

**TOWN OF CLARKSTOWN**  
**TOWN BOARD MEETING**  
**February 3, 2015 – 7:00 pm**  
Town Hall Auditorium  
**AGENDA**  
*(Tentative)*

**SALUTE TO THE FLAG**

**CLERK CALLS THE ROLL**

**EXECUTIVE SESSION** – 7:00 pm

The purpose of this Executive Session is to:

1. Discuss various personnel issues relating to the Public Sector HR Consultants, LLC report and to receive legal advice from the Town Attorney.
2. Contract Negotiations – Special Bargaining Unit.

**RESUME TOWN BOARD MEETING** – at approximately 8:00 pm

**SPECIAL PRESENTATIONS**

- Clarkstown PD Youth Academy Graduation
- Pride of Clarkstown Awards

**PUBLIC HEARINGS:**

- PH1      *Withdrawn*
- PH2      Proposed Local Law entitled: “Amendment to Chapter 146 (Flood Damage Prevention) of the Code of the Town of Clarkstown.
- PH3      Proposed Local Law entitled: “A Local Law Amending the Zoning Map of the Town of Clarkstown, Nanuet Hamlet Commercial Zone” *(To be continued on March 3, 2015)*
- PH4      Proposed Local Law entitled: “A Local Law Amending the Zoning Map of the Town of Clarkstown, Route 59 West, Nanuet”
- PH5      *Continuation:* Proposed Abandonment and/or Demapping of a Portion of Landmark Drive (f/k/a Long Clove Road), New City and Amendment to the Official Map.
- PH6      Petition of DPM Nanuet Self-Storage, LLC for a Special Permit to Construct and Operate a Mini-Warehouse Facility.

**PUBLIC COMMENTS REGARDING AGENDA ITEMS:**

(Limited to 3 minutes per person)

**RESOLUTIONS:**

1. Accepting Minutes of December 18, 2014, January 6, 2015 and January 20, 2015 as submitted by the Town Clerk.
2. Awarding the following Bid:  
Bid #1-2015 – Athletic & Recreation Supplies
3. Authorizing the Purchasing Agent to Advertise for the following:  
a) Bid #12-2015 – Weed Control Spraying  
b) Bid #13-2015 – Germonds Pool Renovations – Phase 1
4. Authorizing the Purchase of Data Storage Equipment.
5. Authorizing Funds for the Acquisition of Data Storage Equipment.

6. Authorizing Substitution of Letter of Credit concerning United Water New York Road Opening Permit fees.
7. Authorizing the following Personnel Changes:
  - a) Resignation (Retirement): Robert Hickey, Auto Mechanic & Body Repairer, Clarkstown Town Garage.
  - b) Reappointment: George A. Nugent, Member, Sanitation Commission.
  - c) Appointment: Frank J. Berran, Member, Sanitation Commission.
  - d) Appointment: Stephen A. Jamieson, Substitute Crossing Guard, Clarkstown Police Dept.
  - e) Appointment: Heather A. Wohl, Part-Time Municipal Bus Driver, Clarkstown Municipal Transportation.
  - f) Appointment: Burke Titland, Groundswoker, Building Maintenance Dept.
8. Granting the following Certificates of Registration:
 

15-16	Travcon, Inc.
15-17	Ronald Filera Landscaping Contractors LLC
15-18	Environmental Construction, Inc.
15-19	McGannon Excavating LLC
15-20	Vito's Plumbing & Heating, Inc. d/b/a Mr. Plumber
15-21	JD Backhoe Service, Inc.
15-22	Coppola Services, Inc.
15-23	Carmello Scaffidi & Sons Blacktopping, Inc.
15-24	First Rate Landscaping & Construction, Inc.
15-25	Turco Golf, Inc.
15-26	Ronald J. Tarigo
15-27	Paul Bitts Co.
15-28	Belleville Landscaping, Inc.
9. Authorizing the installation of the following Signs:
  - a) "Stop Ahead" sign on Lake Road, Valley Cottage
  - b) "No Commercial Traffic", No Turn Arrow and "Businesses on Wells Avenue can be accessed through Brenner Drive" on Southward Avenue & Wells Avenue, Congers.
  - c) "Businesses on Wells Avenue are accessible through Brenner Drive" with a Left Turn Arrow on Route 303 & Brenner Drive, Congers.
10. Defaulting Performance Bond on the Davies Farm LLC, Phase II Subdivision, Congers (Tax Map 35.18-1-5, 6, 7, 11, 12 and P/O 4).
11. Accepting Proposal for On-Call Traffic Engineering Services.
12. Applying New York State Dormitory Authority (DASNY) Fee Schedule to Architectural and Engineering Fees for Building Construction Projects.
13. Authorizing the Supervisor to Enter into an Agreement for Implementing a Town Program that will Promote Control of the Canadian Geese Population.
14. Authorizing the Supervisor to Enter into an Agreement with Orange & Rockland Utilities, Inc. regarding Purchase and Sale of the Town's Street Lighting Facilities.

