TOWN OF CLARKSTOWN
TOWN BOARD MEETING
August 21, 2012 - 8:00 p.m.
Town Hall Auditorium
AGENDA
(*Tentative*)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC HEARINGS:

PH1. *Continuation:* 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"

PH2. Proposed Local Law entitled: "Amendment to Chapter 146 (Flood Damage Prevention) of the Code of the Town of Clarkstown."

PH3. Proposed Local Law entitled: "A Local Law Amending Chapter 243 (Signs) of the Code of the Town of Clarkstown"

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

RESOLUTIONS:

1. Accepting Minutes of Town Board Meeting of July 24, 2012, as submitted by the Town Clerk.

2. Authorizing the Purchasing Agent to Advertise for the following:
   a) Bid #37-2012 – Lake Nanuet Park Sewer Relocation
   b) Bid #38-2012 – Paper and Plastics

3. Authorizing the following Bid Award:
   a) Bid #9-2012: Sewer Rehab – Force Mains and Gravity Sewers
   b) Bid #27-2012: Squadron Boulevard Concrete Curb and Sidewalk Replacement
   c) Bid #28-2012: Squadron Boulevard Asphalt Resurfacing
   d) Bid #30-2012: Windgate DFrive/Paramount C.C. Drainage Improvements
   e) Bid #32-2012: Demarest Mill Stream Wall Repair
   f) Bid #34-2012: Painting and Sandblasting of Lake Nanuet Pool Floor
   g) Bid #36-2012: Old Haverstraw Road Culvert Replacement.

4. Authorizing the Supervisor to enter into the following *Adopt-a-Road* Agreements:
   a) John Wall, Insurance & Bonding - #440 West Nyack Road to Demarest Ave., W. Nyack and Demarest Avenue from West Nyack Road to Strawtown Road, W. Nyack.
   b) Danny Clapp Landscaping, Inc. – Brewery Road, New City, from intersection of Congers Road, New City to intersection of Strawtown Road, New City.
   c) (*Renewal*) – The Salvation Army - #440 West Nyack Road,W. Nyack to the intersection of Route 304, W. Nyack.
   d) Tilcon, New York, Inc. – Old Mill Road, from Tilcon's Driveway to Snake Hill Road Bridge.

5. Authorizing the Supervisor to Execute an Agreement with the County of Rockland with Respect to Community Development Funds for the Year 2012.

6. Authorizing Settlement of the following Tax Certiorari:
   ~ Squadron VCD, LLC (Tax Map No. 43.7-1-21)

7. Authorizing Preparation of a Preliminary Appraisal for a Tax Certiorari Matter regarding SIK Real Estate LLC (Tax Map No. 58.10-2-17)

8. Authorizing Installation of Street Lighting between House #15 and #17 Norwood Place, Nanuet.

9. Waiving the Notice Requirement in §64 of the New York State ABC Law with Respect to a Liquor License for Hibachi Factory, Inc., Palisades Mall, West Nyack.

10. Referring Proposed Landscape Guidelines to Clarkstown Planning Board and Architecture and Landscape Commission.

11. Authorizing the following Personnel Changes:
    a) Resignation: Msgr. Edward J. Weber, Member, Board of Ethics
    b) Appointment: Fr. William Cosgrove, Member, Board of Ethics
    c) Resignation: Sylvester Almiron, Jr., Member, Parks Board & Recreation Commission
    d) Appointment (Promotional/Provisional): Dennis Malone, Fleet Manager, Town Garage
    e) Appointment (Promotional/Provisional): Richard Cummings, Coordinator, Dispatch Related Services, Clarkstown Police Records Department.
    f) Appointment (Promotional/Provisional): Raquel Guzman, Senior Purchasing Clerk Typist, Purchasing Department.

