

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
August 5, 2014 – 8:00 pm
Town Hall Auditorium
AGENDA
(Tentative)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC HEARINGS:

- PH-1 Proposed Local Law entitled: "A Local Law Amending Chapter 290 (Zoning) of the Town Code of the Town of Clarkstown with Respect to Maximum Building Height for Senior Housing and AAR Zoning Districts"
- PH-2 *Continuation:* Proposed Local Law entitled: "Amendment to Chapter 290 (Zoning) of the Code of the Town of Clarkstown and the Town Zoning Map with Respect to Commercial Office and Commercial Office Support"
- PH-3 Application of St. John's Episcopal Church for a Special Permit to Conduct a Child Day Care Center

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Accepting Minutes of July 2, 2014 Town Board Meeting, as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes:
 - a) Resignation: Catherine Nowicki, Economic Development Specialist (P/T)
 - b) Resignation (Retirement): Raymond McIvor, Senior Groundswoker, Parks & Recreation
 - c) Resignation (Retirement): Robert Lynn, Police Officer, Police Department
 - d) Resignation (Retirement): Christopher Goodyear, Police Sergeant, Police Department
 - e) Resignation (Retirement): Lorraine McGrath, Police Officer (Det), Police Department
 - f) Resignation: Rabbi Jeffrey Abraham, Member, Board of Ethics
 - g) Appointment (Temporary): Corry Doyle, Police Officer, Police Department
 - h) Appointment (Temporary): Kyle McKiernan, Police Officer, Police Department
 - i) Appointment (Temporary): Shaun Weaver, Police Officer, Police Department
 - j) Appointment (Temporary): Timothy Woolley, Police Officer, Police Department
 - k) Sick Leave of Absence: Mariann Kilduff, Municipal Bus Driver, Mini Trans Department
 - l) Leave of Absence: Gregory Barra, Auto Mechanic & Body Repairer, Town Garage
 - m) Reappointment: Brian Tesseyman, Member, Parks Board & Recreation Commission
 - n) Reappointment: Edward Bertolino, Member, Parks Board & Recreation Commission
 - o) Reappointment: Mark Maraia, Member, Zoning Board of Appeals.
 - p) Sick Leave of Absence: Nicholas Massa, Motor Equipment Operator II, Highway Department
 - q) Reappointment: Edward J. Guardaro, Member, Zoning Board of Appeals
 - r) Resignation: Darcy Casteleiro, Member, Historical Review Board
 - s) Appointment: Darcy Casteleiro, Member, Zoning Board of Appeals
3. Authorizing an Agreement with Henningson, Durham & Richardson Architecture & Engineering, P.C. for Excavation and Off-Site Disposal of Fill Materials at Certain Property Located at 139/141 Massachusetts Avenue, Congers, New York.
4. Authorizing Preparation of a Preliminary Appraisal for a Tax Certiorari Matter regarding TMCD Realty Corp. (Tax Map No. 51.11-4-73)
5. Waiving Notice Requirement in Section 64 of the New York State ABC Law with Respect to a Liquor License for BJ's Restaurant Operations Company d/b/a BJ's Restaurant & Brewhouse (1119 Fashion Drive, Nanuet)
6. Authorizing the following Agreements:
 - a) County of Rockland for Reimbursement for Police Attendance at the 2014 NYS Tactical Officers Conference under the LETPP Homeland Security Grant Program.
 - b) Board of Education of Rockland BOCES for the School Resource Officer Program for the 2014-2015 School Term
 - c) Supervisor and Chief of Police – Agreement with the County of Rockland regarding STOP-DWI Funds.
7. Reporting Resolution for Elected and Appointed Officials
8. Accepting deed for road widening for Barry Donohue Subdivision

9. Authorizing the Director of DEC to retain the services of a contractor to replace an existing drain line at the intersection of Old Brick Road and Red Hill Road, New City
10. Awarding Bids
 - a) 13A-2013: Audible pedestrian signals and detectors with tactile arrows and locator tones on North Main Street at Cavalry Drive and Squadron Boulevard, New City
 - b) 10-2014: 2014 Roadway Resurfacing
 - c) 11-2014: 2014 Concrete Curb and Sidewalk Replacement Program
 - d) 15-2014: Pump Station Upgrades at Route 9W, Congers; Laurel Road, Central Nyack; and Forest Brook Road, Nanuet
 - e) 20A-2014: Crum Creek Road low flow channel replacement
 - f) 22-2014: Stream Channel Improvements – 201 Bardonia Road
 - g) 23-2014: Fanwood Lane/Branchville Road Drainage Improvements
 - h) 24-2014: Jolliffe Lane/Ohio Avenue Drainage Improvements
 - i) 25-2014: Hamlet Streetscape Lighting Fixtures – Congers, Valley Cottage & Nanuet
 - j) 19-2014: Massachusetts Avenue Debris Removal
11. Authorizing Accepting Funds and Amending Budget
12. Setting a Public Hearing on a proposed Local Law entitled, “Term Limits – Chapter 263 of the Code of the Town of Clarkstown”
13. Authorizing the Supervisor to enter into a Lease Agreement/License with United Water New York, Inc. regarding the Emergency Storage Facility
14. Authorizing the Supervisor to execute an agreement with the County of Rockland with respect to Community Development Block Grant program funding for the year 2014
15. Setting a Public Hearing for September 9, 2014 to consider the designation of a Historic Site: Traphagen property | Traphagen and Vanderbilt Budke Homes
16. Authorizing the installation of a “Do Not Block Intersection” sign on southeast corner of Snake Hill Road at the intersection of Crusher Road, West Nyack
17. Authorizing the installation of two “Dog Waste Prohibited” signs on Crestwood Drive and Tor View Avenue, New City
18. Authorizing the installation of street lights at Burda Lane and at Foxburn Street in New City
19. Accepting Proposal for Engineering Services for application for FEMA letter of Map Revision Demarest Mill Stream, West Nyack
20. Adopting a Determination of Significance under the provisions of 6NYCRR Part 617 SEQR for the Emergency Storage Facility
21. Authorizing Funds:
 - a) Construction of various drainage improvements on Fanwood Lane/Branchville Road, Jolliffe Lane/Ohio Avenue, Bardonia Road and Crum Creek Road
 - b) Installation of Hamlet Streetscape Lighting Fixtures in Congers, Valley Cottage and Nanuet
 - c) Remediation of premises at 139 Massachusetts Avenue, Congers
22. Installation of “No Parking Here to Corner” signs on both sides of Park Terrace, New City
23. Accepting Proposal for Engineering Services for Klein Avenue Levee Improvements, West Nyack
24. Authorizing the purchase of parcels of property for the West Nyack Downtown Revitalization Project
 - a) 716 and 718 West Nyack Road, West Nyack
 - b) 4A Phillips Lane, West Nyack

GENERAL PUBLIC COMMENTS:
(Limited to 3 minutes per person)

EXECUTIVE SESSION:

To discuss personnel issues relating to pending re-allocation requests.

PLEASE NOTE

Additional items may be added to this agenda

To View Actual Resolutions, go to Town Clerk’s Website, Click on Legal Matters

(PH 1)

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2014

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAXIMUM BUILDING HEIGHT FOR SENIOR HOUSING AND AAR ZONING DISTRICTS"

was introduced by Councilperson Hoehmann at a Town Board meeting held on June 10, 2014, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 10, 2014, directed that a public hearing be held on August 5, 2014, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 5, 2014, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on July 29, 2014, and

WHEREAS, by resolution adopted June 10, 2014, 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 §§239-1 & m, 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 July 25, 2014, and

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

WHEREAS, the Rockland County Planning Department provided their written report on July 9, 2014 remanding the matter for local determination as the proposed local law will have no adverse impacts on any County-wide interests, and

WHEREAS, Jose Simoes, Town Planner, by memo dated July 28, 2014, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and the Town's Comprehensive Plan in that it will ensure that maximum permitted building heights are consistent with the maximum heights in the areas surrounding these developments. This amendment will safeguard the character of the community's neighborhoods by setting the maximum building height for these projects in residential districts and hamlet centers at 35', while establishing a maximum building height of 45' in commercial districts, and

WHEREAS, by resolution dated July 23, 2014, the Town of Clarkstown Planning Board recommended in favor of the proposed local law;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal 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. - 2014 entitled:

"A LOCAL LAW AMENDING CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN WITH RESPECT TO MAXIMUM BUILDING HEIGHT FOR SENIOR HOUSING AND AAR ZONING DISTRICTS"

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: August 5, 2014

TB 08-05 TA RES Adopt LL-Amend Chap 290-AAR-Sr Housing-Max Bldg Hgt-pm

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**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: Zoning Text Amendment: Maximum building height requirements for Senior Housing and Active Adult Residence (AAR) projects, and AAR eligibility

Date: July 28, 2014

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: Zoning Text Amendment: Maximum building height requirements for Senior Housing and AAR projects, and AAR eligibility

Location: Clarkstown, NY

SEORA Status: Unlisted

Description of Proposed Action: Currently the maximum heights for Senior Housing and AAR projects are 45' or three stories, whichever is less. For senior housing, it is proposed that the maximum building height shall not exceed the 35 feet already required for other residential developments within the MF-1, MF-2, MF-3, RG-1, RG-2, R-10, R-15 and R-22 zoning districts and shall not exceed 45 feet within the PO and CS zoning districts, where the maximum building height is based on setbacks. In addition, within those areas designated on the Zoning Map as Hamlet Center the maximum building height shall not exceed 35 feet in keeping with the maximum heights already allowed in these areas. Similarly for AAR projects, it is proposed that building height shall not exceed 35 feet within the AAR floating zone applied over MF-1, MF-2, MF-3, RG-1, RG-2, R-10, R-15 and R-22 zones and shall not exceed 45 feet within the AAR floating zone applied over LO, PO, LS, CS, and LIO zones, except within those areas designated on the Zoning Map as Hamlet Center, where the maximum building height shall not exceed 35 feet. These changes will ensure that maximum permitted building heights are consistent with the maximum heights in the areas surrounding these developments. This amendment will also clarify that the following zones are eligible for the AAR floating zone: R-10, R-15, R-22, RG-1, RG-2, MF-1, MF-2, MF-3, LO, PO, LS, CS, and LIO, as the Zoning Code currently list ineligible zones only.

