TOWN OF CLARKSTOWN
TOWN BOARD MEETING
July 24, 2012 - 8:00 p.m.
Town Hall Auditorium
AGENDA
(*Tentative*)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PRESENTATIONS:

- Katie Mager - Winner of the St. Francis CYO Basketball and Knights International Free Throw Championship.

PUBLIC HEARINGS:

PH1. 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. (*Continuation*) Proposed Local Law entitled: "A Local Law to Transfer the Function of Highway Mechanics and Consolidating all Town Mechanics under the Town Garage Department."

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

RESOLUTIONS:

1. Accepting the Town Board Minutes of June 19, 2012, as submitted by the Town Clerk.

2. Authorizing the following Personnel changes:
   a) Appointment: Stacy S. Kuo, Clerk Typist, Office of the Town Attorney
   b) Sick Leave of Absence: David Gerlach, MEO I, Clarkstown Highway Department.
   c) Appointment: Kevin P. Thurston, Police Officer, Clarkstown Police Department
   d) Appointment: Anthony J. Drescher, Police Officer, Clarkstown Police Department
   e) Appointment: Todd A. Papenmeyer, Police Officer, Clarkstown Police Department
   f) Creation: Fleet Manager (Town), Town Garage Department.

3. Authorizing the following Bid Awards:
   a) *RFP* #21-2012 – Canine Harassment of Canadian Geese
   b) Bid #24-2012 – Nancy Drive Stream Channel Stabilization
   c) Bid #25-2012 – Prides Crossing Drainage Improvements
   d) Bid #26-2012 – Brookdale Court Culvert Replacement
   e) Bid #31-2012 – Purchase and Installation of Pre-Fabricated Salt Storage Canopy

4. Authorizing the Purchasing Agent to Advertise for the following:
   a) Bid #33-2012 – Aquatic Vegetation Management Program
   b) Bid #35-2012 – Ridge Road Culvert Bypass
   c) Bid #36-2012 – Roadway Reconstruction and Drainage Improvements – Lowerre Place / Stockton Road / Cyr Court / Juniper Court

5. Granting Permission to the Congers-Valley Cottage Rotary Club to Dispense Alcoholic Beverages at the Annual Italian Festival.

6. Granting Permission to Niles M. Davies, Jr. to have a Licensed Fireworks Display at Doctor Davies Farm, Congers, N.Y.

7. Designating State Wide Inspection Services as an Additional Electrical Code Inspection Agency to Provide Electrical Supplemental and Alternative Inspection Capability to the Town of Clarkstown

8. Referring a Proposed Local Law to Amend Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with Respect to Multi-Family Development

9. Authorizing the Relocation of Street Lighting on Smith Street, Nanuet.

10. Authorizing the Supervisor to Enter into the following Agreements:
    a) Nyack School District – School Resource Officer Program for 2012-2013 School Term.
    b) Behan Planning Associates to Provide Professional Services concerning the New City Downtown Revitalization Project – Phase III.
    c) Maser Consulting, P.A. to Provide Professional Services concerning the New City Downtown Revitalization Project – Phase III

11. Amending Town Board Resolution No. 277-2012 regarding Street Lighting on Elrod Drive, West Nyack (Cost of Monthly Charges)

12. Amending Town Board Resolution No. 689-2010 regarding Downtown New City Revitalization Design Services.

13. Authorizing Location of Fire Hydrant #4-206.

14. Amending the Salary Schedule for 2012.

15. Authorizing Formulation of a Plan for the Rehabilitation of the "Teaberry Port House"

16. Amending Resolution No. 229-2012 Authorizing the Installation of a Breakaway Barrier, Samuel Road, Nanuet.

17. Authorizing Refund of Building Fee to Ashford Abstract for Property known as Tax Map No. 60.13-1-35 (Phelan Residence)

18. Authorizing Additional Financial Software Licensing (Emerson Network Power)

19. Amending Resolution #746-2008 Authorizing the Supervisor to Enter into an Amended Agreement with Lorencin Contracting.

20. Amending Resolution #531-07 and 561-07 Authorizing the Supervisor to Enter in Amended Agreement with DCAK Architecture.

21. Adopting Americans with Disabilities Act.

ADDITIONAL TENTATIVE RESOLUTIONS:

22. Authorizing Funds for the following:
    a) Construction and Installation of a Salt Storage Structure
    b) Various Drainage Improvements

23. Setting a Public Hearing for August 21, 2012 (8:00 PM) regarding a Proposed Local Law entitled "Amendment to Chapter 146 (Flood Damage Prevention) of the Code of the Town of Clarkstown"

24. Authorizing the following Personnel Change:
    ~ Appointment (Promotional/Permanent): Samantha Correa, Senior Payroll Clerk, Clarkstown Police Records.