12. Amending Resolution #534-2012 authorizing an Amended Agreement with H2M Group for Engineering Services concerning Site Improvement/Communication Shelter at the Police Communication Tower Site, Mountainview Avenue, Nyack, NY

13. Declaring the Town of Clarkstown Lead Agency Pursuant to the State3 Environmental Quality Review Act (SEQRA) for the Construction of Solar Panel Field on the Closed Clarkstown Landfill.

14. Authorizing an Agreement with H2M Group to Provide Additional Construction Observation Services concerning the Reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps Building.

15. Authorizing the Supervisor to retain H2M Group to Prepare a Work Plan and Coordinate Work between Town and Contractors concerning Solar Panels at Town Landfill.

ADDITIONAL TENTATIVE RESOLUTIONS:

16. Authorizing funds for the following:
    a) Construction of Improvements to the Demarest Mill Stream Wall
    b) Construction of Curb and Sidewalk Improvements on Squadron Boulevard
    c) Resurfacing of Squadron Boulevard

17. Authorizing Settlement of Tax Certiorari regarding Ronald Weiss (tax map no. 59.18-1-11)

18. Authorizing the Town Attorney to Institute a Proceeding Pursuant to Town Code, Chapter 216 (Maintenance of Property)

- H2M - Hackensack

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 the Town Clerk's Website – Click on Legal Notices*)

SPECIAL MEETING: Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc.

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 the Town Clerk's Website – Click on Legal Notices***)

SPECIAL MEETING: Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc.

PH-1

RESOLUTION AUTHORIZING THE CONTINUATION OF 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, 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," was introduced by Councilperson Hausner at a Town Board meeting held on April 17, 2012, and

WHEREAS, a public hearing was held on July 24, 2012 and continued on August 21, 2012 to consider said proposed local law, and

WHEREAS, it was determined by the Town Board to continue the public hearing again to October 2, 2012 to allow time to address the suggested modifications to said proposed local law by the Comprehensive Plan Housing Committee;

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on October 2, 2012 at 8:00 p.m., or as soon thereafter as possible, relative to said proposed local law, and be it

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

Dated: August 21, 2012

TB 08-21 TA RES LL-Amend Chap 290-Access Apts-Cont public hearing-pm

awm

PH-2

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2012

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman George Hoehmann, at a Town Board meeting held on July 24, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 24, 2012, directed that a public hearing be held on August 21, 2012, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on August 13, 2012, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 10, 2012;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2012 entitled:

"AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

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

Dated: August 21, 2012

TB 08-21 TA RES Adopt Local Law 146-pm

/

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

DATED: August 21, 2012

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

BID#37-2012 – LAKE NANUET PARK SEWER RELOCATION

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: August 21, 2012

2B

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

BID#38-2012 – PAPER AND PLASTICS

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: August 21, 2012

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

BID # 9-2012 – SEWER REHAB – FORCE MAINS AND GRAVITY SEWERS

is hereby awarded to: CAL MART ENTERPRISES, INC.
4 BURTS ROAD
CONGERS, NY 10920
PRINCIPAL: CARL V. WORTENDYKE
MARTIN C. WORTENDYKE
PETER T. WORTENDYKE

as per their proposed total project cost not to exceed $1,198,911.00 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
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 emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8760-400-409-0-84-9, and be it

FURTHER RESOLVED, that this project shall be funded through proceeds from an inter-municipal agreement with the Rockland County Sewer District #1.

DATED: August 21, 2012

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

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

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 $10,505.00 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-8765-400-409-0-88-19, 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: August 21, 2012

3C

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

BID # 28-2012 – SQUADRON BOULEVARD ASPHALT RESURFACING

is hereby awarded to: TILCON NEW YORK, INC.
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: JOHN T. COONEY, JR.

as per their proposed total project cost not to exceed $128,090.00 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-8765-400-409-0-88-19, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds with an anticipated partial reimbursement in the amount of $75,000.00 by way of a Community Development Block Grant Program