Intent of Proposed Action: These changes will ensure that maximum permitted building heights are consistent with the maximum heights in the areas surrounding these developments. Currently, the maximum building height for all senior and AAR development is 45' or three stories, whichever is less. This amendment will safeguard the character of the community's neighborhoods by setting the maximum building height for these projects in residential districts and hamlet centers at 35', while establishing a maximum building height of 45' in commercial districts.

Potential Impacts and Support of Determination: There will be no impact on community growth as an immediate result of this zone change. Impacts upon traffic, drainage, water and wastewater facilities, natural and environmental resources, historic sites and aesthetic resources will be analyzed on a per site basis and additional studies will be mandated by the Planning Board as required under the provisions of SEQRA.

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

RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2014

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE
TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH
RESPECT TO COMMERCIAL OFFICE AND COMMERCIAL OFFICE
SUPPORT"

was introduced by Councilperson Hausner at a Town Board meeting
held on February 4, 2014, and

WHEREAS, the Town Board of the Town of Clarkstown by
resolution adopted on February 4, 2014, directed that a public
hearing be held on May 6, 2014, at 8:00 p.m., or as soon
thereafter as possible, relative to such proposed local law, and

WHEREAS, a public hearing was held by the Town Board of the
Town of Clarkstown on May 6, 2014 and said public hearing was
continued on June 10, 2014 and again to August 5, 2014, and

WHEREAS, notice of said hearing and continuations were duly
prepared and published in the Journal News on April 28, 2014,
June 2, 2014 and July 29, 2014, respectively, and

WHEREAS, by resolution adopted February 4, 2014, 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
§§239-1 & m, 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 July 25, 2014, and

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

WHEREAS, the Rockland County Planning Department provided their written reports on April 23, 2014, June 10, 2014, and July 21, 2014, which report was superseded by their July 23, 2014 report, recommending modifications to the proposed draft of the local law, which the Town has addressed, and

WHEREAS, Jose Simoes, Town Planner, by memo dated July 29, 2014, found that the proposed local law, in concept, is consistent with the aims and principles of the Zoning Code and the Town's Comprehensive Plan in that it provides for commercial office and commercial office support to certain areas within the Town to allow for increased commercial development flexibility within and around the Town's largest office and industrial parks, and limited retail sales to support commercial mixed use in campus like settings, and

WHEREAS, by resolution dated July 23, 2014, the Town of Clarkstown Planning Board recommended in favor of the proposed local law and further recommended, with the concurrence of the Special Board, that the Town Board exercise its right to override two (2) of the Rockland County Department of Planning's comments, and

WHEREAS, the Town Board has determined to adopt this amendment to the Town Code by a majority plus one vote of the Board in contravention of the recommendations of the Rockland County Department of Planning, dated April 23, 2014, June 10, 2014 and July 21, 2014, superseded by their July 23, 2014 report, because the Town Board believes the majority of the Rockland County Planning Department's recommendations were addressed and incorporated in the current draft of the local law, except for the following comments:

The April 23, 2014 Comment #24 and June 10, 2014 Comment #2: The County recommended that the Town make the zoning line comport with the property boundaries, as is the usual case; and

WHEREAS, the Town Planning Department recommended override of this comment based on the following reasoning: although the zoning district boundary does not coincide with the property line for parcel 52.19-1-2, the property in question at the end of Green Avenue would be more

appropriately developed for residential use or act as a buffer to the proposed Commercial Office uses to the north, rather than allowing the intrusion of Commercial Office uses into a residential area;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Planner, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed action is a Type I action under SEQRA, and (2) the proposed action shall not have the potential to adversely affect 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 a copy of this resolution be filed with the Rockland County Commissioner of Planning, pursuant to General Municipal Law §239-m(6), and be it

FURTHER RESOLVED, that Local Law No. - 2014 entitled:

"AMENDMENT TO CHAPTER 290 (ZONING) OF THE CODE OF THE TOWN OF CLARKSTOWN AND THE TOWN ZONING MAP WITH RESPECT TO COMMERCIAL OFFICE AND COMMERCIAL OFFICE SUPPORT"

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: August 5, 2014

TB 08-05 TA RES Adopt LL-Amend Chap 290 & Map CO & COS-pm

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**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: Zoning Map and Text Amendment: Commercial Office (CO) and Commercial Office Support (COS) Zoning Districts

Date: July 29, 2014

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: Zoning Map and Text Amendment: Commercial Office (CO) and Commercial Office Support (COS) Zoning Districts

Location: Clarkstown, NY

SEQRA Status: Type I

Description of Proposed Action: The proposed zoning text and map amendment will rezone several areas in Congers and Valley Cottage to new CO and COS zones. Generally, areas to be zoned CO are currently zoned LIO, and areas to be zoned COS are currently zoned RS. Additionally, a small portion of LIO zoned land will be rezoned CS. Provisions for alternative fuel vehicle infrastructure will also be introduced under this zoning. As an ancillary measure, this proposed zoning amendment will also bring some zoning districts into alignment with existing and surrounding land uses.

Intent of Proposed Action: The Commercial Office (CO) and Commercial Office Support (COS) text and map amendment will allow for increased development flexibility within and around the Town's largest office and industrial parks. The CO zone will permit mixed-use commercial, industrial and office uses within these areas, and allow for limited retail uses which complement the character of these areas. The COS zone will allow for commercial, industrial and office uses which support and complement the uses of the adjacent CO zones. This amendment will encourage new and innovative economic development, the conversion and reuse of aging and

underutilized areas, and more efficiently use land at key development areas with access to major transportation corridors. Additionally, the changes introduced under these new zones will promote pedestrian connectivity and walkability by incorporating a mix of commercial uses proximate to one another and by introducing new design requirements improving pedestrian infrastructure. Provisions for alternative fuel vehicle infrastructure will also be introduced under this zoning. As an ancillary component of this amendment, the zoning map will be revised to re-align zoning boundaries to better reflect the uses of the parcels affected and to run the zoning lines along parcel boundaries.

Analysis

To understand the possible effects of the proposed zoning districts on public and environmental resources, the Planning Department had the consulting firm Cambridge Systematics provide quantitative estimates of the commercial development that could be expected if land was fully developed under the proposed Commercial Office and Commercial Office Support zoning districts, as well as for district boundary changes of other zoning districts. Cambridge Systematics used a Geographic Information System (GIS) to identify parcels in the modified districts proposed along US Route 9W and State Route 303 in Congers (Figure 1), State Route 303 in Valley Cottage (Figure 2) and State Route 59 in West Nyack (Figure 3). The size of each parcel was available from land use data provided by the Town GIS Coordinator. Cambridge used assumptions regarding minimum yards and setback, maximum building height, parking requirements, and parking space size illustrated below in Table 1 to estimate the potential development for each parcel. The potential build-out of 136 parcels was analyzed based on current and proposed zoning.

Table 1: Assumptions for Estimated Maximum Development Potential in Proposed CO and COS Districts

Category	CO	COS
Minimum Lot Area	100,000 square feet	10,000 square feet
Maximum Floor Area Ratio (FAR)	0.4	0.5
Maximum Lot Coverage	70%	
Parking spaces required	1 per 300 square feet gross floor area for parcels 25,000 square feet or greater; 1 per 250 square feet gross floor area for parcels less than 25,000 square feet.	
Average parking space area (includes half lane) ¹	300 square feet	
Minimum Front Yard	80 feet bordering non-residential 80 feet bordering residential	30 feet bordering non-residential 30 feet bordering residential
Minimum Side Yard	60 feet bordering non-residential 90 feet bordering residential	15 feet bordering non-residential

		30 feet bordering residential
Minimum Rear Yard	50 feet bordering non-residential 75 feet bordering residential	25 feet bordering non-residential 50 feet bordering residential
Minimum Front Buffer	30 feet bordering non-residential 30 feet bordering residential	30 feet bordering non-residential 30 feet bordering residential
Minimum Side Buffer	15 feet bordering non-residential 15 feet bordering residential	15 feet bordering non-residential 15 feet bordering residential
Minimum Rear Buffer	15 feet bordering non-residential 15 feet bordering residential	15 feet bordering non-residential 15 feet bordering residential

The following steps were used to calculate parcel-level development potential:

1. Calculate allowable building size by subtracting required buffer and yard (setback) area;
2. Calculate gross floor area by FAR;
3. Calculate parking area based on parking requirement and parking space size assumption;
4. Calculate building footprint assuming two-story building height;
5. Sum building footprint and parking area and compare lot coverage to lot coverage maximum;
6. Adjust developed area to meet lot coverage requirement; and
7. Calculate adjusted floor area, parking, setback and buffer areas.