- Retirement System Reporting (from Keith Cornell)

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*)

PH1

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

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, by resolution adopted April 17, 2012, the Town Board referred the proposed local law to the Clarkstown Planning Board for their comment, pursuant to §290-33 of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, pursuant to General Municipal Law §§239-l & m, and

WHEREAS, the Clarkstown Planning Board and the Rockland County Planning Department provided their written comments on May 24, 2012 and May 21, 2012, respectively, and

WHEREAS, the current draft of the proposed local law substantially addresses the Clarkstown Planning Board's and the Rockland County Planning Department's recommendations, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 19, 2012, directed that a public hearing be held on July 24, 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 July 17, 2012, and

WHEREAS, a copy of the current proposed local law 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 July 12, 2012, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 24, 2012, and

WHEREAS, Jose Simoes, Town Planner, by memo dated May 15, 2012, found that the proposed local law is consistent with the aims and principles of the Zoning Code and in furtherance of the Comprehensive Plan in that it aims to ensure that a variety of housing options exist within the Town, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and proposed Negative Declaration, prepared by the Jose Simoes, Town Planner, as agent for the Town Board, pursuant to SEQRA, and which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the review of Jose Simoes, Town Planner, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is an

unlisted action under SEQRA, and (2) the proposed action shall not have any significant impact on the environment, and be it

FURTHER RESOLVED, that the Town Board has reviewed and hereby accepts the attached Negative Declaration, and directs that same be filed, distributed and published pursuant to 6 NYCRR Part 617.7(b), and be it

FURTHER RESOLVED, that Local Law No. - 2012 entitled:

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO ACCESSORY APARTMENTS"

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 directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Dated: July 24, 2012

TB 07-24 TA RES Adopt LL-Amend Chap 290-Accessory Apts-pm

STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town Board
Town of Clarkstown
10 Maple Avenue
New City, NY 10956

Project: Accessory Senior Housing Law Date: July 24, 2012

This notice is issued pursuant to part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Clarkstown, as lead agency, has determined that the proposed action described below will not have a significant impact on the environment, and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Accessory Senior Housing Law

SEQRA Status: Unlisted

Conditioned Negative Declaration:

Description of Action: Proposed zoning text change allowing owners of single family residences situated in the R-15, R-22 and R-40 zoning district on lots meeting or exceeding the respective required minimum lot sizes to develop accessory apartments. Owners must be at least 60 years old and owned and occupied the home for at least 20 years.

Location: Town of Clarkstown, New York

Reasons Supporting this Determination: This amendment affects the R-15, R-22 and R-40 Zoning Districts and more specifically properties having single family residences situated on minimum sized lots that have the potential to support additional residents and parking spaces without putting an undue burden on area infrastructure and services. Seniors with excess space to rent in their homes are more likely to be empty-nesters who are not using infrastructure and services to the extent of a typical family of 4 or 5 for which their homes are likely designed. The amendment limits the total number of apartments to 200, which represents a minimal increase in the total number of Town households by less than 0.7 percent.

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

Town of Clarkstown

Local Law No. -2012

A Local Law to Amend Chapter 290 (Zoning) of the Town Code of the Town of Clarkstown

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1

Section 290-11 A, Table 2, General Use Regulations,R-40 District is hereby amended to add new item "15" to Column 4, Permitted General Accessory Uses, and

Section 290-11 A. Table 3, General Use Regulations, R-22 District is hereby amended to add new item "15" to Column 4, Permitted General Accessory Uses, and

Section 290-11 A. Table 4, General Use Regulations, R-15 District is hereby amended to add new item "15" to Column 4, Permitted General Accessory Uses, as follows:

Accessory apartments, upon issuance of a permit from the Building Inspector, if the following standards are met:

1. The structure must be a legally occupied single family dwelling.
2. Accessory apartments shall only be allowed in single-family owner occupied homes with the owner occupying the principal dwelling unit.
3. Accessory apartments shall be permitted in single-family residences located on lots meeting or exceeding the required minimum lot area for single-family residences.
4. The owner of the premises must be an individual or couple one of which is at least 60 years old and must have owned and occupied a home in Clarkstown for at least 20 years. (A trust does not qualify as eligible under this local law.)
5. The accessory apartment must be located wholly within the principal building and would not be permitted in any accessory building. No more than one accessory apartment would be permitted in the principal building.
6. Additional accessory apartments are prohibited in a two-family house, any premises already containing more than one dwelling unit or on property containing a home occupation, family day care or professional office.
7. The principal building must continue to appear to be a single-family dwelling. There shall be no additional entrances to the front of the dwelling. Additional entrances may be situated to the rear or side of the building. No additional utility meters shall be added to the residence.
8. The additional unit must clearly be subordinate to the main one-family use. The accessory apartment must be at least 400 square feet but not larger than 800 square feet in area and shall not exceed 1 bedroom.

9. Both the principal dwelling unit and the accessory apartment must conform to all requirements of the applicable zoning, building, health, fire and sanitary codes.
10. A total of three legal off- street parking spaces must be provided for the premises. Residences located on "major" roads shall have their parking designed so that vehicles do not have to back out onto the roadway.
11. The permit and certificate of occupancy for the accessory apartment will expire when the house is either sold or when the owner who was originally issued the permit no longer occupies the principal dwelling unit whichever occurs first, unless sold to another qualifying resident as per #4.
12. A covenant must be filed in the Rockland County Clerk's Office to the effect that if the owner, who was originally issued the permit, sells or conveys the property to someone other than a qualifying resident as per #4 or no longer personally occupies the principal building, the building will revert to a single family residence, to be verified by the Building Inspector.
13. The owner shall file an annual certification with the Building Inspector that he/she currently owns and occupies the house in accordance with the requirements herein.
14. The Building Department shall send a notification to the Fire Department of the construction of any accessory apartment, with specific mention of the conversion of any garage space.
15. The Town's Senior Citizen Coordinator shall verify that the standards provided hereunder have been satisfied with regard to the eligibility requirements and then provide written certification to the Building Inspector, prior to the issuance of a building permit (or if no construction is required, prior to the issuance of a certificate of occupancy).
16. The total number of permits issued for accessory apartments in all qualifying zoning districts shall not exceed 200.