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

\*\*\*PLEASE NOTE\*\*\*  
Additional items may be added to this agenda

\*\*\*To View Actual Resolutions, go to Town Clerk's Website, Click on Legal Matters\*\*\*

PH-2

RESOLUTION OF THE TOWN BOARD  
ADOPTING LOCAL LAW NO. - 2015

WHEREAS, a proposed local law entitled,

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

was introduced by Councilman George Hoehmann at a Town Board meeting held on January 6, 2015, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 6, 2015, directed that a public hearing be held on February 3, 2015 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, notice of said hearing was duly prepared and published in the Journal News on January 27, 2015, 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 January 22, 2015;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2015 entitled:

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

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

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

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

Dated: February 3, 2015

TB 02-03 TA RES Adopt Local Law Amend Chap 146-Map Revision-pm

*awm*

PH5

RESOLUTION AUTHORIZING THE CONTINUATION OF A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF CLARKSTOWN, NANUET HAMLET COMMERCIAL ZONE"

WHEREAS, a proposed local law entitled, "A Local Law Amending the Zoning Map of the Town Of Clarkstown, Nanuet Hamlet Commercial Zone" was introduced by Councilperson Lasker at a Town Board meeting held on December 18, 2014, and

WHEREAS, on February 3, 2015, a public hearing was held to consider said local law, and at such time it was determined by the Town Board that the hearing be continued on March 3, 2015 to allow for further review and potential revision of said local law;

NOW, THEREFORE, be it

RESOLVED, that the continuation of the public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on March 3, 2015, 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 continuation of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

Dated: February 3, 2015



RESOLVED, that the Town Board Minutes of December 18, 2014, January 6, 2015  
and January 20, 2015 are hereby accepted, as submitted by the Town Clerk.

DATED: February 3, 2015

Resolved, based upon the recommendation of the Authorized Purchasing Agent and in concurrence with Recreation and Parks, that the bid furnishing athletic and recreation supplies is hereby awarded to the following low bidders who have met the specifications:

**Bid #1-2015 Athletic and Recreation Supplies**

ARC Sports, 850 Peach Lake Road, North Salem, NY 10560 for items # 2, 3, 4, 6, 10, 11, 12, 17, 18, 73, 74, 75, 77, 78, and 81 as per specifications at a net bid price of \$1, 866.38.

Kenmar Shirts, Inc., 1578 White Plains Road, Bronx, NY 10462 for items # 94, 95, 96, 98A, and 99 as per specifications at a net bid price of \$7,382.43.

Mainly Monograms, 260 West Nyack Road, West Nyack, NY 10994 for items # 97, 98B, 102, 103, 104, 105, 106, 110, 111, 112, 113, 114, 115, and 116 as per specifications at a net bid price of \$5, 022.90.

Passon's Sports (Sports Supply Group), P.O. Box 49, Jenkintown, PA, 19046 for items # 1, 5, 7, 8, 9, 13, 14, 15, 16, 22, 23, 26, 27, 30, 34, 35, 36, 38, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, 59, 60, 61, 62, 63, 86, 100, and 101 as per specifications at a net bid price of \$4, 333.75.

S&S Worldwide, 75 Mill Street, Colchester, CT 06415 for items # 20, 21, 24, 25, 28, 29, 31, 32, 33, 37, 39, 45, 46, 47, 53, 58, 64, 65, 66, 67, 68, 69, 70, 71, 79, 80, 83, 88, 90, 91, and 92 as per specifications at a net bid price of \$2, 445.49.

Gross total for all items: \$21, 050.95.

