TOWN OF CLARKSTOWN
TOWN BOARD MEETING
Town Hall Auditorium
June 19, 2012, 8:00 P.M.
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC HEARINGS:

- Proposed Local Law entitled: "A Local Law to Transfer the Function of Highway Mechanics and Consolidating all Town Mechanics under the Town Garage Department."

(For Your Information . . . This Public Hearing will be *withdrawn* at the June 19, 2012 Town Board Meeting.)

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

RESOLUTIONS:

1. Accepting Minutes of the May 15, 2012 Town Board Meeting, as submitted by the Town Clerk.

2. Authorizing the following Personnel Changes:
   a) Creation: Part-Time Constituent Services Assistant (Tow n), Highway Department.
   b) Reclassification (*Lateral Move*) – Principal Clerk Typist to Principal Clerk Stenographer – Rukmani Decolyse, Department of Environmental Control.
   c) Resignation: Denise Pacella, Part-Time Senior Account Clerk Typist – Building Dept.
   d) Appointment (Promotional/Permanent): Joseph M. Dwyer, Police Sergeant, Police Dept.
   e) Appointment (Permanent): Adam C. Kone, Police Officer, Police Dept.
   f) Reappointment: Edward Mistretta, Member, Zoning Board of Appeals
   g) Appointment (Promotion al/Permanent): Thomas J. Isenbek, Property Data Collector II, Assessor's Office
   h) Sick Leave of Absence: David Gerlach, MEO I, Highway Department.
   i) Appointment (Promotional/Permanent): Brian D. Wagner, Code Enforcement Officer II, Building Department
   j) Appointment (Promotional/Permanent): Mary C. Kurisko, Real Property Appraiser, Assessor's Office.

3. Re-Establishing a Committee to Recognize Commercial Property Owners or Operators who Maintain Exemplary Properties.

4. Authorizing the Town to engage the Legal and Consulting services of Daniel P. Duthrie, Esq. concerning Potential Upgrade of the Town's Street Lighting System.

5. Authorizing Refund of Building Permit fee to S & Co./Architecture & Design for Property known as Tax Map No. 51.7-1-30 (Blu Fig Restaurant)

6. Setting a Public Hearing for July 24, 2012 at 8:00 pm . . . Proposed Local Law entitled: "A Local Law amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to Accessory Apartments."

7. Authorizing the following Bid Awards:
   a) Bid No. 17-2012 – 2012 Roadway Resurfacing Program
   b) Bid No. 18-2012 – 2012 Concrete Curb and Sidewalk Replacement Program
   c) Bid No. 22-2012 – Purchase of Three 2013 Salt Spreading Dump Bodies
   d) Bid No. 23-2012 – Lowerre Place Detention Pond Improvements/208 Water's Edge Drainage Channel Improvements.

8. Authorizing the Purchasing Agent to advertise for the following:
   a) Bid No. 24-2012 – Nancy Drive Stream Channel Stabilization
   b) Bid No. 25-2012 – Prides Crossing Drainage Improvements
   c) Bid No. 26-2012 – Brookdale Court Culvert Replacement
   d) Bid No. 27-2012 – Squadron Boulevard Concrete Curb and Sidewalk Replacement
   e) Bid No. 28-2012 - Squadron Boulevard Asphalt Resurfacing
   f) Bid No. 29-2012 – Central Nyack Drainage Improvements, Phase II
   g) Bid No. 30-2012 – Windgate Drive Drainage/Paramount
   h) Bid No. 31-2012 – Purchase and Installation of Pre-Fabricated Salt Storage Canopy

9. Authorizing the Director of Environmental Control to Retain the Services of a Contractor to Perform Improvements to the Drainage System on North Park Avenue, Nanuet

10. Authorizing the Supervisor to enter into the following Inter-municipal Agreements with the County of Rockland:
    a) Agreement through the Sheriff's Department for Reimbursement for Participation in the Rockland County Intelligence Center
    b) Possession and Operation of Ten County T.R.I.P.S. Buses

11. Granting permission to Alert Hook, Ladder and Engine Company, No. 1 to have a Carnival and Licensed Fireworks Display at 65/66 Lake Road, Congers, N.Y.