DATED: August 21, 2012

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

BID # 30-2012 – WINDGATE DRIVE/PARAMOUNT C.C. DRAINAGE IMPROVEMENTS

is hereby awarded to: VICTOR P. ZUGIBE, INC.
66W. RAILROAD AVENUE
STONY POINT, NY 10923
PRINCIPAL: VICTOR ZUGIBE, PRESIDENT

as per their proposed total project cost not to exceed $59,900.00 plus add alternate of $9,800.00 for a total of $69,700.00 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-8765-400-409-0-88-17, 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: August 21, 2012

3E

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

BID # 32-2012 – DEMAREST MILL STREAM WALL REPAIR

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

as per their proposed total project cost not to exceed $48,975.00 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-8765-400-409-0-88-18, 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: August 21, 2012

3F

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

BID # 34-2012 –PAINTING AND SANDBLASTING OF LAKE NANUET POOL FLOOR

is hereby awarded to: RAY PALMER ASSOCIATES, INC.
95 KING STREET
DOVER, NJ 07801
PRINCIPAL: JEFFREY A. LANDRY
ANDREW PLATT

as per their proposed total project cost not to exceed $247,750.00 plus 10% contingency and be it

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

a) Signed Contract Documents – four sets
b) Performance Bond - 100% of project cost
c) Labor and Materials Payment Bond - 100% of proposed project cost
d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
e) Certificate of Automobile Liability Coverage
f) Certificate of Worker's Compensation insurance coverage
g) Certificate of Worker's Disability Insurance coverage
h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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

FURTHUR RESOLVED, that this emergency project shall be under the supervision of the Superintendent of Recreation and Parks, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-87-1, and be it

DATED: August 21, 2012

awm

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

BID # 36-2009 –OLD HAVERSTRAW ROAD CULVERT REPLACEMENT

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

as per their proposed total project cost not to exceed 236,321.00 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
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 emergency project shall be under the supervision of the Director of Environmental Control, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8762-400-409-0-86-2, 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: August 21, 2012

awm

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

4A

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 a period of two (2) years, beginning August 22, 2012 to August 22, 2014 as follows:

Sponsor: John Wall, Insurance & Bonding
20 Demarest Avenue
West Nyack, NY 10994

Road: 0.2 mile segment of West Nyack Road from #440 to Demarest Avenue, West Nyack and
.44 mile segment of Demarest Avenue from West Nyack Road to Strawtown Road, West Nyack

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that John Wall, Insurance & Bonding 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 an agreement, for a period of two (2) years beginning August 22, 2012 to August 22, 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 John Wall, Insurance & Bonding to remove trash from the roadway.

Dated: August 21, 2012

4B

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, continuing from September 10, 2012 to September 10, 2014, as follows:

Sponsor:	Danny Clapp Landscaping, Inc. PO Box 222 West Nyack, NY 10994
Road:	1.57 mile segment of Brewery Road, New City from intersection of Congers Road, New City to intersection of Strawtown Road, New City;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Danny Clapp Landscaping, Inc. will continue to perform a public service in removing trash from 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 continuing from September 10, 2012 to September 10, 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 Danny Clapp Landscaping, Inc. to remove trash from the roadway.

Date: August 21, 2012

4C

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, continuing from September 10, 2012 to September 10, 2014, as follows:

Sponsor: The Salvation Army
440 West Nyack Road
West Nyack, NY 10994

Road: .46 mile segment of West Nyack Road, West Nyack from driveway at 440 West Nyack Road to the intersection of Route 304, West Nyack;

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that The Salvation Army will continue to perform a public service in removing trash from 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 continuing from September 10, 2012 to September 10, 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 Salvation Army to remove trash from the roadway.

Date: August 21, 2012

4D

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 town road for an additional period of one (1) year, continuing from September 25, 2012 to September 25, 2013, as follows:

Sponsor: Tilcon New York Inc.
162 Old Mill Road
West Nyack, NY 10994

Roads: .4 mile segment of Old Mill Road, from Tilcon's Driveway to Snake Hill Road Bridge,

and

.8 mile segment of Crusher Road beginning at bridge over West Shore Railroad to corner of Casper Hill Road, West Nyack, NY

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that Tilcon New York, Inc. will continue to perform a public service in removing trash from above roadways 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 one (1) year continuing from September 25, 2012 to September 25, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Tilcon New York Inc. to remove trash from the roadways.