Further resolved, that this amount \$21, 050.95 be charged against accounts:

7140-222	\$ 1, 381.56
7140-307	773.90
7141-222	1, 865.53
7141-307	531.00
7141-329	1, 750.10
7180-307	2, 337.50
7180-329	332.16
7310-307	7, 370.53
7310-329	4, 708.67

Total: \$21, 050.95

Dated: February 3, 2015

*awm*

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

BID#12-2015 – WEED CONTROL SPRAYING

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple

Avenue, New City, New York at \_\_\_\_\_ A.M. on TO BE DETERMINED

at which time bids will be opened and read, and be it

**FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

DATE: February 3, 2015

*awm*

3B

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

BID#13-2015 – GERMONDS POOL RENOVATIONS – PHASE I

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York at \_\_\_\_\_ A.M. on TO BE DETERMINED at which time bids will be opened and read, and be it

**FURTHER RESOLVED**, that bid specifications and proposal documents can be obtained at the office of the Purchasing Department.

DATE: February 3, 2015

*awm*

4

RESOLUTION AUTHORIZING THE PURCHASE OF DATA STORAGE EQUIPMENT

WHEREAS, the Authorized Purchasing Agent has recommended to the Town Board technological improvements that are necessary to secure and protect critical town data.

RESOLVED, that the total cost of the required data storage equipment will not exceed \$147,500.00 without further authorization from the Board and shall constitute a proper charge to capital account H-8768-409-0-91-2 funded through the issuance of serial bonds. All hardware and licensing shall be purchased via approved current New York State Office of General Services contracts.

Dated : February 3, 2015

*awm*

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,  
NEW YORK, ADOPTED FEBRUARY 3, 2015, AUTHORIZING  
THE ACQUISITION OF DATA STORAGE EQUIPMENT,  
STATING THE ESTIMATED MAXIMUM COST THEREOF IS  
\$147,500, APPROPRIATING SAID AMOUNT FOR SUCH  
PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS  
IN THE PRINCIPAL AMOUNT OF \$147,500 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 acquire data storage equipment. The  
estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the  
financing thereof, is \$147,500 and said amount is hereby appropriated for such purpose. The  
plan of financing includes the issuance of \$147,500 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 \$147,500 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. 32 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*

6

RESOLUTION AUTHORIZING SUBSTITUTION OF LETTER OF CREDIT CONCERNING UNITED WATER NEW YORK ROAD OPENING PERMIT FEES

WHEREAS, by Resolution No. 635-1990, adopted July 17, 1990, the Town Board approved acceptance of a \$50,000 letter of credit from Spring Valley Water Company, now known as United Water New York, as security for road opening permits to cover the cost of any corrective work in the event that the applicant failed to do so, pursuant to Town Code §250-10(C) (formerly §91-18(B)), and

WHEREAS, United Water New York, as successor in interest to Spring Valley Water Company, desires to substitute a new letter of credit in the amount of \$50,000 to replace the old letter of credit provided by Spring Valley Water Company;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approves acceptance of a new letter of credit in the amount of \$50,000 from United Water New York as security in the event the applicant fails to perform corrective work as necessary as a substitute for the old letter of credit provided by Spring Valley Water Company, and be it

FURTHER RESOLVED, that upon receipt of a new letter of credit, in a form approved by the Town Attorney, the old letter of credit in the amount of \$50,000 (Bank of New York #S93029790/Barclays Bank #332-297-90) may be released.

Dated: February 3, 2015

TB 02-03 TA RES United Water LC-road opening permits-pm

*awm*

7A

RESOLVED, that the resignation (by retirement) of Robert Hickey, 24 Ivy Lane, Pomona, New York, - Auto Mechanic and Body Repairer - Town Garage - is hereby accepted effective and retroactive to January 31, 2015.

DATED: February 3, 2015  
P

7B

RESOLVED, that George A. Nugent, 107 Lake Road,  
Valley Cottage, New York - is hereby reappointed to the  
position of Member - Sanitation Commission - at the 2015  
annual salary of \$3,468., term effective March 1, 2015  
and to expire on February 29, 2020.

DATED: February 3, 2015  
P

7C

RESOLVED, that Frank J. Berran, 12 Gail Drive,  
New City, New York - is hereby appointed to the position of  
Member - Sanitation Commission - at the current 2015 annual  
salary of \$3,468., term effective February 16, 2015 and to  
expire on February 15, 2020.

DATED: February 3, 2015  
P

7D

RESOLVED, that Stephen A. Jamieson, 30 Short Hill Road, New City, New York - Crossing Guard (substitute) - is hereby appointed to the position of Crossing Guard (full time) - Police Department - at the current 2015 rate of \$19.81 per crossing, effective and retroactive to January 7, 2015.