12. Approving the Installation of Street Lighting in front of 7 Elwood Drive, West Nyack

13. Appropriating Funds to Veterans' Organization

14. Authorizing the Supervisor to enter into the following "*Renewal*" Adopt-a-Spot Programs:
    a) Blue Sky Landscape, Inc. – N/E Corner of Germonds Road & Little Tor Road, New City
    b) Curti's Landscaping, Inc. – S/W Corner of Route 304 at W. Nyack Road, Nanuet
    c) Steve Botto Landscaping – N/W Corner of Route 304 at So. Main Street, New City

15. Authorizing the Supervisor to enter into the following "*Renewal*" Adopt-a-Road Programs:
    a) Paramount Country Club – 1.2 Mile Segment of Zukor Road from No. Main Street and Old Route 304 to So. Mountain Road, New City.
    b) Clarkstown High School South - .4 mile Segment of Old Mill Road from Strawtown Road to Snake Hill Road, West Nyack.

16. Amending the Allowance for Bid No. 69-2005 – South Mountain Road Culvert Replacement.

17. Transfer of Funds

18. Authorizing the Supervisor to Enter into an Agreement with Cornell Cooperative with Respect to the 2012 Storm Water II Education Program

19. 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

20. Authorizing an Agreement with Korn, Rosenbaum, Phillips and Jauntig, LLP for Audit Services.

21. Authorizing Settlement of Tax Certiorari: JM Enterprises, LLC (Tax Map 51.7-1-12)

ADDITIONAL TENTATIVE RESOLUTIONS:

22. Authorizing funds for the following:
    a) Three Salt-Spreading Dump Bodies
    b) Construction of Drainage Improvements: Lowerre Place Detention Pond and 208 Waters Edge Drainage Channel Improvements.

23. Authorizing the following Change Orders:
    a) Change Orders #2, #3 and #4, Contract "G" – General Construction, Project No. CLKT910, Pump Station Upgrade Project, Woodhaven Drive Pump Station, Lakewood Drive Pump Station and Route 303 / Landfill Pump Station.
    b) Change Orders #7, #9, #10, #11 and #12, Contract "E" – Electrical Construction, Project No. CLKT910, Pump Station Upgrade Project, Woodhaven Drive Pump Station, Lakewood Drive Pump Station and Route 303 / Landfill Pump Station.

24. Authorizing a Partial Refund of Building Permit Fee to Roof Diagnostics Solar and Electric of NY, LLC concerning property designated as Tax Map No. 64.15-2-30.

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 – Legal Notices)

/

RESOLVED, that the Town Board Minutes of May 15, 2012 are hereby accepted, as submitted by the Town Clerk.

DATED: June 19, 2012

2A

WHEREAS, the Rockland Personnel Office has certified on May 14, 2012 that the position of (part time) Constituent Services Assistant, requested by the Superintendent of Highway can be created,

NOW, therefore, be it

RESOLVED, that the position of (part time) Constituent Services Assistant - for the Town Highway Department - is hereby created - effective June 19, 2012.

DATED; June 19, 2012
P

2B

WHEREAS, the Rockland County Personnel Office has certified on May 16, 2012, that the position of Principal Clerk Typist #501094 - can be reclassified to the position of Principal Clerk Stenographer, the incumbent Rukmani Decolyse needs no appointment from an Eligbles list, as this is a lateral move,

NOW, therefore, be it

RESOLVED, that the position of Principal Clerk Typist - is hereby reclassified to the position of Principal Clerk Stenographer - Environmental Department - effective June 19, 2012.

DATED; June 19, 2012
P

2c

RESOLVED, that the resignation of Denise Pacella, 56 Rose Road, West Nyack, New York - (part time) Senior Account Clerk Typist - Building Department - is hereby accepted - effective and retroactive to May 29, 2012.

DATED: June 19, 2012
P

2D

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #09066 Police Sergeant which contains the name of Joseph M. Dwyer,

NOW, therefore, be it

RESOLVED, that Joseph M. Dwyer, 27 Lindbergh Lane, New City, New York - is hereby appointed (promotional) (permanent) to the position of Police Sergeant - Clarkstown Police Department at the current annual salary of $147,184., effective July 2, 2012 - contingent upon the retirement of Police Sergeant Harry Braumann effective June 30, 2012.

DATED: June 19, 2012
P

2E

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

NOW, therefore, be it

RESOLVED, that Adam C. Kone, 29 Atlantic Avenue, Nanuet New York, is hereby appointed to the position of (Permanent) Police Officer - Clarkstown Police Department - at the current 2012 annual salary $69,537., effective and retroactive to June 1, 2012.

