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

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 – *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PH1 *Withdrawn*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. Authoring 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, Groundsworker, 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.

ADDITIONAL TENTATIVE RESOLUTIONS:

15. Authorizing Renewal of an Agreement with Hi-Tor Animal Care Center, Inc.

16. Amending Resolution #551-2014 Requesting the Rockland County Consortium to Consider Several Projects for Community Development Block Grant Funding.

17. Authorizing the Purchasing Agent to Re-Advertize for the following:
    Bid #14A-2014 – Town Storage Building Construction.

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

aum

PH3

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

TB 02-03 TA RES Continue P.H.-LL Amend Zoning Map-Nanuet Hamlet Comm Zone-pm

PH-4

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

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF CLARKSTOWN, ROUTE 59 WEST, NANUET"

was introduced by Councilperson Lasker at a Town Board meeting held on December 18, 2014, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on December 18, 2014, 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, by resolution adopted December 18, 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-l & m, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 3, 2015, 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 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, and

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

WHEREAS, the Rockland County Planning Department provided their written report dated January 29, 2015, which remanded the matter for local determination since the proposed local law will have no adverse impacts on any County-wide interests, and

WHEREAS, by resolution dated January 28, 2015, the Town of Clarkstown Planning Board found that the proposed local law is consistent with the aims and principles embodied in Chapter 290 and the Comprehensive Plan, and the Board recommends in favor of the proposed local law, except for the rezoning of an LIO parcel to PED, which has been addressed by removing the text rezoning this parcel;

NOW, THEREFORE, be it

RESOLVED, that based upon the EAF prepared by Jose Simoes, Principal Town Planner, acting as agent to the Town Board as lead agency, it is hereby determined that (1) the proposed

action is an Unlisted action under SEQRA that will not have the potential to adversely affect the environment, (2) the proposed action will rezone properties to conform with current uses on the site, zone parcels currently bisected by zoning lines to a single zone and rezone parcels of isolated zoning to coordinate with surrounding zoning, and (3) is consistent with the Town's Comprehensive Plan, 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. - 2015 entitled:

"A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF CLARKSTOWN, ROUTE 59 WEST, NANUET"

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: February 3, 2015

TB 02-03 TA RES Adopt LL-Amend Zoning Map-Rt 59 West, Nanuet-pm

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

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

Project: Zoning Map Amendment – Route 59 West

Date: January 28, 2015

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 Amendment – Route 59 West

Location: Route 59, Nanuet – Rockland County, New York

SEQRA Status: Unlisted

Description of Proposed Action: Amendments to the Zoning Map which would rezone a portion of the Route 304 right-of-way from Medium Density Residence, 22,500 Square Feet (R-22) to Medium Density Residence, 15,000 Square Feet (R-15); a R-15 zoned parcel (58.17-1-35.2) to Light Industrial Office (LIO) in the area of Seeger Drive; a portion of a parcel (58.17-1-35) zoned Regional Shopping (RS) to R-15 in the area northeast of the intersection of Middletown Road and Route 59; a parcel (64.05-1-15) zoned RS to PO in the area southeast of the intersection of West Nyack Road and College Avenue; a parcel (64.05-1-18) zoned PO to RS and a portion of another parcel (64.05-1-19) zoned PO to RS in the area southeast of the intersection of West Nyack Road and College Avenue; a R-15 zoned parcel (57.20-2-39), a parcel (57.20-2-42) zoned RS and R-15, and two parcels (57.20-2-40 and 57.20-2-41) zoned RS to PO in the vicinity of the intersection of Route 59 and Grandview Avenue.

Intent of Proposed Action: This action involves zone changes which will rezone properties to conform with current uses on the site, zone parcels currently bisected by zoning lines to a single zone and rezone parcels of isolated zoning to coordinate with surrounding zoning. Additionally one area of non-conforming use is proposed to be rezoned to a less intense use to buffer an adjacent residential area from potential out of scale development.

At the corner of Grandview Avenue and West Route 59 four parcels will be rezoned to PO; at the southwestern corner, two of these parcels are currently zoned RS, one of which is a non-conforming multifamily residential use, the other a cosmetics sales and service business.