Findings

Table 2 summarizes the results of the analysis of the estimated development potential under existing and proposed zoning. The vast majority of the land proposed for rezoning is already zoned for retail, industry or office uses, namely Community Shopping (CS), Light Industrial Office (LIO), Laboratory Office (LO), Local Shopping (LS), Professional Office (PO) and Regional Shopping (RS). Small areas currently zoned single-family residential (R-15 and R-80) are part of larger lots zoned for retail or industrial uses. The two R-15 zoned properties are actually detention basins that are part of lots that are currently zoned LO in West Nyack, while the R-80 zoned properties are part of lots zoned RS and used for parking in Congers. The MF zoned properties located in Congers and Valley Cottage are surrounded by retail or industrially zoned land, are non-conforming and used in part by the non-residential uses surrounding them. While these properties are zoned for residential use, they generally contribute bulk area to the adjacent non-residentially zoned properties thereby providing additional development potential to these parcels. Under current zoning, all of the subject properties are estimated to generate a grand total of 7,324,400 square feet of space.

The build-out analysis shows that the proposed CO zoning district would allow for a total floor area of 5,731,700 square feet and the proposed COS zoning district would allow for a total floor area of 1,604,000 square feet. Additional CS zoned property in Valley Cottage accounts for another 108,000 square feet of commercial development. Floor area ratios for the non-residentially zoned areas are not significantly changing under the new proposed zoning but some

additional limited development potential results from the relaxation of setbacks, buffering and parking requirements. It should be noted that changes from the residential districts to CO or COS districts will eliminate lots split by zoning boundaries and bring the zoning into concert with the actual use of the parcels. Combined, the proposed CO, COS and CS districts would generate 7,443,700 square feet of space resulting in an additional 119,300 square feet of floor area over what would have been allowed under the current zoning. This equates to an increase of 1.63 percent. This additional square footage would require approximately 400 parking spaces, a 1.58 percent increase in the number of parking spaces above what would have been developed based on the existing zoning.

Table 2: Change in Total Developable Land Under Maximum Development Scenario by Zoning District

Zoning	No. of parcels	Parcel area	Floor area	Parking spaces	Parking area
Existing Districts					
CS	4	184,300	84,200	290	86,400
LIO	66	12,092,000	4,836,700	16,180	4,854,300
LO	10	3,104,200	1,241,700	4,160	1,246,800
LS	2	194,300	90,600	300	90,900
PO	8	302,300	120,900	430	128,700
RS	40	1,938,600	879,000	3,030	910,200
MF	2	61,700	24,700	90	26,700
R-15	2	125,800	28,900	100	29,100
R-80	2	77,000	17,700	60	18,000
<i>Subtotal existing zoning</i>	<i>136</i>	<i>18,080,200</i>	<i>7,324,400</i>	<i>24,640</i>	<i>7,391,100</i>
District Changes					
CO	67	14,329,300	5,731,700	19,160	5,748,900
COS	68	3,515,600	1,604,000	5,500	1,650,900
CS	1	235,200	108,000	370	110,100
<i>Subtotal proposed zoning</i>	<i>136</i>	<i>18,080,100</i>	<i>7,443,700</i>	<i>25,030</i>	<i>7,509,900</i>
Change in development area:			119,300	390	118,800

Note: Area values in square feet. Figures rounded for clarity.

Various properties immediately adjacent to the areas proposed to be changed to the CO and COS zoning districts will also be rezoned to better conform to existing and surrounding land uses and

align zoning district boundaries so as not to split tax parcels. Out of approximately 50 acres shown in Table 3 to be rezoned, the largest parcel of land is approximately 35 acres. Located in Congers west of the CSX rail line, this LIO zoned property was purchased by the Town of Clarkstown as open space and is commonly known as the "Celery Farm." It is being appropriately rezoned to the conservation zoning designation, R-160. The adjacent LIO property to the south is effectively cut off from the remainder of the LIO zoning district by the CSX rail line and will be more appropriately zoned R-15 in conformance with the surrounding R-15 residential neighborhood. Other non-residentially zoned properties to be rezoned to R-15 either wholly or in part include a library, nursing home, church and various single-family residences in Valley Cottage and a public school and various single-family residences in West Nyack. A multi-family property split between MF-1 and R-22 in Valley Cottage will also be rezoned completely to MF-1. The rezoning of these properties will reflect existing land use and will not affect the development potential of the Town.

Table 3: Other Zoning District Changes

Existing Zoning	Proposed Zoning	Number of Parcels	Parcel Area
LIO	R-160	3	1,653,000
LIO	R-15	1	173,000
LO	R-15	6	173,000
PO	R-15	6	95,000
CS	R-15	3	64,000
R-22	MF-1	1	15,000
Totals		20	2,173,000

Note: Area values in square feet. Figures rounded for clarity.

Potential Impacts and Support of Determination:

Public Services and Facilities

The potential increases in commercial uses associated with the rezoning could create an increase in demand for public services and facilities, namely the Clarkstown Police Department, Congers, Valley Cottage and West Nyack Fire Departments and Congers-Valley Cottage and Nanuet Ambulance Corps. However, an 119,300 square foot increase in commercial space will not significantly increase demand in public services. At the Fire Code standard of one office worker per 100 square feet, the maximum occupancy of 119,300 square of commercial office space would result in an additional 1,193 persons, which according to the Urban Land Institute Handbook would require approximately 0.5 additional police officers. Likewise, demand on fire and ambulance service would be negligible.

Public Transportation

An increase in commercial uses has the potential to place further demand on public transportation in the Town. Public transportation services in the Town are currently provided by transit agencies and private companies including Red& Tan/Coach USA, NJ TRANSIT, Tappan Zee Express, Transport of Rockland, and Clarkstown Mini-Trans. The need for public services will be analyzed during site specific reviews at which time the Planning Board could require

developers to coordinate with these public transportation providers and construct additional pedestrian access and infrastructure improvements (e.g. sidewalks, bus shelters).

Traffic

The proposed rezoning may result in increased vehicular trips and cause changes in existing travel patterns on US Route 9W, State Route 303 and State Route 59, as well as adjacent Town and County roads. A potential increase in development potential of 1.63 percent will not significantly increase traffic over the build-out under existing zoning. The proposed zoning encourages the provision of pedestrian amenities and the use of public transportation, as well as the development of retail and services in industrial and office areas to mainly serve employees, thereby reducing vehicle trips. Any change in traffic patterns resulting from the potential addition of 119,300 square feet of commercial building space will depend on the mix of retail, warehouse, office or industrial development that would be built. The Planning Board will require a site specific traffic review based on the size and type of development that would require specific traffic capacity improvement measures.

Air Quality and Energy

The proposed rezoning has the potential for air quality impacts related to increase use of energy, specifically from stationary sources at development sites (i.e. emissions from heating systems) and indirect impacts from emissions due to mobile sources (i.e. motor vehicles) and electricity. However, 1.63 percent increase in potential development would result in an insignificant increase in utility use and related air pollution.

Storm Water Runoff

The rezoning has the potential to increase impervious coverage (from the construction of buildings and parking lots) thereby increasing the volume and flow rate of runoff. The principal environmental issues associated with runoff are the impacts to surface water, groundwater, and soil through the transport of water pollutants to these systems, as well as the potential for flooding. The potential increase in impervious surface is small and the resultant additional runoff will be mitigated by onsite stormwater retention and treatment resulting in net zero run-off. The proposed zoning provides incentives to reduce run-off rates even further so that more stormwater is retained on site than would ordinarily be required.

Construction

There is the potential for temporary impacts related to the construction of commercial units in the proposed district, such as traffic, noise, odor and air quality impacts, all of which would have to be addressed with site specific reviews.

Community Character and Economic

The proposed zoning changes will introduce limited retail development in areas that are currently zoned exclusively for light industry and office and vice versa; allowing light industry and office in areas currently zoned for retail. These changes in use will not affect adjacent existing residential development and commercial centers, particularly the hamlet centers of Valley Cottage, Congers and West Nyack. The proposed zoning will provide the opportunity for industrial businesses to sell their products on location in limited retail areas and provide dining and other related retail services for their customers and employees. This "related" retail requires

a Special Permit of the Planning Board which limits their size to 5,000 square feet or 25 percent of the building area, whichever is less. For example, a business that manufactures baked goods could sell the product on-site in a café or a medical office building could have a pharmacy. These specialty products and services are not likely to compete with the basic neighborhood services provided in the hamlet centers. Any “unrelated” retail that differs from the primary uses in the CO zone would by definition be for the “exclusive use of company employees and visitors . . . but not for the general public.” “Unrelated” retail requires a Special Permit by the Planning Board which limits their size to 3,000 square feet or 25 percent of the building area, whichever is less. Currently, the Laboratory Office (LO) zone and Light Industrial Office (LIO) zone allow these unrelated uses as accessory uses without limitation on size and without review by the Planning Board. Furthermore, the proposed CO district limits the combination of related and unrelated retail uses to not exceed 5,000 square feet per building.

The new zoning will also encourage automotive repair shops and warehouses to change to office and ancillary uses that support the adjacent corporate parks. The small amount of retail that could be developed in the Commercial Office zones will generally be offset by the reduced retail development potential in areas currently zoned Regional Shopping that will be changed to the Commercial Office Support zone. A build-out analysis shows the retail development potential under existing zoning is approximately 1,053,800 square feet generally located along Route 9W in Congers, while the retail development potential under the proposed CO and COS zoning is estimated at 817,200 square feet, resulting in a net reduction of 236,600 square feet. Lastly, the proposed zoning protects residential areas from adjacent non-residential uses by requiring more buffering for landscaping and screening.

