

**TOWN OF CLARKSTOWN
TOWN BOARD WORKSHOP MEETING
Monday, April 18, 2016, 7:00 pm
Town Hall – Room 301
AGENDA**

Police Matters:

- Chief Michael Sullivan to present.

Discussion:

SPECIAL TOWN BOARD MEETING
(Immediately following Workshop)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL:

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

RESOLUTIONS:

1. Authorizing the Town to Retain Park Strategies to Provide Federal Legislative Representation for the Town of Clarkstown.
2. Authorizing the following Personnel Changes:
 - a) Resignation (Retirement): Frank Romano, Police Officer, Clarkstown Police Dept.
 - b) Resignation: Charles Caselli, Member, Fire Board of Appeals.
Appointment: Jason DiSalvo, Member, Fire Board of Appeals.
 - c) Sick Leave of Absence: Mariann Kilduff, Municipal Bus Driver, Mini Trans.
3. Authorizing the Supervisor to enter into an Agreement with the County of Rockland for Partial Reimbursement of Overtime Costs incurred in connection with Law Enforcement Counter-Terrorism Training.

4. Waiving the Notice Period of the New York State ABC Law with respect to a Liquor License for Mystery Room West Nyack LLC.
5. Authorizing funds for recreational area improvements to Gilchrest Park.
6. Authorizing funds for the resurfacing of various town roads
7. Authorizing the Supervisor to enter into an Agreement with Henningson Durham and Richardson Architecture and Engineering, P.C. to provide services in connection with wireless telecommunications facility review.
8. Amending Proposal for Engineering services for debris removal at 139-141 Massachusetts Ave., Congers.
9. Referring petition of 9W Valley Cottage LLC for use of Town Law 280-a (2), to obtain access to property known as tax map no. 53.13-2-26.
10. Authorizing release of security regarding Stop & Shop Supermarket Company LLC Site Plan (43.11-2-38, 39, 40 & 41).
11. Referring petition of 9W Valley Cottage, LLC for the proposed abandonment and/or demapping of a portion of Atchison Street, Valley Cottage, New York to the Rockland County Commissioner of Planning and the Clarkstown Planning Board.
12. Authorizing Amending the Budget.
13. Accepting Modified Conservation Easement from OM Realty Associates LLC (United Structural Works) Tax Map 35.2-1-5.

GENERAL PUBLIC COMMENTS
(Limited to 3 minutes per person)

NOTE:

The Town Board will move into Executive Session to discuss Litigation & Personnel Matters

1

**RESOLUTION AUTHORIZING TOWN TO RETAIN PARK STRATEGIES TO PROVIDE
FEDERAL LEGISLATIVE REPRESENTATION FOR THE TOWN OF CLARKSTOWN**

WHEREAS, Park Strategies has submitted a proposal dated March 22, 2016 to provide federal legislative representation by serving as Federal Affairs Consultants in Washington, DC on behalf of the Town of Clarkstown, and

WHEREAS, the Town Attorney finds said proposal to be reasonable in terms of scope and price and recommends the hiring of this firm;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Park Strategies, in a form approved by the Town Attorney, to provide federal affairs consulting pursuant to its proposal dated March 22, 2016, commencing on April 19, 2016 until December 31, 2016, and be it

FUTHER RESOLVED, that the fee for said work shall not exceed \$ 45,000.00, and will be charged to Account No. A 1420-409.

Dated: April 18, 2016

Series of horizontal lines for signature and date.

2A

RESOLVED, that the resignation (by retirement)
of Frank Romano - Police Officer (Detective) - Police
Department - is hereby accepted effective and retroactive
to March 30, 2016.

DATED: April 18, 2016
P

2B

RESOLVED, that the resignation of Charles Caselli,
- Member - Fire Board of Appeals - is hereby accepted
effective and retroactive to April 4, 2016, and be it,

FURTHER RESOLVED, that Jason DiSalvo, is hereby
appointed to the position of - Member - Fire Board of
Appeals - at the 2016 annual salary of \$1,122., - (to
fill the unexpired term of Charles Caselli) - effective
April 19, 2016 and to expire on March 11, 2017.

DATED: April 18, 2016
P

20

RESOLVED, that in accordance with Article XVIII,
Section 3 (k) of the Labor Agreement between the Town of
Clarkstown and the Clarkstown Unit of C.S.E.A., Mariann
Kilduff - Municipal Bus Driver - Mini Trans - is hereby
granted a Sick Leave of Absence at one-half pay effective
April 26, 2016.