Another of these parcels is currently within the R-15 zone and is operating as a chiropractor's office, which is also a non-conforming use. The last of these parcels, at the south eastern corner, is currently bisected by a zoning line and is located in the RS and R-15 zoning district. By changing these four parcels the PO district, a non-conforming use will be legalized and the immediately adjacent residential neighborhood will be buffered from more intense uses permitted under the RS zoning.

One parcel off of Seeger Drive which is currently owned by the Town of Clarkstown and comprises part of the Highway Department facility is proposed to be changed from R-15 to LIO zoning. The LIO zone is the predominant zoning in the area, including the remainder of the Highway facility, and is a more appropriate zoning for this parcel.

To the north of the western terminus of West Nyack Road 1.5 acres of a 58.5 acre parcel is proposed to be rezoned from RS to R-15 to match the rest of the property. St. Anthony's Church and cemetery is located on this parcel. Eliminating the bisecting zoning line will result in a more contiguous zoning pattern in this area.

To the south of the western terminus of West Nyack Road one parcel is proposed to be rezoned from RS to PO and another parcel rezoned from PO to RS. A zoning line in this area will also be adjusted so that a parcel currently bisected by the line and partially within both the RS and PO zoning districts will be fully zoned RS. These changes will bring the zoning of these parcels into better conformance with their current use and also result in result in a more contiguous zoning pattern in this area.

The proposed action will rezone a portion of the Route 304 right-of-way in Nanuet from R-22 to R-15 to match zoning of the right-of-way to the surrounding zoning type.

Overall, the zone changes proposed by this action will result in zoning that is more functional given current uses in these areas, and will lead to better interpretability of the zoning map by eliminating parcels bisected by zoning lines.

Potential Impacts and Support of Determination: There will be no significant impact on community growth as an immediate result of this zone change. With the exception of a single undeveloped lot of 0.45 acres, all of the property to be rezoned is developed. A negligible amount additional residential development will be permitted as a result of this action. This action will rezone a portion of the Route 304 right-of-way, which is not developable, from R-22 to R-15, which is a higher density zoning district; however, this is being proposed to add clarity to the Zoning Map. The other area proposed for residential zoning under this action is approximately 1.5 acres of RS property on a parcel bisected by a zoning line which is to be rezoned to R-15 to place the entire parcel into one zone; this parcel is currently developed as a religious institution and cemetery. Public water supply and sanitary sewers are available in the areas to be rezoned. 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)

PH-5

RESOLUTION ABANDONING A PORTION OF LANDMARK DRIVE (FKA LONG CLOVE ROAD), NEW CITY, NEW YORK, AND AMENDING THE OFFICAL MAP OF THE TOWN OF CLARKSTOWN

WHEREAS, an application has been made by Tilcon New York, Inc. that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law and Section 273 of Town Law to declare that a certain portion of the highway known as Landmark Drive (FKA Long Clove Road), New City, Town of Clarkstown, New York, as described on the Schedule "A" attached to the petition, upon the grounds that same has not been used as a highway by the public within the last six (6) years and therefore the portion of said road may be deemed abandoned, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on November 5, 2014, provided for a public hearing on December 18, 2014, at 12:00 P.M. (noon), to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of a road known as Landmark Drive (FKA Long Clove Road), New City, New York, and

WHEREAS, notice of the public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice and said public hearing was continued on February 3, 2015 to allow more

time to address recommendations from the Rockland County Department of Planning and for referrals to other agencies, which have all been addressed, and

WHEREAS, the Clarkstown Planning Board considered the matter at its regularly scheduled meeting on December 3, 2014, and recommended that the portion of Landmark Drive (FKA Long Clove Road), New City, New York, be de-mapped and removed from the Official Map and abandoned, based on the following: the proposed abandonment would provide a more intelligent use of said land, which is not required for a public road, and other suitable means of access to the adjoining properties are available and preferable; and closing this portion of Landmark Drive would relieve the Town from the responsibility of repaving this road, which is in dire need of repair, and of maintaining it and providing show removal services, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report from the First Deputy Director of the Department of Environmental Control dated February 3, 2015, as the Town Board's agent pursuant to the State Environmental Quality Review Act ("SEQRA"), in which he states that this matter is an Unlisted action under SEQRA and, therefore, no further environmental analysis is necessary, which the Board has discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the First Deputy Director of the Department of Environmental Control dated February 3, 2015, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment is an Unlisted action under SEQRA and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that a portion of the road as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, subject to Tilcon New York, Inc. complying with the following conditions:

1) Preparing and filing an easement, in a form approved by the Town Attorney, granting access for hiking over that portion of land that is presently a part of the Long Path, and
2) Preparing and filing a scenic and/or conservation easement, in a form approved by the Town Attorney, restricting Tilcon from removing or altering any of the buffer or vegetation along the portion of abandoned roadway, and be it

FURTHER RESOLVED, that pursuant to Town Law Section 273 and compliance with the above conditions, the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom said

portion of Landmark Drive (FKA Long Clove Road), New City, New York, and be it

FURTHER RESOLVED, that the GIS Coordinator is hereby authorized and directed to amend the Official Map as described in the attached Schedule "A," and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown contained in the Certificate of Abandonment that a highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office, and be it

FURTHER RESOLVED, that in furtherance of said abandonment, Tilcon New York, Inc. has agreed to provide the required labor, material and equipment to resurface the remaining Town portion of Landmark Drive, New City from the start of the abandonment westerly to the intersection of Burts Road conditioned upon the Town conveying a Quit Claim Deed to Tilcon New York, Inc. for the abandoned portion of Landmark Drive, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Quit Claim Deed and ancillary documents for that portion of Landmark Drive as described on the attached Schedule "A."

Dated: February 3, 2015

TB 02-03 TA RES Abandonment-Amend Off Map-Landmark Dr-pm

SCHEDULE "A"

That portion of Landmark Drive from a point opposite the northwest corner of tax lot 35.15-1-1 now or formerly owned by Tilcon Minerals, Inc. approximately 1,577 feet east of the center line of the intersection of Landmark Drive with Burts Road,
Thence, east to the easterly terminus of Landmark Drive at New York State Route 9W.

PH-6

RESOLUTION AND SPECIAL FINDINGS GRANTING A SPECIAL PERMIT TO CONSTRUCT AND OPERATE A MINI-WAREHOUSE FACILITY DPM NANUET SELF STORAGE, LLC

WHEREAS, DPM Nanuet Self Storage, LLC has petitioned the Town Board of the Town of Clarkstown for a Special Permit to construct and operate a mini-warehouse facility pursuant to the provisions of the Zoning Ordinance of the Town of Clarkstown §290-11A, RS District, Table 12, Column 3, Item B.7, and §290-17(S), for property located on the east side of North Middletown Road, Nanuet, New York, approximately 335 feet north of New York State Route 59 which property is designated on the Clarkstown Tax Map as Map ID 58.17-1-41 & 42, and is presently zoned RS, and

WHEREAS, after due notice published and posted, a public hearing was duly held before the Town Board of the Town of Clarkstown on February 3, 2015, where all persons in interest were heard with respect to such application, and

WHEREAS, the Town Board has reviewed and considered the subject application, all information submitted in support thereof and the comments of all interested persons, and in accordance with the requirements of 6NYCRR Part 617, the plan, the EAF Parts I and II, and supporting documents, and

WHEREAS, by report dated January 26, 2015, the Town's Planner, designated as agent for the Town Board as lead agency to conduct the SEQRA review, has reported that the proposed action is an Unlisted Action with no substantial changes to the site, and based on the preliminary review of the environmental impacts

of the site plan by the Planning Board, it has been concluded that there will not likely be any adverse environmental impacts from the issuance of the Special Permit and, therefore, no further processing pursuant to SEQRA is required, and

WHEREAS, by this Resolution, the Town Board intends to make the Special Findings of Fact required pursuant to Section 290-15 of the Town Code, and to issue the Special Permit subject to such Findings and conditions as hereinafter stated;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Local Law of the Town of Clarkstown:

That, the proposed use as described and represented by the applicants, to wit: the conversion and operation of a mini-warehouse facility within an existing two-story, 21 foot tall building on the site, including the erection of a garbage enclosure and repairs of the driveways and parking areas as needed, and creation of a second level with all construction within the interior of the building, located on approximately 2.37± acres designated on the Clarkstown Tax Map as 58.17-1-41 & 42;

1. Will be appropriately located with respect to transportation, water supply, waste 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 as stated in Section 290-13F, G, and H, any more dangerous and objectionable elements than is characteristic of the uses 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;

6. Will comply with all other regulations applicable to such use, and be it

FURTHER RESOLVED, that the Town Board makes the following additional Findings:

1. That the applicant has agreed to and shall be able to comply with all regulations that are applicable to the use of the premises as a mini-warehouse facility as defined in Section 290-3;

2. That the proposed mini-warehouse facility will generate little traffic which would be beneficial to the area;

3. That appropriate signage for directing traffic, both for access and internal flow, shall be installed and shall be adequate to assure traffic safety at the site;

4. That the applicant shall comply with all applicable Town regulations with respect to the use of the premises;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Jose Simoes, Town Planner, dated January 26, 2015, the Town Board, as lead agency for SEQRA review, hereby determines that the Special Permit for the proposed mini-warehouse facility is an unlisted action which shall not have any significant impact on the environment and that no further processing pursuant to the State Environmental Quality Review Act is required, and be it

FURTHER RESOLVED, that a Special Permit to construct a mini-warehouse on the above described property is hereby GRANTED to the petitioners, DPM Nanuet Self Storage, LLC, subject to the following conditions:

1. Applicant must comply with Section 290-17(S), Items "1" through and including Item "10;"

2. That all storage units shall conform to the requirements for mini-warehouse as defined in Section 290-3;

3. That the hours of operation of the proposed facility shall conform to the requirements of Section 290-11A, RS District, Table 12, Column 3, Item B.7, unless the Planning Board for good cause shall further restrict the hours of operation;

4. That as part of site plan review, the Planning Board shall require that the proposed facility shall have reasonable access to all rental storage units at all times to monitor and prevent the storage of unauthorized or hazardous materials;

5. That the applicant shall comply with all other applicable regulations including the additional use regulations

set forth in Section 290-11A, Table 12, with respect to the proposed use;

6. That the applicant comply with the following recommended modifications as stated in the determination of the Rockland County Department of Planning dated January 30, 2015:

(a) The comments in the December 12, 2014 letter from the Rockland County Sewer District #1 must be addressed;

(b) As indicated in the December 17, 2014 letter from the Rockland County Department of Highways, a work permit is required for the proposed project, prior to any construction on site;

(c) The comments in the November 21, 2014 letter from the Rockland County Drainage Agency must be addressed and all required permits must be obtained;

(d) As indicated in the November 24, 2014 letter from the Rockland County Department of Health, an application must be made to them to ensure compliance with the County's mosquito Code;

(e) Since N. Middletown Road is a County highway with high traffic volumes, multiple access points into the site can cause traffic delays and conflict points. As a way to implement arterial management to the site, the number of access points should be reduced, so that there are only two ingresses/egresses serving the site. The applicant shall contact the Rockland County Department of Highways to determine which access location it would be best to close;

(f) The site plan shows that two signs will be removed. If they are moved to a new location, the location where the signs will be placed must be provided. In addition, the signs must conform with all standards of the Town of Clarkstown zoning ordinance;

7. That the operation of the facility, after a Certificate of Occupancy shall be issued, shall continue to meet, at all times, all applicable performance standards as required by Section 290-13(C), and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute the Special Permit issued pursuant to Section 290-11A, RS District, Table 12, Column 3, Item B.7, to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: 2/3/15 By: _____
Alexander J. Gromack, Supervisor

AWM

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

2

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

3A

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

aum

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

aum

4

RESOLUTATION 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

aum

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.

* * *

aum

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

aum

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 Groundsworker - Building Maintenance Department at the 2015 salary of $42,851., effective February 03, 2015.

DATED: February 3, 2015

P

8

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

awm

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

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

Acom

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

aum

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

aum

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

11

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

TB 02-03 DEC RES On-Call Traffic Engr

RESOLUTION APPLYING NEW YORK STATE DORMITORY AUTHORITY (DASNY) FEE SCHEDULE TO ARCHITECHTURAL 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

DASNY
DORMITORY AUTHORITY STATE OF NEW YORK

WE FINANCE, BUILD AND DELIVER

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Fee Schedule

March 2014

Fee Schedule March 2014 | PDF

RESOLUTION OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK
ADOPTING A FEE STRUCTURE FOR THE DORMITORY AUTHORITY
OF THE STATE OF NEW YORK

WHEREAS, the Dormitory Authority of the State of New York ("DASNY") establishes, from time to time, a fee structure pursuant to which it charges its clients for services DASNY renders in connection with financing transactions;

WHEREAS, pursuant to a resolution adopted by the Members of the Board on March 13, 2013, the fee structure set forth in that resolution (the "Fee Structure") shall be approved at the Annual Budget process and at other times deemed appropriate and will be utilized until further amended by Resolution of the Board;

NOW, THEREFORE, BE IT RESOLVED, by the Members of the Dormitory Authority that:

1. DASNY hereby adopts the following fee structure:

TYPE OF TRANSACTION	AUTHORITY FEE	ANNUAL ADMINISTRATIVE FEE	MAXIMUM ANNUAL ADMINISTRATIVE FEE
Not-for-Profit Corporations (other than health care) New Money Fixed Rate	Standard $75,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	6 basis points per series up through the first 3 full bond years and 3 basis points per series for the remaining years. All fees will be calculated based on the declining balance of par value for the bonds	$100,000 /issue/year $250,000/per client or obligated group
Not-for-Profit Corporations (other than health care) New Money Variable Rate	Standard $75,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	6 basis points per series up through the first 3 full bond years and 5 basis points per series for the remaining years. All fees will be calculated based on the declining balance of par value for the bonds	$100,000 /issue/year $250,000/per client or obligated group
Not-for-Profit Corporations (other than health care) Refunding Fixed Rate	Standard $75,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	3 basis points per series for the remaining years on the declining balance of par value for the bonds	$100,000 /issue/year $250,000/per client or obligated group
Not-for-Profit Corporations (other than health care) Refunding Variable Rate	Standard $75,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	5 basis points per series for the remaining years on the declining balance of par value for the bonds	$100,000 /issue/year $250,000/per client or obligated group
Healthcare (non FHA) New Money Fixed Rate	Standard $100,000 minimum per issuance	10 basis points per series up through the first 3 full bond years and 4 basis points per series for the	$100,000 /issue/year $250,000/per client or obligated group

	Complex/Program Start-up $150,000 minimum per issuance	remaining years. All fees will be calculated based on the declining balance of par value for the bonds	
Healthcare (non FHA) New Money Variable Rate	Standard $100,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	10 basis points per series up through the first 3 full bond years and 6 basis points per series for the remaining years. All fees will be calculated based on the declining balance of par value for the bonds	$100,000 /issue/year $250,000/per client or obligated group
Healthcare (non FHA) Refunding Fixed Rate	Standard $100,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	4 basis points per series for the remaining years on the declining balance of par value for the bonds	$100,000 /issue/year $250,000/per client or obligated group
Healthcare (non FHA) Refunding Variable Rate	Standard $100,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	6 basis points per series for the remaining years on the declining balance of par value for the bonds	$100,000 /issue/year $250,000/per client or obligated group
Healthcare (FHA) New Money	Standard $100,000 minimum per issuance Complex/Program Start-up $150,000 minimum per issuance	10 basis points per series up through the first 3 full bond years and 4 basis points per series for the remaining years. All fees will be calculated based on the declining balance of par value for the bonds	$100,000 /issue/year $600,000/per client or obligated group
Healthcare (FHA) Refunding	Standard $100,000 minimum per issuance Complex/Program Start-up $150,000 minimum per ssuance	4 basis points per series for the remaining years on the declining balance of par value for the bonds	$100,000 /issue/year $600,000/per client or obligated group
Public School Districts	$75,000 minimum per issuance	3 basis points per series on the declining balance of par value for the bonds	

2. The DASNY fee is charged on a per issuance basis and will be allocated among all participants in a pooled issuance.
3. All transaction types in the foregoing fee schedule can be in the form of a private placement or public offering.
4. Notwithstanding the foregoing fee schedule, staff of DASNY is hereby permitted to consider alternative fee structure proposals from clients based on the unique circumstances of the client or of the proposed transaction; provided, however, that no such alternative fee schedule shall be utilized in any transaction until the Board has approved the same.
5. For those financing transactions determined by staff to be Complex/Start-up/Obligated Group transactions, the Staff Report requesting the adoption of documents shall state that staff has determined that DASNY fee for that transaction shall be subject to the $150,000 minimum.
6. The Board hereby authorizes staff of DASNY to charge additional fees to clients for costs associated with unusual situations or extraordinary needs, including: inter-creditor agreements, mortgage releases, changes in security, debt defeasance, mergers and acquisitions, conversions, restructurings and letter of credit substitutions.
7. For financing transactions that include multiple issuances using the same financing documents and substantially the same official statement and where staff effort on the subsequent issuances is limited to a routine closing, an additional Authority Fee of $15,000 (minimum) will be charged for each additional issuance.
8. The aforementioned fee structure will be approved at the Annual Budget process and at other times deemed appropriate and will be utilized until further amended by Resolution of the Board.
9. This Resolution shall take effect immediately.

DASNY
PROJECT
GALLERY

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CONNECT WITH DASNY

13

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

AG

14

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

TB 02-03 TA RES O & R Agree-Street Lights Purchase-pm

15

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH HI-TOR ANIMAL CARE CENTER, INC.

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2015 and terminating on December 31, 2015, provided that Hi-Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc. the sum of $21,000.00 per year to be paid in quarterly installments upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

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

Dated: February 3, 2015

TB 02-03-15 TA RES Hi-Tor Animal Shelter - kh

awm

16

RESOLUTION AMENDING RESOLUTION NO. 551-2014
REQUESTING THE ROCKLAND COUNTY CONSORTIUM CONSIDER SEVERAL
PROJECTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

WHEREAS, by Resolution No. 551-2014 adopted on December 18, 2014, the Town Board requested that the Rockland County Consortium consider Community Development funding for various purposes in the Town, and

WHEREAS, the Town Board inadvertently omitted ARC of Rockland and wishes to include this application in our funding request for Community Development Block Grant Funding in 2015;

NOW, THEREFORE, be it

RESOLVED, that the first "RESOLVED" clause in Resolution No. 551-2014 is hereby amended to read as follows:

"RESOLVED, that the Town Board hereby requests that the Rockland County Consortium consider Community Development funding for the following purposes:

1st Priority: Town of Clarkstown – Transport vehicle to assist in the transport of senior citizens from and to various locations within the Town ,

2nd Priority: Town of Clarkstown – Accessible Pedestrian Signals and Detectors: Tactile Arrows and Locator Tones at the intersection of First Street and Middletown Road, Nanuet,

3rd Priority: ARC of Rockland – CDBG public service proposal is being made to assist in funding the establishment of an audit department which will enhance and expand the existing certified electronic recycling e-Works program currently serving Rockland County and the Hudson Valley areas."

Dated: February 3, 2015

TB 02-03 SUP RES Amend Res-Comm Dev Block Grant 2015-sg

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WHEREAS, by Resolution #141-2014 the Town Board authorized advertising for bids for Bid #14-2014 – TOWN STORAGE BUILDING CONTRUCTION and

WHEREAS, bids were to be received by the Purchasing Department on January 15, 2015 by 11:00 a.m. and

WHEREAS, the Town is rejecting all bids received, now therefore be it

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

BID #14A-2014 – TOWN STORAGE BUILDING CONSTRUCTION

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _____ 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 at the above address.

DATE: February 3, 2015