TOWN OF CLARKSTOWN
TOWN BOARD MEETING
February 7, 2012 - 8:00 p.m.
Town Hall Auditorium
AGENDA
(*Tentative*)

SALUTE TO THE FLAG

SPECIAL PRESENTATION:

- **Clarkstown Youth Court Graduation**
- **Pride of Clarkstown**

CLERK CALLS THE ROLL

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

RESOLUTIONS:

1. Accepting Minutes of January 3, 2012 and January 24, 2012, as submitted by the Town Clerk.

2. Authorizing the following Personnel Changes::
   a) Appointment (Substitute): Thomas C. McGovern, Crossing Guard, Clarkstown Police Department.
   b) Appointment (Temporary): Adam C. Kone, Police Officer, Clarkstown Police Department.
   c) Appointment (Temporary): Kevin D. Shea, Police Officer, Clarkstown Police Department.

3. Approving Stipulation of Settlement (Rockland County Patrolmen's Benevolent Association)

4. Authorizing the Town to Provide Bond and Letter of Credit to New York State Department of Transportation.

5. Authorizing the Adoption of the Revised Townof Clarkstown Sewer Department and Landfill Maintenance Confined Space Entry Program.

6. Granting Certificate of Registration:
   12-30 – First Rate Landscaping & Construction, Inc.

7. Authorizing the Purchasing Agent to Advertise for the following:
   a) Bid #10-2012 – Cypress Street Interim Flood Mitigation, New City
   b) Bid #11-2012 – 396 Pleasant Hill Drive Drainage Improvements
   c) Bid #12-2012 – Refuse & Bulk Collection Services for 1,2 & 3 Family Homes in the Unincorporated Town of Clarkstown.
   d) Bid #13-2012 – Curbside Recycling Collection.
   e) Bid #14-2012 – Furnish and Deliver Precast Concrete Box Culvert – Lake Nanuet Drive
   f) Bid #15-2012 – Installation of Box Culvert & Related Work – Lake Nanuet Drive.
   g) Bid #16-2012 – Congers Lake Trail – West Side

8. Amending Resolution No. 689-2011 (Fee Schedule for 2012)

9. Adopting the Tappan Zee Bridge Task Force Report.

10. Amending Resolution No. 680-2011.

11. Prescribing Rules and Regulations Governing Departmental Charges and Discipline of Members of the Clarkstown Police Department.

12. Authorizing Settlement of the following Tax Certiorari Matters:
    a) Tri-Murti Associates, LLC
    b) 445 Route 304, LLC
    c) DMR Realty Group, LLC
    d) Volare Corp.

ADDITIONAL TENTATIVE RESOLUTIONS:

- Howard Hellman (All Bright) Credit on three units of equal dollar value

Limited to 3 minutes per person)

*****PLEASE NOTE*****
Additional items may be added to this agenda

RESOLVED, that the Town Board Minutes of January 3, 2012 and January 24, 2012 are hereby accepted as submitted by the Town Clerk.

DATED: February 7, 2012

RESOLVED, that Thomas C. McGovern, 80 North. Grant Avenue, Congers, New York - is hereby appointed to the position of (Substitute) Crossing Guard - Police Department - at the 2012 hourly rate of $18.67., per crossing - effective February 13, 2012.

DATED: February 7, 2012
P

2B

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligilbles #08200 Police Officer which contains the name of Adam C. Kone,

NOW, therefore, be it

RESOLVED, that Adam C. Kone, 29 Atlantic Ave, Nanuet, New York, is hereby appointed to the position of (temporary) Police Officer - Clarkstown Police Department (while attending the Police Academy) - at the current 2012 annual salary $57,949., effective and retroactive to February 6, 2012.

DATED: February 7, 2012
P

2c

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligilbles #08200 Police Officer which contains the name of Kevin D. Shea,

NOW, therefore, be it

RESOLVED, that Kevin D. Shea, 10 Sandpiper Drive, West Nyack, New York, is hereby appointed to the position of (temporary) Police Officer - Clarkstown Police Department (while attending the Police Academy) - at the current 2012 annual salary $57,949., effective and retroactive to February 6, 2012.

DATED: February 7, 2012
P

RESOLUTION APPROVING STIPULATION OF SETTLEMENT

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the Stipulation of Settlement in the matter of Rockland County Patrolmen's Benevolent Association, Inc. against the Town of Clarkstown (Case No. U-31172) and hereby authorizes the Supervisor to execute the Stipulation of Settlement.