DATED: April 18, 2016
P

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR PARTIAL REIMBURSEMENT OF OVERTIME COSTS INCURRED IN CONNECTION WITH LAW ENFORCEMENT COUNTER TERRORISM TRAINING

WHEREAS, the County of Rockland wishes to reimburse the Town of Clarkstown Police Department for overtime costs incurred in connection with law enforcement counter-terrorism training not to exceed NINETY-THREE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$93,250.00),

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain overtime reimbursement to the Town of Clarkstown Police Department in the amount not to exceed NINETY-THREE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$93,250.00), for the term September 1, 2014 through August 31, 2015.

Dated: April 18, 2016

TB 04-18-16 TA RES—County-Police Overtime Reimburse--kh

4

RESOLUTION WAIVING THE NOTICE PERIOD OF THE NEW YORK STATE ABC LAW
WITH RESPECT TO A
LIQUOR LICENSE FOR MYSTERY ROOM WEST NYACK LLC.
(3681 Palisades Center Drive, West Nyack)

WHEREAS, Gen Harris of Rezzonator Services, representative for Mystery Room West Nyack LLC, dba Mystery Room, has advised the Town by letter dated March 25, 2016 that Mystery Room has applied for an on-premises liquor license at Palisades Center Mall, 3681 Palisades Center Drive, Third Floor, West Nyack, New York, 10994, and

WHEREAS, to expedite processing said corporation's license application, Gen Harris, representative of Mystery Room, has requested that the Town Board waive the thirty day notice period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 110-b of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Mystery Room for a license at premises located at Palisades Center Mall, 3681 Palisades Center Drive, Third Floor, West Nyack, New York, 10994.

Dated: April 18, 2016

TB 04-18-16 TA RES Waive Liquor Notice-Mystery Room, West Nyack-kh

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED APRIL 18, 2016, AUTHORIZING
RECREATIONAL AREA IMPROVEMENTS TO GILCHREST
PARK, STATING THE ESTIMATED MAXIMUM COST
THEREOF IS \$125,000, APPROPRIATING SAID AMOUNT
FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE
OF BONDS IN THE PRINCIPAL AMOUNT OF \$125,000 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 recreational area improvements to
Gilchrest Park, including asphalt resurfacing on internal roadways and parking areas. The
estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the
financing thereof, is \$125,000 and said amount is hereby appropriated for such purpose. The
plan of financing includes the issuance of bonds in the principal amount of \$125,000 and any
bond anticipation notes issued in anticipation of the sale of said 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 and interest on said bonds and notes.

Section 2. Bonds of the Town in the principal amount of \$125,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

Series of horizontal lines for signature or recording.

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 specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) 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 of the Law 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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 18, 2016, 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 18, 2016, authorizing construction of recreational area improvements to Gilchrest Park, stating the estimated maximum cost thereof is \$125,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$125,000 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 recreational area improvements to Gilchrest Park, including asphalt resurfacing on internal roadways and parking areas; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$125,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$125,000 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 bonds in the principal amount of \$125,000 pursuant to the Local Finance Law of the State of New York to finance said additional 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 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

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 Law.

* * *

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED APRIL 18, 2016, AUTHORIZING
RESURFACING OF VARIOUS TOWN ROADS, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$1,900,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF BONDS IN THE
PRINCIPAL AMOUNT OF \$1,900,000 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 resurface various Town roads. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$1,900,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of bonds in the principal amount of \$1,900,000 and any bond
anticipation notes issued in anticipation of the sale of said bonds 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 and interest on said bonds and notes.

Section 2. Bonds of the Town in the principal amount of \$1,900,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

Series of horizontal lines for signature or recording.

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 class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20(c) 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 of the Law 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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 18, 2016, 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 18, 2016, authorizing resurfacing of various Town roads, stating the estimated maximum cost thereof is \$1,900,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$1,900,000 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 resurface various Town roads; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,900,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$1,900,000 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 bonds in the principal amount of \$1,900,000 pursuant to the Local Finance Law of the State of New York to finance said additional 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 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

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 Law.

* * *

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH HENNINGSON DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. TO PROVIDE SERVICES IN CONNECTION WITH WIRELESS TELECOMMUNICATIONS FACILITY REVIEWS

WHEREAS, the Town requires technical review services related to wireless telecommunications facilities in the Town of Clarkstown, and

WHEREAS, Henningson Durham & Richardson Architecture and Engineering, P.C. has submitted a proposal, dated March 11, 2016, to provide such services, and

WHEREAS, the Town Attorney has reviewed the proposal and recommends acceptance of the proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with Henningson Durham & Richardson Architecture and Engineering, PC, to perform those services set forth in its March 11, 2016 proposal; and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$38, 300.00 without further authorization from the Board.