Date: August 21, 2012

5

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF ROCKLAND WITH RESPECT TO COMMUNITY DEVELOPMENT FUNDS FOR THE YEAR 2012

WHEREAS, the County of Rockland, pursuant to the Cooperation Agreement between the Town of Clarkstown and the County of Rockland, applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended, Public Law 93-383 and Program Year 2012;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2012 Community Development Block Grant Program funds to the Town of Clarkstown with regard to audible pedestrian signals and detectors: tactile arrows and locator tones at Cavalry Drive and North Main Street, New City ($30,000) and transport vehicle to transport senior citizens ($25,000) in an amount not to exceed $55,000.00.

Dated: August 21, 2012

TB 08-21 TA RES RC Agree-Comm Dev Funds-pm

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING SQUADRON VCD, LLC
(TAX MAP NO. 43.7-1-21)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Squadron VCD, LLC. v. The Board of Assessors and/or The Assessor of the Town of Clarkstown and The Board of Assessment Review, and The Clarkstown Central School District , Index No(s). 7628/10 and 31311/11, affecting parcel designated as Tax Map 43.7-1-21 and more commonly known as 20 Squadron Boulevard, 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 43.7-1-21 be reduced for the year(s) 2010/11 from $2,753,100 to $2,560,400 at a cost to the Town of $4,545.02;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 43.7-1-21 be reduced for the year(s) 2011/12 from $2,753,100 to $2,312,600 at a cost to the Town of $10,838.16;

3. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 43.7-1-21, 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;

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

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

Dated: August 21, 2012

RESOLUTION AUTHORIZING PREPARATION OF A
PRELIMINARY APPRAISAL FOR A TAX CERTIORARI MATTER REGARDING
SIK REAL ESTATE LLC (TAX MAP NO. 58.10-2-17)

WHEREAS, SIK REAL ESTATE LLC., has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map 58.10-2-17, and more commonly known as 445 Route 304, Bardonia, New York, for the year(s) 2010/11 and 2011/12, and

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

NOW, THEREFORE, be it

RESOLVED, that an appraiser be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed $2,500; and such fee shall be charged to Account No. A 1420-439-1.

Dated: August 21, 2012

8

WHEREAS, a resident of Norwood Place, Nanuet, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

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

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole #58956/39618 ;

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

Between house # 15 and #17 Norwood Place, Nanuet
(Install one (1) each - 5,800 lumen 70 watt sodium vapor street light

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 $12.42 per month for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

Dated: August 21, 2012

9

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR HIBACHI FACTORY, INC. (PALISADES MALL, WEST NYACK)

WHEREAS, Barry D. Haberman, Esq., attorney for Hibachi Factory, Inc., has advised the Town by letter dated August 13, 2012, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that hibachi Factory, Inc. has applied for an on-premises liquor license at the Palisades Mall, 4532 Palisades Center Drive, West Nyack, New York, and

WHEREAS, to expedite processing said corporation's license application, Barry Haberman has requested that the Town Board waive the thirty day waiting 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 64 of the Alcoholic Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Hibachi Factory, Inc. for a license at premises located at the 4532 Palisades Center Drive, West Nyack, New York.

Dated: August 21, 2012

TB 08-21 TA RES Waive Liquor Notice-Hibachi-pm

awm

10

RESOLUTION REFERRING PROPOSED LANDSCAPE GUIDELINES TO CLARKSTOWN PLANNING BOARD AND ARCHITECTURE AND LANDSCAPE COMMISSION

WHEREAS, the Comprehensive Plan Implementation Special Board has drafted proposed landscape guidelines which provide standards and guidelines to meet the Town's expectations with regard to future development and redevelopment of commercial properties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the proposed landscape guidelines prepared by the Special Board to the Clarkstown Planning Board and the Architecture and Landscape Commission for their review and comment.