Dated: February 7, 2012

TB 02-07 TA RES Case U-31172 Settlement-pm

RESOLUTION AUTHORIZING TOWN TO PROVIDE BOND AND LETTER OF CREDIT TO NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, it is in the Town's best interest to store the excavated fill from the Central Nyack Drainage Project for utilization at a future project to construct a berm on Klein Avenue in West Nyack, New York and

WHEREAS, the New York State Department of Transportation ("NYSDOT") has agreed to issue a permit to the Town to store fill at the underutilized commuter parking lot on Route 303 in West Nyack, New York and, as a condition for said permit, the NYSDOT requires a bond in the amount of $499,000.00 and a letter of credit in the amount of $49,900.00 to secure removal of said fill;

NOW, THEREFORE be it

RESOLVED, that the Supervisor is hereby authorized to execute any and all documents required to obtain said bond and letter of credit for the benefit of the NYSDOT, and the fee of $12,500.00 for said bond shall be a proper charge to Account No. H 8755-409-0-49-7, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to January 24, 2012.

Dated: February 7, 2012

TB 02-07 TA RES NYSDOT Bond-LC-Commuter Lot-pm

amm

5

RESOLUTION AUTHORIZING THE ADOPTION OF THE REVISED TOWN OF CLARKSTOWN SEWER DEPARTMENT AND LANDFILL MAINTENANCE CONFINED SPACE ENTRY PROGRAM

WHEREAS, in keeping with its tradition of concern for employee safety, the Department of Environmental Control has refined its requirements for confined space entry to conform to OSHA 1910.146 Permit Required Confined Space Standard, with regard to the Sewer Department and Landfill Maintenance employees, and

WHEREAS, the Town Board wishes to establish the revised procedures as set forth in the program;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the adoption of the Department of Environmental Control "Confined Space Entry Program Revised February 7, 2012" for the Sewer Department and Landfill Maintenance employees.

Dated: February 7, 2012

6

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

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

FIRST RATE LANDSCAPING & CONSTRUCTION, INC.
32 Peck Street
West Haverstraw, NY 10993
Stacey E. Heminover, President

NOW, THEREFORE, be it

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

12-30 First Rate Landscaping & Construction, Inc.

DATED: February 7, 2012

TB 02-07 TA RES Certificates of Registration Sewers-dt

7A

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

BID#10-2012 – CYPRESS STREET INTERIM FLOOD MITIGATION
NEW CITY, 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: February 7, 2012

7B

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

BID#11-2012 – 396 PLEASANT HILL 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: February 7, 2012

7c

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

BID #12-2012 – REFUSE & BULK COLLECTION SERVICES FOR 1,2 & 3 FAMILY HOMES IN THE UNINCORPORATED TOWN OF CLARKSTOWN

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue,

New City, New York by _____A.M.) (P.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 Clarkstown Purchasing Department

DATED: Feb. 7, 2012

7D

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

BID #13-2012 – CURBSIDE RECYCLING COLLECTION

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue,

New City, New York by _____A.M.) (P.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 Clarkstown Purchasing Department

DATED: Feb. 7, 2012

7E

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

BID #14-2012 – FURNISH AND DELIVER PRECAST CONCRETE BOX CULVERT – LAKE NANUET DRIVE

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue,

New City, New York by _____A.M.) (P.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 Clarkstown Purchasing Department

DATED: Feb. 7, 2012

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

7F

BID #15-2012 – INSTALLATION OF BOX CULVERT AND RELATED WORK – LAKE NANUET DRIVE

Bids to be returnable to the office of Purchasing , Room 331, 10 Maple Avenue,

New City, New York by _____A.M.) (P.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 Clarkstown Purchasing Department

DATED: Feb. 7, 2012

awm

7G

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

BID#16-2012 – CONGERS LAKE TRAIL – WEST SIDE

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: February 7, 2012

awm

RESOLUTION AMENDING RESOLUTION NO. 689-2011
(FEE SCHEDULES FOR 2012)

WHEREAS, by Resolution No. 689-2011, adopted December 29, 2011, the Town Board established and adopted fee schedules for 2012 for various departments and boards within the Town of Clarkstown, and

WHEREAS, the Deputy Director of the Department of Environmental Control recommends that the Town Board include the sum of $475.00 per tree to contribute to the Municipal Tree Bank Fund as part of the fee schedules;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 689-2011 to include the amount of $475.00 per tree which must be contributed to the Municipal Tree Bank Fund pursuant to the provisions of Town Code §270-14C.

Dated: February 7, 2012

TB 02-07 TA RES Amend Res 689-2011-Fees-pm

RESOLUTION ADOPTING THE TAPPAN ZEE BRIDGE TASK FORCE REPORT

WHEREAS, the Tappan Zee Bridge Task Force issued a report dated January 31, 2012, and

WHEREAS, the Town Board wishes to adopt said Report and address the issues contained therein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the Tappan Zee Bridge Task Force Report dated January 31, 2012 and authorizes the Task Force to distribute said Report to the New York State Department of Transportation and other state, county and municipal agencies, and be it

FURTHER RESOLVED, that the Town Board hereby calls upon the State to establish a committee to review the issues raised in the Report with Clarkstown officials.