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

RESOLUTION AND SPECIAL FINDINGS GRANTING A SPECIAL PERMIT TO CONDUCT A CHILD DAY CARE CENTER TO ST. JOHN'S EPISCOPAL CHURCH (TAX MAP 52.13-1-33)

WHEREAS, St. John's Episcopal Church, by Gary McCorry, Senior Warden of the Church, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17Z of the Zoning Local Law, to conduct a Child Day Care Center on a portion of premises known as Tax Map 52.13-1-33, for property located at 365 Strawtown Road, New City, New York, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on August 5, 2014 at 8:00 P.M., or as soon thereafter as possible, to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Principal Town Planner, Jose Simoes, which states that there appears to be no physical alterations proposed for the site and that the project is an unlisted action that does not present the potential for significant environmental impact, and

WHEREAS, the Town Board has discussed and considered Mr. Simoes' report in making its decision herein, and

WHEREAS, the Rockland County Planning Department recommended approval with certain modifications by letter dated July 1, 2014, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated July 1, 2014, recommended approval of the proposed special permit, which the Board has considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes dated July 28, 2014, acting as staff to the Town Board as lead agency, the Town

Board hereby determines that the Special Permit for St. John's Episcopal Church shall not have any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that the Planning Board Resolution dated April 9, 2014, as amended by Planning Board Resolution dated June 25, 2014, concurs with the Rockland County Planning Board's modifications #1, #3 & #4 and the Town Board hereby directs that said modifications be incorporated into the applicant's final site plan approval. The Rockland County Planning Board's modification #2 was a typographical error which has been clarified and corrected by the applicant, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waster disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses expressly permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;

5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town; and

6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a Child Day Care Center on the above described property owned by St. John's Episcopal Church is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-11(C) and Section 290-17(Z) of the Zoning Ordinance of the Town of Clarkstown;

2. The approval is further subject to final site plan approval by the Town of Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD
TOWN OF CLARKSTOWN

Dated: August 5, 2014

By: _____
Alexander J. Gromack
Supervisor

TB 08-05 TA RES St. Johns Church Grant Special Permit-pm

AJG

1

RESOLVED, that the Town Board Minutes of July 2, 2014
are hereby accepted, as submitted by the Town Clerk:

DATED: August 5, 2014

(2A)

RESOLVED, that the resignation of Catherine Nowicki, 149 North Middletown Road, Nanuet, New York - Economic Development Specialist (PT) - Department of Economic Development - is hereby accepted effective and retroactive to July 31, 2014.

DATED: August 5, 2014

P

2B

RESOLVED, that the resignation (by retirement) of
Raymond McIvor, 4 Conrad Court, Montvale, New Jersey -
Senior Groundswoker - Parks & Recreation - is hereby
accepted effective and retroactive to July 28, 2014.

DATED: August 5, 2014
P

(20)

RESOLVED, that the resignation (by retirement) of
Robert Lynn, 8 Barry Court, Valley Cottage, New York,
- Police Officer - Police Department - is hereby
accepted effective and retroactive to August 02, 2014.

DATED: August 5, 2014

P

2D

RESOLVED, that the resignation (by retirement) of Christopher Goodyear, 19 Strawtown Road, West Nyack, New York - Police Sergeant - Police Department - is hereby accepted effective and retroactive to July 05, 2014.

DATED: August 5, 2014
P

2E

RESOLVED, that the resignation (by retirement) of
Lorraine McGrath, 13 Catawba Drive, West Nyack, New York,
- Police Officer (Det) - Police Department - is hereby
accepted effective and retroactive to July 05, 2014.

DATED: August 5, 2014
P

RESOLVED, that the resignation of Rabbi Jeffrey Abraham, 308 Front Street, Upper Nyack, New York - Member - Board of Ethics - is hereby accepted effective and retroactive to June 30, 2014.

DATED: August 5, 2014
P

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Corry Doyle,

NOW, therefore, be it

RESOLVED, that Corry Doyle, 25 Reservoir Drive, New City, New York, is hereby appointed to the position of (temporary) Police Officer - Clarkstown Police Department (while attending the Police Academy) - at the current 2014 annual salary \$60,883 - effective August 11, 2014.

DATED: August 5, 2014

P

211

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Kyle McKiernan,

NOW, therefore, be it

RESOLVED, that Kyle McKiernan, 26 Jeffrey Court, West Nyack, New York, is hereby appointed to the position of (temporary) Police Officer - Clarkstown Police Department (while attending the Police Academy) - at the current 2014 annual salary \$60,883., - effective August 11, 2014.

DATED: August 5, 2014

P

21

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Shaun Weaver,

NOW, therefore, be it

RESOLVED, that Shaun Weaver, 23 The Rise, Congers, New York, is hereby appointed to the position of (temporary) Police Officer - Clarkstown Police Department (while attending the Police Academy) - at the current 2014 annual salary \$60,883., - effective August 11, 2014.

DATED: August 5, 2014

P

(2J)

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #12100 Police Officer which contains the name of Timothy Woolley,

NOW, therefore, be it

RESOLVED, that Timothy Woolley, 155 Third Street, New City, New York, is hereby appointed to the position of (temporary) Police Officer - Clarkstown Police Department (while attending the Police Academy) - at the current 2014 annual salary \$60,883., - effective August 11, 2014.

DATED: August 5, 2014

P

(2K)

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., Mariann Kilduff, 6 Old State Road, #58, Highland Falls, New York - Municipal Bus Driver - Mini-Trans Department is hereby granted a Sick Leave of Absence at one-half pay effective and retroactive to July 26, 2014 thru September 26, 2014.

DATED: August 5, 2014
P

2L

RESOLVED, that Gregory Barra, 42 Thompson Drive, Washingtonville, New York - Auto Mechanic & Body Repairer - Town Garage - is hereby granted a leave of absence without pay effective and retroactive to July 18, 2014 thru August 18, 2014.

DATED: August 5, 2014
P

(2M)

RESOLVED, that Brian Tesseyman, 6 Kelvin Court,
Nanuet, New York - is hereby reappointed to the position
of Member - Parks Board & Recreation Commission - at
the current annual salary of \$3,366.00 - term effective
August 16, 2014 and to expire on August 15, 2021.

DATED: August 5, 2014

P

2N

RESOLVED, that Edward Bertolino, 65 Kings Highway,
Congers, New York - is hereby reappointed to the position
of Member - Parks Board & Recreation Commission - at
the current annual salary of \$3,366.00 - term effective
August 16, 2014 and to expire on August 15, 2021.

DATED: August 5, 2014

P

RESOLVED, that Mark Maraia, 2 Brook Hill Drive,
West Nyack, New York - is hereby reappointed to the position
of Member - Zoning Board of Appeals - at the current annual
salary of \$5,814.00 - term effective August 18, 2014 and to
expire on August 17, 2019.

DATED: August 5, 2014
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 C.S.E.A., Nicholas
Massa, 36 West Clarkstown Road, New City, New York - Motor
Equipment Operator II - Highway Department is hereby
granted a Sick Leave of Absence at half pay effective
August 25, 2014.

DATED: August 05, 2014
P

RESOLVED, that Edward J. Guardaro, Jr., 9 Emerald Drive, Valley Cottage, New York - is hereby reappointed to the position of Member - Zoning Board of Appeals - at the 2014 annual salary of \$5,814., - term effective August 5, 2014 and to expire on August 04, 2019.

DATED: August 05, 2014
P

RESOLVED, that the resignation of Darcy Casteleiro,
204 Radcliff Drive, Upper Nyack, New York - Member -
Historical Review Board - is hereby accepted effective
and retroactive to August 4, 2014.

Dated: August 5, 2014
P

RESOLVED, that Darcy Casteleiro, 204 Radcliff Drive,
Upper Nyack, New York - is hereby appointed to the position of
Member - Zoning Board of Appeals - at the current 2014 annual
salary of \$5,814 - term effective August 5, 2014 and to
expire on August 4, 2019.

Dated: August 5, 2014

P

RESOLUTION AUTHORIZING AN AGREEMENT WITH HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE & ENGINEERING, P.C. FOR EXCAVATION AND OFF-SITE DISPOSAL OF FILL MATERIALS AT CERTAIN PROPERTY LOCATED AT 139/141 MASSACHUSETTS AVENUE, CONGERS, NEW YORK

WHEREAS, in 2001 Lawler, Matusky & Skelly Engineers studied fill placed on certain property located at 139 Massachusetts Avenue, Congers, New York (52.8-3-53.1), and recommended that the entire fill be removed; and

WHEREAS, the Town was recently granted Court permission to enter upon 139 and 141 Massachusetts Avenue to remove fill; and

WHEREAS, Henningson, Durham & Richardson Architecture Engineering, P.C. (hereinafter "HDR"), successor to Lawler, Matusky & Skelly Engineers, has submitted a proposal, dated May 30, 2014, to provide bid-phase assistance and oversight services associated with the excavation and off-site disposal of soil and fill materials at said properties and prepare a final engineering report; and

WHEREAS, the Director of Environmental Control has reviewed the proposal and finds it acceptable in terms of scope and price,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized the enter into an agreement with HDR, in a form approved by the Town Attorney, to provide services related to fill issues on certain property located at 139 and 141 Massachusetts Avenue, Congers, New York, and be it

FURTHER RESOLVED, that the fee for these services shall not exceed the sum of \$29,000.00, and shall be a proper charge to Account No. H 8751-409-0-75-34.