Dated: August 21, 2012

TB 08-21 TA RES Refer Landscape Guidelines-pm

11A

RESOLVED, that the resignation of Msgr. Edward J. Weber, 128 Parrott Road, West Nyack, New York - Member - Board of Ethics - is hereby accepted - effective and retroactive to July 31, 2012.

DATED: August 21, 2012
P

11B

RESOLVED, that Fr. William Cosgrove, St. Augustine Church, 140 Maple Avenue, New City, New York - is hereby appointed to the position of Member - Board of Ethics - at the current 2012 annual salary of 2,225., term effective and retroactive to August 1, 2012 to July 31, 2017.

DATED: August 21, 2012
P

11C

RESOLVED, that the resignation of Sylvester Almiron, Jr. 296 Brewery Road, New City, New York - Member - Parks Board and Recreation Board - is hereby accepted - effective and retroactive to July 31, 2012.

DATED: August 21, 2012
P

11D

RESOLVED, that Dennis Malone, 15 Pine Avenue, Congers, New York - is hereby appointed (promotional) (provisional) to the position of Fleet Manager (Town) - Town Garage - at the current annual salary of 93,637., effective and retroactive to August 20, 2012.

DATED: August 21, 2012
P

11E

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12043 Coordinator, Dispatch-Related Services - which contains the name of Richard Cummings,

NOW, therefore, be it

RESOLVED, that Richard Cummings, 69 Montgomery Street, Goshen, New York - is hereby appointed to the (promotional) (permanent) position of Coordinator, Dispatch-Related - Services Clarkstown Police Records Department - at the current annual salary 96,300., - effective and retroactive to July 20, 2012.

DATED: August 21, 2012
P

11F

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12050 Senior Purchasing Clerk Typist - which contains the name of Racquel Guzman,

NOW, therefore, be it

RESOLVED, that Racquel Guzman, 85 Grand Avenue, 1st Floor, Pearl River, New York - is hereby appointed to the (promotional) (permanent) position of Senior Purchasing Clerk Typist - Purchasing Department - at the current annual salary of $60,984., effective August 21, 2012.

DATED: August 21, 2012
P

12

RESOLUTION AMENDING RESOLUTION NO.534-2011 AUTHORIZING AN AMENDED AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING SITE IMPROVEMENTS/COMMUNICATION SHELTER AT THE POLICE COMMUNICATION TOWER SITE, MOUNTAINVIEW AVENUE, NYACK, NEW YORK

WHEREAS, the Town Board, by Resolution No. 337-2009, adopted on June 16, 2009, as amended by Resolution Nos. 584-2009 and 534-2011, adopted November 24, 2009 and October 4, 2011, respectively, authorized an agreement with the H2M Group, to provide engineering services for Task 1, the investigative phase, and Task 2, the design phase of the project concerning the site improvements/communications shelter at the Clarkstown Police Communications Tower site at 491 Mountainview Avenue, Nyack, New York, and

WHEREAS, H2M has submitted a proposal dated August 10, 2012 that provides for additional construction oversite services in connection with Task 1 due to the construction period being extended to September 1, 2012 because of unanticipated delays in completing the project, which the Town Attorney has reviewed and found to be reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 534-2011, by authorizing the H2M Group to perform additional engineering services for the project pursuant to its proposal dated August 10, 2012, for an additional cost not to exceed $16,100.00, and be it

FURTHER RESOLVED, that such charge shall constitute a proper charge to Account No. H 8754-409-0-78-41, and shall be partially reimbursed by Orange & Rockland Utilities and the County of Rockland.