Section 2

This Local Law shall become effective immediately upon filing with the Secretary of State.

PH2

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

WHEREAS, a proposed local law entitled,

"A LOCAL LAW TO TRANSFER THE FUNCTION OF HIGHWAY DEPARTMENT MECHANICS AND CONSOLIDATING ALL TOWN MECHANICS UNDER THE TOWN GARAGE DEPARTMENT"

was introduced by Councilperson Hoehmann at a Town Board meeting held on May 15, 2012, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on May 15, 2012, directed that a public hearing be held on June 19, 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 June 13, 2012, and

WHEREAS, a copy of the proposed local law 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 June 11, 2012, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 19, 2012, and a motion was made and the Town Board voted to continue the public hearing on July 24, 2012, and

WHEREAS, notice of continuation of public hearing was duly prepared and published in the Journal News on July 17, 2012, and

WHEREAS, a copy of the current 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 July 12, 2012;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2012 entitled:

"A LOCAL LAW TO TRANSFER THE FUNCTION OF HIGHWAY DEPARTMENT MECHANICS AND CONSOLIDATING ALL TOWN MECHANICS UNDER THE TOWN GARAGE DEPARTMENT"

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: July 24, 2012

TB 07-24 TA RES Adopt Local Law Consolidate Garages-pm

TOWN OF CLARKSTOWN
LOCAL LAW NO. - 2012

Be it enacted by the Town Board of the Town of Clarkstown as follows:

1. LEGISLATIVE INTENT: The Town of Clarkstown desires to transfer the function of all Highway Department mechanics from the jurisdiction of the Superintendent of Highways as appointing authority to the Town Board as appointing authority. This transfer of function shall comply with the provisions of Civil Service Law § 70 and the applicable regulations of County of Rockland Personnel Commission.

2. STATUTORY AUTHORITY: This local law is enacted under the authority of Municipal Home Rule Law §§ 10, 22 and 23. The Town hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law § 20.

3. PURPOSE: The purpose of this local law is to transfer the function of all Highway Department mechanics from the jurisdiction of the Superintendent of Highways as appointing authority to the Town Board as appointing authority so as to consolidate the Town's various automotive mechanic operations.

4. TITLE: This local law shall be entitled "A Local Law to Transfer the Function of Highway Department Mechanics and Consolidating all Town Mechanics under the Town Garage Department".

5. TRANSFER OF MECHANIC FUNCTION; CONSOLIDATION: The functions performed by automotive mechanics in the various job descriptions of mechanics assigned to the Highway Department of the Town of Clarkstown responsible for vehicle repair, maintenance and servicing shall be transferred from the Superintendent of Highways as appointing authority to the Town Board as appointing authority and all such functions shall be consolidated within the Town of Clarkstown Town Garage Department.

6. NO DIMINUTION OR ENLARGEMENT OF POWERS OF SUPERINTENDENT OF HIGHWAYS; CONTROL OF EQUIPMENT: Nothing herein shall be construed as diminishing or enlarging the statutory powers and duties of the Town Superintendent of Highways pursuant to the Highway Law of the State of New York or otherwise. Without limiting the foregoing, in accordance with the provisions of Highway Law § 142, all tools, implements and other highway equipment shall be under the control of the Superintendent of Highways and be cared for by the Superintendent at the expense of the Town. In the event of the failure or refusal of the Fleet Manager to assign the needed personnel to provide the services required by the Superintendent of Highways, it shall be the obligation of the Town Supervisor to do so.

7. PERFORMANCE OF AUTOMOTIVE MECHANIC SERVICES: In addition to providing the automotive mechanic services for all other Town vehicles, the Town Garage Department shall provide any and all automotive mechanic needs of the Superintendent of Highways in a timely and efficient manner so as to assure that vehicles and equipment are repaired, maintained, serviced and prepared for the proper operation of the Highway Department.

8. CIVIL SERVICE PROTECTION: Any and all personnel who are transferred as a result of this transfer of function shall be entitled to the rights and protections afforded by Civil Service Law § 70 and shall retain their civil service classifications and status as provided by law.

9. EFFECTIVE DATE: This Local Law shall become effective immediately upon filing with the Secretary of State.

RESOLVED, that the Town Board Minutes of June 19, 2012 are hereby accepted, as submitted by the Town Clerk.

DATED: July 24, 2012

WHERAS, the Rockland County Personnel Office has Furnished Certification of Eligibles #10051 Clerk Typist which contains the name of Stacy S. Kuo,

NOW, therefore, be it

RESOLVED, that Stacy S. Kuo, 4 Vailshire Circle, Nanuet, New York - is hereby appointed to the position of (Permanent) Clerk Typist - Office of the Town Attorney - at the current 2012 annual salary of $35,520., effective July 25, 2012.

DATED: July 24, 2012
P

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A, that David Gerlach, 36 Hilltop Drive, Monroe, New York - Motor Equipment Operator I - Highway Department - is hereby granted an extension of his Sick Leave of Absence - at one-half pay - effective and retroactive to July, 14, 2012 thru August 14, 2012.

DATED: July 24, 2012
P

2C

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Kevin P. Thurston,

NOW, therefore, be it

RESOLVED, that Kevin P. Thurston, 906 Old Schoolhouse Road, New City, New York - is hereby appointed to the position of (permanent) Police Officer - Clarkstown Police Department - at the current 2012 annual salary of $69,537., effective July 30, 2012.