Dated: August 5, 2014

awm

4

**RESOLUTION AUTHORIZING PREPARATION OF A
PRELIMINARY APPRAISAL FOR A TAX CERTIORARI MATTER
REGARDING TMCD REALTY CORP.
TAX MAP NO.: 51.11-4-73**

WHEREAS, TMCD Realty Corp. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Tax Map No. 51.11-4-73, and more commonly known as 490 Route 304, New City, New York, for the year(s) 2011/12, 2012/13 and 2013/14; 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 Valuation Plus, Inc. be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,600; and such fee shall be charged to Account No. A 1420-439-1.

Dated: August 5, 2014

TB 08-05-14 TA RES TMCD Realty Corp. Prelim. Appraisal-dt

awm

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR BJ'S RESTAURANT OPERATIONS COMPANY d/b/a BJ'S RESTAURANT & BREWHOUSE (1119 FASHION DRIVE, NANUET)

WHEREAS, Skene Law Firm, P.C., attorneys for BJ's Restaurant Operations Company d/b/a BJ's Restaurant & Brewhouse, has advised the Town by letter dated July 22, 2014, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that BJ's Restaurant Operations Company d/b/a BJ's Restaurant & Brewhouse has applied for an on-premises liquor license at 1119 Fashion Drive, Nanuet, New York, and

WHEREAS, to expedite processing said corporation's license application, Skene Law Firm, P.C. 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 BJ's Restaurant Operations Company d/b/a BJ's Restaurant & Brewhouse for a license at premises located at 1119 Fashion Drive, Nanuet, New York.

Dated: August 5, 2014
TB 08-05 TA RES Waive Liquor Notice-BJ's Rest-pm

Alum

6A

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT FOR POLICE ATTENDANCE AT THE 2014 NYS TACTICAL OFFICERS CONFERENCE UNDER THE LETPP HOMELAND SECURITY GRANT PROGRAM

WHEREAS, the County of Rockland wishes to reimburse the Town of Clarkstown Police Department for costs incurred for members of the Police Department for attendance at the 2014 Tactical Officers Conference under the LETPP Homeland Security Grant Program in an amount not to exceed TWO THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS AND 94/100 CENTS (\$2,765.94);

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain reimbursement to the Town of Clarkstown Police Department in the amount not to exceed TWO THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS AND 94/100 CENTS (\$2,765.94) for attendance of members of the Police Department at the 2014 Tactical Officers Conference, and be it

FURTHER RESOLVED, that this Resolution will hereby be made retroactive to June 27, 2014.

DATED: August 5, 2014

awn

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT
WITH THE BOARD OF EDUCATION OF ROCKLAND BOCES FOR THE SCHOOL
RESOURCE OFFICER PROGRAM FOR THE 2014-2015 SCHOOL TERM

LB

WHEREAS, a School Resource Officer Program has been proposed for Rockland
BOCES and

WHEREAS, the Board of Education of Rockland BOCES and the Clarkstown Police
Department desire to provide law enforcement services of one (1) police officer to be assigned to
Rockland BOCES 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 Rockland BOCES, 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 Rockland BOCES on a full time basis, for the period
September 2, 2014 through June 26, 2015, 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
Rockland BOCES to the Town of Clarkstown in the amount of \$120,000.00 for the School
Resource Officer.

Dated: August 5, 2014

am

60

RESOLUTION AUTHORIZING THE SUPERVISOR AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING STOP-DWI FUNDS

WHEREAS, the Rockland County STOP-DWI Program has been awarded a Crackdown Enforcement Grant from the New York State Governor's Traffic Safety Committee, administered by the New York State STOP-DWI Foundation, and

WHEREAS, the Town of Clarkstown has been notified by letter, dated June 30, 2014, from the Rockland County STOP-DWI Program that the Police Department of the Town of Clarkstown is eligible for a disbursement of THREE HUNDRED SIXTY-FOUR DOLLARS AND TWENTY-SIX CENTS (\$364.26) based on previous participation in the Memorial Day Enforcement Crackdown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement dated June 30, 2014, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of THREE HUNDRED SIXTY-FOUR DOLLARS AND TWENTY-SIX CENTS (\$364.26) for previously participating in the Memorial Day Enforcement Crackdown.

awm

DATED: August 5, 2014



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
 (Rev. 3/14)

BE IT RESOLVED, that the Town of Clarkstown / 30025 hereby establishes the following standard work days for these titles and (Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs./day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 Check only if member is in Tier-1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials									
Supervisor	7	Alexander J. Gronack		file	<input type="checkbox"/>	1/1/14-12/31/15	No	39.71	<input type="checkbox"/>
Town Clerk	7	Justin Sweet		file	<input type="checkbox"/>	1/1/14-12/31/17	No	25.30	<input type="checkbox"/>
Town Council	7	Frank Borrell		file	<input type="checkbox"/>	1/1/12-12/31/15	No	17.95	<input type="checkbox"/>
Appointed Officials									
Town Attorney	7	Amy Mele		file	<input type="checkbox"/>	1/1/14-12/31/15	Yes	N/A	<input type="checkbox"/>
First Deputy Town Attorney	7	Daniel N. Kraushaar		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>
Deputy Town Attorney	7	Keith J. Cornell		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Justin Sweet secretary/clerk of the governing board of the Town of Clarkstown of the State of New York, (Name of secretary or clerk) (Name of Employer) do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the day of August, 20 14 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Clarkstown on this day of August, 20 14 (Name of Employer)

Affidavit of Posting: I, Justin Sweet being duly sworn, deposes and says that the posting of the (Name of secretary or clerk)

Resolution began on (Date) and continued for at least 30 days. That the Resolution was available to the public on the

- Employer's website at
- Official sign board at
- Main entrance secretary or clerk's office at

(seal)

Justin Sweet



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials Continuation Form

RS 2417-B

(Rev. 3/14)

Title	Standard Work Day (Hrs/day) Min. 6 hrs, Max. 8 hrs	Name (First & Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
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Elected Officials

Supt. of Highways	7	Wayne T. Ballard		file	<input type="checkbox"/>	1/1/14-12/31/15	No	29.42	<input type="checkbox"/>
Town Council	7	George Hoehmann		file	<input type="checkbox"/>	1/1/14-12/31/17	No	23.57	<input type="checkbox"/>
Town Council	7	Stephanie Hausner		file	<input type="checkbox"/>	1/1/14-12/31/17	No	22.51	<input type="checkbox"/>
Town Justice	7	Rolf Thossen		file	<input type="checkbox"/>	1/1/12-12/31/15	No	21.76	<input type="checkbox"/>
Town Justice	7	Howard Gerber		file	<input type="checkbox"/>	1/1/12-12/31/15	No	21.86	<input type="checkbox"/>
Town Justice	7	Craig Johns		file	<input type="checkbox"/>	1/1/14-12/31/17	No	22.00	<input type="checkbox"/>
Town Justice	7	Scott Ugeil		file	<input type="checkbox"/>	1/1/14-12/31/17	No	19.3	<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>

Appointed Officials

Deputy Town Attorney	7	Richard A. Glickel		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>
Deputy Town Attorney	7	Jessica A. Hauswr		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>
Dep Town Ath/Zoning Adm	7	Jeffrey T. Millman		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>
Deputy Town Attorney	7	Paul K. Schofield		file	<input type="checkbox"/>	N/A	Yes	N/A	<input type="checkbox"/>
IAO Assessor	7	Cathy L. Conklin		file	<input type="checkbox"/>	10/1/13-9/30/19	Yes	N/A	<input type="checkbox"/>
Court Clerk	7	Candace Draper		file	<input type="checkbox"/>	1/1/14-12/31/14	Yes	N/A	<input type="checkbox"/>
Comptroller	7	Edward J. Duer		file	<input type="checkbox"/>	1/1/14-12/31/15	Yes	N/A	<input type="checkbox"/>
Director of Operations	7	Sabrina Greco		file	<input type="checkbox"/>	1/1/14-12/31/14	Yes	N/A	<input type="checkbox"/>
Commission Member	7	Keith Braunkofel		file	<input type="checkbox"/>	1/1/12-12/31/16	No	.29	<input type="checkbox"/>
Zoning Board Member/Chair	7	Gaetano Massa		file	<input type="checkbox"/>	1/1/14-12/31/15	No	1.14	<input type="checkbox"/>
Historical Review Board	7	Augustine Paul		file	<input type="checkbox"/>	1/1/12-12/31/18	No	.23	<input type="checkbox"/>
Historical Review Board	7	Radhika Nagubandi		file	<input type="checkbox"/>	12/4/12-12/31/14	No	.31	<input type="checkbox"/>

Employer Town of Clarkstown Location Code 30025 Page 2 of 3 (use with form RS 2417-A)

RESOLUTION ACCEPTING DEED FOR ROAD WIDENING
BARRY DONOHUE SUBDIVISION
(52.15-1-10.2)

WHEREAS, as a condition to the approval of the final map with regard to the Barry Donohue Subdivision (52.15-1-10.2), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Ridge Road, Valley Cottage, New York, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of the conveyance; and the Town Attorney has advised that all documents are in proper legal form, except for the Consent of Mortgagee;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, deed dated June 26, 2014 from Barry and Kathleen Donohue to the Town of Clarkstown, gratuitously conveying a strip of land along Ridge Road, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office at the expense of the grantor, subject to receipt of the Consent of Mortgagee from the grantor.