Dated: February 7, 2012

TB 02-07 TA RES Tappan Zee Bridge Task Force Report-pm

10

RESOLUTION AMENDING RESOLUTION NO. 680-2011

WHEREAS, by Resolution No. 680-2011, adopted December 29, 2011, the Town Board granted authority to Alert Hook and Ladder Company No. 1 to install, maintain, and operate a traffic signal pre-emption device at the intersection of Kings Highway and Lake Avenue, Congers, New York, subject to the fire company executing an agreement, and

WHEREAS, the name of the fire district was incorrect;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 680-2011 is hereby amended to change the name of the fire district to the Congers Fire District.

Dated: February 7, 2012

TB 12-29 TA RES Amend Congers Fire District install equipment-pm

RESOLUTION PRESCRIBING RULES AND REGULATIONS GOVERNING DEPARTMENTAL CHARGES AND DISCIPLINE OF MEMBERS OF THE CLARKSTOWN POLICE DEPARTMENT

WHEREAS, the Town Board of the Town of Clarkstown, pursuant to Town Law and the Rockland County Police Act, exercises governance and control of the Clarkstown Police Department, and by this resolution prescribes the following rules and regulations governing departmental charges and discipline of members of the Clarkstown Police Department;

NOW, THEREFORE, be it RESOLVED, that the following rules and regulations are adopted:

At the direction of the Chief of Police, or the Chief's designee, (the "Charging Party"), any member of the Clarkstown Police Department (the "Department") may be investigated and examined, and departmental charges disciplinary charges may be preferred against a member by a written statement of charges and notice.

In accordance with the Rockland County Police Act, the Town Board shall be deemed to have knowledge of the facts upon which the charges are based as of the date that the Department's investigation of the alleged improper conduct is completed and not before.

Notice and Statement of Charges shall be served upon the member either personally or by certified mail to the member's residence address on file with the Department.

Within eight (8) days after service of the Notice and Statement of Charges, the member shall serve a written answer and, at member's election, request a closed hearing, to the Chief of Police. A member's failure to answer shall be deemed as the member's general denial of all charges.

Within thirty-five (35) days following service of the Charges, the Town Board will designate a hearing officer to conduct the disciplinary hearing. Notice of the hearing officer assignment and the date, time and place of the scheduled hearing shall be mailed to the member by either, the Charging Party or the Office of the Town Attorney.

The Town shall pay the hearing officer assigned to hear the disciplinary charges. A transcript of the hearing minutes will be provided to the hearing officer, the Department and the member at the Town's expense. In the hearing, no recording devices of any kind shall be permitted to be used by either party.

The hearing officer shall not be bound by the common law or statutory rules of evidence or by technical or formal rules of procedure. Subject to the provisions set forth below, the hearing officer shall conduct the hearing in such order and manner and with such methods of proof and interrogation as the hearing officer deems best suited to ascertain the facts. The hearing officer may examine the parties and their witnesses. All parties shall be accorded an opportunity to present such testimony and to introduce documentary or other evidence as may be pertinent. At the commencement of the hearing, the hearing officer shall identify all persons present and shall read the statement of charges into the record, unless such reading is waived by the parties. No hearing officer shall participate in any hearing in which the hearing officer shall have preferred the charges or any part of same.

All testimony shall be under oath or by affirmation and a stenographic record of the proceedings shall be made.

The member shall appear at the hearing in person and may be represented by counsel. All parties and their attorney(s) shall have the right to call, examine and cross-examine parties and witnesses and to offer relevant documents, records and other evidence which the hearing officer may accept into the record. The parties and their attorney(s) shall have the right to request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents, records or other evidence. At the end of the hearing, the hearing officer may grant each party or counsel the right to make a closing statement and to explain or clarify, in closing, relevant points which may not have been adequately developed during the hearing.

The hearing officer shall not consider, rely on, or refer to any document which has not been (1) identified, with stated opportunity for any party to examine the document and comment thereon, on the record; and (2) accepted for the record.

In the interest of the speedy administration of justice, the hearing officer shall:

1. Except for good cause shown, hear the matter through conclusion on consecutive days as required;

2. Within fourteen (14) business days after concluding the hearing, or within fourteen (14) business days after receipt of the stenographic hearing minutes, the hearing officer shall make written findings of fact and recommendations as to the penalty, if any, to the Town Board and shall provide the hearing record including all exhibits, evidence and hearing transcripts to the Town Board, which following its review of the record, shall render a final determination regarding the charge(s) and penalty(ies), if any;

3. The member shall have the right to a public hearing. Upon the member's request the hearing shall be closed to the public and the case file will be marked "confidential"; however, the confidential nature of the hearing record shall not extend to any judicial review thereof.

4, No discovery or pre-hearing motion practice is permitted except that, no less than five (5) days prior to the scheduled hearing date, the parties will exchange their respective lists of anticipated witnesses and exhibits.