DATED: DATED: June 19, 2012
P

2F

RESOLVED, that Edward Mistretta, 318 North Middletown Road, Nanuet, New York - is hereby reappointed to the position of Member - Zoning Board of Appeals - at the current 2012 annual salary of $5,700., effective June 19, 2012 and to expire on June 18, 2017.

DATED: DATED: June 19, 2012
P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12088 (NCP T&E) Real Property Data Collector II - which contains the name of Thomas J. Isenbek,

NOW, therefore, be it

RESOLVED, that Thomas J. Isenbek, 23 Sunrise Drive, Stony Point, New York - is hereby appointed to the position of (promotional) (Permanent) Real Property Data Collector II - Assessor's Office - at the current 2012 annual salary of $53,423., effective June 19, 2012.

DATED: June 19, 2012
P

2H

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 , that David Gerlach, 36 Hilltop Drive, Monroe, New York - Motor Equipment Operator I - Highway Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to June, 13, 2012 thru July 13, 2012.

DATED: June 19, 2012
P

2I

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12087 (RC/NCP) Code Enforcement Officer II - which contains the name of Brian D. Wagner,

NOW, therefore, be it

RESOLVED, that Brian D. Wagner, 45 Normandy Village, Apt #13 Nanuet, New York - is hereby appointed to the position of (promotional) (permanent) Code Enforcement Officer II - Building Department - at the current 2012 annual salary of $69,604., effective June 19, 2012.

DATED: June 19, 2012
P

2J

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12094 (RC/NCP) Real Property Appraiser - which contains the name of Mary C. Kurisko,

NOW, therefore, be it

RESOLVED, that Mary C. Kurisko, 7 Florus Crom Court, Stony Point, New York - is hereby appointed to the position of (promotional) (Permanent) Real Property Appraiser - Assessor's Office - at the current 2012 annual salary of $53,423., effective June 19, 2012.

DATED: June 19, 2012
P

3

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
Dorie McMaster
Donald Ritch
Irene Ryan
Shirley Washington
and

WHEREAS, the Town Board wishes to re-establish the Committee for the year 2012;

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 19, 2012

AWM

RESOLUTION AUTHORIZING TOWN TO ENGAGE THE LEGAL AND CONSULTING SERVICES OF DANIEL P. DUTHIE, ESQ. CONCERNING POTENTIAL UPGRADE OF TOWN'S STREET LIGHTING SYSTEM

WHEREAS, the Town of Clarkstown desires to review the potential upgrade of the Town's Street Lighting System, and

WHEREAS, Daniel P. Duthie, Esq. has submitted a proposal, dated May 15, 2012, to provide legal representation and consulting services to the Town of Clarkstown to review the potential upgrade to the Town's Street Lighting System, and

WHEREAS, the Town Attorney finds said proposal to be reasonable in terms of scope and price, and recommends the hiring of Daniel P. Duthie, Esq.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Daniel P. Duthie, Esq., in a form approved by the Town Attorney, to provide legal representation and consulting services pursuant to his proposal dated May 15, 2012 with respect to the Town's Street Lighting System, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed $37,500, and said fee will be charged to Account No. A 1420-409, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to June 1, 2012.

Dated: June 19, 2012

TB 06-19 TA RES Duthie Agree-Street Lighting System-pm

5

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO S & CO./ARCHITECTURE & DESIGN FOR PROPERTY KNOWN AS TAX MAP NO. 51.7-1-30 (BLU FIG RESTAURANT)

WHEREAS, Robert Silarski, AIA, principal of S & Co./ Architecture & Design, has requested a refund of Building Permit Fee paid in the amount of $400.00 in connection with a Zoning Board of Appeals application for property located at 191-195 South Main Street, New City, New York, (Blu Fig Restaurant) more particularly described as Tax Map No. 51.7-1-30, and

WHEREAS, the Building Inspector has advised that the permit application was withdrawn before it was fully processed and recommends a full refund of $400.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of $400.00 to S & Co./Architecture & Design to be charged to Account No. B 02-6-2555-0.

Dated: June 19, 2012

TB 06-19 TA RES S&Co. Refund Fee-pm

awm

6

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO ACCESSORY APARTMENTS"

WHEREAS, Councilperson Hausner, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

> "A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to Accessory Apartments"

and

WHEREAS, the proposed local law is to amend Section 290 of the Town of Clarkstown Zoning Code to allow qualified senior residents to create accessory apartments, subject to certain criteria;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on July 24, 2012 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of said Clerk.

