TOWN OF CLARKSTOWN
TOWN BOARD MEETING
July 7, 2015 – 8:00 pm
Town Hall Auditorium
AGENDA
(*Tentative*)

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

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

RESOLUTIONS:

1. Accepting Minutes of Town Board Meeting of June 9, 2015, as submitted by the Town Clerk.

2. Establishing the Base Percentages, Current Percentages and Current Base Proportions for Certification to New York State Office of Real Property Services.

3. Establishing the Adjusted Base Proportions for Certification to the State Board of Real Property Services.

4. Authorizing the Purchasing Agent to Advertise for the following:
   - Bid #20-2015 – Germonds Pool Complex Renovations, Phase II

5. Correcting Error on Official Map (Jeremy Lane, West Nyack).

6. Accepting Deed for Road Widening and Declaration of Covenants regarding Landau Estates Subdivision (52.15-1-16)

7. Authorizing Assessment of a Lien Against Property Located at 141 Massachusetts Avenue, Congers, NY (Tax Map 52.08-3-53.2)

8. Execution and Acceptance of Stormwater Maintenance Agreement regarding CRH Realty IX, LLC Site Plan (Tax Map 64.08-3-7.3).

9. Authorizing Installation of a Street Light on the S/W Corner of 193 Kings Highway, Congers.

10. Approving the Final Map of the West Nyack Fire District Resolution No. ____-2015 of the Town of Clarkstown.

11. Authorizing Partial Refund of Building Permit Fee to Raymond and Simone Hutter concerning Property Designated as Tax Map No. 43.6-1-2

12. Authorizing Release of Escrow Funds for Intersection Monitoring Agreement regarding the Shops at Nanuet Site Plan/Subdivision (63.08-3-2,3,6,7,8,9.1 & 57.20-2-59)

13. Authorizing the following Personnel Changes:
    a) Appointment (Permanent): Michael Melton, Groundskeeper II, Building Maintenance
    b) Reappointment: Rabbi Jill Hackell, Member, Board of Ethics
    c) Reappointment: Rev. Bruce Woodcock, Member, Board of Ethics.

14. Amending the Allowance for Resident Engineering Services for the Central Nyack Drainage Improvement Project – Phase II

15. Authorizing the Supervisor to enter into a License Agreement with Eugene L. Principe and Donna E. Principe, 44 Waters Edge, Congers, N.Y. regarding Encroachments on Town Sanitary Sewer and Drainage Easements.

16. Authorizing the Refund of Certain Bonds

17. Authorizing the Supervisor to enter into an Agreement with the County of Rockland concerning the "Super Saver" Discount Program for the Clarkstown Mini Trans.

18. Referring and Setting a Public Hearing (August 11, 2015) – Proposed Local Law entitled: "A Local Law Concerning Solar Power Regulation"

19. Authorizing the Supervisor to enter into an Agreement with Korn Rosenbaum to Perform Limited Scope Audit.

ADDITIONAL TENTATIVE RESOLUTIONS:

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*****

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RESOLVED, that the Town Board Minutes of June 9, 2015 are hereby accepted, as submitted by the Town Clerk.

DATED: July 7, 2015

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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN ESTABLISHING THE BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS FOR CERTIFICATION TO NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2015 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

Dated: July 7, 2015

TB 07-07 TA RES Base Percentages (1)-pm

3

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN
ESTABLISHING THE ADJUSTED BASE PROPORTIONS FOR
CERTIFICATION TO THE STATE BOARD OF REAL PROPERTY SERVICES

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2015 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

Dated: July 7, 2015

TB 07-07 TA RES Base Proportions (2)-pm

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

BID#20-2015 – GERMONDS POOL COMPLEX RENOVATIONS – PHASE II

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

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

DATE: July 7, 2015

5

RESOLUTION CORRECTING OFFICIAL MAP ERROR
(JEREMY LANE, WEST NYACK)

WHEREAS, a question arose as to whether or not Jeremy Lane, West Nyack is a private road or a Town road, and

WHEREAS, upon investigation by the Town Attorney, the Town Planner and the Director of the Department of Environmental Control, it was determined that there was never any dedication of Jeremy Lane to the Town of Clarkstown, and

WHEREAS, Jeremy Lane was included on the Official Map as a public road in error and should have been identified as a private road on the Official Map;

NOW, THEREFORE be it

RESOLVED, that the Town Board hereby authorizes and directs that the error on the Official Map be corrected to remove Jeremy Lane, West Nyack from the Official Map, and be it

FURTHER RESOLVED, that the GIS Coordinator is hereby authorized and directed to make the necessary correction to the Official Map.