In the event that for health, calendar or other reason, the assigned hearing officer informs the parties that he or she cannot conduct the hearing to a timely conclusion, the Town Board, in its absolute discretion, may either: (a) suspend the hearing until the assigned hearing officer can preside over the completion of the hearing; or (b) appoint a replacement hearing officer who shall continued the hearing through conclusion. The new hearing officer will be provided a transcript of the minutes of all prior proceedings with the exhibits and evidence constituting the hearing record as of that hearing officer's appointment.

As prescribed by the Town Board, these rules and regulations are expressly intended to supercede any and all existing procedures governing disciplinary charges, including any collectively bargained disciplinary procedure, and shall apply to all currently pending departmental disciplinary charges and to all disciplinary charges preferred following the adoption of these rules and regulations.

Should any of these rules and regulations, or any rule or regulation as may be prescribed by the Town Board from time-to-time, conflict with the Rockland County Police Act, it is the intent of

the Town Board that these rules and regulations shall control. In the event that any rule or regulation is declared invalid by a court of competent jurisdiction, such invalid part shall be deemed severed from these rules and regulations which shall otherwise continue in full force and effect.

Dated: February 7, 2012

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING TRI-MURTI ASSOCIATES, LLC
(TAX MAP NO.: 57.20-1-1.2)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Tri-Murti Associates, LLC v. Board of Assessment Review and/or Assessor of the Town of Clarkstown and the Town of Clarkstown, Rockland County, New York, Index No(s). 007742/10 and 030726/11, affecting parcel designated as Tax Map 57.20-1-1.2 and more commonly known as 260 West Route 59, Nanuet, New York, for the year(s) 2010 and 2011, 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 Nanuet Union Free 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 57.20-1-1.2 be reduced for the year(s) 2010 from $4,021,200 to $3,583,750 at a cost to the Town of $7,938.33;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 57.20-1-1.2 be reduced for the year(s) 2011 from $4,021,200 to $3,789,375 at a cost to the Town of $4,637.31;

3. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Map 57.20-1-1.2, 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: February 7, 2012

TB 02-07 TA RES Tri Murti Associates Settlement-lh

12B

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING 445 ROUTE 304, LLC
(TAX MAP NO.: 58.10-2-27)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, 445 Route 304, LLC v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 008759/10 and 031137/11, affecting parcel designated as Tax Map 58.10-2-27 and more commonly known as 445 Route 304, Bardonia, New York, for the year(s) 2010 and 2011, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 58.10-2-27 be reduced for the year(s) 2010 and 2011 from $412,500 to $335,500 at a total cost to the Town of $3,710.65;

2. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Map 58.10-2-27, as stated above, be made within sixty (60) days, without interest,

through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

3. 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: February 7, 2012

TB 02-07 TA RES 445 Route 304 Settlement-lh

12C

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING DMR REALTY GROUP, LLC.
(TAX MAP NO.: 64.9-1-65)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, DMR Realty Group, LLC v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 008757/10 and 031139/11, affecting parcel designated as Tax Map 64.9-1-65 and more commonly known as 168 Main Street, Nanuet, New York, for the year(s) 2010 and 2011, 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 Nanuet Union Free 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 64.9-1-65 be reduced for the year(s) 2010 and 2011 from $192,000 to $182,000 at a total cost to the Town of $481.90;

2. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Map 64.9-1-65, as stated above, be made within sixty (60) days, without interest, through

the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

3. The proceedings commenced by the petitioner(s) respecting Tax Map 64.9-1-65 be discontinued for the years 2010 and 2011 at no cost to the Town;

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: February 7, 2012

TB 02-07 TA RES DMR Realty Group, LLC Settlement-lh

12D

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING VOLARE CORP.
(TAX MAP NOs.: 43.19-1-12 and 43.19-1-13)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Volare Corp. v. The Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 008753/10 and 031101/11, affecting parcel designated as Tax Map 43.19-1-12 and 43.19-1-13 and more commonly known as 135 South Main Street and 137 South Main Street, New City, New York, respectively, for the year(s) 2010 and 2011, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-12 be reduced for the year(s) 2010 from $130,100 to $101,300 at a cost to the Town of $679.28;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-12 be reduced for the year(s) 2011 from $130,100 to $107,850 at a cost to the Town of $547.44;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-13 be reduced for the year(s) 2010 from $109,300 to $100,000 at a cost to the Town of $219.35;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.19-1-13 be reduced for the year(s) 2011 from $109,300 to $105,000 at a cost to the Town of $105.80;

5. Reimbursement for the year(s) 2010 and 2011 on the parcel described as Tax Maps 43.19-1-12 and 43.19-1-13, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

Dated: February 7, 2012

TB 02-07 TA RES Volare Corp. Settlement-lh