

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
Wednesday, November 9, 2016
7:00 pm
Town Hall Auditorium
AGENDA

SALUTE TO THE FLAG

CLERK CALLS THE ROLL

PUBLIC HEARINGS:

PH-1 Resolution Adopting the 2017 Budget

PH-2 Proposed Local Law: "A Local Law amending Chapter 109 (Building Construction Administration) of the Code of the Town of Clarkstown.

PUBLIC COMMENTS REGARDING AGENDA ITEMS

(Limited to 3 minutes per person)

RESOLUTIONS:

1. Authorizing removal of snow on undedicated streets in Clarkstown.
2. Authorizing installation of the following signage:
 - a) 4-Ton Weight Limit Sign on Old Mill Road at the intersection of Kings Highway, Valley Cottage.
 - b) Double Arrow Sign immediately behind the Guardrail on Victoria Drive, Nanuet.
 - c) Curve Advisory Sign with Reduced 20MPH Plaque west bound ~and~ Curve Advisory Sign with Reduced 20MPH Plaque on Mark Lane, New City.
3. Authorizing removal of "No Turn on Red" signage on Red Hill Road at the intersection of So. Little Tor Road, New City.
4. Authorizing the Supervisor to enter into the following "Adopt-A-Road" Programs:
 - a) **Blue Sky Lawn Care & Landscaping, Inc. (Renewal)** – 1.14 mile segment on Lake Road, from Kings Highway to Route 9W, and 0.75 mile segment from the Railroad Tracks to Crusher Road on Kings Highway, Valley Cottage.
 - b) **McLaren, P.C., Engineering Group - (Renewal)**.21 mile segment of Snake Hill Road from 100 Snake Hill Road to intersection of Palisades Center Drive, West Nyack.
 - c) **Nazzaro Disposal – (Renewal)** .68 mile segment of Lakewood Drive, between Route 303 and Route 9W, Congers.
5. Authorizing a Change Order to Bid No. 14-2016: "Asphalt sidewalks construction at various location throughout Clarkstown" *(Increase of \$11,922.40 from \$66,239.00 to \$78,161.40)*
6. Authorizing the Purchasing Agent to Advertise for the following:
Bid #18-2016 – Rental of Trucks w/Operators for Emergency Situations – Clarkstown Highway Dept.
7. Authorizing the following Certificate of Registration:
17-1 – Ronald J. Tarigo
8. Setting a Public Hearing on a proposed local law entitled: "A Local Law Amending Chapters 246 (Site Plan Review) and 254 (Subdivision of Land) of the Code of the Town of Clarkstown regarding regular business hours". *(Dec. 15, 2016)*
9. Designating Northeast Electrical Inspection LLC as an additional electrical code inspection agency, to provide electrical supplemental and alternative inspection capability to the Town of Clarkstown.
10. Adopting the following procedures and policies for the Town of Clarkstown for the procurement of goods and services necessary for the implementation of projects funded by the Governor's office of Storm Recovery of the New York State Housing Trust Fund Corporation.

11. Amending Resolution No. 22-2016 regarding Change Orders to Bid No. 20-2015. *(Increase of \$50,290.97 from \$1,718,991.00 to \$1,769,281.97)*
12. Authorizing additional financing for the construction of renovations to Germonds Pool Complex in West Nyack – Phase II. *(additional \$55,000.00)*
13. Authorizing additional financing for the partial reconstruction of the Traphagen House in West Nyack. *(additional \$27,000.00)*
14. Authorizing the following Personnel Changes:
 - a) Resignation (Retirement): JoAnne Pedersen, Superintendent, Recreation & Parks Dept.
 - b) Leave of Absence: Kristy Miranda, Clarkstown Police Dept.
15. Authorizing the Supervisor to enter into an agreement with the County of Rockland to provide maintenance and upkeep for certain Park and Ride Lots. *(not to exceed \$355,000.00)*
16. Authorizing the Supervisor to accept proposal and enter into an agreement with the New York Power Authority regarding ASHRAE Level II Audit for Town buildings.
17. Authorizing the Supervisor to enter into an agreement with Nyack Hospital for an Employee Assistance Program.
18. Authorizing execution and acceptance of an *amended* Stormwater Maintenance Agreement regarding United Structural Works Site Plan *(Tax Map 35.20-1-5)*
19. Authorizing execution and acceptance of the following Stormwater Maintenance Agreements:
 - a) New York SMSA Limited Partnership d/b/a Verizon Wireless-4 Centerock Site Plan *(Tax Map 64.08-3-7.4)*
 - b) Mulberry Hill Subdivision *(Tax Map 5.20-1-98, 98.2, 98.3, 98.5 & 98.6)*
20. Authorizing the Supervisor to enter into and execute a Pilot Agreement with the Clarkstown Senior Phase 1 Housing Development Fund Corp. and Clarkstown Seniors Phase I, LLC. *(2018 - \$596.89 per unit x 20 units - \$11,937.80)*
21. Authorizing the Supervisor to enter into and execute a Pilot Agreement with the Clarkstown Seniors Phase II Housing Development Fund Corp. and Clarkstown Seniors Phase II, LLC. *(2018 - \$596.89 per unit x 20 units - \$11,937.80)*
22. Amending Agreement with Maser Consulting, P.A. regarding Clarkstown Executive Park Project. *(not to exceed \$35,000.00)*
23. Amending Resolution No. 384-2016. *(period not to exceed 3 years at monthly cost of \$1,720.00)*
24. Authorizing Amending the 2016 Budget.
25. Waiving the Notice Requirement in Section 110-b of the New York State ABC Law with respect to a Liquor License for the Clubhouse Bar & Grille (191 South Main Street, New City) .
26. Authorizing the Town to Purchase a Conservation Easement in connection with the Trust for Public Land Purchase of Property adjacent to Hook Mountain State Park (Marydell Property) .
27. Authorizing funding for the acquisition of a conservation easement or proportionate interest therein with respect to a portion of the Marydell Property located in the Village of Upper Nyack *(estimated cost \$300,000)*