Dated: June 19, 2012

TB 06-19 TA RES Public Hearing Local Law Amend Chap 290-Accessory Apts-pm

7A

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

BID # 17-2012 – 2012 ROADWAY RESURFACING PROGRAM

is hereby awarded to: TILCON NEW YORK INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: A PUBLIC COMPANY

as per their proposed total project cost not to exceed $1,826,451.38 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

FURTHUR RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department

DATED: June 19, 2012

7B

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

BID # 18-2012 – 2012 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to: BELLAVISTA CONSTRUCTION CORP
P.O. BOX 978
SUFFERN, NY 10901
PRINCIPAL: JOSE SILVA
MARLENE SILVA

as per their proposed total project cost not to exceed $202,390.00 and be it

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

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

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

FURTHUR RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department

DATED: June 19, 2012

7C

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

BID #22-2012 – PURCHASE OF THREE (3) 2013 SALT SPREADING DUMP BODIES WITH PRE-WET SYSTEMS PLOW AND PLOW WING ATTACHMENTS AND LEAF BOXES

is hereby awarded to the lowest responsible bidder:

REED SYSTEMS
458 JOHNSON AVENUE
P.O. BOX 209
ELLENVILLE, NY 12428
PRINCIPALS: JOAN REED

as per their low bid proposal of $81,509.00 each dump body unit for 3 units and $4260.00 each for fabrication and installation of leaf box for 3 units and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8765-400-409-0-88-3 not to exceed $257,307.00 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 19, 2012

7D

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

BID # 23-2012 – LOWERRE PLACE DETENTION POND IMPROVEMENTS/
208 WATER'S EDGE DRAINAGE CHANNEL IMPROVEMENTS

is hereby awarded to: GIRLS GONE GREEN, LLC
617 NORTH BROADWAY
UPPER NYACK, NY 10960
PRINCIPAL: JENNIFER CHAITIN, PRESIDENT

as per their proposed total project cost not to exceed $83,565.00 plus 15% contingency and be it

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

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8765-400-409-0-88-6, 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 19, 2012

8A

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

BID #24-2012 – Nancy Drive Stream Channel Stabilization

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: June 19, 2012

8B

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

BID #25-2012 – Prides Crossing Drainage Improvements

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: June 19, 2012

8c

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

BID #26-2012 – Brookdale Court Culvert Replacement

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: June 19, 2012

8D

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

BID#27-2012 – SQUADRON BOULEVARD CONCTRETE CURB
AND SIDEWALK REPLACEMENT

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 19, 2012

8E

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

BID#28-2012 – SQUADRON BOULEVARD ASPHALT RESURFACING

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 19, 2012

8F

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

BID#29-2012 – CENTRAL NYACK DRAINAGE IMPROVEMENTS – PHASE II

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 19, 2012

8G

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

BID#30-2012 – WINDGATE DRIVE DRAINAGE/PARAMOUNT

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 19, 2012

8H

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

BID#31-2012 – PURCHASE AND INSTALLATION OF PRE-FABRICATED SALT STORAGE CANOPY

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 19, 2012

AG

9

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO PERFORM IMPROVEMENTS TO THE DRAINAGE SYSTEM ON NORTH PARK AVENUE, NANUET

WHEREAS, an adverse drainage condition exists on North Park Avenue, Nanuet; and

WHEREAS, the Department of Environmental Control has prepared a plan to ameliorate the adverse drainage condition; and

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

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by MRJ Excavating, Inc. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to MRJ Excavating, Inc. for their low proposal of $21,690.00;

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of:

MRJ Excavating, Inc.
7 Beaver Court
New City, N.Y. 10956

to perform this work in accordance with their proposal for an amount not to exceed **$21,690.00**; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

FURTHER RESOLVED that this amount shall be a proper charge to account H-8765-409-88-7

DATED: June 19, 2012

Quinn

10A

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND, THROUGH THE SHERIFF'S DEPT., FOR REIMBURSEMENT FOR PARTICIPATION IN THE ROCKLAND COUNTY INTELLIGENCE CENTER

WHEREAS, two police officers from the Clarkstown Police Department have been assigned to work at the Rockland County Intelligence Center, throughout the calendar year 2012, and

WHEREAS, the County of Rockland has budgeted $1,000,000.00 to reimburse the Towns for their participation in the unit upon execution of an inter-municipal cooperation agreement between the County of Rockland and the Town of Clarkstown, and

