #4 of \$74,000.00 for a total project cost of \$2,383,000.00 plus 18% 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
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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 Public Works Administrator, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with DCAK-MSA Architecture and Engineering, 53 Hudson Avenue, Nyack, New York, to provide professional architecture oversight services in connection with the project at a cost not to exceed \$115,575.50 (plus reasonable expenses not to exceed \$5,000.00), and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8759-400-409-0-83-24, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds.

DATED: June 4, 2013

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

RESOLUTION RE-ESTABLISHING A COMMITTEE TO RECOGNIZE
COMMERCIAL PROPERTY OWNERS, OR OPERATORS, WHO MAINTAIN
EXEMPLARY PROPERTIES

//

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 456 on July 25, 2006, creating a committee to recognize commercial property owners, or operators, who have taken extraordinary steps maintaining their properties. This program is known as the "Pride of Clarkstown," and is also intended to act as an incentive for all commercial property to be improved, and

WHEREAS, the Committee consists of the following persons:

George Hoehmann, Town Board Liaison

Scott Milich, Chairman

David Kaminski

Donald Ritch

Irene Ryan

Shirley Washington

and

WHEREAS, the Town Board wishes to re-establish the Committee for the year 2013;

NOW, therefore, be it

RESOLVED, that the Town Board hereby re-establishes the committee referred to herein, and be it

FURTHER RESOLVED, that the Town Board hereby endorses the contest for the best maintained commercial property, and shall appropriate \$2,000.00 to the committee to conduct the contest, prepare award certificates and for incidental expenses, which shall be a proper charge to Account No. A-1010-409.

Dates: June 4, 2013

awm

**RESOLUTION INVOKING TOWN CODE CHAPTER 216-9(B):
MAINTENANCE OF VACANT PROPERTIES**

WHEREAS, the Offices of the Building Inspector and Zoning Administrator have joined forces to field complaints and perform Town-wide inspections of the vacant, foreclosed, and/or abandoned properties in Clarkstown, the owners or responsible parties of which have failed to perform required lawn and landscape maintenance pursuant to Town of Clarkstown Town Code Chapter 216-4, (Property Maintenance, Landscaping Maintenance) and

WHEREAS, appropriate diligence by Code Officials, to include but not limited to appropriate notice and posting, has been performed as required pursuant to Chapter 216-9(A), and

WHEREAS, the properties currently in violation are identified as follows:

- 29 Cornell Drive, Bardonia (58.7-1-4 fka 54-A-9.17)**
- 96 Highway Ave, Congers (52.8-1-57 fka 126-C-5)**
- 41 Medway Avenue, Congers (44.20-1-72 fka 126-B-22)**
- 3 Chauncy Street, Congers (44.10-2-39 f/k/a 112-A-12)**
- 160 S. Conger Ave, Congers (52.7-1-55 fka 111-A-12.3)**
- 15 Loran Court, Nanuet (64.13-4-12 fka 31-B-25)**
- 9 Foxcroft Dr, Nanuet (58.5-2-42 fka 16-C-2.16)**
- 7 Roland Court, Nanuet (64.18-3-19 f/k/a 30-A-8.4)**
- 20 Carriage Ln, Nanuet (63.6-3-38 fka 5-B-6.30)**
- 5 Pigeon Hill Rd, Nanuet (58.13-2-51 fka 15-E-43)**
- 5 Linden Ct, New City (34.15-2-24 fka 80-A-18.16)**
- 3 Little Brook Ln, New City (43.5-1-24 fka 40-A-60.2)**
- 6 Oldfield Dr, New City (51.7-2-61 fka 57-C-4.3)**
- 8 Tilda Ln, New City (51.6-3-26 fka 37-A-5.6)**
- 111 Brewery Rd, New City (51.8-2-14 fka 76-A-16)**
- 4 Templar Ct, New City (50.20-4-68 fka 165-A-4.28)**
- 11 The Promenade, New City (34.18-1-23 f/k/a 41-A-16.25)**
- 2 Summit Drive, New City (34.17-1-49 fka 23-A-11.1)**
- 142 Buena Vista Road, New City (42.8-2-65 fka 170-A-10)**

26 Rolling Way, New City (35.9-2-59 f/k/a 98-B-4.22)
11 Sharon Drive, New City (43.10-1-31 fka 40-A-29)
15 Badger Street, New City (43.17-1-67 f/k/a 20-C-87.73)
1 Brook Road, New City (33.16-2-37 fka 171-A-2)
73 W. Burda Place, New City (50.12-2-49 fka 167-A-6.1)
5 Kent Street, New City (51.14-2-79 fka 36-C-8.14)
9 Kent Street, New City (51.14-2-81 fka 36-C-8.12)
12 Walnut Ct, New City (34.19-3-59 fka 60-A-16.69)
35 Parliament Drive, New City (35.14-1-22 f/k/a 98-A-9.37)
528 Kings Highway, Valley Cottage (59.6-3-48 fka 108-B-5.16)
958 Tilton Rd, Valley Cottage (52.11-2-31 fka 125-B-12.7)
960 Tilton Rd, Valley Cottage (52.11-2-32 fka 125-B-12.8)
11 Tena Place, Valley Cottage (59.7-3-25 fka 123-A-16.53)
566 Babbling Brook Ln, Valley Cottage (52.14-2-61 fka 110-A-23.29)
17 Flower Ln, Valley Cottage (52.14-3-3.6 fka 114-A-16)
331 Fulle Drive, Valley Cottage (52.18-1-41 f/k/a 109-B-5.5)
18 Phillips Lane, West Nyack (64.8-2-27 fka 89-C-3.30)
210 Parrott Rd, West Nyack (51.16-1-51 fka 75-A-15)
85 Van Houten Flds, West Nyack (64.12-2-42 fka 70-B-13)

NOW, THEREFORE, be it RESOLVED, that subject to a reasonable grace period and final re-inspection, the Town Board hereby authorizes the Office of the Zoning Administrator to arrange for the appropriate property maintenance through the tasking of available Town forces, subcontractors or agents to perform the required trimming of grass, weeds, trees and shrubs on the above properties along with any and/or all associated debris removal, throughout the 2013 mowing and growing season, after which a bill of costs will be submitted to said office for the purpose of levying said costs incurred by the Town as a property tax lien on the property by the Town Assessor.

DATED: June 4, 2013
TB 06-04-13 TA RES Chapter 216-9--jje



BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED JUNE 4, 2013, AUTHORIZING THE
CONSTRUCTION OF IMPROVEMENTS AT TOWN
COMMUNITY CENTERS, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$2,815,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF BONDS IN THE
PRINCIPAL AMOUNT OF \$2,815,000 TO FINANCE SAID
APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY
OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York
(herein called the "Town"), is hereby authorized to construct improvements at Town community
centers. The estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$2,815,000 and said amount is hereby appropriated for such
purpose. The plan of financing includes the issuance of bonds of the Town in the principal
amount of \$2,815,000 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. Bonds of the Town in the principal amount of \$2,815,000 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 Section 11.00 a. 12(a) (2) 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 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 June 4, 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 June 4, 2013, authorizing the construction of improvements at Town community centers, stating the estimated maximum cost thereof is \$2,815,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$2,815,000 to finance said appropriation,”

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct improvements at Town community centers; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,815,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds of the Town in the principal amount of \$2,815,000 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 bonds of the Town in the principal amount of \$2,815,000 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 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 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: June 4, 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.

* * *

QWm