GENERAL PUBLIC COMMENTS

(Limited to 3 minutes per person)

SPECIAL MEETING: Board of Directors of the Clarkstown Middlewood Housing Development Fund Company, Inc.

PH-1

RESOLUTION ADOPTING THE 2017 BUDGET
FOR THE TOWN OF CLARKSTOWN

WHEREAS, a public hearing, pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 2017, was duly scheduled and noticed for November 9, 2016 at 7:00 p.m., in the Auditorium of the Clarkstown Town Hall, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and the Town Board heard all persons desiring to be heard;

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, as adjusted, a copy of which is attached hereto, be and is hereby adopted as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1st day of January, 2017, and that such Budget, as so adopted, be entered in detail in the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2, and Section 231, Subd. 2 of the Town Law, and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County, pursuant to Section 115 of the Town Law and other applicable sections of the Town Law.

Dated: November 9, 2016

TB 11-09 TA RES Adopt Town Budget-2017-pm

PH2

**RESOLUTION OF THE TOWN BOARD
ADOPTING LOCAL LAW NO. - 2016**

WHEREAS, a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 109 (BUILDING
CONSTRUCTION ADMINISTRATION) OF THE CODE OF THE
TOWN OF CLARKSTOWN"

was introduced by Councilperson Noto at a Town Board
meeting held on October 25, 2016, and

WHEREAS, the Town Board of the Town of Clarkstown, by
resolution adopted on October 25, 2016, directed that a
public hearing be held on November 9, 2016 at 7:00 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 November 1, 2016, and

WHEREAS, a pdf copy of the proposed local law was sent
in electronic format by electronic means to the desks of the
Supervisor and the Councilpersons at their office at the
Clarkstown Town Hall, 10 Maple Avenue, New City, New York,
on October 27, 2016, and

WHEREAS, a public hearing was held by the Town Board
of the Town of Clarkstown on November 9, 2016;

OK

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2016 entitled:

"A LOCAL LAW AMENDING CHAPTER 109 (BUILDING
CONSTRUCTION ADMINISTRATION) 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:

George Hoehmann, Supervisor
Frank Borelli, Councilman
Stephanie G. Hausner, Councilwoman . .
John J. Noto, Councilman
Valerie Moldow, 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: November 9, 2016

1

RESOLUTION FOR REMOVAL OF SNOW ON
UNDEDICATED STREETS IN CLARKSTOWN

WHEREAS, heavy snowfall and other inclement weather may create hazardous conditions which may pose an increased danger to life and property in the event of fire, sickness, lack of food and medical assistance to persons house bound on unplowed or otherwise impassable streets;

NOW, THEREFORE, be it

RESOLVED, that in addition to the authority granted under Executive Law, Sections 24 and 25, the Supervisor of the Town of Clarkstown is hereby authorized to use and direct any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any urgent situation, crisis, natural emergency disaster or extraordinary condition created by any snow fall or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes and directs the Superintendent of Highways to seek the cooperation of the developers/owners of undedicated streets to properly plow and sand during inclement

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weather and to use personnel and equipment to plow undedicated streets in the Town of Clarkstown at such time when necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to seek recovery of the reasonable costs for such services from the developers of undedicated subdivision roads or any responsible party, and where appropriate, to assess such costs, if unpaid, on the responsible property owner's next Town tax bill, or otherwise seek recovery by any available legal remedy.

Dated: November 9, 2016

TB 11-09 TA RES Snow Removal-pm

2A

**RESOLUTION AUTHORIZING THE INSTALLATION OF A
(R12-1) 4 TON WEIGHT LIMIT SIGN
ON OLD MILL ROAD AT THE INTERSECTION OF
KINGS HIGHWAY, VALLEY COTTAGE**

WHEREAS, An investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a (R12-1) 4 Ton Weight Limit Sign be installed on Old Mill Road at the intersection of Kings Highway, Valley Cottage

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a (R12-1) 4 Ton Weight Limit 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 and the Traffic and Traffic Fire Safety Advisory Board for file and information.