WHEREAS, Chief of Police Michael Sullivan has recommended that the Town enter into such inter-municipal cooperation agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the inter-municipal cooperation agreement with the County of Rockland, in a form satisfactory to the Town Attorney, which after execution by the County, will result in the payment to the Town of Clarkstown of its pro rata share of $1,000,000.00, based on the number of officers assigned, as reimbursement for two members of the Clarkstown Police Department having worked and to work at the Rockland County Intelligence Center Sheriff's Department for the period January 1, 2012 through December 31, 2012, or until the program is terminated, whichever is sooner.

DATED: June 19, 2012

TB 06-19-12 TA RES Police-County Sheriff Intel Center-kh

10B

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND FOR THE POSSESSION AND OPERATION OF TEN COUNTY T.R.I.P.S. BUSES

WHEREAS, the Town of Clarkstown operates a Mini-Trans bus service for the public, and

WHEREAS, the Legislature of Rockland County adopted a resolution, pursuant to Article 5 of the General Municipal Law, to enter into an Inter-Municipal Agreement between the County of Rockland and the Town of Clarkstown, for the Town to possess, operate, maintain, and use ten T.R.I.P.S. buses owned by the County;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an Inter-Municipal Agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the Town to possess, maintain, operate and use ten T.R.I.P.S buses at no cost to the Town, and be it

FURTHER RESOLVED, that such agreement shall provide for the Town to operate the vehicles solely in connection with the operation of its Clarkstown Mini-Trans bus service for the public, as set forth in the agreement entered into between the Town and the County on May 30, 2009, and for no other purposes.

DATED: June 19, 2012

TB 06-19-12 TA RES Rockland County Vehicle Use-Mini-Trans-kh

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RESOLUTION GRANTING PERMISSION TO ALERT HOOK, LADDER AND ENGINE COMPANY NO. 1, TO HAVE A CARNIVAL AND LICENSED FIREWORKS DISPLAY AT 65/66 LAKE ROAD, CONGERS, NEW YORK

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has requested permission to have a licensed fireworks display at 65/66 Lake Road, Congers, New York, on July 1, 2012, and hold a carnival on June 28, 2012 through July 1, 2012, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company. No. 1 to sponsor a fireworks display at 65/66 Lake Road, Congers on July 1, 2012, subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;

2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than $5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;

3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;

4. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's May 24, 2012 memo; and

5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.

Dated: June 19, 2012

TB 06-19 TA RES Fireworks-Congers-pm

aem

WHEREAS, a resident of Elrod Drive, West Nyack, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

> In front of house #7 Elrod Drive, West Nyack
> (Install one (1) each – 70-watt – 5,800 sodium
> vapor street light on existing utility Pole # 59643/39498)

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at $9.10 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

Dated: June 19, 2012

RESOLUTION APPROPRIATING FUNDS TO VETERANS' ORGANIZATION

WHEREAS, a certain veterans' organization has requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of $750 ($500 for leasing or rental, and maintenance of meeting facility, $250 for patriotic observance) to the following veterans' organization for the year 2012:

Veterans of Foreign Wars of the U.S. – Post 2607

and be it

FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2012 Account No. A 6510-401.

Dated: June 19, 2012

TB 06-19 TA RES Veterans Org-pm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL AGREEMENT CONCERNING THE TOWN OF CLARKSTOWN "ADOPT-A-SPOT" PROGRAM 14A

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

WHEREAS, the following group wishes to adopt specified Town locations for an additional two year period beginning May 10, 2012 to May 9, 2014, as follows:

Sponsor: **Blue Sky Landscape, Inc.**
505 Kings Highway
Valley Cottage, NY 10989

Location: **NE Corner of Germonds Road at**
Little Tor Road, New City, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for an additional period of two (2) years beginning May 10, 2012 to May 9, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

Dated: June 19, 2012

TB 06-19-12 TA RES Adopt A Spot Blue Sky Renew - kh

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A RENEWAL AGREEMENT CONCERNING THE TOWN OF CLARKSTOWN "ADOPT-A-SPOT" PROGRAM 14B

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

WHEREAS, the following group wishes to adopt specified Town locations for an additional two year period beginning July 21, 2011 to July 21, 2013, as follows:

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

Location: **Southwest Corner of Route 304**
at West Nyack Road, Nanuet, New York

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for an additional period of two (2) years beginning July 21, 2011 to July 21, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to July 21, 2011.