Dated: July 7, 2015

TB 07-07 TA RES Official Map Correction-pm

aum

6

RESOLUTION ACCEPTING DEED FOR ROAD WIDENING AND DECLARATION OF COVENANTS REGARDING LANDAU ESTATES SUBDIVISION (52.15-1-16)

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Landau Estates (52.15-1-16), the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Ridge Road, Valley Cottage, New York, and a Declaration of Covenants for road maintenance, and

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

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the First Deputy Director of the Department of Environmental Control of the Town of Clarkstown, deed dated February 27, 2015 from Jason Ruffo to the Town of Clarkstown, gratuitously conveying a strip of land along Ridge Road, Valley Cottage, New York, and Declaration of Covenants dated February 27, 2015 from Jason Ruffo for road maintenance in connection with the Landau Estates Subdivision are hereby accepted and ordered recorded in the Rockland County Clerk's Office at the expense of the grantor.

Dated: July 7, 2015

awm

RESOLUTION AUTHORIZING ASSESSMENT OF A LIEN AGAINST PROPERTY LOCATED AT 141 MASSACHUSETTS AVENUE, CONGERS, NEW YORK (TAX MAP 52.08-3-53.2)

WHEREAS, by resolution dated September 25, 2001, the Town Board issued a decision, findings of fact and order (hereinafter referred to as "Decision") pursuant to Chapter 216 of the Town Code of the Town of Clarkstown with reference to the premises known as Tax Map 52.8-3-53.1 and Tax Map 52.8-3-53.2 (commonly known as 139 Massachusetts Avenue and 141 Massachusetts Avenue, Congers, New York) which were owned by BARRY GOLDBERG and LINDA GOLDBERG, and

WHEREAS, said Decision ordered the removal of fill material placed on said property for the reason that same constituted a nuisance, hazard and litter as defined in Chapter 216 and that all costs from the Chapter 216 proceeding, the costs of preparing any further necessary reports or investigation, and the removal shall be charged and assessed against the record owners of the property, and

WHEREAS, the Town commenced a declaratory action against BARRY GOLDBERG and LINDA GOLDBERG in the Rockland County Supreme Court under Index No. 2002-004430 seeking permission to enter the premises lawfully for the purpose of abating the nuisance, hazard and litter and granting the costs associated with the Town Code Chapter 216 proceeding and the costs associated with the abatement of the property as a lien against the Goldberg properties, and

WHEREAS, by a decision and order dated November 9, 2013, Thomas E. Walsh, II, A.J.S.C granted the Town's motion for summary judgment permitting the Town to enter the premises and ordered the costs of the remediation of the property to be a lien on the subject premises, and

WHEREAS, the Town has repeatedly requested that the Goldbergs abate the subject properties and the Goldbergs have failed to comply, and

WHEREAS, Lawler, Matusky & Skelly Engineers, LLP provided engineering consulting and testing services and prepared a remediation plan with respect to the subject property for a total cost of approximately $24,197.28, and

WHEREAS, Henningson, Durham & Richardson Architecture Engineering PC (hereinafter "HDR), as the successor to Lawler, Matusky & Skelly Engineers, LLP, also provided engineering consulting services such as the preparation of bid specifications, overseeing the removal of the fill material and preparing a final engineering report, which the Town has paid HDR $25,089.46 to date for this project, and

WHEREAS, by resolution dated May 6, 2014, the Town Board publicly solicited bids for the removal of the said fill material pursuant to Bid # 19-2014 entitled "Massachusetts Avenue Debris Removal," and

WHEREAS, by resolution dated August 5, 2014, the Town Board awarded bid # 19-2014 to the lowest responsible bidder Cal Mart Enterprises, Inc. ("Cal Mart") for the sum of

$368,368.00 plus 10% contingency, and the Town has paid Cal Mart $282,092.32 to date for this project, and

WHEREAS, Barry Goldberg had requested information relating to Bid #19-2014 on September 25, 2014 and the Town responded to the request on October 1, 2014, and

WHEREAS, the costs to date of the fill/debris removal is $331,379.06, which consists of the following:

Lawler, Matusky & Skelly Engineers, LLP	$24,197.28
Henningson, Durham & Richardson Architecture Engineering PC	25,089.46
Cal Mart Enterprises	282,092.32
Total	$331,379.06,

and

WHEREAS, the debris removal is almost complete in which a total of 6,690 ton of debris and unsuitable material was removed from the two premises, and

WHEREAS, since Barry Goldberg is no longer the owner of 139 Massachusetts Avenue (Tax Map 52.08-3-53.1), it is necessary to allocate the cost of the remediation between the properties, and

WHEREAS, Dennis M. Letson, P.E., First Deputy Director of Environmental Control by a memo dated June 15, 2015 has recommended that the most equitable allocation of costs to the two properties is by relative width of the individual lots to the total width of the two lots combined as follows: Lot 52.08-3-53.1 is approximately 72.5 feet in width and Lot 52.08-3-53.2 is approximately 98.9 feet in width as shown on the Rockland County GIS data, for a total width of 171.4 feet; therefore, Lot 52.08-3-53.1 represents 42.3%, and Lot 52.08-3-53.2 represents 57.7% of the total width;

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the First Deputy Director of Environmental Control, the Town Board has determined that the most equitable allocation of the costs of the clean-up is by relative width of the Town properties and, therefore, the relative cost of the work to date associated with Lot 52.08-3-53.2 is $191,205.72 (57.7% of the $331,379.06) and that this amount shall be charged as a lien and assessed against Lot 52.08-3-53.2 (141 Massachusetts Avenue), and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary actions to perfect this lien and charge the aforementioned property on which it is levied, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to June 16, 2015.

Dated: July 7, 2015
TB 07-07 TA RES Mass Ave Lien-pm

awm

8

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF STORMWATER MAINTENANCE AGREEMENT REGARDING CRH REALTY IX, LLC SITE PLAN (TAX MAP 64.08-3-7.3)

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to the CRH Realty IX, LLC site plan (tax map 64.08-3-7.3), CRH Realty IX, LLC has provided a stormwater control facility maintenance agreement to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyance; and the Town Attorney has advised that the document is in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the stormwater control facility maintenance agreement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the stormwater control facility maintenance agreement from CRH Realty IX, LLC in connection with the CRH Realty IX, LLC site plan and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: July 7, 2015

TB 07-07 TA RES CRH-Crystal Run Stormwater Agree-pm

allow

9

WHEREAS, a resident of Kings Highway, Congers, NY 10920 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 #60614/41466;

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 #60614/41466 located at the south-west corner of # 193 Kings Highway, Congers.

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: July 7, 2015

aum

10

RESOLUTION APPROVING THE FINAL MAP OF THE
WEST NYACK FIRE DISTRICT
RESOLUTION NO. ____-2015 OF THE TOWN OF CLARKSTOWN

WHEREAS, Town Law § 176(5) requires fire districts to prepare a map showing the exact boundaries of the fire district, and

WHEREAS, the West Nyack Fire District has complied with the provisions of Town Law § 176(5), and

WHEREAS, the West Nyack Fire District has provided the Town Board of the Town of Clarkstown, New York with the proposed map and legal description as well as proof of service upon adjacent fire districts of the proposed map and description, and

WHEREAS, the Town Board has been advised and believes that no objections to the proposed map and description have been filed, and

WHEREAS, notice of 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 at which hearing no objections to the boundaries were heard;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the proposed map and legal description of the West Nyack Fire District is hereby approved.

2. The Town Clerk, pursuant to Town Law § 176(5) is directed to notify the adjacent fire districts of the filing and approval of said map.

3. That the Town Clerk is further directed to file a certified copy of the map in the Office of the Rockland County Clerk as well as to publish a notice of the filing of said map in the official newspaper of the Town of Clarkstown.

Dated: July 7, 2015

TB 07-07 TA RES West Nyack Fire Dist Map-pm

11

RESOLUTION AUTHORIZING A PARTIAL REFUND OF BUILDING PERMIT FEE TO RAYMOND AND SIMONE HUTTER CONCERNING PROPERTY DESIGNATED AS TAX MAP NO. 43.6-1-2

WHEREAS, Raymond Hutter has requested a refund of Building Permit Fee No. 14-1035 paid in the amount of $636.00 for property located at 7 Lansdale Road, New City, New York, more particularly described as Tax Map No. 43.6-1-2, because the job was postponed indefinitely, and

WHEREAS, the Building Inspector has recommended a partial refund with retention of a processing review fee of $130.00;

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 $506.00, which is the $636.00 Building Permit fee that was paid, minus the processing fee, to Raymond and Simone Hutter, 7 Lansdale Road, New City, New York, to be charged to Account No. B-02-6-2555-0.