Dated: August 5, 2014



RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO REPLACE AN EXISTING DRAIN LINE AT THE INTERSECTION OF OLD BRICK ROAD AND RED HILL ROAD, NEW CITY

WHEREAS, an existing drain line located at the intersection of Old Brick Road and Red Hill Road has deteriorated and has caused a sink hole to develop within the roadway; and

WHEREAS, the Department of Environmental Control has prepared a plan to replace the existing deteriorated drain line; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to install the drainage in accordance with their plan; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Pinebrook Contracting Company LLC and has found it to be acceptable in terms of scope and price; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Pinebrook Contracting Company LLC for their low proposal of \$29,500.00;

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of **PINEBROOK CONTRACTING COMPANY LLC** to perform this work in accordance with their proposal for an amount not to exceed **\$29,500.00**; and

BE IT FURTHER RESOLVED that the Town has received reimbursement in the amount of \$15,009.80 from FEMA for the replacement of the drain line under FEMA disaster declaration 4020 (Hurricane Irene); and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that the remaining balance of this project not reimbursed by FEMA shall be funded by serial bonds; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account # H 8767-409-90-15.

DATED: August 5, 2014

awm

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

BID # 13A-2013 – NORTH MAIN STREET AT CAVALRY DRIVE AND
SQUADRON BOULEVARD, NEW CITY
AUDIBLE PEDESTRIAN
SIGNALS AND DETECTORS WITH TACTILE ARROWS AND LOCATOR TONES

is hereby awarded to: VERDE ELECTRIC MAINTENANCE CORP
89 EDISON AVENUE
MT. VERNON, NY 10550
PRINCIPAL: GIULIO C. MONACO, JR., PRESIDENT

as per their proposed total project cost not to exceed \$44,960.00 plus a 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-8767-400-409-0-90-14, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fully fund this project with a Community Development Block Grant Program.

DATED: August 5, 2014



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

BID # 10-2014 – 2014 ROADWAY RESURFACING PROGRAM

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

as per their proposed total project cost not to exceed \$2,662,418.90 for parts 1, 2, 3, 4, 5 (Nanuet Train Station Parking Lot only), and 6 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

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Highway Department, and be it

FURTHER RESOLVED, that a portion in the amount of \$250,000.00 will be funded by a grant from the State of New York provided by NYS Assemblyman Kenneth Zebrowski, and be it

FURTHER RESOLVED, that a portion in the amount of \$2,250,000.00 of this project shall constitute a proper charge to account number H-8767-409-0-90-15, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund a portion in the amount of \$2,250,000.00 of this project with the issuance of Serial Bonds.

FURTHER RESOLVED, that in the event funding shall become available from the County of Rockland Department of Transportation, that commuter parking lots located at Route 59 by Exit 14 of the NYS Thruway, North Middletown Road by Exit 10 of the Palisades Interstate Parkway, and Route 303 at Route 59 be repaved at a cost not to exceed \$374,727.98.

DATED: August 5, 2014

Acum

10c

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

BID #11-2014 – 2014 CONCRETE CURB AND SIDEWALK REPLACEMENT PROGRAM

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

as per their proposed total project cost not to exceed \$139,430.00 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, that this project shall be under the supervision of the Clarkstown Highway Department

DATED: August 5, 2014

awm

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Project Engineer that

BID # 15-2014 – PUMP STATIONS UPGRADES ROUTE 9W, CONGERS;
LAUREL RD., CENTRAL NYACK; AND FOREST BROOK RD., NANUET

is hereby awarded as follows:

CONTRACT G – GENERAL CONSTRUCTION:

FRED DEVENS CONTRUCTION
403 STONETOWN ROAD
RINGWOOD, NJ 07456
PRINCIPAL: FRED DEVENS, PRESIDENT

as per their proposed total Base Bid price not to exceed \$1,235,000.00 plus a 10% contingency

CONTRACT E – ELECTRICAL CONSTRUCTION:

HVS, LLC
55 W. RAILROAD AVENUE, BLDG #14N
P.O. BOX 338
GARNERVILLE, NY 10923
PRINCIPAL: ANGELA FANELLI
NICOLE KOLLING
JAMES MULLEN

as per their proposed total Base Bid price not to exceed \$480,450.00 plus a 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

FURTHER RESOLVED, that this project shall be under the supervision of the Clarkstown Department of Environmental Control and the Project Engineer, 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 5, 2014

awm

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

BID #20A-2014 – CRUM CREEK ROAD LOW FLOW CHANNEL
REPLACEMENT

is hereby awarded to: UPSTATE CONCRETE & MASONRY CO., INC.
449 WEST MOMBASHA ROAD
MONROE, NY 10950
PRINCIPAL: ANGELO TONDO, PRESIDENT

as per their proposed project cost not to exceed \$149,900.00 plus an 18% 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-8767-400-409-0-90-7, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

DATED: August 5, 2014



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

BID # 22-2014 – STREAM CHANNEL IMPROVEMENTS
201 BARDONIA ROAD

is hereby awarded to: DANNY CLAPP LANDSCAPING, INC.
 P.O. BOX 222
 WEST NYACK, NY 10994
PRINCIPAL: DANIEL CLAPP, PRESIDENT

as per their proposed total project cost not to exceed \$83,695.00 plus a 18% 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-8767-400-409-0-90-8, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

DATED: August 5, 2014



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

BID #23-2014 – FANWOOD LANE/BRANCHVILLE ROAD DRAINAGE
IMPROVEMENTS

is hereby awarded to: M. INGANNAMORTE & SON, INC.
211 LAROCHE AVENUE
HARRINGTON PARK, NJ 07640

PRINCIPAL: JOHN INGANNAMORTE
MICHAEL INGANNAMORTE
FRANK INGANNAMORTE

as per their proposed project cost not to exceed \$180,000.00 plus an 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-8767-400-409-0-90-9, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

DATED: August 5, 2014

awm

10h
Amended

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

BID #24-2014 – JOLLIFFE LANE/OHIO AVENUE DRAINAGE
IMPROVEMENTS

is hereby awarded to: M. INGANNAMORTE & SON, INC.
211 LAROCHE AVENUE
HARRINGTON PARK, NJ 07640
PRINCIPAL: JOHN INGANNAMORTE
MICHAEL INGANNAMORTE
FRANK INGANNAMORTE

as per their proposed project cost not to exceed \$150,000.00 plus an 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-8767-400-409-0-90-10, and be it

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

FURTHER RESOLVED, that it is the intent of the Town Board to seek reimbursement for this project through New York State grant funds.

DATED: August 5, 2014

awm

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that

BID #25-2014 – HAMLET STREETScape LIGHTING FIXTURES -
CONGERS, VALLEY COTTAGE & NANUET

is hereby awarded to:

HVS, LLC
55 W. RAILROAD AVE, BILDG #14N
GARNERVILLE, NY 10923
PRINCIPALS: NANCY MULLEN
ANGELA FANELLI
NICOLE KOLLING
SHAUN MULLEN

As per their low bid price of \$82,500.00 for all 12 units and be it further

RESOLVED, the price for each unit as needed for the duration of the agreement is as follows:

- Congers – entire fixture as depicted in Drawing #34392-1: \$41,250.00/SIX
- Valley Cottage – entire fixture as depicted in Drawing #34817-1: \$27,500.00/FOUR
- Nanuet – entire fixture as depicted in Drawings #206A2881-7 and B88786: \$13,750.00/TWO

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-8767-400-409-0-90-13, 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: August 5, 2014

awn

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

BID # 19-2014 – MASSACHUSETTS AVENUE DEBRIS REMOVAL

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 \$368,368.00 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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8751-400-409-0-75-34, and be it

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

FURTHER RESOLVED, that any costs associated with the remediation of tax map parcel 52.8-3-53.2 shall be levied against the property in the form of a lien.

DATED: August 5, 2014

awm

11

RESOLUTION AUTHORIZING ACCEPTING FUNDS & AMENDING BUDGET

WHEREAS, the Town has received \$228,722.60 from Rockland County Sewer District #1, \$26,000.00 from Seized Property and \$500.00 from Gifts and Donations (Nussbaum),

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Local Revenue) and Expense Account H-8760-409-0-84-9 (Capital Projects-Sewer Pump Stations) by \$228,722.60 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-11-4320-0 (Federal-Seized Property) by \$26,000 and Expense Accounts A-3260-415-0 (Police-Special Investigations Expense) by \$20,000 and A-3120-409-0 (Police-Fees for Services) by \$6,000 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts and Donations) and Expense Account A-3140-319-0 (Canine-Misc Supplies) by \$500 and

WHEREAS, certain accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease A-3120-404-0 (Police-Travel Expenses) by \$4,500.00 and increase A-3220-414-0 (School Resource Officers-Conferences/Schools) by \$981.60, A-3220-423-0 (School Resource Officers-Association Dues) by \$955.00 and A-3220-404-0 (School Resource Officers-Travel Expenses) by \$2,563.40 and be it

FURTHER RESOLVED, to decrease A-7141-409-0 (Community Rec Centers-Fees for Services) and increase A-7141-306-0 (Community Rec Centers-Maintenance Supplies) by \$1,000.