DATE: November 9, 2016
TTFSA

2B

**RESOLUTION AUTHORIZING THE INSTALLATION OF A
(W1-7) DOUBLE ARROW SIGN IMMEDIATELY BEHIND THE GUARDRAIL
ON VICTORIA DRIVE, NANUET**

WHEREAS, An investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a (W1-7) Double Arrow Sign be installed immediately behind the guard rail on Victoria Drive, at Buckingham Road, Nanuet

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a (W1-7) Double Arrow Sign as indicated above, and be it

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

DATE: November 9, 2016
TTFSA

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2c

**RESOLUTION AUTHORIZING THE INSTALLATION OF
(W1-1L) CURVE ADVISORY SIGN WITH (W13-1P) REDUCED 20MPH PLAQUE
WEST BOUND AND
(W1-1R) CURVE ADVISORY SIGN WITH (W13-1P) REDUCED 20MPH PLAQUE
ON MARK LANE, NEW CITY**

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the recommendation that a (W1-1L) Curve Advisory sign with a (W13-1P) reduced 20 mph plaque West Bound and a (W1-1R) Curve Advisory sign with a (W13-1P) reduced 20 mph plaque East Bound be installed approximately 165 feet in advance of the curve on Mark Lane, New City

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install signage as indicated above, and be it

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

DATE: November 9, 2016
TTFSA

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**RESOLUTION AUTHORIZING REMOVAL OF
"NO TURN ON RED" SIGNAGE ON RED HILL ROAD
AT THE INTERSECTION OF SO. LITTLE TOR ROAD, NEW CITY**

WHEREAS, an investigation by the Traffic and Traffic Fire Safety Advisory Board resulted in the following recommendation to remove the "No Turn on Red" signage on Red Hill Road at the intersection of So. Little Tor Road, New City

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes Superintendent of Highways to remove the "No Turn on Red" signage as indicated above, and be it

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

DATED: November 9, 2016
TTFSA

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

4A

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning November 1, 2016 to November 1, 2018 as follows:

Sponsor: **Blue Sky Lawn Care & Landscaping, Inc.**
 505 Kings Highway
 Valley Cottage, NY 10989

Road: **1.14 mile segment on Lake Road from Kings Highway to Route 9W,**
 and 0.75 mile segment from the Railroad Tracks to Crusher Road
 on Kings Highway, Valley Cottage

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Blue Sky Lawn Care & Landscaping, Inc. will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning November 1, 2016 to November 1, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Blue Sky Lawn Care & Landscaping, to remove trash from the roadways.

Dated: November 9, 2016

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4B

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segments of various town roads for an additional period of two (2) years, beginning November 1, 2016 to November 1, 2018, as follows:

Sponsor: McLaren, P.C., Engineering Group
100 Snake Hill Road
West Nyack, NY 10994

Roads: .21 mile segment of Snake Hill Road from
100 Snake Hill Road to intersection of
Palisades Center Drive, West Nyack, NY 10994

and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program in that McLaren, P.C., Engineering Group will perform a public service in removing trash from above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning November 1, 2016 to November 1, 2018, in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt above segment, and to provide and coordinate services by McLaren, P.C., Engineering Group to remove trash from the roadway.

Date: November 9, 2016

42

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A
RENEWAL AGREEMENT CONCERNING TOWN OF CLARKSTOWN
"ADOPT-A-ROAD" PROGRAM

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt the below segment of a town road for an additional period of two (2) years, beginning November 1, 2016 to November 1, 2018 as follows:

Sponsor: **Nazzaro Disposal**
 441 Route 9W
 Congers, NY 10920

Road: **0.68 mile segment of Lakewood Drive**
 between Route 303 and Route 9W, Congers

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Nazzaro Disposal will perform a public service in removing trash from the above roadway that would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning November 1, 2016 to November 1, 2018 in a form approved by the Town Attorney, and Frank DiZenzo, Superintendent of Highways, to adopt the above segment, and to provide and coordinate services by Nazzaro Disposal, to remove trash from the roadways.

Dated: November 9, 2016

**RESOLUTION AUTHORIZING A CHANGE ORDER TO BID NO. 14-2016:
"ASPHALT SIDEWALKS CONSTRUCTION AT VARIOUS LOCATIONS
THROUGHOUT CLARKSTOWN"**

WHEREAS, by Resolution No. 82-2016, adopted February 9, 2016, Bid No. 14-2016 - Asphalt Sidewalk Construction at Various Locations throughout Clarkstown was awarded to Tilcon New York, Inc. for a total price of \$66,239.00, and

WHEREAS additional work was required to make necessary widening of the sidewalks in areas near the culvert on Red Hill Road to accommodate pedestrian traffic, and

WHEREAS, the change order in the amount of \$11,922.40 was reviewed by Frank DiZenzo, Sr., Superintendent of Highways, and he finds the change order acceptable in terms of scope and price;

NOW THEREFORE, BE IT

RESOLVED, that, based upon the recommendation of the Superintendent of Highways, the Town Board of the Town of Clarkstown hereby authorizes the total allowance for this project be increased by \$11,922.40 from \$66,239.00 to the new amount of \$78,161.40 to cover the cost of the additional work, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H 8769-409-92-04.