Dated: July 7, 2015

TB 07-07 TA RES Bldg Permit Partial Refund Hutter-pm

aum

12

RESOLUTION AUTHORIZING RELEASE OF ESCROW FUNDS FOR INTERSECTION MONITORING AGREEMENT REGARDING THE SHOPS AT NANUET SITE PLAN/SUBDIVISION (63.08-3-2, 3, 6, 7, 8, 9.1 & 57.20-2-59)

WHEREAS, as a condition to the approval of the final map by the Planning Board of the Town of Clarkstown regarding The Shops at Nanuet Site Plan/Subdivision (63.08-3-2, 3, 6, 7, 8, 9.1 & 57.20-2-59), The Shops at Nanuet – Retail Property Trust provided escrow funds in the amount of $93,200 as security for an Intersection Monitoring Agreement, dated April 16, 2012, and

WHEREAS, the Principal Town Planner for the Town of Clarkstown and the First Deputy Director of the Department of Environmental Control have advised that all traffic studies are now complete, pursuant to the agreement, and said escrow funds are no longer required;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Principal Town Planner and First Deputy Director of the Department of Environmental Control, the escrow funds in the amount of $93,200.00 being held as security for the Intersection Monitoring Agreement may now be released.

Dated: July 7, 2015

TB 07-07 TA RES Release Escrow-Shops at Nanuet-Inter Mon Agree-pm

awm

13A

RESOLVED, that Michael Melton, 6 Truman Drive, Stony Point, New York - is hereby appointed (permanent) to the position of Groundskeeper II - Building Maintenance - at the current 2015 annual salary of $64,680 - effective June 12, 2015.

DATED: July 7, 2015
P

13B

RESOLVED, that the reappointment of Rabbi Jill Hackell, 33 Brookline Way, New City, New York - Member - Board of Ethics - at the annual salary of $2,270. - is hereby accepted effective June 27, 2015 thru June 26, 2020.

DATED: July 7, 2015
P

13C

RESOLVED, that the reappointment of Rev. Bruce Woodcock, 108 Castle Heights Avenue, Upper Nyack - New York - Member - Board of Ethics - at the annual salary of $2,270. - is hereby accepted effective and retroactive to March 8, 2015 thru March 7, 2020.

DATED: July 7, 2015
P

14

RESOLUTION AMENDING THE ALLOWANCE FOR RESIDENT ENGINEERING SERVICES FOR THE CENTRAL NYACK DRAINAGE IMPROVEMENT PROJECT – PHASE II

Whereas, the Town Board of the Town of Clarkstown has previously, by resolution #271-2013, awarded a contract to McLaren Engineering Group of West Nyack, New York to provide construction administration services and resident engineering services for the Central Nyack Drainage Improvement Project – Phase II; and

Whereas, design modifications and unanticipated utility conflicts have increased the scope of work for said resident engineering services beyond that covered by the original contract; and

Whereas, the Department of Environmental Control has received a proposal from McLaren Engineering Group for the increase in services associated with the increase in the scope of work; and

Whereas, the Department of Environmental Control has reviewed said proposal and finds it to be acceptable in terms of scope and price;

Now, Therefore, Be It Resolved that the allowance for resident engineering services for the Central Nyack Drainage Improvement Project – Phase II be increased by an amount not to exceed ***$30,000.00*** to a new total of ***$455,050.00*** without further Town Board resolution; and

Be It Further Resolved that said increase in fees shall be reimbursed within the allocated contingency for this project; and

Be It Further Resolved that this increase shall constitute a proper charge to account number ***H-8755-400-409-0-79-7***.