Dated: June 19, 2012

TB 06-19-12 TA RES Adopt A Spot Curti's Landscape Nanuet Renew - kh

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

14C

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

WHEREAS, the following group wishes to adopt specified Town locations for an additional two year period beginning May 10, 2012 to May 9, 2014, as follows:

Sponsor: **Steve Botto Landscaping**
19 Short Hill Road
New City, New York 10956

Location: **NW Corner of Route 304 at**
South Main Street, New City, New York

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in landscaping and beautifying this location, and by removing trash from this location, which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with the entity referred to herein, for an additional period of two (2) years beginning May 10, 2012 to May 9, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above location, and to provide and coordinate services by the above named group, to remove litter and debris and provide planting and maintenance of the location.

Dated: June 19, 2012

TB 05-18 TA RES Adopt-A-Spot Botto Renewal - kh

15A

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

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

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning May 13, 2012 to May 13, 2014, as follows:

Sponsor: **Paramount Country Club**
60 Zukor Road
New City, NY 10956

Roads: **1.2 mile segment of Zukor Road from**
North Main Street and Old Route 304
to South Mountain Road, New City

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning May 13, 2012 to May 13, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Paramount Country Club, to remove trash from the roadways.

Dated: June 19, 2012

TB 06-19-12 TA RES-Adopt-A-Road Renewal Paramount Country Club-kh

15B

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

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

WHEREAS, the following group wishes to adopt a segment of a town road for an additional period of two (2) years, beginning April 15, 2012 to April 15, 2014, as follows:

Sponsor: Clarkstown High School South
31 Demarest Mill Road
West Nyack, NY 10994

Road: .4 mile segment of Old Mill Road from Strawtown Road to Snake Hill Road, West Nyack, New York,

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Clarkstown High School South organization will perform a public service in removing trash from above roadway which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning April 15, 2012 to April 15, 2014, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the Clarkstown High School South organization to remove trash from the roadway.

Dated: June 19, 2012

TB 06-19-12 TA RES-Adopt-A-Road Renewal Clarkstown HS South-kh

RESOLUTION AMENDING THE ALLOWANCE FOR BID #69-2005 SOUTH MOUNTAIN ROAD CULVERT REPLACEMENT

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract for Bid #69-2005 South Mountain Road Culvert Replacement to Precision Site Development, Inc. of Mount Vernon, New York; and

Whereas, field conditions required the reconstruction of existing stone walls along both stream embankments on the north side of South Mountain Road; and

Whereas, said work is beyond the original scope of work for this project; and

Whereas, the Department of Environmental Control has authorized the Contractor to perform the work associated with the reconstruction of the stone walls on a time and material basis; and

Whereas, the contractor has submitted an accounting of the costs associated with this work in the amount of ***$9,472.27***; and

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

Now, Therefore, Be It Resolved that the Town Board of the Town of Clarkstown authorizes this amendment to the contract price for Bid No. 69-2005 South Mountain Road Culvert Replacement in the amount of ***$9,472.27***; and

Be It Further Resolved that the total cost of the project shall not exceed ***$318,092.85*** without further Town Board resolution and that this shall be a proper charge to account # ***H 8758 400 409 0 82 30***.

Dated: ***June 19, 2012***

K:\shared\TB 6-19-12 DEC RES Bid 69-2005 South Mountain Road Culvert Replacement-Construction CO 3

aum

WHEREAS, the Town has received $362,944.60 from the Rockland County Sewer District #1 and $5,945 from D.A.R.E. donations,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8760-409-0-84-9 (Capital Projects-Pump Station & Collection System Upgrade) by $362,944.60 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) by $5,945 and Expense Accounts A-3230-414-0 (D.A.R.E.-Conferences & Schools) by $970 and A-3230-319-0 (D.A.R.E.-Misc Supplies) by $4,975.

Dated June 19, 2012
L: TB 6-19 COM RES Transfer of Funds

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION WITH RESPECT TO THE 2012 STORM WATER II EDUCATION PROGRAM

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

WHEREAS, Luke Kalarickal, Director of Environmental Control, has recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the Town of Clarkstown representative for the 2012 Storm Water II Education Program shall be Luke Kalarickal, P.E., Director of the Department of Environmental Control, and the alternate representative shall be Dennis Letson, P.E. Deputy Director of DEC, and be it

FURTHER RESOLVED, that the cost of said services shall be $6,800.00 per year and shall be charged to Account No. A-8730-409.