Dated: November 9, 2016

TB 11-09 TA RES Bid 14-2016 Change Order-pm

6

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

BID#18-2016 – RENTAL OF TRUCKS WITH OPERATORS FOR EMERGENCY SITUATIONS – CLARKSTOWN HIGHWAY DEPARTMENT

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: November 9, 2016

65

7

**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:

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration to:

17-1 - RONALD J. TARIGO

DATED: November 9, 2016

TB 11-09-16 - TA RES Certificate of Registration Sewers-sk

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RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTERS 246 (SITE PLAN REVIEW) AND 254 (SUBDIVISION OF LAND) OF THE CODE OF THE TOWN OF CLARKSTOWN REGARDING REGULAR BUSINESS HOURS"

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

"A LOCAL LAW AMENDING CHAPTERS 246 (SITE PLAN REVIEW) AND 254 (SUBDIVISION OF LAND) OF THE CODE OF THE TOWN OF CLARKSTOWN REGARDING REGULAR BUSINESS HOURS"

and

WHEREAS, this proposed local law is intended to amend Sections 246-15B(1) and 254-14B(1) by changing the language of regular business hours for inspection purposes in the Department of Environmental Control from 9 a.m. - 5 p.m. to 8 a.m. - 4 p.m.;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York on December 15, 2016 at 12:00 p.m. (noon), 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: November 9, 2016

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RESOLUTION DESIGNATING NORTHEAST ELECTRICAL INSPECTIONS LLC AS AN ADDITIONAL ELECTRICAL CODE INSPECTION AGENCY, TO PROVIDE ELECTRICAL SUPPLEMENTAL AND ALTERNATIVE INSPECTION CAPABILITY TO THE TOWN OF CLARKSTOWN

WHEREAS, Erik Asheim, Building Inspector, has recommended the designation of Northeast Electrical Inspections LLC as an additional electrical code inspection agency to provide supplemental and alternative inspection capability to the presently designated electrical inspection agencies, and

WHEREAS, pursuant to Chapter 133 of the Clarkstown Town Code, the Town Board may designate such additional inspection agency to provide the services referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby designates, pursuant to Chapter 133 of the Town Code, Northeast Electrical Inspections LLC, 65 Albermale Road, Scotia, New York 12302, as an approved agent of the Town of Clarkstown, to provide electrical inspections and re-inspections in the Town of Clarkstown commencing on December 1, 2016, which designation shall remain in effect unless and until revoked by further resolution of the Town Board, and be it

FURTHER RESOLVED, that all fees for such inspections shall be charged to those needing the services and shall not become a charge against the Town of Clarkstown.

Dated: November 9, 2016

TB 11-09 TA RES Electrical Inspections-pm

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE FOLLOWING PROCEDURES AND POLICIES FOR THE TOWN OF CLARKSTOWN FOR THE PROCUREMENT OF GOODS AND SERVICES NECESSARY FOR THE IMPLEMENTATION OF PROJECTS FUNDED BY THE GOVERNOR'S OFFICE OF STORM RECOVERY OF THE NEW YORK STATE HOUSING TRUST FUND CORPORATION

WHEREAS, the Town of Clarkstown has entered into a subrecipient agreement with the Governor's Office of Storm Recovery, an office of the New York State Housing Trust Fund Corporation, that provides funds for eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures; and

WHEREAS, the subrecipient agreement requires procurement activities funded in whole or in part with CDBG-DR funds to be conducted in compliance with applicable United States Department of Housing and Urban Development (HUD) procurement regulations as well as applicable state and local law; and

WHEREAS, on December 26, 2013, the Office of Management and Budget (OMB) published (at 78 Federal Register 78608) the "2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" that superseded the HUD procurement provisions of 24 CFR Parts 84 and 85; and

WHEREAS, HUD has issued new procurement standards as set forth in Notice: SD-2015-01: Transition to 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance* and in Notice: CPD-16-04 Additional Transition and Implementation Guidance for Recipients of Community Planning and Development (CPD) Funds for 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; and

WHEREAS, the Town of Clarkstown desires to revise and amend its procurement procedures to be consistent with the HUD Notices on 2 CFR Part 200; and

WHEREAS, the Town of Clarkstown desires to apply the amended and revised procurement procedures to future CDBG-DR procurements.

NOW, THEREFORE BE IT RESOLVED by the Town Board, on behalf of the Town of Clarkstown, that for CDBG-DR procurement actions undertaken on or after January 1, 2017, the Town of Clarkstown shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326. In the event of a conflict between State or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply.

Dated: November 9, 2016

TB 11-09 TA RES Procurement Procedures-GOSR Funds-pm

11

RESOLUTION AMENDING RESOLUTION NO. 122-2016 REGARDING
CHANGE ORDERS TO BID NO. 20-2015

WHEREAS, by Resolution No. 266-2015, adopted by the Town Board on August 11, 2015, Bid No. 20-2015 was awarded to Ray Palmer Assoc. Inc. (the "Contractor") for Germonds Pool Complex Renovations Phase II for a total contract price of \$1,647,415.00 (which includes the bid price of \$1,497,650.00 plus a 10% contingency in the amount of \$149,765.00), and

WHEREAS, by Resolution No. 122-2016, adopted March 8, 2016, change orders for additional work was authorized increasing the total allowance for this project to \$1,718,991.00, and

WHEREAS, Resolution No. 122-2016 authorized \$4,367.28 more than necessary for the prior change orders, and

WHEREAS, additional work is again required by the Contractor, which includes entrance fence, safety surfaces, hose bibbs, water fountain change and installation of dive pool ladder, and

WHEREAS, the additional change orders for said work have been submitted by the Contractor in the total amount of \$54,658.25, and

WHEREAS, said change orders have been reviewed by the Superintendent of Recreation and Parks, as well as the project engineer, who have deemed them acceptable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the total allowance for this project be increased by \$50,290.97 (which takes into account the extra \$4,367.28 already authorized) from the authorized amount of \$1,718,991.00 to a new amount of \$1,769,281.97 to cover the cost of the additional work, and be it

FURTHER RESOLVED, that this shall continue to be a proper charge to Account No. H-8767-400-409-0-90-12, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that the additional funds in the amount of \$50,290.97 allocated for this project shall be funded with the issuance of serial bonds.