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "TERM LIMITS - CHAPTER 263 OF THE CODE OF THE TOWN OF CLARKSTOWN"

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

"TERM LIMITS - CHAPTER 263 OF THE CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, this proposed local law is intended to add a new section to the Town Code of the Town of Clarkstown which would limit the terms of any Clarkstown Supervisor or Clarkstown Town Board member elected in a regular election after January 1, 2015 to no more than eight consecutive years;

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 September 9, 2014 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: August 5, 2014

TB 08-05 TA RES Term Limits

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO
A LEASE AGREEMENT/LICENSE WITH UNITED WATER NEW YORK, INC.
REGARDING THE EMERGENCY STORAGE FACILITY

WHEREAS, the Town of Clarkstown wishes to install an
"Emergency Storage Facility" on property owned by United Water New
York, Inc. located on the north side of New York State Route 304
approximately 800 feet southwest of Burts Road, Congers, New York,
which property is designated on the Clarkstown Tax Map as Tax Map
35.18-1-2, and

WHEREAS, United Water New York, Inc. and the Town of
Clarkstown have agreed to enter into a lease agreement/license and
right of entry and indemnity agreement for this purpose;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the
Supervisor to enter into a lease/license and right of entry and
indemnity agreement with United Water New York, Inc., in a form
approved by the Town Attorney, and to execute any and all
ancillary documents to effectuate said lease/license and right of
entry for the purpose of installing and maintaining an "Emergency
Storage Facility" on the aforementioned property.

Dated: August 5, 2014

awm

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF ROCKLAND OFFICE OF COMMUNITY DEVELOPMENT WITH RESPECT TO COMMUNITY DEVELOPMENT FUNDS FOR 2014

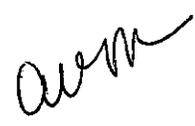
WHEREAS, the County of Rockland has, in cooperation and agreement with the Town of Clarkstown, applied for and received funds from the United States Government under Title 1 of the Housing and Community Development Act of 1974, as amended, Public Law 93-383; and for Program Year 2014,

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 2014 Community Development Block Grant Program funds to the Town of Clarkstown with regard to a Mini Trans Senior Transportation Vehicle in an amount not to exceed \$60,000.00.

DATED: August 5, 2014

TB 08-05-14 TA RES County Agree-Comm Dev Funds (2014)-kh



RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER
THE DESIGNATION OF AN HISTORIC SITE
TAX MAP 58.7-1-86

WHEREAS, the Historical Review Board of the Town of Clarkstown has proposed that the property and houses known as the Traphagen property and Traphagen and Vanderbilt Budke Houses, located at 131 Germonds Road, West Nyack, New York, which is designated on the Clarkstown Tax Map as Map 58.7-1-86, be designated as an historic site pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown;

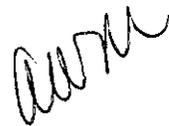
NOW, THEREFORE, be it

RESOLVED, that a public hearing will be held on September 9, 2014, at 8:00 P.M., or as soon thereafter as possible, at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the designation of the aforesaid property and houses as an historic site, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

Dated: August 5, 2014

TB 08-05 TA RES Historic Site-Traphagen-pm



RESOLUTION AUTHORIZING THE INSTALLATION OF "DO NOT BLOCK INTERSECTION" SIGN

WHEREAS, resident complaints from Casper Hill Road were brought to the attention of the Code & Zoning Enforcement Officer//Community Liaison, and

WHEREAS, pursuant to an investigation it appears that rush hour volumes at Snake Hill Road, West Nyack, which terminates into Old Mill Road, has caused the inadvertent blockage of Crusher Road during these high volume periods, and

WHEREAS, the Town Board wishes to improve traffic flow from Crusher Road;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install one "DO NOT BLOCK INTERSECTION" sign on the southeast corner of Snake Hill Road at the intersection of Crusher Road, West Nyack, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Superintendent of Highways and the Chief of Police for implementation and enforcement, respectively.

DATED: August 5, 2014

TB 08-05 TA RES Do Not Block Snake Hill-Crusher Sign--jje

awm

RESOLUTION AUTHORIZING THE INSTALLATION OF "DOG WASTE PROHIBITED" SIGNS

WHEREAS, a complaint investigation was performed by the Animal Control Officer in the vicinity of Crestwood Drive and Tor View Avenue, New City, whereby residents have observed dog walkers out of compliance with Chapter 125-4F of the Town Code (Dogs and Other Animals, Nuisance by failure to clean up), and

WHEREAS, the Animal Control Officer referred her findings and the resident requests for appropriate signage to warn errant dog walkers to the Code & Zoning Enforcement Officer//Community Liaison for resident interviews, verification and enforcement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install two (2) "DOG WASTE PROHIBITED" signs, one on Crestwood Drive in front of #38, the corner lot, and one on Tor View Avenue in front of the side yard of #38 at the grassy area.

DATED: August 5, 2014

TB 08-05 TA RES Dog Waste Signs Crestwood Tor View--jje

awm

WHEREAS, a resident of Burda Avenue, New City, 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 #58860/40997 and pole #58841/41025;

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:

1. Pole #58860/40997 located south-west of lot #36 Burda Lane & north-west of lot #34 Burda Lane, New City.
2. Pole #58841/41025 located at the north-west corner of lot #33 Foxburn Street, New City.

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 \$13.91 per month for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

Dated: August 5, 2014



**RESOLUTION ACCEPTING PROPOSAL FOR ENGINEERING SERVICES
FOR APPLICATION FOR FEMA LETTER OF MAP REVISION
DEMAREST MILL STREAM, WEST NYACK**

WHEREAS, the Town Board by resolutions 950-2002 and 722-2007 authorized Brooker Engineering PLLC to perform Consulting Engineering and design services for flood control and stream improvements to the Demarest Mill Stream in West Nyack, and

WHEREAS, the construction work and stream improvements have been completed in accordance with those designs, and

WHEREAS, Flood Insurance Rate Maps do not yet reflect the changes to flood plains, flood zones and base flood elevations which are improved as a result of the work performed by the Town, and

WHEREAS, Brooker Engineering PLLC has submitted a proposal dated August 4, 2014 to perform consulting engineering services to prepare a Letter of Map Revision application on behalf of the Town to FEMA, in an amount not to exceed \$17,200.00, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control has recommended acceptance of said proposal,

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Brooker Engineering PLLC, in a form satisfactory to the Town Attorney, to provide the engineering services necessary to prepare and submit a Letter of Map Revision application to the FEMA in an amount no to exceed \$17,200.00, and

BE IT FURTHER RESOLVED that the Town Board authorizes the payment of LOMR application fee in the amount of \$5,300.00 per FEMA fee schedule, and

BE IT FURTHER RESOLVED that the fees authorized above shall be charged to Account No. H 8739-409-0-60-1.

Dated: August 5, 2014



RESOLUTION ADOPTING A DETERMINATION OF SIGNIFICANCE
UNDER THE PROVISIONS OF 6NYCRR PART 617
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) FOR
EMERGENCY EQUIPMENT STORAGE FACILITY – PART OF TML 35.18-01-02

WHEREAS, a Full Environmental Assessment Form (EAF) has been prepared for the proposed action,
and

WHEREAS, the Town Board of the Town of Clarkstown is the only involved agency for the purpose of
SEQR, and is therefore Lead Agency, and,

WHEREAS, the Board reviewed the proposed action and identified potential small adverse
environmental impacts due to the proposed action as follows:

Grading and Earthwork. The proposed plan would require disturbance of 1.72 acres of area
for the construction of a pre-fabricated storage building with accessory driveways, with
potential for erosion of soils. This is mitigated by the design and implementation of a
sediment and erosion control plan in accordance with the requirements of the NYS
Stormwater Management Design Manual and the NYSDEC General Permit for Stormwater
Discharges from Construction Activities.

Stormwater Runoff. The proposed plan would construct 1.0 acres of building and driveway
(impervious surface), increasing run-off. This is mitigated by the design and construction of
stormwater management (water quality and water quantity) facilities in accordance with the
requirements of the NYS Stormwater Management Design Manual and the NYSDEC
General Permit for Stormwater Discharges from Construction Activities.

Removal of Vegetation. Construction of the proposed building and driveway requires the
clearing of approximately 1.72 acres of existing wooded area on the site. This is mitigated
by the installation of new screen plantings consisting of evergreen screening in an existing
cleared area of the site, with additional supplemental understory screening in the existing
wooded area between the proposed building and the residential properties to the west.

NOW THEREFORE BE IT RESOLVED that the Town Board, based on review of proposed action,
identification of small potential environmental impacts and the mitigation provided to
eliminate those impacts, determines that the proposed action will not have a significant
impact on the environment and issues this negative declaration.

DATED: August 5, 2014

08-05 DEC RES EESF

AWM

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number

Date: August 5, 2014

This notice is issued pursuant to Part 617 of the implementing regulations 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 environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Emergency Equipment Storage Facility

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Construction of pre-fabricated 19,800 s.f building with exterior covered parking area, site access and circulation driveway for storage of various emergency response equipment (i.e. portable generators, portable light towers, specialty emergency vehicles, traffic cones and barricades, etc.) used in emergency situations such as power outages, severe storms and flood events, major traffic accidents, road closures and similar emergency situations. The Town currently has limited space to store existing emergency equipment, and new equipment purchased in response to recent storm events to provide higher levels of preparedness will be delivered in the near future, necessitating construction of a facility located in close proximity to the Town Hall and Police headquarters Building located at 10 and 20 Maple Ave, New City respectively. The proposed building site is located approx. 2.5 miles from those facilities along NYS Route 304, allowing direct access in the event of an emergency situation.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

North side of NYS Route 304, approx. 850 feet west of Burts Rd, Congers, Town of Clarkstown

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

Impact on Land

Soil Erosion identified as a Moderate to large impact: The proposed plan would require disturbance of 1.72 acres of area for the construction of a pre-fabricated storage building with accessory driveways, with potential for erosion of soils. This is mitigated by the design and implementation of a sediment and erosion control plan in accordance with the requirements of the NYS Stormwater Management Design Manual and the NYSDEC General Permit for Stormwater Discharges from Construction Activities.