DATED: February 3, 2015

P

7E

RESOLVED, that Heather A. Wohl, 107 Highway Avenue,  
Congers, New York - is hereby appointed to the position of  
(part-time) Municipal Bus Driver - Clarkstown Municipal  
Transportation at the 2015 hourly rate of \$21.44., effective  
and retroactive to January 20, 2015.

DATED: February 3, 2015

P

7F

RESOLVED, that Burke Titland, 1 Victoria Drive,  
Nanuet, New York - is hereby appointed to the (perm) position of  
Groundswoker - Building Maintenance Department at the 2015  
salary of \$42,851., effective February 03, 2015.

DATED: February 3, 2015

P

**RESOLUTION GRANTING CERTIFICATES OF REGISTRATION  
PURSUANT TO SECTION 236-48 OF THE TOWN CODE**

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

TRAVCON, INC.  
375 Kings Highway  
Valley Cottage, NY 10989  
Vincent Travaglini, President

RONALD FILERA LANDSCAPING CONTRACTORS LLC.  
520 S. Pascack Rd.  
Chestnut Ridge, NY 10977  
Ronald Filera, Sole Member

ENVIRONMENTAL CONSTRUCTION INC.  
21 Holt Drive  
P.O. Box 563  
Stony Point, NY 10980  
Susan Oelkers-Ramos, President

McGANNON EXCAVATING LLC  
127 Route 303  
Valley Cottage, NY 10989  
Robert McGannon, President

VITO'S PLUMBING & HEATING, INC.  
d/b/a MR. PLUMBER  
39 South Main Street  
New City, NY 10956  
Vito Martorana, President

JD BACKHOE SERVICE, INC.  
P.O. Box 342  
Sparkill, NY 10976  
Joseph D'Auria, President

COPPOLA SERVICES, INC.  
28 Executive Parkway  
Ringwood, NY 07456  
Ralph Coppola, President

CARMELLO SCAFFIDI & SONS BLACKTOPPING, INC.  
34 North Route 9W,  
West Haverstraw, NY 10993  
Danny Scaffidi, Vice President

FIRST RATE LANDSCAPING & CONSTRUCTION INC.  
P.O. Box 1212  
New City, NY 10956  
Stacey E. Heminover, President

TURCO GOLF, INC.  
212 Orange Avenue  
Suffern, New York 10901  
Dennis Turco, President

RONALD J. TARIGO  
5 Crosscreek Lane  
Stony Point, NY 10980  
Ronald J. Tarigo, President

PAUL BITTS CO.  
9 Germonds Road  
New City, NY 10956  
Paul Bitts, President

BELLEVILLE LANDSCAPING, INC.  
84 North Route 9W, Suite D  
Congers, NY 10920  
James Miele, President

NOW, THEREFORE, be it  
RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of

Registration to:

- 15-16 TRAVCON, INC.
- 15-17 RONALD FILERA LANDSCAPING CONTRACTORS LLC.
- 15-18 ENVIRONMENTAL CONSTRUCTION INC.
- 15-19 McGANNON EXCAVATING LLC
- 15-20 VITO'S PLUMBING & HEATING, INC. d/b/a MR. PLUMBER
- 15-21 JD BACKHOE SERVICE, INC.
- 15-22 COPPOLA SERVICES, INC.
- 15-23 CARMELLO SCAFFIDI & SONS BLACKTOPPING, INC.
- 15-24 FIRST RATE LANDSCAPING & CONSTRUCTION INC.
- 15-25 TURCO GOLF, INC.
- 15-26 RONALD J. TARIGO
- 15-27 PAUL BITTS CO.
- 15-28 BELLEVILLE LANDSCAPING, INC.

DATED: February 3, 2015

TB 02-03-15-TA RES Certificate of Registration Sewers-sk

*awm*

9A

RESOLUTION AUTHORIZING THE INSTALLATION OF A STOP AHEAD  
SIGN ON LAKE ROAD, VALLEY COTTAGE

WHEREAS, an investigation by the Traffic & Traffic Fire Safety Advisory Board resulted in the recommendation that a Stop Ahead sign be installed on the Westbound Lane of Lake Road after the intersection of Tena Place;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a Stop Sign Ahead on the Westbound Lane of Lake Road after the intersection of Tena Place, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Chief of Police for enforcement purposes and the Traffic and Traffic Fire Safety Advisory Board for file and information.