April 18, 2016

TB 04-18-16 TA RES Agmt.-Henningson Durham & Richardson-Wireless Facilities Reviews-kh

8

**RESOLUTION AMENDING PROPOSAL FOR ENGINEERING SERVICES FOR
DEBRIS REMOVAL AT
139-141 MASSACHUSETTS AVE, CONGERS**

WHEREAS, the Town Board by resolution 334-2014, dated August 5, 2014, the Town Board authorized an agreement with HDR Engineering PC to perform Consulting Engineering services related to fill removal and remediation of properties at 139-141 Massachusetts Ave, Congers NY in the amount of \$29,000.00, and

WHEREAS, additional work was required of HDR to properly address the conditions at this site which was not contemplated in the original agreement, and

WHEREAS, HDR has requested a change to the scope of work contained in the prior agreement consisting of additional fees for work not contemplated and a credit for work included but not required, and

WHEREAS, the requested change has been reviewed by the Director of Environmental Control and found to be necessary and reasonable,

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes an increase in the contract amount with HDR Engineering PC, in the amount of \$7,807.00, to a total amount of \$36,807.00, and

BE IT FURTHER RESOLVED that the fees authorized above shall be charged to Account No. H 8751-409-0-75-34.

Dated: April 18, 2014

RESOLUTION REFERRING PETITION OF 9W VALLEY COTTAGE LLC
FOR USE OF TOWN LAW 280-a(2), TO OBTAIN ACCESS TO PROPERTY
KNOWN AS TAX MAP NO. 53.13-2-26

WHEREAS, 9W Valley Cottage LLC, as owner, has petitioned the Town Board for permission to apply Town Law 280-a(2) to obtain access to proposed subdivision lots, for premises known as Tax Map No. 53.13-2-26 and located at 741 Route 9W, Valley Cottage, New York, consisting of approximately 2.9 acres of land situated in the MF-1 zoning district, by utilizing a mapped undeveloped street shown on the Official Map of the Town of Clarkstown as "PROPOSED ROAD" without having any obligation to improve said access as a public street;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning, the Clarkstown Planning Board, the Clarkstown Director of Environmental Control and the Clarkstown Building Inspector for their review and recommendation, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Jose Simoes, Principal Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Dated: April 18, 2016

TB 04-18 TA RES Refer TL 280-a2-9W Valley Cottage-pm

RESOLUTION AUTHORIZING RELEASE OF SECURITY REGARDING STOP & SHOP SUPERMARKET COMPANY LLC SITE PLAN (43.11-2-38, 39, 40 & 41)

WHEREAS, as a condition to the approval of the final map by the Planning Board of the Town of Clarkstown regarding the Stop & Shop Supermarket Company LLC site plan, Ahold USA Inc., on behalf of the Stop & Shop Supermarket Company LLC, furnished to the Town of Clarkstown Letter of Credit No. 68054241 in the amount of \$270,000.00 as security for an Intersection Monitoring Agreement, and

WHEREAS, the Planning Department and Town Planner, with the concurrence of the Town Attorney, have advised that the Stop & Shop Supermarket Company LLC has complied with all the terms and obligations of the agreement and the security may now be released;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Planning Department and Town Attorney, the Town Board hereby authorizes release of Letter of Credit No. 68054241 in the amount of \$270,000.00.

Dated: April 18, 2016

TB 04-18 TA RES Stop & Shop Release LC-pm

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**RESOLUTION REFERRING PETITION OF 9W VALLEY COTTAGE, LLC
FOR THE PROPOSED ABANDONMENT AND/OR DEMAPPING OF A
PORTION OF ATCHISON STREET, VALLEY COTTAGE, NEW YORK TO THE
ROCKLAND COUNTY COMMISSIONER OF PLANNING AND
THE CLARKSTOWN PLANNING BOARD**

WHEREAS, an application has been made by 9W Valley Cottage, LLC that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare the portion of Atchison Street, Valley Cottage, New York, located perpendicular to and intersecting U.S. Route 9W, more particularly described on the attached Schedule "A" (the "Street"), be abandoned upon the grounds that same has never been used by the public, and

WHEREAS, the Street currently appears on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law, or alternately, deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law of said portion as described above;

NOW, THEREFORE, be it

RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their report and recommendation, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Jose Simoes, Principal Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby requested to render his report and recommendation to the Town Board pursuant to Highway Law Section 205.

Dated: April 18, 2016

TB 04-18 TA RES Refer Abandonment-Atchison-pm

SCHEDULE A

Atchison (Division) Street North Half

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York bounded and described as follows:

BEGINNING at a point on the east side of U.S. Route 9W, said point being the southwest corner of lands now or formerly of Sam Gully Tax Map Parcel No. 53.13-2-25,

Thence along the south side of lands now or formerly of Sam Gully aforesaid;
N 77° 38' 50" E 270 feet more or less to the southwest corner of lands now or formerly of Sam Gully aforesaid to the point or place of beginning;

Thence from said point of beginning along the north side of Atchison (Division) Street to be abandoned;

N 77° 38' 50" E 346.97 feet to a point at lands now or formerly of Palisades Interstate Park Commission Tax Map Parcel No. 53.13-2-7,

Thence lands now or formerly of Palisades Interstate Park Commission Tax Map Parcel No. 53.13-2-7;

S 07° 36' 35" W 15 feet to the centerline of Atchison (Division) Street to be abandoned to a point,

Thence along the centerline of Atchison (Division) Street to be abandoned S 77° 38' 50" W 346.97 feet to a point,

Thence N 12° 21' 10" E 15 feet to the point or place of beginning,

The above premises describes the north half of Atchison (Division) Street north of the centerline of Atchison (Division) Street and being the north side of the easterly portion of Atchison (Division) Street to be abandoned by the Town of Clarkstown.

SCHEDULE A (Cont'd)

Atchison (Division) Street South Half

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York bounded and described as follows:

BEGINNING at a point on the east side of U.S. Route 9W, said point being the southwest corner of lands now or formerly of Sam Gully Tax Map Parcel No. 53.13-2-25,

Thence along lands now or formerly of Sam Gully aforesaid;

N 77° 38' 50" E 270 feet more or less to the southeast corner of lands now or formerly of Sam Gully aforesaid;

Thence S 12° 21' 10" W 15.00 feet to the centerline of Atchison (Division) Street to be abandoned to the point or place of beginning.

Thence from said point of beginning along the centerline of Atchison (Division) Street to be abandoned N 77° 38' 50" E 346.97 feet to a point at lands now or formerly of Palisades Interstate Park Commission Tax Map Parcel No. 53.13-2-7 herein,

Thence continue along lands of same S 07° 36' 35" W 15 feet to lands now or formerly of Leathers Stocking Antiques Inc. Tax Map Parcel No. 53.13-2-22,

Thence along lands now or formerly Leathers Stocking Antiques Inc. aforesaid S 77° 38' 50" W 346.97 feet to a point;

Thence N 12° 21' 10" E 15 feet to the point or place of beginning.

The above premises describes the south half of Atchison (Division) Street south of the centerline of Atchison (Division) Street and being the south side of the easterly portion of Atchison (Division) Street to be abandoned by the Town of Clarkstown.

RESOLUTION AUTHORIZING AMENDING BUDGET

WHEREAS various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Expense A-1345-204-0 (Purchasing-Office Machines) and increase Expense Account A-1345-438-0 (Purchasing-Maintenance Agreements) by \$255 and be it,

FURTHER RESOLVED, to decrease Expense A-1430-319-0 (Personnel-Misc Supplies) and increase Expense Account A-1430-199-0 (Personnel-Vacation Buybacks) by \$782.56 and be it,

FURTHER RESOLVED, to decrease Expense Account A-3120-110-0 (Police-Salaries) and increase Expense Account (Police-Rent/Leases) by \$6,589.16.

RESOLUTION ACCEPTING MODIFIED CONSERVATION EASEMENT FROM OM REALTY ASSOCIATES LLC (UNITED STRUCTURAL WORKS) TAX MAP 35.2-1-5

WHEREAS, OM REALTY ASSOCIATES LLC has submitted a petition to the Town Board of the Town of Clarkstown for modification of an existing conservation easement previously conveyed to the Town of Clarkstown in connection with approval of the "United Structural Works" site plan (Clarkstown Tax Map 35.2-1-5) and recorded in the Rockland County Clerk's Office on May 20, 2010 as Instrument ID Number: 2010-000181231, and

WHEREAS, by resolution adopted on April 5, 2016, the Town Board referred the petition to the Planning Board for their review and recommendations, and

WHEREAS, at the Planning Board meeting held on April 13, 2016, the Planning Board adopted a resolution recommending in favor of the modification to the conservation easement, subject to the condition that the applicant ensures that it will surrender and relinquish the right to allow access to the premises from Route 9W and that the conservation easement will be increased;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Planning Board, the Town Board hereby authorizes acceptance of the modified conservation easement, subject to the above conditions, in a form approved by the Town Attorney, and orders it recorded in the Rockland County Clerk's Office at the expense of the applicant.

Dated: April 18, 2016

TB 04-18 TA RES OM Realty-Modify Cons Ease-pm