Dated: November 9, 2016

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
 NEW YORK, ADOPTED NOVEMBER 9, 2016,
 AUTHORIZING ADDITIONAL FINANCING FOR THE
 CONSTRUCTION OF RENOVATIONS TO GERMONDS POOL
 COMPLEX IN WEST NYACK - PHASE II, STATING THE
 ESTIMATED MAXIMUM COST THEREOF IS \$1,774,576,
 APPROPRIATING \$55,000 FOR SUCH PURPOSE, IN
 ADDITION TO THE \$1,719,576 PREVIOUSLY
 APPROPRIATED THEREFOR; AND AUTHORIZING THE
 ISSUANCE OF \$55,000 BONDS TO FINANCE SAID
 ADDITIONAL APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York
 (herein called the "Town"), is hereby authorized to construct additional renovations to Germonds
 Pool Complex in West Nyack - Phase II. The estimated maximum cost thereof, including
 preliminary costs and costs incidental thereto and the financing thereof, is \$1,774,576 and
 \$55,000 is hereby appropriated therefor, in addition to the \$1,719,576 previously appropriated
 pursuant to the bond resolutions adopted by the Town Board on August 11, 2015 and March 8,
 2016 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of
 the Previously Appropriated Funds and the issuance of bonds in the principal amount of \$55,000
 and any bond anticipation notes issued in anticipation of the sale of said bonds to finance said

additional appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the Town in the principal amount of \$55,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 61 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and

credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "*The Journal-News*," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on November 9, 2016, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Clarkstown, New York, adopted November 9, 2016, authorizing additional financing for the construction of renovations to Germonds Pool Complex in West Nyack - Phase II, stating the estimated maximum cost thereof is \$1,774,576, appropriating \$55,000 for such purpose, in addition to the \$1,719,576 previously appropriated therefor; and authorizing the issuance of \$55,000 bonds to finance said additional appropriation,”

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

FIRST: AUTHORIZING said Town to construct renovations to Germonds Pool Complex in West Nyack - Phase II; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,774,576 and \$55,000 is hereby appropriated therefor, in addition to the \$1,719,576 previously appropriated pursuant to the bond resolutions adopted by the Town Board on August 11, 2015 and March 8, 2016 (the “Previously Appropriated Funds”); STATING the plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of \$55,000 and any bond anticipation notes issued in anticipation of the sale of said bonds to finance said additional appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$55,000 pursuant to the Local Finance Law of the State of New York to finance said additional appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: November 9, 2016

Justin Sweet
Town Clerk

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

* * *

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED NOVEMBER 9, 2016,
AUTHORIZING ADDITIONAL FINANCING FOR THE
PARTIAL RECONSTRUCTION OF THE TRAPHAGEN
HOUSE LOCATED IN WEST NYACK, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$127,000,
APPROPRIATING \$27,000 FOR SUCH PURPOSE, IN
ADDITION TO THE \$100,000 PREVIOUSLY APPROPRIATED
THEREFOR; AND AUTHORIZING THE ISSUANCE OF
\$27,000 BONDS TO FINANCE SAID ADDITIONAL
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 undertake additional partial reconstruction of
the Traphagen House located at 131 Germonds Road in West Nyack, including but not limited
to modifications and additions to the heating, plumbing, electrical systems and kitchen in the
house. The estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$27,000 and \$27,000 is hereby appropriated therefor, in
addition to the \$100,000 previously appropriated pursuant to the bond resolution adopted by the
Town Board on May 3, 2016 (the "Previously Appropriated Funds"). The plan of financing

includes the expenditure of the Previously Appropriated Funds and the issuance of bonds in the principal amount of \$27,000 and any bond anticipation notes issued in anticipation of the sale of said bonds to finance said additional appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes.

Section 2. Serial bonds of the Town in the principal amount of \$27,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The existing building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years; however it is hereby determined that the maximum term of such bonds will not exceed 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 enhancement, 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.

* * *

14A

RESOLVED, that the resignation (by retirement)
of JoAnne Pedersen - Superintendent of Recreation & Parks -
Recreation & Parks Department - is hereby accepted effective and
retroactive to October 29, 2016.

DATED: November 9, 2016

P

14B

RESOLVED, that Kristy Miranda - Police Radio
Dispatcher (CAD) - Police Records - is hereby granted, as per
her request, a leave without pay, pursuant to the Family and
Medical Leave Act - effective November 9, 2016.