DATED: July 24, 2012
P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Anthony J. Drescher,

NOW, therefore, be it

RESOLVED, that Anthony J. Drescher, 105 Kings Highway, New City, New York - is hereby appointed to the position of (permanent) Police Officer - Clarkstown Police Department - at the current 2012 annual salary of $69,537., effective July 30, 2012.

DATED: July 24, 2012
P

2E

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #08200 Police Officer which contains the name of Todd A. Papenmeyer,

NOW, therefore, be it

RESOLVED, that Todd A. Papenmeyer, 1 Germonds Village Apt 10, Bardonia, New York - is hereby appointed to the position of (permanent) Police Officer - Clarkstown Police Department - at the current 2012 annual salary of $69,537., effective July 30, 2012.

DATED: July 24, 2012
P

2F

WHEREAS, the Rockland Personnel Office has certified on May 29, 2012 that a new position of Fleet Manager (Town) - can be created,

NOW, therefore, be it

RESOLVED, that the position of Fleet Manager (Town) - Town Garage Department - is hereby created - effective July 24, 2012 and be it,

FURTHER RESOLVED, that the grade for the position of Fleet Manager (Town) - is hereby established at a grade 33.

DATED: July 24, 2012
P

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

RFP # 21-2012 – CANINE HARASSMENT OF CANADIAN GEESE

is hereby awarded to: HUDSON VALLEY WILD GOOSE CHASERS, INC.
10 WALDRON AVENUE, SUITE #3
NYACK, NY 10960
PRINCIPAL: FRANCESCA SALINA RIZZO

as per their proposed total cost as follows:

$1,973.00 - Total Base bid price per month for one 12 month period for Kings Park, Congers Memorial Park and Twin Ponds with no additional charge per call-out for additional sites; 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

DATED: July 24, 2012

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

BID # 24-2012 – NANCY DRIVE STREAM CHANNEL STABILIZATION

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

as per their proposed total project cost not to exceed $84,000.00 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-8764-400-409-0-88-11, and be it

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

awm

DATED: July 24, 2012

3c

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

BID # 25-2012 – PRIDES CROSSING DRAINAGE IMPROVEMENTS

is hereby awarded to: MARINI BROTHERSCONSTRUCTIONCO., INC.
9 LAFAYETTE STREET
HACKENSACK, NJ 07601
PRINCIPAL: ANTHONY MARINI,VICE PRESIDENT

as per their proposed total project cost not to exceed $61,000.00 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-8764-400-409-0-88-12, 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: July 24, 2012

3D

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

BID # 26-2012 – BROOKDALE COURT CULVERT REPLACEMENT

is hereby awarded to: WJL EQUITIES CONSTRUCTION CO
274 WHITE PLAINS ROAD, SUITE 7
EASTCHESTER, NY 10709
PRINCIPAL: DANIELLE BUENAVENTIVA, PRESIDENT

as per their proposed total project cost not to exceed $179,400.00 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-8765-400-409-0-88-9, 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: July 24, 2012

3E

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

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

is hereby awarded to: CLEARSPAN FABRIC STRUCTURES INT'L, INC.
1395 JOHN FITCH BLVD
SOUTH WINDSOR, CT 06074
PRINCIPAL: MATTHEW NIAVRA, VICE PRESIDENT

as per their proposed total project cost not to exceed $104,626.00 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

FURTHER RESOLVED, the Clarkstown Highway Department will purchase the required concrete blocks and Petromat Moisture Control Barrier at a cost not to exceed $19,500.00 and be it

FURTHER RESOLVED, THAT THE Clarkstown Highway Department will utilize the town's 2012 Asphalt Resurfacing Bid to have the required 2" Hot Asphalt Overlay installed at a cost not to exceed $8,709.75 and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8764-400-409-0-88-13, 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: July 24, 2012

4A

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

BID#33-2012 – AQUATIC VEGETATION MANAGEMENT PROGRAM

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: July 24, 2012

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

BID#35-2012 – RIDGE ROAD CULVERT BYPASS

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: July 24, 2012

4C

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

BID#36-2012 – ROADWAY RECONSTRUCTION AND DRAINAGE IMPROVEMENTS LOWERRE PLACE/STOCKTON ROAD/ CYR COURT/JUNIPER COURT

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: July 24, 2012

5

RESOLUTION GRANTING PERMISSION TO THE CONGERS-VALLEY COTTAGE ROTARY CLUB TO DISPENSE ALCOHOLIC BEVERAGES AT THE ANNUAL ITALIAN FESTIVAL

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Congers-Valley Cottage Rotary Club wishes to obtain a permit from the Town Board to dispense alcohol at the Italian Festival to be held on Town property, the Congers Train Station, 20 Burnside Avenue, Congers, New York, on September 30, 2012 with a rain date of October 7, 2012;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission for the Congers-Valley Cottage Rotary Club to dispense alcoholic beverages at 20 Burnside Avenue, Congers, New York, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this Resolution shall constitute the permit.