Dated: August 21, 2012

TB 08-21 TA RES Amend H2M Agree-Mtnview Cell Tower-pm

RESOLUTION DECLARING THE TOWN OF CLARKSTOWN LEAD AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE CONSTRUCTION OF SOLAR PANEL FIELD ON THE CLOSED CLARKSTOWN LANDFILL

WHEREAS, the Town Board of the Town of Clarkstown has retained the services of H2M Group - Holzmacher, McLendon & Murrell, PC, for a feasibility study regarding the installation of solar panels at the closed Clarkstown Landfill; and

WHEREAS, the study recommended to construct two (2) megawatt solar panel field on 8.5 acres of the closed Clarkstown Landfill;

NOW, THEREFORE, BE IT RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Clarkstown determines that it shall act as lead agency; and

BE IT FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board of the Town of Clarkstown with respect to State Environmental Quality Review Act for the installation of said solar panel field at the closed Clarkstown Landfill, and

BE IT FURTHER RESOLVED, that the Director of the Department of Environmental Control shall prepare and distribute an EAF and lead agency declaration in accordance with the provisions of SEQRA.

Dated: August 21, 2012

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP TO PROVIDE ADDITIONAL CONSTRUCTION OBSERVATION SERVICES CONCERNING THE RECONSTRUCTION OF THE CONGERS-VALLEY COTTAGE VOLUNTEER AMBULANCE CORPS BUILDING

WHEREAS, by Resolution No. 250-2010, adopted April 20, 2010, the Town entered into an agreement with H2M Group to provide professional engineering services for the planning and design of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building, and

WHEREAS, by Resolution No. 646-2010, adopted December 14, 2010, the Town entered into an agreement with H2M Group to provide additional services for the construction testing, quality control and part time construction administration/observation of the reconstruction of the Congers-Valley Cottage Volunteer Ambulance Corps building, and

WHEREAS, by Resolution No. 673-2011, adopted December 29, 2011, the Town entered into an agreement with H2M Group to provide additional services for construction observation to conduct specialty inspections required by the NYS Building Code, and

WHEREAS, due to the default of the original contractor, the project has required an additional four (4) month construction period, and

WHEREAS, it is determined that additional construction administration/observation services will be necessary during this additional construction period and H2M Group submitted a proposal, dated August 8, 2012, for construction administration/observation services, and

WHEREAS, the Public Works Administrator has deemed the proposal reasonable in terms of scope and price and recommends that the Town accept said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with the H2M Group, in a form approved by the Town Attorney, to provide additional professional engineering services for construction administration/observation for the Congers-Valley Cottage Volunteer Ambulance Corps building, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed $19,000.00 without further authorization from the Town Board, and shall constitute a proper charge to Account No. H 8760-409-0-84-25, and be it

FURTHER RESOLVED, that the agreement establishing such fixed compensation 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, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund the project, including the professional engineering services portion, through the issuance of serial bonds.

Dated: August 21, 2012

TB 08-21-12 TA RES H2M-Congers VC Amb-kh

15

RESOLTUION AUTHORIZING SUPERVISOR TO RETAIN H2M GROUP TO PREPARE A WORK PLAN AND COORDINATE WORK BETWEEN TOWN AND CONTRACTORS CONCERNING SOLAR PANELS AT TOWN LANDFILL

WHEREAS, the Town Board received a feasibility study from H2M Group regarding the installation of solar panels at the Clarkstown Landfill (the "Project") and now wishes to proceed with the Project, and

WHEREAS, the Town is also in the process of securing funding for the Project with no out of pocket cost to the Town, and

WEHREAS, the Town Board has received a proposal from H2M Group, dated August 16, 2012, to provide professional engineering services to the Town of Clarkstown in connection with the Project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to retain H2M Group, 254 South Main Street, Suite 400, New City, New York, to prepare a work plan and review and coordinate the work for the Project, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed $51,800.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Capital Account No. H 8765-409-88-15.

Dated: August 21, 2012

TB 08-21 TA RES H2M solar panels (landfill)-pm

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE DEMAREST MILL STREAM WALL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $50,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPSOSE, AND AUTHORIZING THE ISSUANCE OF $50,000 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 improvements to the Demarest Mill Stream wall. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $50,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of $50,000 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 $50,000 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 a part of said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) 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 not 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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together

with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

* * *

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING THE CONSTRUCTION OF CURB AND SIDEWALK IMPROVEMENTS ON SQUADRON BOULEVARD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $11,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF $11,000 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 curb and sidewalk improvements on Squadron Boulevard. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $11,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of $11,000 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 $11,000 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. 24 of the Law, is ten (10) 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 August 21, 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 August 21, 2012, authorizing the construction of curb and sidewalk improvements on Squadron Boulevard, stating the estimated maximum cost thereof is $11,000, appropriating said amount for such purpose, and authorizing the issuance of $11,000 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 curb and sidewalk improvements on Squadron Boulevard; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $11,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of $11,000 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 $11,000 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 ten (10) 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 $11,000 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: August 21, 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.

* * *

16C

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 21, 2012, AUTHORIZING THE RESURFACING OF SQUADRON BOULEVARD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $130,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF $130,000 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 resurface Squadron Boulevard. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $130,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of $130,000 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 $130,000 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. 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 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 August 21, 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 August 21, 2012, authorizing the resurfacing of Squadron Boulevard, stating the estimated maximum cost thereof is $130,000, appropriating said amount for such purpose, and authorizing the issuance of $130,000 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 resurface Squadron Boulevard; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $130,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of $130,000 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 $130,000 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 $130,000 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: August 21, 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.

* * *

17

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING RONALD WEISS
(TAX MAP NO.: 59.18-1-11)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Ronald Weiss v. The Board of Assessors and/or The Assessor of The Town of Clarkstown and The Board of Assessment Review, and The Clarkstown Central School District, Index No(s). 7637/10 and 31248/11, affecting parcel designated as Tax Map 59.18-1-11 and more commonly known as 250 North Route 303, West Nyack, New York for the year(s) 2010 and 2011, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-11 be reduced for the year(s) 2010/11 from $1,449,800 to $1,372,700 at a cost to the Town of $1,818.48;

2 The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map 59.18-1-11 be reduced for the year(s) 2011/12 from $1,449,800 to $1,329,100 at a cost to the Town of $2,969.73;

3. Reimbursement for the year(s) 2010/11 and 2011/12 on the parcel described as Tax Map 59.18-1-11, 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;

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

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

Dated: August 21, 2012

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO INSTITUTE A PROCEEDING PURSUANT TO TOWN CODE CHAPTER 216 (MAINTENANCE OF PROPERTY)

WHEREAS, the Code and Zoning Enforcement Officer has advised the Town Board that the premises located at 159 Massachusetts Avenue, Congers, New York (Tax Map designation 52.8-3-59 fka 139-A-19.4) has become, by reason of failure to maintain property and failure to provide landscaping maintenance, an attractive nuisance and a threat to the health and welfare of the community, and

WHEREAS, the Code and Zoning Enforcement Officer has duly issued Violation # 12-436 dated May 14, 2012 to the record property owner to cure said violation with specific Orders for remedy, and

WHEREAS, said Violation and Orders have been ignored, and

WHEREAS, a Second Notice dated August 3, 2012 was issued and posted and also elicited nonresponsiveness by the resident owner;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 216 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises is unsafe and dangerous and said violations must be removed in accordance with the Orders of the Code and Zoning Enforcement Officer subject to further determination after the public hearing as herein provided, and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of

Clarkstown to secure compliance by the property owner or any other person having a vested or contingent interest in said premises, reputedly owned Marlene Hayden, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 2nd day of October 2012, at 8:00 P.M., or as soon thereafter as possible, and that service of Notice as required by Section 216-8 of the Town Code is made, at which time the property owner and all persons in interest shall be heard.

Dated: August 21, 2012

TB 08-21 TA RES Chap 216 Public Hearing 159 Mass Ave--jje