Dated: July 7, 2015

TB 7-07-15 DEC RES Central Nyack - Phase II Engineering Services

awm

15

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT WITH EUGENE L. PRINCIPE and DONNA E. PRINCIPE, 44 WATERS EDGE, CONGERS, NEW YORK, REGARDING ENCROACHMENTS ON TOWN SANITARY SEWER AND DRAINAGE EASEMENTS

WHEREAS, EUGENE L. PRINCIPE and DONNA E. PRINCIPE, owners of premises located at 44 Waters Edge, Congers, New York and more particularly described as Tax Map 44.14-1-51, have installed landscaping, shed, fence and block retaining wall within Town sanitary sewer and drainage easements, and

WHEREAS, Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control, has investigated this matter and has advised that the encroachments described herein may remain provided the Town retains the right to order the encroachments removed, and the Town Attorney has advised that a revocable license agreement may be used to effectuate such arrangement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owners, in a recordable form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the landscaping, shed, fence and block retaining wall to remain in the Town's sanitary sewer and drainage easements, located at 44 Waters Edge, Congers, New York and more particularly described as Tax Map 44.14-1-51, and be it

FURTHER RESOLVED, that such agreement shall also provide that the property owners or successors shall indemnify and save harmless the Town of Clarkstown from any and all claims, or causes of action, or any liability against the Town of Clarkstown, arising out of the encroachment or license to maintain same.

Dated: July 7, 2015

TB 07-07-15 TA RES Principe Lic. Agreement-dt

awm

REFUNDING BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 7, 2015, AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED $8,400,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED $8,400,000 TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO

Recitals

WHEREAS, the Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), has heretofore issued on July 26, 2007 its $16,569,000 Public Improvement Serial Bonds-2007 (the "2007 Bonds"), which are currently outstanding in the principal amount of $7,300,000 (the "Outstanding Bonds"), which mature on June 15 in each of the years and in the principal amounts and bear interest payable semiannually on June 15 and December 15 in each year to maturity, as follows:

Year of Maturity	Principal Amount	Interest Rate
2016	$900,000	4.25%
2017	900,000	4.25
2018	800,000	4.25
2019	800,000	4.25
2020	800,000	4.25

Year of Maturity	Principal Amount	Interest Rate
2021	800,000	4.25
2022	800,000	4.25
2023	300,000	4.25
2024	300,000	4-3/8
2025	300,000	4-3/8
2026	300,000	4-3/8
2027	300,000	4-3/8

WHEREAS, the 2007 Bonds maturing on or after June 15, 2018 are subject to redemption prior to maturity, at the option of the Town, on June 15, 2017 and thereafter, in whole or in part, and if in part, in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at par, plus accrued interest to the date of redemption; and

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), authorize the Town to refund all or a portion of the outstanding unredeemed maturities of the Outstanding Bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town, and the Town Board has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds; and

WHEREAS, in order effectuate the refunding, it is now necessary to adopt this Refunding Bond Resolution;

NOW, THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, NEW YORK (by the favorable vote of at least two-thirds of all the members of said Town Board), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

(a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or any portion of the Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.

(b) "Escrow Contract" means the contract to be entered into by and between the Town and the Escrow Holder pursuant to Section 10 hereof.

(c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.

(d) "Outstanding Bonds" shall mean the outstanding unredeemed maturities of the 2007 Bonds.

(e) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.

(f) "Redemption Dates" mean June 15, 2017 and any date thereafter, as shall be determined by the Supervisor in accordance with Section 8.

(g) "Refunding Bond" or "Refunding Bonds" means all or a portion of the $8,400,000 Refunding Serial Bonds-2015 of the Town of Clarkstown, authorized to be issued pursuant to Section 2 hereof.

(h) "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Town Board of the Town (herein called the "Town Board"), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed $8,400,000 to accomplish such refunding. The plan of financing said appropriation

includes the issuance of the Refunding Bonds in the principal amount of not to exceed $8,400,000 and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Town in the maximum principal amount of $8,400,000 and designated substantially as "REFUNDING SERIAL BONDS-2015" are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as **Exhibit A** (the "Refunding Financial Plan") prepared for the Town by its Financial Advisor, Munistat Services, Inc., and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the Town in connection with said refunding from such proceeds and, to the extent required, the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, if any, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the Outstanding Bonds issued pursuant to various bond resolutions duly adopted by the Town Board on their respective dates, authorizing the issuance of bonds of the Town to finance various purposes of the Town. In accordance with the Refunding Financial Plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed $8,400,000 shall mature in amounts and at dates to be determined. The Supervisor, the chief fiscal officer of the

Town, is hereby authorized to approve all details of the Refunding Financial Plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness ("PPU") permitted by law at the time of original issuance of the Bonds to be Refunded, as set forth in **Exhibit B** annexed hereto and hereby made a part hereof, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed Refunding Financial Plan attached hereto as **Exhibit A**, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The Town Board recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the Refunding Financial Plan may vary from that attached hereto as **Exhibit A**.

Section 6. The Refunding Bonds may be sold at public or private sale.

(a) If the Bonds are sold at private sale, the Supervisor, as the chief fiscal officer of the Town, is hereby authorized to execute a purchase contract on behalf of the Town for the

sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(b) In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Supervisor is hereby authorized and direct to prepare or have prepared a Notice of Sale, a summary of which shall be published at least once in (a) "THE BOND BUYER," published in the City of New York and (b) the official newspaper(s) of the Town having general circulation within said Town, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in the county in which the Town is located, or, if only one bank is located in such County, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER," 1 State Street Plaza, New York, New York 10004; and (4) at least 10 bond dealers.

(c) Prior to the issuance of the Refunding Bonds, the Supervisor shall file with the Town Board all requisite certifications, including a certificate approved by the State Comptroller setting forth the Present Value Savings to the Town resulting from the issuance of the Refunding Bonds. In connection with such sale, the Town authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Town in connection with

said refunding, including the preparation of the Refunding Financial Plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town, payable as to both principal and interest by a 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 Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Law, the powers and duties of the Town Board relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing a tax certificate relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, and as to any determinations relating to the investment of the proceeds of the Refunding Bonds, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. The validity of the Refunding Bonds authorized by this resolution 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 10. Prior to the issuance of the Refunding Bonds, the Town shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the Refunding Financial Plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the

Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the Refunding Financial Plan, and the holders of such Refunding Bonds shall have a lien upon such

moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Town Board hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Supervisor in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the Town by mailing such notice at least thirty days prior to such Redemption Date, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended

from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. 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 general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

17

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND CONCERNING THE "SUPER SAVER" DISCOUNT PROGRAM FOR THE CLARKSTOWN MINI TRANS

WHEREAS, the County of Rockland and the Town of Clarkstown wish to coordinate bus fares as it relates to cash paying full fare adults on the "Transport of Rockland" (TOR) and the "Clarkstown Mini Trans" (CMT), and

WHEREAS, the Town Board of the Town of Clarkstown wishes to participate in the County of Rockland Department of Public Transportation "Super Saver" Discount Program for the Clarkstown Mini Trans;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to provide for the coordination of bus fares as it relates to cash paying full fare adults on the Transport of Rockland and the Clarkstown Mini Trans, and for the Town of Clarkstown to participate in the County's "Super Saver" Discount Program, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to April 3, 2015.

AWM

DATED: July 7, 2015

TB 07-07-15 TA RES Mini Trans Super Saver - kh

RESOLUTION REFERRING AND SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW CONCERNING SOLAR POWER REGULATION"

WHEREAS, the Special Board has recommended a proposed local law regarding solar power regulation and a permitting process, and

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

"A LOCAL LAW CONCERNING SOLAR POWER REGULATION",

and

WHEREAS, the proposed local law is create a new chapter in the Town Code of the Town of Clarkstown to promote the accommodation for applications for solar system installations and to provide a process for regulating the installation of solar energy systems with regard to design, permits and safety;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town

Board determines that it shall act as lead agency and Jose Simoes, Principal Planner for the Town of Clarkstown, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on August 11, 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 said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk

Dated: July 7, 2015

TB 07-07 TA RES Refer-Public Hearing LL Amend Chap 109-Solar Power-pm

aum

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AGREEMENT WITH KORN ROSENBAUM TO PEFORM LIMITED SCOPE AUDIT

WHEREAS, Med3000, Inc. acts as the service organization for the Town of Clarkstown to process insurance claims for basic and advanced life support services provided by volunteer ambulance corps and Rockland Paramedic Service, Inc.and

WHEREAS, it is necessary that the Town of Clarkstown have a limited scope audit to obtain reasonable assurance that Med3000, Inc. has the necessary controls and procedures in place to provide reliance that the billing is proper,

WHEREAS, Korn Rosenbaum LLP has submitted a proposal dated 5/22/15 to perform such audit, which the Comptroller finds reasonable in scope and price,

THEREFORE, BE IT,

RESOLVED, that Supervisor Gromack is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn Rosenbaum, LLP Certified Public Accountants, with offices at Palisades Office Park, 26 Firemen's Memorial Drive, Pomona, New York, for a cost not to exceed $5,000, to perform the limited scope audit referred to herein, as described in a proposal dated May 22, 2015.

Com Res Med3000