DATED: November 9, 2016

P

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND TO PROVIDE MAINTENANCE AND UPKEEP FOR CERTAIN PARK AND RIDE LOTS

WHEREAS, the County of Rockland, through its Department of Public Transportation, is desirous of entering into an agreement with the Town of Clarkstown for maintenance and upkeep of park and ride lots located at:

- 1. Exit 12 – Route 303 P&R North Lot
- 2. Exit 12 – Route 303 P&R South Lot
- 3. Exit 14 – East P&R Lot
- 4. Exit 14 – West P&R Lot
- 5. Exit 14 – North P&R Lot
- 6. Nanuet RR @ Fisher Ave. P&R Lot
- 7. Middletown Rd. @ Exxon P&R Lot
- 8. Valley Cottage P&R Lot
- 9. Smith Street P&R Lot
- 10. Middletown Rd./PIP Exit 10 P&R Lot
- 11. Route 304/Cavalry Dr. P&R Lot

and

WHEREAS, the County of Rockland agrees to pay the Town the sum of \$355,000.00 in connection with the maintenance of the designated park and ride lots;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into such agreement with the County of Rockland, in a form approved by the Town Attorney, for the period January 1, 2017 and terminating December 31, 2017, to provide maintenance and upkeep of park and ride lots located at sites referred to herein, and be it

FURTHER RESOLVED, that the County of Rockland agrees to reimburse the Town of Clarkstown for said work in a sum not to exceed \$355,000.00.

Dated: November 9, 2016

16

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT PROPOSAL AND ENTER INTO AN AGREEMENT WITH THE NEW YORK POWER AUTHORITY REGARDING ASHRAE LEVEL II AUDIT FOR TOWN BUILDINGS

WHEREAS, the Town has received an Energy Efficiency Services Program Agreement and a proposal for an ASHRAE Level II Audit for design and bidding services for a new Lighting Project in the parking lots of 10 and 20 Maple Avenue, New City, NY 10956 as well as a Lighting and Energy Efficient Heating Project at the Town's Highway Department 12-16 Seeger Drive, Nanuet, NY 10954 from the New York Power Authority, and

WHEREAS, the Town wishes to proceed with the implementation of said projects;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to accept the proposal for an ASHRAE Level II Audit for design and bidding services from the New York Power Authority and to execute an Energy Efficiency Services Program Agreement with the Power Authority of the State of New York, subject to review and approval by the Town Attorney, with regard to implementing the new Lighting and Energy Efficient Heating Projects.

Dated: Nov. 9, 2016

TB 11-09 FIN DIR RES NYPA Agree-ASHRAE Level II Audit

LS

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH NYACK HOSPITAL FOR AN EMPLOYEE ASSISTANCE PROGRAM

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Nyack Hospital for an Employee Assistance Program covering all employees and members of their immediate families, for the twenty-four (24) month period commencing October 1, 2016 and terminating on September 30, 2018, in a form satisfactory to the Town Attorney, and be it

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

FURTHER RESOLVED, that the fee of \$20,560.00 per year for such services shall be charged to Account No. A-9000-809-0, and be it

FURTHER RESOLVED, that either party may terminate the agreement on thirty (30) days written notice.

Dated: November 09, 2016

TB 11-09-16 TA RES-Nyack Hospital EAP agree-kh

OK

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF AN AMENDED STORMWATER MAINTENANCE AGREEMENT REGARDING UNITED STRUCTURAL WORKS SITE PLAN (TAX MAP 35.20-1-5)

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 United Structural Works site plan (tax map 35.20-1-5), OM Realty Associates LLC has provided an amended 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, subject to review and approval of the Department of Environmental Control and the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute the amended stormwater control facility maintenance agreement, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the amended stormwater control facility maintenance agreement from OM Realty Associates LLC connection with the United Structural Works site plan, subject to review and approval by the Department of Environmental Control and Town Attorney, and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: November 9, 2016

TB 11-09 TA RES United Structural Amended Stormwater Agree-pm

19A

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF STORMWATER
MAINTENANCE AGREEMENT REGARDING NEW YORK SMSA LIMITED
PARTNERSHIP D/B/A VERIZON WIRELESS-4 CENTEROCK SITE PLAN
(TAX MAP 64.08-3-7.4)

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 New York SMSA Limited Partnership d/b/a Verizon Wireless-4 Centerock site plan (tax map 64.08-3-7.4), New York SMSA Limited Partnership d/b/a Verizon Wireless 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 New York SMSA Limited Partnership d/b/a Verizon Wireless in connection with the New York SMSA Limited Partnership d/b/a Verizon Wireless-4 Centerock site plan, and orders it recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: November 9, 2016

TB 11-09 TA RES NY SMSA Verizon 4 Centerock Stormwater Agree-pm

CS

193

RESOLUTION AUTHORIZING EXECUTION AND ACCEPTANCE OF STORMWATER
MAINTENANCE AGREEMENTS REGARDING MULBERRY HILL SUBDIVISION
(TAX MAP 52.20-1-98.1, 98.2, 98.3, 98.4, 98.5 & 98.6)

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 Mulberry Hill subdivision (tax map 52.20-1-98.1, 98.2, 98.3, 98.4, 98.5 & 98.6), the Rockland Housing Action Coalition has provided six (6) stormwater control facility maintenance agreements to the Town, and

WHEREAS, the First Deputy Director of the Department of Environmental Control has recommended acceptance of said conveyances, and the Town Attorney has advised that the documents are 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 six (6) stormwater control facility maintenance agreements, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the six (6) stormwater control facility maintenance agreements from the Rockland Housing Action Coalition in connection with the Mulberry Hill subdivision, and orders them recorded in the Rockland County Clerk's Office, subject to the receipt of recording fees.