Impact on Surface Water

Stormwater Runoff identified as a Moderate to large impact: The proposed plan would construct 1.0 acres of building and driveway (impervious surface), increasing run-off. This is mitigated by the design and construction of stormwater management (water quality and water quantity) facilities in accordance with the requirements of the NYS Stormwater Management Design Manual and the NYSDEC General Permit for Stormwater Discharges from Construction Activities.

Impact on Plants and Animals

Removal of Vegetation identified as None or small impact: Construction of the proposed building and driveway requires the clearing of approximately 1.72 acres of existing wooded area on the site. This is mitigated by the installation of new screen plantings consisting of evergreen screening in an existing cleared area of the site, with additional supplemental understory screening in the existing wooded area between the proposed building and the residential properties to the west.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Michael Sullivan, Chief of Police

Address: 20 Maple Ave, New City, NY 10956

Telephone Number: (845) 639-5800

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of N/A

Other involved agencies (If any)

N/A

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 (Type One Actions only)

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED AUGUST 5, 2014, AUTHORIZING
THE CONSTRUCTION OF VARIOUS DRAINAGE
IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$656,000, APPROPRIATING SAID
AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF
\$656,000 TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York
(herein called the "Town"), is hereby authorized to construct various drainage improvements on
Fanwood Lane/Branchville Road, Jolliffee Lane/Ohio Avenue, Bardonia Road and Crum Creek
Road. The estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$656,000 and said amount is hereby appropriated for such
purpose. The plan of financing includes the issuance of \$656,000 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. Bonds of the Town in the principal amount of \$656,000 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 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

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

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 5, 2014, 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 5, 2014, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$656,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$656,000 to finance said appropriation,”

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

FIRST: AUTHORIZING said Town to construct various drainage improvements on Fanwood Lane/Branchville Road, Jolliffee Lane/Ohio Avenue, Bardonia Road and Crum Creek Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$656,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$656,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$656,000 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 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 \$656,000 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 5, 2014

Justin Sweet
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

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BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 5, 2014, AUTHORIZING CONSTRUCTION AND INSTALLATION OF STREETScape LIGHTING FIXTURES IN CONNECTION WITH THE REVITALIZATION OF CONGERS, VALLEY COTTAGE AND NANUET, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$82,500, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$82,500 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 streetscape lighting fixtures in connection with the revitalization of Congers, Valley Cottage and Nanuet. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$656,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$656,000 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 \$82,500 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 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 7. This bond resolution 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.

* * *

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BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED AUGUST 5, 2014, AUTHORIZING
THE REMEDIATION OF THE PREMISES KNOWN AS 139
MASSACHUSETTS AVENUE, CONGERS, NEW YORK,
PURSUANT TO THE DECISION AND ORDER OF THE
SUPREME COURT OF THE STATE OF NEW YORK,
ROCKLAND COUNTY, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$405,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT
OF \$405,000 TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York
(herein called the "Town"), is hereby authorized to remediate the hazardous materials on the
premises known as 139 Massachusetts Avenue, Congers, New York, (Tax Map 52.8, Block 3,
Lot 53.1 and Map 52.8, Block 3, Lot 53.2), pursuant to the Decision & Order of the Supreme
Court of the State of New York, Rockland County, (Index No. 4430/002). The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$405,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of \$405,000 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 \$405,000 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 the applicable provisions 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 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 7. This bond resolution 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.

* * *

AWM

**RESOLUTION AUTHORIZING THE INSTALLATION OF "NO PARKING
HERE TO CORNER" SIGNS**

WHEREAS, parking near the intersection of Park Terrace and Collyer Avenue, New City was presented to the Traffic & Traffic Fire Safety Advisory Board (T&TFSAB) for investigation and review due to the narrowness of the street in this area, and

WHEREAS, the T&TFSAB performed the investigation and determined that parking on either side of Park Terrace near Collyer Avenue caused a traffic hazard that could be cured via enforceable "No Parking Here to Corner" signs, and

WHEREAS, the Town Board wishes to improve traffic safety;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install "**NO PARKING HERE TO CORNER**" signs on both sides of Park Terrace, New City, at a distance of thirty (30) feet from the intersection of Collyer Avenue, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Superintendent of Highways, the Chief of Police and the T&TFSAB for implementation, enforcement, and information, respectively.

DATED: AUGUST 5, 2014

TB 08-05 TA RES No Parking Here to Corner Park Terrace Collyer---jje



**RESOLUTION ACCEPTING PROPOSAL FOR ENGINEERING SERVICES
FOR KLEIN AVENUE LEVEE IMPROVEMENTS, WEST NYACK**

WHEREAS, the Town Board by resolution 39-2013 authorized Brooker Engineering PLLC to perform Consulting Engineering Services for Comprehensive Drainage Study of the Hackensack River basin in the Town of Clarkstown, and

WHEREAS, the Town was successful in securing a grant under FEMA HMGP-4085 to perform design of improvements and extension to the Klein Avenue Levee to provide flood protection to the impacted area of West Nyack, and

WHEREAS, the work performed to date by Brooker Engineering has determined that the levee can be improved to current FEMA standards, and

WHEREAS, Brooker Engineering PLLC has submitted a proposal dated August 4, 2014 to perform consulting engineering and design services to prepare construction documents and prepare permit applications for improvements to the Klein Avenue Levee, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control has recommended acceptance of said proposal,

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Brooker Engineering PLLC, in a form satisfactory to the Town Attorney, to provide the consulting engineering and design services to prepare construction documents and prepare permit applications for improvements to the Klein Avenue Levee in an amount not to exceed \$181,000.00, and

BE IT FURTHER RESOLVED that the Town Board authorizes the payment of CLOMR application fee in the amount of \$6,050.00 per FEMA fee schedule, and

BE IT FURTHER RESOLVED that the fees authorized above shall be charged to Account No. H 8761-409-0-85-5.

Dated: August 5, 2014



RESOLUTION AUTHORIZING THE PURCHASE OF TWO PARCELS OF
PROPERTY FOR THE WEST NYACK DOWNTOWN REVITALIZATION PROJECT
MAP 64.08-3-39 and 64.08-3-40

WHEREAS, the Town of Clarkstown is in the process of designing the revitalization of downtown West Nyack; and

WHEREAS, the Town has identified certain parcels for potential acquisition which may be of value in the revitalization process, and

WHEREAS, Behan Planning Associates, LLC has recommended certain parcels of land be acquired as part of the West Nyack Downtown Revitalization Project and included among its recommendations are parcels described on the Clarkstown Tax Map as 64.08-3-39, which consists of .72 acres of vacant property, more commonly known as 716 West Nyack Road, West Nyack, New York, and 64.08-3-40, which consists of .34 acres of vacant property, more commonly known as 718 West Nyack Road, West Nyack, New York, both parcels reputedly owned by the owners of West Nyack Construction Corp., and

WHEREAS, the owners of said properties located at 716 and 718 West Nyack Road, West Nyack, New York, two of the properties identified by the Town (the "Parcels"), have indicated a willingness to negotiate a sale of said parcels, and

WHEREAS, the owners of the subject parcels have proposed to sell the subject properties to the Town of Clarkstown for a total of \$150,000 to permit their acquisition at or below the appraised value of the land;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to enter into a contract, in a form approved by the Town Attorney, to obtain the subject properties as part of the West Nyack Downtown Revitalization Project for a price not to exceed \$150,000, provided that all legal requirements regarding the acquisition of subject properties are complied with, and be it

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be charged to Account No.H 8760-409-0-84-34.

Dated: August 5, 2014

TB 8-5-14-TA RES Prop Acquisition-64.08-3-39 & 64.08-3-40-sk

awm

RESOLUTION AUTHORIZING THE PURCHASE OF ONE PARCEL OF
PROPERTY FOR THE WEST NYACK DOWNTOWN REVITALIZATION PROJECT
MAP 64.08-2-37

WHEREAS, the Town of Clarkstown is in the process of
designing the revitalization of downtown West Nyack; and

WHEREAS, the Town has identified certain parcels for
potential acquisition which may be of value in the
revitalization process, and

WHEREAS, Behan Planning Associates, LLC has recommended
certain parcels of land be acquired as part of the West Nyack
Downtown Revitalization Project and included among its
recommendations is parcel described on the Clarkstown Tax Map
as 64.08-2-37, which consists of 1.10 acres of vacant
property, more commonly known as 4A Phillips Lane, West
Nyack, New York, reputedly owned by the Estate of William
E.Vines, and

WHEREAS, the owner of said property located at 4A
Phillips Lane, West Nyack, New York, one of the properties
identified by the Town (the "Parcel"), has indicated a
willingness to negotiate a sale of said parcel, and

WHEREAS, the owner of the subject parcel has proposed to
sell the subject property to the Town of Clarkstown for
\$75,000 to permit its acquisition at or below the appraised
value of the land;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to enter into a contract, in a form approved by the Town Attorney, to obtain the subject property as part of the West Nyack Downtown Revitalization Project for a price not to exceed \$75,000, provided that all legal requirements regarding the acquisition of the subject property are complied with, and be it

FURTHER RESOLVED, that all expenses pursuant to this resolution shall be charged to Account No.H 8760-409-0-84-34.

Dated: August 5, 2014

TB 8-5-14-TA RES Prop Acquisition-64.08-2-37-sk

amm