

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
APRIL 14, 2015 – 8 PM
Town Hall Auditorium
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

SPECIAL PRESENTATIONS:

- Clarkstown Youth Court Graduation
- Military Order of the Purple Heart Presentation

PUBLIC HEARINGS:

- Proposed Local Law entitled "Amendment to Chapter A295 (Board of Appeals Rules) of the Code of the Town of Clarkstown."

PUBLIC COMMENTS REGARDING AGENDA ITEMS:

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Approving Town Board Minutes of March 24, 2015 as submitted by the Town Clerk.
2. Authorizing the following Personnel Changes:
 - a) Appointment: Aaron Izquierdo, Senior Groundswoker, Parks & Recreation Dept.
 - b) Appointment: Donald Smith, Auto Mechanic/Body Repairer, Town Garage.
 - c) Resignation: Jacqueline Kelly, Part-Time Clerk Typist, Data Processing.
3. Authorizing the following Bid Awards:
 - a) Bid #6-2015 – First Aid/Safety Supplies
 - b) Bid #7-2015 – License to Operate Food & Refreshment Concession Stands at Town Parks
 - c) Bid #8-2015 – Work Clothing and Safety Accessory Items
 - d) Bid #9-2015 – Highway Signing and Road Maintenance Supplies
4. Authorizing the Highway Department to install the following signage:
 - a) Authorizing the Installation of two (2) "No Right Turn on Red" Signs on West Nyack Road,
 - b) Authorizing the Installation of a "30 MPH" Speed Sign on Tennyson Drive, Nanuet.
 - c) Authorizing the Installation of a "No Parking" Sign on Eberling Drive, New City.
 - d) Authorizing the Installation of a "No Left Turn from 7:00 AM – 9:00 AM and 4:00 PM – 7:00 PM" on Horseshoe Drive, New City.
5. Authorizing the Settlement of the following Tax Certiorari Matters:
 - a) B&N Realty, LLC (Tax Map No. 43.15-3-68)
 - b) Ashley, LLC (Tax Map No. 64.5-1-17)
 - c) American Beauty Diner (Tax Map No. 58.14-1-54)
6. Authorizing a Partial Refund of Building Permit Fee to D&D Communications Enterprises, Inc./DMC Marketing Communications concerning property designated as Tax Map No. 57.7-4-40.
7. Authorizing Installation of Streetlight on Pole #5977/42012 located between house #26 and house #28 Prides Crossing, New City.
8. Granting Permission to West Nyack Fire Engine Co. #1, Inc. to have a Licensed Fireworks Display on May 17, 2015 at Germonds Park, West Nyack, NY
9. Authorizing the Supervisor to enter into an Agreement with Cornell Cooperative Extension with Respect to the 2015 Storm Water II Education Program.

10. Approving a Side Letter of Agreement between the Town of Clarkstown and the CSEA Regarding a Travel Ban during State of Emergency.
11. Approving a Side Letter of Agreement between the Town of Clarkstown and Civil Service Employees Association, Inc. regarding an Amendment to Appendix "K" of the Collective Bargaining Agreement.
12. Authorizing Release of Escrow Funds concerning Linsalato Site Plan (51.15-1-82)

ADDITIONAL TENTATIVE RESOLUTIONS:

13. Authorizing an Amendment to the Mission of the Clarkstown Friends of the Parks Fund.
14. Authorizing the Purchasing Agent to Advertise for the following:
 - a) Bid #14-2015 – Tennyson Park Playground Equipment
 - b) Bid #15-2015 – Safety Surface & Installation of Tennyson Park Playground Equipment
15. Authorizing the Supervisor to Execute NYS DOT Agreement regarding Federal Aid for Revitalization of West Nyack, Phase 2 (Pin: 8780.52)
16. Authorizing Acceptance of Fee Title to Sixty Foot Wide Road in Valley Cottage
17. Authorizing Substitution of Owner's Performance Bond and letter of Credit concerning Yellowstone Fields Subdivision.
18. Authorizing the Building Inspector to Issue a Permit to Fair Productions, Inc. for Carnival

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

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

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER A295 (BOARD OF APPEALS RULES) OF
THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Shirley Lasker at a Town
Board meeting held on March 24, 2015, and

WHEREAS, the Town Board of the Town of Clarkstown by
resolution adopted on March 24, 2015, directed that a
public hearing be held on April 14, 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 April 1, 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 March 26, 2015;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2015 entitled:

"AMENDMENT TO CHAPTER A295 (BOARD OF APPEALS RULES) 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: April 14, 2015

TB 04-14 TA RES Adopt Local Law Amend Chap A295-Bd of Appeals-pm

awm

1

RESOLVED, that the Town Board Minutes of March 24, 2015, are hereby
accepted, as submitted by the Town Clerk.