Dated: November 9, 2016

TB 11-09 TA RES RHAC (Mulberry Hill Subd) Stormwater Agree-pm

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AND EXECUTE A PILOT AGREEMENT WITH THE CLARKSTOWN SENIORS PHASE I HOUSING DEVELOPMENT FUND CORP. AND CLARKSTOWN SENIORS PHASE I, LLC

WHEREAS, by Resolution No. 440-2016, adopted on September 27, 2016, the Town Board authorized its intention to enter into an agreement for a payment in lieu of taxes (PILOT) agreement by and among the Town of Clarkstown, Clarkstown Seniors Phase I Housing Development Fund Corp. ("HDFC") and Clarkstown Seniors Phase I LLC ("Company"), and

WHEREAS, the Town, the HDFC and the Company agree that the tax exemption for the Project would be beneficial to the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby agree to exempt the entire Project from real property taxes to the extent authorized by section 577 of the Private Housing Finance Law ("PHFL") upon the issuance of a temporary certificate of occupancy for at least one building for the Project in consideration of the partnership and HDFC entering into a payment in lieu of taxes (PILOT) agreement which shall be binding pursuant to Article 11 of the said PHFL on the local school district and county to accept such payments in lieu of taxes to be applied to the Project which consists of a total of twenty (20) rental units;

The PILOT payments are estimated to be the following amounts:

<u>Calendar Year</u>	<u>Amount</u>	<u>20 units</u>
2018	\$596.89	\$11,937.80

And thereafter increase by five (5%) annually, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall continue for so long as the Project continues to serve the elderly and handicapped persons at the property, but in no event for more than forty (40) years, pursuant to section 577 of the PHFL, and be it

FURTHER RESOLVED, that the Town Board of Clarkstown authorizes the Town Supervisor to execute and deliver the PILOT Agreement or any other documents he deems necessary to effectuate the purposes of this resolution, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall not be effective until the PILOT has been approved as to form and substance by the Town Attorney and executed by the Company, HDFC and the Town of Clarkstown.

Dated: November 9, 2016

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AND EXECUTE A PILOT AGREEMENT WITH THE CLARKSTOWN SENIORS PHASE II HOUSING DEVELOPMENT FUND CORP. AND CLARKSTOWN SENIORS PHASE II, LLC

WHEREAS, by Resolution No. 441-2016, adopted on September 27, 2016, the Town Board authorized its intention to enter into an agreement for a payment in lieu of taxes (PILOT) agreement by and among the Town of Clarkstown, Clarkstown Seniors Phase II Housing Development Fund Corp. ("HDFC") and Clarkstown Seniors Phase II LLC ("Company"), and

WHEREAS, the Town, the HDFC and the Company agree that the tax exemption for the Project would be beneficial to the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby agree to exempt the entire Project from real property taxes to the extent authorized by section 577 of the Private Housing Finance Law ("PHFL") upon the issuance of a temporary certificate of occupancy for at least one building for the Project in consideration of the partnership and HDFC entering into a payment in lieu of taxes (PILOT) agreement which shall be binding pursuant to Article 11 of the said PHFL on the local school district and county to accept such payments in lieu of taxes to be applied to the Project which consists of a total of twenty (20) rental units;

The PILOT payments are estimated to be the following amounts:

<u>Calendar Year</u>	<u>Amount</u>	<u>20 units</u>
2018	\$596.89	\$11,937.80

And thereafter increase by five (5%) annually, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall continue for so long as the Project continues to serve the elderly and handicapped persons at the property, but in no event for more than forty (40) years, pursuant to section 577 of the PHFL, and be it

FURTHER RESOLVED, that the Town Board of Clarkstown authorizes the Town Supervisor to execute and deliver the PILOT Agreement or any other documents he deems necessary to effectuate the purposes of this resolution, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall not be effective until the PILOT has been approved as to form and substance by the Town Attorney and executed by the Company, HDFC and the Town of Clarkstown.

Dated: November 9, 2016

**RESOLUTION AMENDING AGREEMENT WITH MASER CONSULTING, P.A.
REGARDING CLARKSTOWN EXECUTIVE PARK PROJECT**

WHEREAS, Resolution No. 167-2015, adopted May 5, 2015, authorized an agreement with Maser Consulting, P.A. to perform professional engineering services for roadway reconstruction for the project known as "Clarkstown Executive Park" and

WHEREAS, in order to help reduce costs, additional engineering services are required by Maser Consulting, P.A., and

WHEREAS, Frank DiZenzo, Sr., Superintendent of Highways finds the proposal reasonable in terms of scope and price and recommends an amendment to the agreement with Maser Engineering for the additional engineering services at "Clarkstown Executive Park";

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes this amendment to the agreement with Maser Consulting, P.A., in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the cost of said additional engineering services shall not exceed the sum of \$35,000.00 and this fee shall be a proper charge to Account No. H 8768-409-0-91-5.