DATED: June 19, 2012

TB 06-19-12 TA RES Cornell Coop Stormwater Education-kh

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 19, 2012 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 19, 2012

TB 06-19 TA RES NYSDEC MS4 Stormwater Report-pm

RESOLUTION AUTHORIZING AN AGREEMENT WITH
KORN, ROSENBAUM, PHILLIPS & JAUNTIG, LLP
FOR AUDIT SERVICES

WHEREAS, a proposal has been received from Korn, Rosenbaum, Phillips & Jauntig, LLP, certified public accounts, to continue providing audit services to the Town of Clarkstown, and

WHEREAS, Edward J. Duer, Comptroller has advised that past experience with this firm has proven satisfactory;

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Korn, Rosenbaum, Phillips & Jauntig, LLP, in a form satisfactory to the Town Attorney, for audit services for the years ending December 31, 2012 and December 31, 2013 and be it

FURTHER RESOLVED, that the fees for such services shall be $55,150 for the years ending December 31, 2012 and December 31, 2013, which shall be charged to Account No.A 1320-409, and be it

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

Dated: June 19, 2012
L:TB Res 06-19 COM RES Audit Services

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING JM ENTERPRISES, LLC
(TAX MAP NO. 51.7-1-12)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, JM Enterprises LLC v. Cathy Conklin, Assessor and Board of Assessment Review for the Town of Clarkstown, Index No(s). 10066/10 and 31441/11, affecting parcel designated as Tax Map 51.7-1-12 and more commonly known as 268 South Main Street, New City, New York for the year(s) 2010/11 and 2011/12, 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 51.7-1-12 be reduced for the year(s) 2010/11 and 2011/12 from $662,000 to $529,600 at a total cost to the Town of $6,380.38;

2. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 51.7-1-12, 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: June 19, 2012

TB 06-19 TA RES JM Enterprises Settlement-lh

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 19, 2012, AUTHORIZING THE ACQUISITION OF THREE SALT SPREADING DUMP BODIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $260,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF $260,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire three salt spreading dump bodies. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $260,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of $260,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $260,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 28 of the Law, is fifteen (15) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

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

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

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such

publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on June 19, 2012, 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 19, 2012, authorizing the acquisition of three salt spreading dump bodies, stating the estimated maximum cost thereof is $260,000, appropriating said amount for such purpose, and authorizing the issuance of $260,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to acquire three salt spreading dump bodies; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $260,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of $260,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $260,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said $260,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 19, 2012

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.

* * *

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BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 19, 2012, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $100,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF $100,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct drainage improvements, consisting of Lowerre Place Detention Pond improvements and 208 Water's Edge Drainage Channel improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $100,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of $100,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting

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

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 4 of the Law, is forty (40) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

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

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

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

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this

resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on June 19, 2012, 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 19, 2012, authorizing the construction of drainage improvements, stating the estimated maximum cost thereof is $100,000, appropriating said amount for such purpose, and authorizing the issuance of $100,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct drainage improvements, consisting of Lowerre Place Detention Pond improvements and 208 Water's Edge Drainage Channel improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $100,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of $100,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $100,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) 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 $100,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 19, 2012

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

23A

RESOLUTION AUTHORIZING CHANGE ORDERS #2, #3 AND #4, CONTRACT "G" GENERAL CONSTRUCTION, PROJECT NO. CLKT910, PUMP STATION UPGRADE PROJECT, WOODHAVEN DRIVE PUMP STATION, LAKEWOOD DRIVE PUMP STATION AND RT. 303 / LANDFILL PUMP STATION

WHEREAS, the existing Woodhaven Drive, Lakewood Drive and Rt. 303 / Landfill sanitary sewer pump stations are currently being replaced, and

WHEREAS, in the course of performing the work, it was determined that additional unforeseen work was required, and

WHEREAS, the Contractor for the Town has submitted the proposals for the miscellaneous additional work, and

WHEREAS, the Town's Consultant for the project, H2M Engineers, has reviewed the proposals for the additional work and found them to be acceptable, and

WHEREAS, the cost for Change Orders #2, #3 and #4 are as follows:

1. C.O. #2 – Installation of curbing to divert runoff away from building entrance and installation of new entrance door for a total cost of $5,545.12.
2. C.O. #3 – Installation of 130 linear feet of 6 ft. high chain link security fencing with gates for a total cost of $17, 198.87.
3. C.O. #4 – Installation of MODBUS software for Multismart pump controllers for SCADA monitoring for a total cost of $4,025.00;

NOW, THEREFORE, BE IT

RESOLVED, that Change Orders #2, #3 and #4, Contract "G", General Construction, for Project CLKT910 are approved for the total additional cost of $26,768.99, and

BE IT FURTHER RESOLVED, that the total cost for Contract "G", General Construction shall not exceed $1,466,375.21, and

BE IT FURTHER RESOLVED, that the cost for the project is being reimbursed by the Rockland County Sewer District No. 1.

Dated: June 19, 2012

TB 6 19 12 DEC RES PROJECT CLKT910 CO#2, CO#3, CO#4 CONTRACT "G" GENERAL CONSTRUCTION

23B

RESOLUTION AUTHORIZING CHANGE ORDERS #7, #9, #10, #11 AND #12, CONTRACT "E" ELECTRICAL CONSTRUCTION, PROJECT NO. CLKT910, PUMP STATION UPGRADE PROJECT, WOODHAVEN DRIVE PUMP STATION, LAKEWOOD DRIVE PUMP STATION AND RT. 303 / LANDFILL PUMP STATION

WHEREAS, the existing Woodhaven Drive, Lakewood Drive and Rt. 303 / Landfill sanitary sewer pump stations are currently being replaced, and

WHEREAS, in the course of performing the work, it was determined that additional unforeseen work was required, and

WHEREAS, the Contractor for the Town has submitted the proposals for the miscellaneous additional work, and

WHEREAS, the Town's Consultant for the project, H2M Engineers, has reviewed the proposals for the additional work and found them to be acceptable, and

WHEREAS, the cost for Change Orders #7, #9, #10, #11 and #12 are as follows:

1. C.O. #7 – Installation of heavy duty transformer vault roof slab with access hatch for a total cost of $10,260.00.
2. C.O. #9 – Necessity for a temporary power source for the startup of the new Woodhaven Drive pump station for a total cost of $12,041.29.
3. C.O. #10 – Installation of an internal light system for the below ground transformer vault for the Woodhaven Drive Pump Station for a total cost of $2,597.00.
4. C.O. #11 – Installation of a concrete pad for the primary metering cabinet in accordance with Orange and Rockland Utilities requirements for a total cost of $908.00.
5. C.O. #12 – Removal of existing primary electrical metering cabinet and concrete pad, primary electrical switchgear and concrete pad, 13.2KV/208V transformer and top slab to allow for the installation of secondary electrical metering equipment for a total cost of $56,823.00;

NOW, THEREFORE, BE IT

RESOLVED, that Change Orders #7, #9, #10, #11 and #12, Contract "E", Electrical Construction, for Project CLKT910 are approved for the total additional cost of $82,629.29, and

BE IT FURTHER RESOLVED, that the total cost for Contract "E", Electrical Construction shall not exceed $612,314.57, and

BE IT FURTHER RESOLVED, that the cost for the project is being reimbursed by the Rockland County Sewer District No. 1

Dated: June 19, 2012

TB 6 19 12 DEC RES PROJECT CLKT910 CO#7, CO#9, CO#10, CO#11, CO#12 CONTRACT "E" ELECTRICAL CONSTRUCTION

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE TO ROOF DIAGNOSTICS SOLAR AND ELECTRIC OF NY, LLC CONCERNING PROPERTY DESIGNATED AS TAX MAP NO. 64.15-2-30

WHEREAS, Kenneth Kovalchik, Director of Operations, of Roof Diagnostics Solar and Electric of NY, LLC has requested a refund of Building Permit Fee (No. 12-551) paid in the amount of $701.00 for property located at 18 Richard Drive, West Nyack, New York, more particularly described as Tax Map No. 64.15-2-30, because the job was cancelled before any work commenced, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of $50.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of the $701.00 total Building Permit fee paid, minus the processing fee, in the amount of $651.00 to Roof Diagnostics Solar & Electric of NY, LLC, 608 Brighton Avenue, Spring Lake Heights, New Jersey, to be charged to Account No. B-02-6-2555-0.

Dated: June 19, 2012

awm

TB 06-19 TA RES Bldg Permit Partial Refund Roof Diagnostics-pm