Dated: July 24, 2012

TB 07-24 TA RES Congers-VC Festival Dispense Alcoholic Beverages-dt

RESOLUTION GRANTING PERMISSION TO NILES M. DAVIES JR. TO HAVE A LICENSED FIREWORKS DISPLAY AT DOCTOR DAVIES FARM, CONGERS, NY

WHEREAS, Niles M. Davies Jr. has requested permission to have a licensed fireworks display on Sunday, August 19, 2012 at Doctor Davies Farm, Congers, NY, 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 Niles M. Davies Jr. to sponsor a fireworks display at Doctor Davies Farm on Sunday, August 19, 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; and

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

Dated: July 24, 2012

RESOLUTION DESIGNATING STATE WIDE INSPECTION SERVICES AS AN ADDITIONAL ELECTRICAL CODE INSPECTION AGENCY, TO PROVIDE ELECTRICAL SUPPLEMENTAL AND ALTERNATIVE INSPECTION CAPABILITY TO THE TOWN OF CLARKSTOWN

WHEREAS, Peter Beary, Building Inspector, has recommended the designation of State Wide Inspection Services as an additional electrical code inspection agency to provide supplemental and alternative inspection capability to those agencies presently designated, and

WHEREAS, pursuant to Section 133-3 of the Clarkstown Town Code, the Town Board may designate such additional inspection agency to provide the services referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby designates, pursuant to Section 133-3 of the Town Code, the State Wide Inspection Services, 116 South Central Avenue, Elmsford, NY 10523, as an approved agent of the Town of Clarkstown, to provide electrical inspections and re-inspections in the Town of Clarkstown commencing on, August 1, 2012, which designation shall remain in effect unless and until revoked by further resolution of the Town Board, and be it

FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

Dated:

8

RESOLUTION REFERRING A PROPOSED LOCAL LAW TO AMEND CHAPTER 290 (ZONING) OF THE LOCAL LAWS OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MULTI-FAMILY DEVELOPMENT

WHEREAS, Councilperson , 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 Multi-Family Development"

and

WHEREAS, the proposed local law is to amend Section 290 of the Town of Clarkstown Zoning Code to allow multi-family development, subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and be it

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

Dated: July 24, 2012

WHEREAS, a resident of Trinity Place, Nanuet, in the Town of Clarkstown has requested that street lighting be installed on Smith Street, Nanuet, adjacent to the crosswalk 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 relocate street light on Pole #59191/39842 to a new pole on Smith Street, Nanuet, adjacent to the crosswalk;

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

Smith Street, Nanuet adjacent to the crosswalk

AND BE IT FURTHER RESOLVED, that the cost to provide lighting facilities at the above referenced location will be $3,803.00, which shall be charged to Acct. #SL 5182 461.

Dated: July 24, 2012

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE NYACK SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2012-2013 SCHOOL TERM

10A

WHEREAS, a School Resource Officer Program has been proposed for the Nyack School District; and

WHEREAS, the Board of Education of the Nyack School District and the Clarkstown Police Department desire to provide law enforcement services of one (1) police officer to be assigned to the school district on a full time basis as the School Resource Officer.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nyack School District, in a form satisfactory to the Town Attorney, to authorize the Clarkstown Police Department to provide law enforcement services consisting of one (1) police officer to the Nyack School District on a full time basis, for the period September 1, 2012 through June 30, 2013, and be it

FURTHER RESOLVED, that the agreement shall provide, along with other provisions required by the Town Attorney, for contractual indemnification of the Town, professional and other liability insurance coverage, and be it

FURTHER RESOLVED, that this resolution is subject to the financial contribution of the Nyack School District to the Town of Clarkstown in the amount of $34,775.53 for the School Resource Officer.

Dated: July 24, 2012

10B

RESOLUTION AUTHORIZING AN AGREEMENT WITH BEHAN PLANNING ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES CONCERNING THE NEW CITY DOWNTOWN REVITALIZATION PROJECT – PHASE III

WHEREAS, Behan Planning Associates has submitted a proposal dated June 29, 2012, to provide construction administration and observation services with regard to the New City Downtown Revitalization Project – Phase III, and

WHEREAS, the Public Works Administrator has reviewed the proposal and found said proposal to be reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Public Works Administrator, the Town Board hereby authorizes the Supervisor to enter into an agreement with Behan Planning Associates, in a form approved by the Town Attorney, to provide construction administration and observation services with regard to the New City Downtown Revitalization Project - Phase III pursuant to its proposal dated June 29, 2012, and be it

FURTHER RESOLVED, that the fees for the services shall not exceed $290,000.00, and shall be funded within the total budget for the Project previously authorized by the Town Board, and be it

FURTHER RESOLVED, that the fees for said services shall constitute a proper charge to Account No. H 5111-409-0-4-16.

Dated: July 24, 2012

10c

RESOLUTION AUTHORIZING AN AGREEMENT WITH MASER CONSULTING P.A. TO PROVIDE PROFESSIONAL SERVICES CONCERNING THE NEW CITY DOWNTOWN REVITALIZATION PROJECT-PHASE III

WHEREAS, Maser Consulting P.A. has submitted a proposal dated May 31, 2012, to provide construction administration services with regard to the New City Downtown Revitalization Project - Phase III (South Main Street Improvements), and

WHEREAS, the Public Works Administrator has reviewed the proposal and found said proposal to be reasonable in both scope and price;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Public Works Administrator, the Town Board hereby authorizes the Supervisor to enter into an agreement with Maser Consulting P.A., in a form approved by the Town Attorney, to provide construction administration services with regard to the New City Downtown Revitalization Project - Phase III (South Main Street Improvements) pursuant to its proposal dated May 31, 2012, and be it

FURTHER RESOLVED, that the fees for the services shall not exceed $800,000.00, and shall be funded within the total budget for the Project previously authorized by the Town Board, and be it

FURTHER RESOLVED, that the fees for said services shall constitute a proper charge to Account No. H 5111-409-0-4-16.