DATED: February 3, 2015

TB 02-03 TTFSAB RES-Lake Rd-co

*CAW*

9B

RESOLUTION AUTHORIZING THE INSTALLATION OF ONE (1) SIGN ON  
SOUTHWARD AVENUE AND WELLS AVENUE, CONGERS

WHEREAS, an investigation by the Traffic & Traffic Fire Safety Advisory Board resulted in the recommendation that a sign be installed at the northeast corner at the intersection of Southward Avenue and Wells Avenue indicating that there is "No Commercial Traffic", a no turn arrow, in addition to "Businesses on Wells Avenue can be Accessed through Brenner Drive";

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install this sign, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Chief of Police for enforcement purposes and the Traffic and Traffic Fire Safety Advisory Board for file and information.

DATED: February 3, 2015

TB 02-03 TTFSAB RES-Southward-Wells Rd-co

*awm*

9c

RESOLUTION AUTHORIZING THE INSTALLATION OF ONE (1) SIGN ON  
ROUTE 303 AND BRENNER DRIVE, CONGERS

WHEREAS, an investigation by the Traffic & Traffic Fire Safety Advisory Board resulted in the recommendation that a sign be installed at the northwest corner of the intersection of Route 303 and Brenner Drive indicating "Businesses on Wells Avenue are Accessible Through Brenner Drive" with a left turn arrow sign;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install this sign, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the Chief of Police for enforcement purposes and the Traffic and Traffic Fire Safety Advisory Board for file and information.

DATED: February 3, 2015

TB 02-03 TTFSAB RES-Rt 303-Brenner Dr-co

*awm*

**RESOLUTION DEFAULTING PERFORMANCE BOND ON THE  
DAVIES FARM LLC, PHASE II SUBDIVISION, CONGERS  
(TAX MAP 35.18-1-5, 6, 7, 11, 12 & P/O 4)**

WHEREAS, GLW Developers, LLC obtained approval for the subdivision known as "Davies Farm LLC, Phase II" and as a condition of subdivision approval GLW Developers, LLC., as developer and obligor, provided the Town of Clarkstown with a Letter of Credit No. 2318 from Provident Bank in the principal amount of \$581,884.25, together with its Developer's Performance Bond, to secure completion of the public and other required improvements, and

WHEREAS, Provident Bank amended said Letter of Credit on February 28, 2014 to reflect a firm expiration date of March 1, 2015, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations during the two (2) year time period pursuant to the terms of the Developer's Performance Bond or anytime thereafter through the date of this resolution, and that the letter of credit is still required to secure completion of said obligations, and

WHEREAS, the Deputy Director of the Department of Environmental Control has recommended that the developer be declared in default of its Developer's Performance Bond and that all reasonable steps be taken to secure completion of the improvements by drawing against Letter of Credit No. 2318 in the full amount of \$581,884.25 to be held pending completion of the remaining items by the developer or, if necessary, by the Town's contractors in the discretion of the Town Department of Environmental Control;

NOW, THEREFORE, be it

RESOLVED, that unless GLW Developers, LLC provides a renewal of Letter of Credit No. 2318 by February 16, 2015 which includes language making said letter of credit automatically renewable consistent with the original Letter of Credit No. 2318, GLW

Developers, LLC, as developer and obligor, is hereby declared in default of its Developer's Performance Bond to complete the public and other required improvements in the Davies Farm LLC, Phase II Subdivision, and the Town Attorney and/or Comptroller of the Town of Clarkstown is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by drawing against Letter of Credit No. 2318 in the principal amount of \$581,884.25, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to prepare plans and specifications for completion of the required work and, if necessary, to obtain a contractor or contractors in accordance with all requirements of law to complete the required improvements.

Dated: February 3, 2015

TB 02-03-15 TA RES Davies Farm, Phase II Default-dt

*alum*

**RESOLUTION ACCEPTING PROPOSAL FOR ON-CALL  
TRAFFIC ENGINEERING SERVICES**

WHEREAS, the Town is in need of consulting traffic engineering services for various applications to the Town Land Use Boards, as well as Comprehensive Plan and staff level studies for the Town, and

WHEREAS, the Deputy Director of Environmental Control and the Town Planner have solicited proposals from qualified engineers, and received eight proposals in response, and

WHEREAS, the Deputy Director of Environmental Control and the Town Planner have reviewed said proposals and found that two firms are the most qualified and have the best fee structures to provide the needed services in terms of scope and price;

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into agreements with AKRF of White Plains, NY and MJ Engineering and Land Surveying PC of Clifton Park NY, in a form satisfactory to the Town Attorney, to provide on-call consulting traffic engineering services, and

BE IT FURTHER RESOLVED that the fees for such services shall be established on a task or project basis, and shall be reimbursed by project Applicants or shall be charged to appropriate budget accounts as are applicable to an individual Town project.