DATED: April 14, 2015

2A

RESOLVED, that Aaron Izquierdo, 16 New York Avenue,
Congers, New York - is hereby appointed to the (perm)
position of Senior Groundswoker - Parks and Recreation
Department - at the 2015 annual salary of \$44,735.,
effective and retroactive to April 02, 2015.

DATED: April 14, 2015

P

2B

**RESOLVED, that Donald V. Smith, 153 Mine Road, Lot 61, Highland Falls,
New York – is hereby appointed to the position of Auto Mechanic I/Body Repairer -
Clarkstown Town Garage – at the the current 2015 annual salary of \$58,027.,
effective April 15, 2015.**

DATED: April 14, 2015

P

20

**RESOLVED, that the resignation of Jacqueline Kelly,
23 Carriage Lane, Nanuet, New York – Clerk Typist (Part-Time) –
Data Processing – is hereby accepted effective and retroactive to
January 2, 2015.**

DATED: April 14, 2015

P

3A

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

BID #6-2015 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to: EVER READY FIRST AID
101-01 FOSTER AVENUE
BROOKLYN, NY 11236

PRINCIPALS: MICHAEL PERL
BEN PERL

MEDCO SUPPLY COMPANY
500 FILLMORE AVENUE
TONAWANDA, NY 14150

PRINCIPALS: A PUBLIC COMPANY

HENRY SCHEIN MATRIX, INC.
P.O. BOX 194
WARETOWN, NJ 07858

PRINCIPALS: A PUBLIC CORPORATION

MOORE MEDICAL, LLC
1690 NEW BRITAIN AVENUE
FARMINGTON, CT 06032

PRINCIPALS: A PUBLIC COMPANY

BOUND TREE MEDICAL, LLC
5000 TUTTLE CROSSING BLVD
DUBLIN, OH 43016

PRINCIPALS: A PUBLIC COMPANY

as per the item/price schedule on file in the Purchasing Department

Dated: April 14, 2015

awm

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

RFP #7-2015 – LICENSE TO OPERATE FOOD AND REFRESHMENT CONCESSION STANDS AT TOWN PARKS

is hereby awarded to: RJENS
16 CHESTER AVENUE
CONGERS, NY 10920
PRINCIPAL: JUNE RUCKEL

as per their proposed annual fee, payable to the Town of Clarkstown, of \$4,000.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Certificate of Commercial Liability
- c) Certificate of Worker's Compensation insurance coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Superintendent of Recreation and Parks

DATED: April 14, 2015

awm

30

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

BID#8-2015 – WORK CLOTHING AND SAFETY ACCESSORY ITEMS

is hereby awarded to:

ARAMARK UNIFORM SERVICES
DIV. OF ARAMARK UNIFORM & CAREER APPAREL, INC.
115 NORTH FIRST STREET
BURBANK, CA 91502
PRINCIPALS: A PUBLIC CORPORATION

STAUFFER GLOVE AND SAFETY
361 E. SIXTH STREET
P.O. BOX 45
RED HILL, PA 18076
PRINCIPALS: W. RANDELL STAUFFER
JEFFREY STAUFFER
REBEKAH STAUFFER PUTERA

STRONGWEAR GARMENT CORP
191 THE PLAZA
TEANECK, NJ 07666
PRINCIPALS: GILBERT ORTIZ

as per the price/item list on file in the Purchasing Department

DATED: April 14, 2015

awm

3D

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

BID #9-2015- HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to: CHEMUNG SUPPLY CORP.
P.O. BOX 527
ELMIRA, NY 14902

PRINCIPAL: MYRA S. STEMERMAN
MARC P. STEMERMAN

GARDEN STATE HIGHWAY PRODUCTS, INC.
1740 E. OAK ROAD
VINELAND, NJ 08361

PRINCIPAL: SHARON L. GREEN
ROBERT A. GREEN

VULCAN SIGNS
P.O. BOX 1850
FOLEY, AL 36536
AN EMPLOYEE OWNED CO.

PRINCIPAL:

AMERICAN TRAFFIC SAFETY MATERIALS, INC.
P.O. BOX 1449
ORANGE PARK, FL 32067-1449
A PUBLIC CORPORATION

PRINCIPAL:

FLINT TRADING, INC.
115 TODD COURT
THOMASVILLE, NC 27360
A PUBLIC CORPORATION

PRINCIPAL:

as per attached item/price schedule on file in the Purchasing Department.

DATED: April 14, 2015

awm

4A

RESOLUTION AUTHORIZING THE INSTALLATION OF TWO (2)
NO RIGHT TURN ON RED SIGNS ON WEST NYACK ROAD, WEST NYACK

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that one (1) "No Right Turn on Red" sign be installed on the westbound lane of West Nyack Road at the intersection of Route 304 and one (1) "No Right Turn on Red" sign be installed on the east bound lane of West Nyack Road at the intersection of Route 304;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install such "No Right Turn on Red" signs as indicated above, 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: April 14, 2015

Olum

4B

RESOLUTION AUTHORIZING THE INSTALLATION OF A
30 MPH SPEED SIGN ON TENNYSON DRIVE, NANUET

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that two (2) 30 mph speed signs be installed; one sign installed on the east bound lane and one sign installed on the west bound lane of Tennyson Drive at the mid-point;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install two (2) 30 mph speed signs as indicated above, 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: April 14, 2015

awm

4c

RESOLUTION AUTHORIZING THE INSTALLATION OF A
NO PARKING SIGN ON EBERLING DRIVE, NEW CITY

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that four (4) "No Parking" signs be installed on the northbound side of Eberling Drive;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a "No Parking" signs as indicated above, 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: April 14, 2015

awm

4-D

RESOLUTION AUTHORIZING THE INSTALLATION OF A
SIGN INDICATING "NO LEFT TURN FROM 7:00 AM - 9:00 AM
AND 4:00 PM - 7:00 PM" ON HORSESHOE DRIVE, NEW CITY

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a sign indicating "No Left Turn from 7:00 am - 9:00 am and 4:00 pm - 7:00 pm be installed at the southeast corner of the intersection of Horseshoe Drive and Congers Road while exiting Horseshoe Drive;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install such "No Left Turn from 7:00 am - 9:00 am and 4:00 pm - 7:00 pm" sign as indicated above, 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: April 14, 2015

alwm

5A

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING B&N REALTY LLC
TAX MAP NO.: 43.15-3-68**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled B&N Realty LLC v. The Assessor of the Town of Clarkstown, The Board of Review of the Town of Clarkstown, The Town of Clarkstown, Index No(s). 033836/2012, 033605/13 and 033222/2014, affecting parcel designated as Tax Map No. 43.15-3-68 and more commonly known as 56 Congers Road, New City, New York for the year(s) 2012/13, 2013/14 and 2014/15, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.15-3-68 be reduced for the year(s) 2013/14 from \$298,000 to \$238,400 at a cost to the Town of \$1,823.61;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 43.15-3-68 be reduced for the year(s) 2014/15 from \$298,000 to \$223,500 at a cost to the Town of \$2,354.07;

3. The proceedings commenced by the petitioner(s) respecting Tax Map No. 43.15-3-68 be discontinued for the years 2012/13 at no cost to the Town;

4. Reimbursement for the year(s) 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 43.15-3-68, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

Dated: April 14, 2015

TB 04-14-15 TA RES B&N Realty LLC Settlement-dt

A handwritten signature in cursive script, appearing to read "Aum", is located in the bottom right corner of the page.

5B

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING ASHLEY LLC
TAX MAP NO.'s: 64.5-1-17**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Ashley LLC v. The Assessor of the Town of Clarkstown, and The Board of Assessment Review of the Town of Clarkstown, Index No. 033167/2014, affecting parcel designated as Tax Map No. 64.5-1-17, and more commonly known as 41 W. Nyack Road, Nanuet, New York for the year(s) 2014/15, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 64.5-1-17 be reduced for the year(s) 2014/15 from \$59,300 to \$51,000 at a cost to the Town of \$262.27;
2. Reimbursement for the year(s) 2014/15 on the parcel(s) described as Tax Map No. 64.5-1-17, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be

adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

Dated: April 14, 2015

TB 04-14-15 TA RES Ashley LLC Settlement-dt

awm

50

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
REGARDING NEW CITY AMERICAN BEAUTY DINER
TAX MAP NO.: 58.14-1-54**

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled New City American Beauty Diner v. the Board of Assessors and/or the Assessor of the Town of Clarkstown and the Board of Assessment Review, Index No(s). 034171/2012, 031253/13 and 033260/2014, affecting parcel designated as Tax Map No. 58.14-1-54 and more commonly known as 127 Route 304, Bardonia, New York for the year(s) 2012/13, 2013/14 and 2014/15, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Tax Map No. 58.14-1-54 be reduced for the year(s) 2012/13, 2013/14 and 2014/15 from \$481,800 to \$409,500 at a total cost to the Town of \$6,393.89;