Dated: July 24, 2012

TB 07-24 TA RES Maser Agreement New City Rev Phase III-pm

RESOLUTION AMENDING STREET LIGHTING ON ELROD DRIVE, WEST NYACK

TOWN BOARD RESOLUTION #277-2012

WHEREAS, by Resolution No. 277-2012, adopted June 19, 2012, the Town of Clarkstown accepted a proposal from Orange and Rockland Utilities, Inc. for street lighting on Elrod Drive, West Nyack, and

WHEREAS, the monthly charges to the Town of Clarkstown towards annual charge for basic fuel delivery and maintenance of this street lighting equipment has subsequently increased, effective July 01, 2012 from $9.10 per month for each sodium vapor fixture, to $12.42 per month plus market supply charge and fuel adjustment charge, which shall be charged to Account #SL 5182 461;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 277-2012 is hereby amended to correct the cost of the monthly charges in the first RESOLVED clause to read "$12.42 per month."

Dated: July 24, 2012

RESOLUTION AMENDING RESOLUTION NO. 689-2010 REGARDING DOWNTOWN NEW CITY REVITALIZATION DESIGN SERVICES

WHEREAS, by Resolution No. 689-2010, adopted December 29, 2010, the Town Board authorized the Supervisor to enter into an agreement with Behan Planning Associates and Maser Consulting to provide design services in connection with the Downtown New City Revitalization Project in an amount not to exceed 14% of the total construction cost of the Project, and

WHEREAS, the amount authorized was $2.4 million dollars based upon the construction cost estimate, and

WHEREAS, the Project has since been put out to bid, and the actual Project cost is greater than the amount previously authorized;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 689-2010 is hereby amended as follows:

"RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with Behan Planning Associates, LLC (and Maser Consulting as subcontractor), to provide additional professional planning, design and engineering services as per their December 28, 2010 proposal, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed 14% of the total construction cost of Phase I, Phase II and Congers Road, not to exceed $2.6 million dollars, without further authorization from the Town Board, of which $1,800,000 has already been remitted based upon prior authorizations, and be it

FURTHER RESOLVED, that said fees shall constitute a proper charge to Account No. H 5111-409-0-4-16, and be it

FURTHER RESOLVED, that pursuant to inter-municipal agreement dated October 6, 2009, the County of Rockland shall reimburse all costs associated with the Congers Road portion of the Project up to $2,000,000.00."

Dated: July 24, 2012

TB 07-24 TA RES Amend Res 689-2010-pm

WHEREAS, an existing Fire Hydrant #4-206 (extension #167h) located on the north side of Convent Road, East of Duryea Lane has been approved as to location by the Director of Environmental Control and the Fire Inspector,

WHEREAS, the Fire Inspector has determined that Hydrant #4-206 should remain in service,

WHEREAS, Hydrant #4-206 is located in the Town right-of-way,

THERFORE BE IT RESOLVED, that based upon the recommendation of the Fire Inspector, Hydrant #4-206 (extension #167h) located on Convent Road, Nanuet in front of the Family Resource Center should be billed to the Town of Clarkstown,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Vincent Narciso, Chief Fire Safety Inspector.

Dated: July 24, 2012

RESOLUTION AMENDING THE SALARY SCHEDULE FOR 2012

WHEREAS, Resolution No. 671-2011, adopted December 29, 2011, fixed the salary schedule in accordance with the Budget adopted for the Year 2012, subject only to contract negotiations, and

WHEREAS, the Town Board wishes to amend said salary schedule;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends the Salary Schedule for 2012 to reflect that there shall be no compensation for Shirley Lasker, in the title of Deputy Town Supervisor, effective August 1, 2012.

Dated: July 24, 2012

TB 07-24 TA RES Amend Payroll-pm

15

RESOLUTION TO FORMULATE A PLAN FOR THE REHABILITATION OF THE "TEABERRY PORT HOUSE"

WHEREAS, approximately two years ago, the Town Board directed the Historical Review Board to formulate a plan for the rehabilitation of the "Teaberry Port House," including soliciting interested entities and funding; and

WHEREAS, the home continues to fall into disrepair and the Board has not presented a plan for its preservation to date:

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby directs the Historical Review Board to appear at its regularly scheduled Workshop on September 4, 2012 and present to the Board a history of its efforts to preserve the home as well as a plan for its future preservation including interested parties, timing and funding opportunities.

Dated: July 24, 2012

TB 07-24-12 TA RES Rehabilitation of the Teaberry Port House-dt

16

RESOLUTION AMENDING RESOLUTION NO. 229-2012
AUTHORIZING THE INSTALLATION OF
A BREAKAWAY BARRIER, SAMUEL ROAD, NANUET

WHEREAS, the Town Board, in an effort to address complaints of traffic hazards, speeding and shortcutting through the Newport Drive subdivision off Convent Road, Nanuet, on May 15, 2012, adopted a resolution authorizing the dead-end closure of Samuel Road at Newport Drive in Nanuet, NY, and

WHEREAS, the Town Board also directed the Clarkstown Police Department (with the assistance of the Town's traffic consultant) report their pre and post-closure findings and recommendations at its August 2012 Workshop, and

WHEREAS, there is no Workshop scheduled for August, and added time is required to obtain appropriate data, and

NOW, THEREFORE BE IT RESOLVED, that Town Board Resolution No. 229-2012 is hereby amended as follows:

"FURTHER RESOLVED, that the Clarkstown Police Department (with the input of the Town's traffic consultant, if warranted) shall report its findings and recommendations to the Town Board at its October 2012 Work Shop."