Dated: February 3, 2015



RESOLUTION APPLYING NEW YORK STATE DORMITORY AUTHORITY (DASNY) FEE SCHEDULE TO ARCHITECTURAL AND ENGINEERING FEES FOR BUILDING CONSTRUCTION PROJECTS

WHEREAS, while professional services are exempt from the competitive bidding requirements of General Municipal Law §103, General Municipal Law §104-b provides that municipalities adopt policies and procedures with respect to the procurement of such services, "so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption," and

WHEREAS, the Town Board wishes to adopt a policy with respect to professional architectural and engineering service fees with respect to public works projects involving building construction; and

WHEREAS, the Town Board believes that the guidelines promulgated by DASNY are reasonable and fair and creates an even playing field for architects and engineers involved in Town construction projects;

NOW, THEREFORE, BE IT

RESOLVED, that the Authorized Purchasing Agent shall ensure that all proposals for architectural and engineering services fall within the current fee schedule promulgated by DASNY, a copy of which is attached to this resolution as Exhibit A; and be it

FURTHER RESOLVED, that if an architect or engineer proposing to provide services on Town construction projects is of the opinion that the DASNY fee schedule is inapplicable, such firm shall provide a written explanation as to why said fees do not apply in such circumstance, which the Town Board may take into consideration if it wishes.

AG

**RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR IMPLEMENTING A TOWN PROGRAM THAT WILL PROMOTE CONTROL OF THE CANADIAN GEESE POPULATION**

WHEREAS, the Town has previously contracted with wildlife control specialist Thomas J. Maglaras of Nuisance Wildlife Control Agents to implement a program to egg addle Canadian Geese sites throughout the Town under a License granted to the Town by the USDA Wildlife Services in order to promote control of the Canadian Geese population, and

WHEREAS, the Town has received a proposal for a 2015 Canadian Geese Program from Nuisance Wildlife Control Agents, and its past programs have been most successful, and the proposed fee is found to be reasonable along past years' proposals.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with wildlife control specialist Thomas J. Maglaras, satisfactory to the Town Attorney, to implement a Town program for the control of the Canadian Geese Population during 2015, including a License Agreement with United Water New York, Inc., to enter upon its property during implementation of the program, and to take all steps necessary for the Town of Clarkstown to comply with all applicable State and Federal regulations; and be it

FURTHER RESOLVED, that all reasonable expenses in connection with the use of a wildlife control specialist to carry out the Town of Clarkstown program shall not exceed \$10,200.00 and shall be charged to Account No. A-8090-409-0.

Dated: February 03, 2015

TB 02-03-15 TA RES Maglaras Agreement-kh



RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ORANGE AND ROCKLAND UTILITIES, INC. REGARDING PURCHASE AND SALE OF THE TOWN'S STREET LIGHTING FACILITIES

WHEREAS, the Town of Clarkstown wishes to acquire the Town's existing Street Lighting Facilities from Orange and Rockland Utilities, Inc., pursuant to the new SC-6 Street Lighting Tariff effective July 1, 2012, and

WHEREAS, Orange and Rockland Utilities, Inc. and the Town of Clarkstown have agreed to enter into an agreement to effectuate such acquisition;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Orange and Rockland Utilities, Inc., in a form approved by the Town Attorney, for the purchase and sale of the Town's Street Lighting Facilities for the sum of \$691,619.00 and to execute any and all ancillary documents necessary to effectuate said acquisition, pursuant to SC-6 Street Lighting Tariff and Public Service Law §70 which requires approval of the Public Service commission, and be it

FURTHER RESOLVED, that the cost for said purchase shall constitute a proper charge to Account No.H 8768-409-0-91-1, and be it

FURTHER RESOLVED, that it is the intention of the Town Board that this purchase is to be funded through the issuance of serial bonds.

Dated: February 3, 2015