2. Reimbursement for the year(s) 2012/13, 2013/14 and 2014/15 on the parcel(s) described as Tax Map No. 58.14-1-54, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

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

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

Dated: April 14, 2015

TB 04-14-15 TA RES New City American Beauty Diner Settlement-dt

A handwritten signature in cursive script, appearing to read "awm", is located in the bottom right corner of the page.

6

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT
FEE TO D&D COMMUNICATIONS ENTERPRISES INC./DMC MARKETING
COMMUNICATIONS CONCERNING PROPERTY DESIGNATED AS
TAX MAP NO. 57.7-4-40

WHEREAS, D&D Communications Enterprises Inc./DMC
Marketing Communications has requested a refund of Building
Permit Fee (#14-1266) paid in the amount of \$294.00 for
property located at 29 Spring Brook Road, Nanuet, New York,
more particularly described as Tax Map No. 57.7-4-40, due
to customer cancellation of contract, and

WHEREAS, the Building Inspector has recommended a
partial refund with retention of a processing review fee of
\$80.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building
Inspector, the Town Board hereby authorizes a partial
refund in the amount of \$214.00 to D&D Communications
Enterprises Inc./DMC Marketing Communications, One Nadeau
Road, Clifton Park, NY 12065 to be charged to Account No.
B-02-6-2555-0.

Dated: April 14, 2015

TB 04-14 TA RES Bldg Permit Partial Refund D&D Comm-pm

awm

WHEREAS, a resident of Prides Crossing, New City, NY 10956 in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

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

WHEREAS, the Department of Environmental Control has requested and has received a proposal from Orange and Rockland Utilities indicating the cost involved to provide electric facilities on pole #59777/42012;

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

1. Install one 5,800 lumen 70 watt sodium vapor streetlight on Pole #59777/42012 located between house #26 and house #28 Prides Crossing, New City.

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$14.56 per month (\$174.72 per year) for each sodium vapor fixture, plus market supply and fuel adjustment charge, which shall be charged to Acct. #SL 5182 461.

Dated: April 14, 2015

awm

RESOLUTION GRANTING PERMISSION TO WEST NYACK FIRE ENGINE CO. #1 INC.
TO HAVE A LICENSED FIREWORKS DISPLAY AT
GERMONDS PARK, WEST NYACK, NY

WHEREAS, the West Nyack Fire engine Co. #1 Inc. has requested permission to have a licensed fireworks display on May 17, 2015 and hold a carnival from May 14, 2015 through May 17, 2015 at Germonds Park, West Nyack, NY, and

WHEREAS, Police Chief Michael Sullivan, Clarkstown Police Department, James McCormick, Emergency Management Coordinator, and Stephen Ungerleider, Fire Safety Inspector, have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Assoc. Standards and New York State Penal Law Section 405 and have recommended permission be granted for such fireworks display subject to certain conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to West Nyack Fire Engine Co. # 1 to sponsor a fireworks display at Germonds Park on May 17, 2015 subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Assoc. Standards;
2. A Certificate of Insurance for an indemnity insurance policy with liability coverage and indemnity protection naming the Town of Clarkstown as an additional insured with coverage not less than \$5,000,000, each occurrence, and evidence of NYS Workers' Compensation and Disability Benefits coverage;
3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display;
4. Compliance with the Rockland County Planning Department's recommendations, as set forth in the Commissioner's March 27, 2015 memo; and
5. Provide an Emergency Action Plan/Incident Action Plan to the Emergency Management Coordinator of the Town.



RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION WITH RESPECT TO THE 2015 STORM WATER II EDUCATION PROGRAM

WHEREAS, by Resolution No. 149-2003, the Town of Clarkstown has agreed to comply with Part II of the SPDES General Permit for discharge of storm water, and

WHEREAS, Luke Kalarickal, Director of Environmental Control, has recommended that the Town enter into an agreement with Cornell Cooperative Extension to provide services consisting of an educational program for storm water management in the Town of Clarkstown in order to comply with the regulations for such program;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Alexander J. Gromack is hereby authorized to enter into an agreement with Cornell Cooperative Extension, in a form approved by the Town Attorney, to provide an educational and outreach program for storm water management within the Town, which shall comply with applicable regulations, and be it

FURTHER RESOLVED, that the Town of Clarkstown representative for the 2015 Storm Water II Education Program shall be Luke Kalarickal, P.E., Director of the Department of Environmental Control, and the alternate representative shall be Dennis Letson, P.E. Deputy Director of DEC, and be it

FURTHER RESOLVED, that the cost of said services shall be \$6,800.00 for the period of April 1, 2015 to March 31, 2016 and shall be charged to Account No. A-8730-409.

DATED: April 14, 2015

awm

**RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT
BETWEEN THE TOWN OF CLARKSTOWN AND THE CSEA**

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and authorizes the execution of a certain Side Letter of Agreement between the Town of Clarkstown and the CSEA regarding a travel ban during state of emergency.

Dated: April 14, 2015

TB 04-14-15 TA RES Side Letter (2)-pm

awm

11

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT BETWEEN
THE TOWN OF CLARKSTOWN AND CIVIL SERVICE EMPLOYEES
ASSOCIATION, INC.

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and authorizes the execution of a certain Side Letter of Agreement between the Town of Clarkstown and the Civil Service Employees Association, Inc. regarding an amendment to Appendix "K" of the Collective Bargaining Agreement.

Dated: April 14, 2015

TB 04-14-15 TA RES Side Letter (1)-pm

awm

RESOLUTION AUTHORIZING RELEASE OF ESCROW FUNDS
CONCERNING LINSALATO SITE PLAN (51.15-1-82)

WHEREAS, Rosaura Linsalato provided escrow funds in the amount of \$1,300.00 to the Town as security for an Escrow Agreement for future construction of sidewalks in connection with the Linsalato site plan (51.15-1-82) located at 632 Route 304, New City, New York, and

WHEREAS, pursuant to the Planning Board minutes of December 7, 2011, if the Town does not construct the sidewalks by December 2014, the escrow funds shall be returned to the applicant, and

WHEREAS, the sidewalks were never constructed and the applicant has requested return of the escrow the Town is holding;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Town Attorney, the escrow funds in the amount of \$1,300.00 being held as security for construction of the sidewalks may now be released to the applicant.

Dated: April 14, 2015

TB 04-14 TA RES Release Escrow-Linsalato-pm



RESOLUTION AUTHORIZING AN AMENDMENT TO THE MISSION OF THE CLARKSTOWN FRIENDS OF THE PARKS FUND

WHEREAS, the Town Board and the Parks Board and Recreation Commission wish to amend the mission of the Clarkstown Friends of the Parks Fund;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends the mission of the Clarkstown Friends of the Parks Fund as follows:

“Clarkstown Friends of the Parks Fund aims to improve and enhance a broad range of park facilities, amenities and related Town programs supported by the Clarkstown Parks Board and Recreation Commission.”

and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor and the Parks Board and Recreation Commissioner as authorized signatories.

Dated: April 14, 2015

awm

14 A

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

BID#14-2015 – TENNYSON PARK PLAYGROUND EQUIPMENT

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: April 14, 2015

Alom

14B

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

BID#15-2015 – SAFETY SURFACE AND INSTALLATION OF TENNYSON PARK
PLAYGROUND EQUIPMENT

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: April 14, 2015

awm

**RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE
NYS DOT AGREEMENT TO REGARDING FEDERAL AID FOR
REVITALIZATION OF WEST NYACK, PHASE 2 (PIN: 8780.52)**

TOWN BOARD RESOLUTION # ___-2015

Authorizing the implementation, and funding in the first instance 100% of the Federal-aid and/or State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Revitalization of West Nyack Phase 2 in the Town of Clarkstown, Rockland County, PIN 8780.52 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 0% federal funds and 100% non-federal funds; and

WHEREAS, the Town of Clarkstown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work;

NOW, THEREFORE, the Clarkstown Town Board, duly convened, does hereby

RESOLVE, that the Clarkstown Town Board hereby approves the above-subject Project, and it is hereby

FURTHER RESOLVED, that the Clarkstown Town Board hereby authorizes the Town of Clarkstown to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof, and it is

FURTHER RESOLVED, that the sum of \$733,000 is hereby appropriated from Account No. H 8755-409-79-21 and made available to cover the cost of participation in the above phase of the Project, and it is

FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Clarkstown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Clarkstown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is

FURTHER RESOLVED, that in addition to the Supervisor of the Town of Clarkstown, the following municipal titles: Public Works Administrator, Town Engineer, Town Comptroller, Director of Operations are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of this Project identified in the State/Local Agreement, and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is

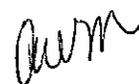
FURTHER RESOLVED, this Resolution shall take effect immediately.
Dated: April 14, 2015

STATE OF NEW YORK)
COUNTY OF ROCKLAND) SS:

I, JUSTIN SWEET, Clerk of the Town of Clarkstown, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Town Board at a meeting duly called and held at the Clarkstown Town Hall on April 14, 2015 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the Town of Clarkstown, New York, this _____ day of _____, 2015.

Clerk, Town of Clarkstown



16

RESOLUTION AUTHORIZING ACCEPTANCE OF FEE TITLE TO
SIXTY FOOT WIDE ROAD IN VALLEY COTTAGE

WHEREAS, pursuant to a subdivision plat entitled, "Rockland Corporation," which plat was filed in the Office of the Rockland County Clerk as Map No. 4559, in Book 87 of Maps at page 62, a sixty (60) foot wide road was offered for dedication to the Town of Clarkstown, which road extended from New York State Route 303 northward to, and connecting with, a road created within Clarkstown Executive Park, and

WHEREAS, said road was initially added to the Official Map of the Town of Clarkstown by Town Board Resolution No. 723-1974, as amended by Town Board Resolution No. 745-1975, and further amended by Town Board Resolution No. 13-1989, and

WHEREAS, even though said road was offered for dedication and shown on the Official Map, the Town has not yet accepted fee title;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts fee title of the sixty (60) foot wide Right-of-Way, Secondary Road, as shown on a map prepared by the Town Planner's Office entitled "Industrial Road Location Study RS 123, dated May 21, 1974," which runs through parcels designated on the Clarkstown Tax Map as Map 123, Block D, Lots 4.02, 4.03 and 15.01 and Map 124, Block C, Lot 23.05.

Dated: April 14, 2015

TB 04-14 TA RES 60 ft Wide ROW-Valley Cottage-pm



RESOLUTION AUTHORIZING SUBSTITUTION OF OWNER'S PERFORMANCE BOND AND LETTER OF CREDIT CONCERNING YELLOWSTONE FIELDS SUBDIVISION (58.07-01-46 & 47)

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Yellowstone Fields (58.07-01-46 & 47), Thomas and Linda Dimick provided an Owner's Performance Bond for Public Improvements in the subdivision which was secured by Irrevocable Letter of Credit No. 2495 in the amount of \$572,088.00 from Provident Bank, and

WHEREAS, Thomas Dimick wishes to substitute a new Owner's Performance Bond solely in his name secured by a new letter of credit for the same amount in place of the old letter of credit;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approves substitution and acceptance of a new letter of credit in the amount of \$572,088.00 from Thomas Dimick as security in the event the applicant fails to complete the public improvements as set forth in the new Owner's Performance Bond for Public Improvements in the Yellowstone Fields Subdivision, and be it

FURTHER RESOLVED, that upon receipt of the new letter of credit, in a form approved by the Town Attorney, the old letter of credit in the amount of \$572,088.00 (Provident Bank Letter of Credit No. 2495) may be released.

Dated: April 14, 2015

TB 04-14 TA RES Yellowstone Fields (Dimick) LC-pm

awm

RESOLUTION AUTHORIZING THE BUILDING INSPECTOR TO ISSUE A PERMIT TO FAIR PRODUCTIONS, INC. FOR CARNIVAL

WHEREAS, Fair Productions, Inc. has submitted an application to the Town Building Inspector to hold a fair at the Palisades Center Mall in Lot J, West Nyack, New York to begin on June 19, 2015 and end on July 5, 2015 (the set up time will begin on June 15, 2015 and continue through June 19, 2015; the move-out time will begin on July 6, 2015 and end on July 8, 2015), and

WHEREAS, pursuant to Section 117-13 of Town Code, the Town Board may, for good cause, from time to time, authorize the Building Inspector to issue a permit for circuses and carnivals to operate in excess of fourteen (14) days;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Building Inspector to issue a permit to Fair Productions, Inc. to hold a fair at the Palisades Center Mall Parking Lot J, West Nyack, New York, for the period referred to herein.

Dated: April 14, 2015

awm