DATED: July 24, 2012

TB 07-24 TA RES Amend Res Samuel Road Closing-dt

RESOLUTION AUTHORIZING REFUND OF BUILDING FEE TO ASHFORD ABSTRACT FOR PROPERTY KNOWN AS TAX MAP NO. 60.13-1-35 (PHELAN RESIDENCE)

WHEREAS, Barbara Lubeck, of Ashford Abstract, has requested a refund of Building Fee paid in the amount of $165.00 in connection with a request for a Violation Search Report for property located at 417 Cedar Avenue, Upper Nyack, New York, more particularly described as Tax Map No. 60.13-1-35, and

WHEREAS, the Building Inspector has advised that the request for a Violation Search Report was withdrawn before it was fully processed and recommends a full refund of $165.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of $165.00 to Ashford Abstract to be charged to Account No. B 02-6-2555-0.

Dated: July 24, 2012

TB 07-24 TA RES Ashford Abstract Refund Fee-dt

Resolution Authorizing Additional Financial Software Licensing

WHEREAS, by Resolution dated November 22, 2011, the Town Board authorized the Supervisor to enter into an agreement with New World Software to provide software maintenance for the Town Computer System, and

WHEREAS, the Director of Automated Systems and the Comptroller have determined the New World Systems LOGOS Financial Management Software is in need of additional licensing and upgrade, and

WHEREAS, further analysis has also determined a need to enhance the LOGOS Financial Management Software to accommodate the future addition of a Human Resource and in-house Payroll System, and

WHEREAS, the Director of Automated Systems sought and received three (3) competitive proposals to provide said software, and

WHEREAS, the Director of Automated Systems has reviewed said proposals and recommends the acceptance of New World Systems' proposal, which he has deemed competitive in both scope and price, and

WHEREAS, the Director of Automated Systems and the Comptroller are recommending this upgrade and request that funds be appropriated for this purpose, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with New World Systems, Inc. for the installation of the necessary software upgrades, and be it

FURTHER RESOLVED, that the total cost for the upgrade shall not exceed $62,335.00 for implementation, training and data conversion, $122,110.00 for five (5) year prepaid software maintenance services, and $18,000.00 travel expenses for the New World implementation team, and be it

FURTHER RESOLVED, that the Supervisor is authorized to enter into an amendment to the maintenance agreement previously authorized by the Town Board on November 22, 2011, which shall provide that the new software shall be serviced at no cost, representing a savings to the Town of approximately $146,000.00, and be it

FURTHER RESOLVED, that the Director of Automated Systems is hereby authorized to purchase the hardware required for the installation, not to exceed $40,000.00, from NYS OGS contracts PT 60953 and PT 59009, and be it

FURTHER RESOLVED, it is the intent of the Town Board to fund this project with the issuance of serial bonds.

Date: July 24, 2012

TB 7-24 DP New World Software Upgrade

**RESOLUTION AMENDING RESOLUTION 746-2008
AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
AMENDED AGREEMENT WITH LORENCIN CONTRACTING**

WHEREAS, by Resolution No. 746-2008 the Town Board authorized the Supervisor to award Bid No. 45-08 to, and to enter into an agreement with, Lorencin Contracting for the Town Hall Records Storage and TV Studio; and

WHEREAS, certain modifications were required during the project including additional shelving, lighting, ceiling repairs and carpeting, totaling $105,600, which change orders have been reviewed by the Public Works Administrator and have been found reasonable in terms of scope and price; and

WHEREAS, it is necessary to amend the contract with Lorencin to reflect these change orders;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with Lorencin Contracting, in a form approved by the Town Attorney, to reflect change orders in the amount of $105,600.00; and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Account No. H 8758-400-409-0-82-8; and be it

FURTHER RESOLVED, that said fees are within the budgeted amount for the Project previously approved by the Town Board, and shall be offset by the PEG grants from Verizon and Cablevision.

Dated: July 24, 2012

TB 07-24-12 Amend Res w/Lorencin-dt

RESOLUTION AMENDING RESOLUTIONS 531-07 and 561-07 AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AMENDED AGREEMENT WITH DCAK ARCHITECTURE

WHEREAS, by Resolution Nos. 531-07 and 561-07 the Town Board authorized the Supervisor to enter into an agreement with DCAK Architecture to perform professional services in connection with the design of the Town Hall Basement and TV Studio; and

WHEREAS, certain design modifications were required during the project, including modifications to the HVAC system ($10,378.50), structural modifications ($365.00) and specifications and consultation relating to the purchase of AV Equipment ($6,247.50), which modifications have been reviewed by the Public Works Administrator and have been found reasonable in terms of scope and price; and

WHEREAS, it is necessary to amend the contract with DCAK to reflect these additional services;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with DCAK Architecture, in a form approved by the Town Attorney, to reflect the increased fees for services in the amount of $16,991.00; and be it

FURTHER RESOLVED, that said fees shall be a proper charge to Account No. H 8758-400-409-0-82-8; and be it

FURTHER RESOLVED, that said fees are within the budgeted amount for the Project previously approved by the Town Board, and shall be offset by the PEG grants from Verizon and Cablevision.

Dated: July 24, 2012

TB 07-24-12 TA RES Amend Res w/DCAK-dt

RESOLUTION REGARDING AMERICANS WITH DISABILITIES ACT

WHEREAS, the Town Safety Coordinator has recommended the adoption of a revised policy concerning the Americans with Disabilities Act; and

WHEREAS, the revised policy was presented to the Town Board at its regularly scheduled workshop on July 10, 2012;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts the attached policy with respect to Americans with disabilities, which policy shall be incorporated in the employee manual and distributed to all employees.

DATED: July 24, 2012

TB 07-24-12 TA RES Americans with Disabilities Act

ADA Policy

TOWN OF CLARKSTOWN, NEW YORK

POLICY STATEMENT

The Town of Clarkstown shall ensure that no qualified person with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The Town of Clarkstown further ensures that every effort will be made to provide equal access for people with disabilities in all of its programs or activities regardless of the funding source. The Town of Clarkstown does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title 1 of the ADA.

For our purposes, as disabled person is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities,
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment

The Town of Clarkstown will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Clarkstown's programs, services and activities, including qualified language interpreters, documents in Braille, and other ways of making information and communication accessible to people with speech, hearing, or vision impairments.

Organization and Section 504/ADA Coordinator Responsibilities:

The Safety Manager of the Town of Clarkstown 10 Maple Avenue, New City, New York 10956 845-639-2072 j.coyle@clarkstown.org shall act as the Town of Clarkstown's ADA Coordinator and coordinates ADA compliance activities, inquires, accommodation requests, and complaints. In addition, the coordinator will monitor and work with departments as a resource.

SECTION 504/ADA NOTICE TO THE PUBLIC

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, the Town of Clarkstown will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The Town of Clarkstown does not discrimination on the basis of disability in its hiring or employment practices.

This notice is provided as required in Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Question, complaints, or requests for additional information or accommodations regarding ADA and Section 504 may be forwarded to the designated ADA Coordinator:

Safety Manager
Town of Clarkstown
10 Maple Avenue

New City, NY 10956
845-639-2072
j.coyle@clarkstown.org
Office Hours: Monday- Friday 9am to 5pm.

The Town of Clarkstown will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Clarkstown should contact the ADA coordinator as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Clarkstown to take any action that would fundamentally alter the nature of its programs or services, or impose on it an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Clarkstown is not accessible to persons with disabilities should be directed to the ADA Coordinator.

The Town of Clarkstown will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

The Town of Clarkstown will have available a sign interpreter at its annual reorganization meeting and upon request for those who may be hearing impaired.

The Town of Clarkstown's ADA Advisory Board shall meet quarterly in the months of March, June, September, and December of each year and as required to discuss matters relating to Section 504 and the American Disabilities Act of 1990 (ADA).

SECTION 504/ADA SELF-EVALUATION

The Town of Clarkstown is required to do a self-evaluation on its facilities, programs, policies and practices. A transition plan is then created to remediate any deficiencies to comply with Title 11 of the ADA. It will periodically update its self evaluation and transition plan.

GRIEVANCE PROCEDURES

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Clarkstown. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or tape recording of the compliant, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and /or his or her designee as soon as possible but no later than 60 calendar days after the alleged violations to the designated ADA Coordinator:

Safety Manager

Town of Clarkstown
10 Maple Avenue
New City, NY 10956
845-639-2072
j.coyle@clarkstown.org
Office Hours: Monday- Friday 9am to 5pm.

Within 15 calendar days after the receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 days of the meeting, the ADA Coordinator or his/her designee will respond in writing and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of the Town of Clarkstown and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision in 15 calendar days after receipt of the response to the Clarkstown Supervisor or his/her designee. Within 15 calendar days after the receipt of the appeal, the Town Supervisor shall meet with the complainant to discuss the complaint and possible resolutions. Within 15 days after the meeting, the Clarkstown Supervisor or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Clarkstown Supervisor or his/her designee and responses from these two offices will be retained by the Town of Clarkstown for at least three years.

REASONABLE ACCOMMODATION PROCEDURES

Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by the Town of Clarkstown should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event:

Safety Manager
Town of Clarkstown
10 Maple Avenue
New City, NY 10956
845-639-2072
j.coyle@clarkstown.org
Office Hours: Monday- Friday 9am to 5pm.

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 24, 2012, AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF A SALT STORAGE STRUCTURE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $133,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF $133,000 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 and install a salt storage structure. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $133,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of $133,000 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 $133,000 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. 12(a)(2) of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "THE JOURNAL-NEWS," a newspaper having 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 July 24, 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 July 24, 2012, authorizing the construction and installation of a salt storage structure, stating the estimated maximum cost thereof is $133,000, appropriating said amount for such purpose, and authorizing the issuance of $133,000 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 and install a salt storage structure; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $133,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of $133,000 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 $133,000 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 $133,000 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: July 24, 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.

* * *

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 24, 2012, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $430,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF $430,000 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 various drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $430,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of $430,000 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 $430,000 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 July 24, 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 July 24, 2012, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is $430,000, appropriating said amount for such purpose, and authorizing the issuance of $430,000 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 various drainage improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $430,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of $430,000 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 $430,000 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 $430,000 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: July 24, 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.

* * *

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWN OF CLARKSTOWN"

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

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

and

WHEREAS, this proposed local law is intended to add a new subsection of Letter of Map Revision to Section 146-6A with regard to Federal Emergency Management Agency areas of special flood hazard;

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 August 21, 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 the said Clerk.

Dated: July 24, 2012