Dated: November 9, 2016

RESOLUTION AMENDING RESOLUTION NO. 384-2016

WHEREAS, by Resolution No. 384-2016, adopted September 6, 2016, the Town Board authorized the Supervisor to enter into an agreement with Cablevision Lightpath, Inc., to provide the Town with fiber communications for a period not to exceed 3 years at the monthly cost of \$9,020.00; and

WHEREAS, said cost inadvertently did not include coverage for the Police Department,
NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 384-2016 to read "for a period not to exceed 3 years at the monthly cost of \$11,720.00."

DATED: November 9, 2016

TB 11-09-16 TA RES Amend Res. No. 384-2016-Lightpath-kh

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2016 budget for the purpose of transferring unexpended balances of appropriation accounts among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

NOW THEREFORE, BE IT

RESOLVED, that the 2016 budget is hereby amended.

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 110-b
OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR
LICENSE FOR CLUBHOUSE BAR & GRILLE
(191 SOUTH MAIN STREET, NEW CITY)

WHEREAS, Jenna Lynn Sitomer, Applicant for Clubhouse
Bar & Grille, has advised the Town that Clubhouse Bar &
Grille has applied for an on-premises liquor license at 191
South Main Street, New City, New York, and

WHEREAS, to expedite processing of the corporation's
license application, Ms. Sitomer has requested that the
Town Board waive the thirty day waiting period provided by
law, and

WHEREAS, the Town Board does not intend to comment
upon such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty
day notice requirement contained in Section 110-b of the
Alcoholic Beverage Control Law, and states that it does not
intend to offer any comments regarding the application of
Clubhouse Bar & Grille for a license at premises located at
191 South Main Street, New City, New York.

Dated: November 9, 2016

RESOLUTION AUTHORIZING THE TOWN TO PURCHASE A CONSERVATION EASEMENT IN CONNECTION WITH THE TRUST FOR PUBLIC LAND PURCHASE OF PROPERTY ADJACENT TO HOOK MOUNTAIN STATE PARK (MARYDELL PROPERTY)

WHEREAS, by Resolution No. 274-2016, adopted June 7, 2016, the Town Board authorized the Supervisor to pursue negotiations to fund up to \$300,000.00 toward the purchase price of an approximately 30-acre portion of the Marydell property in Upper Nyack, to aid in the preservation of Hook Mountain State Park, and

WHEREAS, to assist and finalize the purchase of this property by The Trust for Public Land, the Town is required to acquire a property interest in an approximately 9.4-acre portion of the Marydell property owned by the Institute of Christian Doctrine, through the purchase of a conservation easement, and

WHEREAS, the Town may act as sole holder of the conservation easement or may act as co-holder with The Friends of Rockland Lake and Hook Mountain, Inc. on such terms as the Supervisor shall deem acceptable;

NOW, THEREFORE, be it

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 Dennis M. Letson, PE, First Deputy Director of the Department of Environmental Control, is hereby directed to act as agent for the Town Board with respect to SEQRA review of the property, and be it

FURTHER RESOLVED, that the Clarkstown Town Board acting as lead agency has determined that the proposed action is an unlisted action and will not have any significant environmental impact and that a Draft Environmental Impact Statement will not be prepared, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to purchase a conservation easement, either as the sole holder of the conservation easement, or as co-holder with The Friends of Rockland Lake and Hook Mountain, Inc. on such terms as the Supervisor shall deem acceptable, and the Town's share shall not exceed \$300,000.00, subject to

conditions, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute any and all ancillary documents, in a form approved by the Town Attorney, necessary to pursue said purchase, and be it

FURTHER RESOLVED, that this purchase shall be subject to permissive referendum, and be it

FURTHER RESOLVED, that the Town Clerk shall cause aforesaid resolution to be published and posted and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that this purchase shall be a proper charge to Account No. H 8769-409-0-92-9, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund said purchase through the issuance of serial bonds.

DATED: November 9, 2016

TB 11-09 TA RES Trust for Public Land-Marydell-Cons Ease-pm

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
 NEW YORK, ADOPTED NOVEMBER 9, 2016,
 AUTHORIZING ACQUISITION FOR OPEN SPACE
 PURPOSES OF A CONSERVATION EASEMENT OR
 PROPORTIONATE INTEREST THEREIN WITH RESPECT TO
 A PORTION OF THE MARYDELL PROPERTY, LOCATED IN
 THE VILLAGE OF UPPER NYACK, STATING THE
 ESTIMATED MAXIMUM COST THEREOF IS \$300,000,
 APPROPRIATING SAID AMOUNT THEREFOR; AND
 AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO
 FINANCE SAID ADDITIONAL 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 acquire for open space purposes and in accordance with the
 agreement between The Trust for Public Land and the Town, a conservation easement or
 proportionate interest therein with respect to land comprising an approximately 9.4-acre portion
 of the Marydell property owned by the Institute of Christian Doctrine, located in the Village of
 Upper Nyack and more particularly described in "Schedule A" attached to. The estimated
 maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
 thereof, is \$300,000 and said amount is hereby appropriated therefor. The plan of financing
 includes the issuance of bonds in the principal amount of \$300,000 and any bond anticipation

notes issued in anticipation of the sale of said bonds 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 and interest on said bonds and notes.

Section 2. Bonds of the Town in the principal amount of \$300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal