

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/19/09

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Shirley Lasker, George Hoehmann & Frank Borelli
Amy Mele, Town Attorney
David Carlucci, Town Clerk

Supervisor declared Town Board meeting opened.

POLICE YOUTH ACADEMY GRADUATION: The Clarkstown Police Department honored the graduates of the youth academy class. The youth academy was started several years ago so local high school students could have an opportunity to understand the training of police officers and introduce them to the various areas of the criminal justice system. The graduates received their certificates from Chief Peter Noonan and Sgt. Nick Lafasciano. The graduates are as follows:

- | | |
|------------------------------|-------------------|
| Nyack High School | |
| Lucas Graf | German Lucero |
| Gabriela Lucero | Steven Maldonado |
| | |
| Nanuet High School | |
| Chris Boland | Mal Mulligan |
| Robert Leonard | Joseph Williamson |
| | |
| Clarkstown South High School | |
| Ryan Daly | Steven Rohrig |
| Akeem Gayle | Nicholas Van Dyke |
| Michael Iacovetta | |
| | |
| Clarkstown North High School | |
| Jared Singer | Nicholas Quigley |

Supervisor opened the meeting to public comments regarding agenda items.

Steven Levine- Congers
Regarding agenda item #20 (res. no. 287-2009), asked for details about property.

Amy Mele, Town Attorney
Regarding agenda item #20 (res. no. 287-2009), stated Jerrold Hirschberg donated a lot on Phillips Hill Road, which will remain in a natural state.

Steven Levine- Congers
Regarding agenda item #31 (res. no. 304-2009), asked for the purpose of the amendments.

Amy Mele, Town Attorney
Regarding agenda item #31 (res. no. 304-2009), stated the chapters needed some cleaning up.

RESOLUTION NO. (250-2009)
Co. Hoehmann offered and Co. Borelli seconded

RESOLVED, that the Special Town Board Minutes of May 5, 2009 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (251-2009)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Nanuet Senior High School at approximately 9:30 p.m. on Wednesday, July 1, 2009 with a rain date of Wednesday, July 8, 2009 pursuant to Second 405 of the Penal Law.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (252-2009)
Co. Borelli offered and Co. Maloney seconded

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

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

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

W. HARRIS & SON, INC.
37 W. Washington Ave.
Pearl River, NY 10965
Tim Harris, President

KJS HAULING & HOME IMPROVEMENT, INC.
95 Maple Avenue
New City, NY 10956
Keith J. Schepis, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 09-27 PAUL BITTS CO., INC. No. 09-29 TRAVCON, INC.
09-28 W. HARRIS & SON, INC. 09-30 KJS HAULING & HOME IMPROVEMENT, INC.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (253-2009)
Co. Hoehmann offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DRAINAGE EASEMENT
CONCERNING BID NO. 31-2009 FOR STREAM CHANNEL IMPROVEMENTS IN
VICINITY OF 415 PHILLIPS HILL ROAD, NEW CITY, NEW YORK

WHEREAS, the Department of Environmental Control is preparing plans for Bid No. 31-2009 - Stream Channel Improvements in the vicinity of 415 Phillips Hill Road, New City, New York (43.13-1-1), and

WHEREAS, the Department of Environmental Control recommends acquiring a drainage easement from the current owner in a form approved by the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts a drainage easement from Mary Ellyn Devery, Trustee, under the Mary Ellyn Devery Trust dated October 11, 2006, and Marjorie A. Devery, Trustee, under the Marjorie A. Devery Trust dated October 11, 2006, the current owners of 415 Phillips Hill Road, New City, New York, and orders the drainage easement to be recorded in the Rockland County Clerk's Office at the Town's expense.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (254-2009)
Co. Maloney offered and Co. Lasker seconded

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.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (255-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING A RENEWAL AGREEMENT WITH SHORE GROUP, INC. FOR OFFSITE NETWORK MONITORING SERVICE AND SOFTWARE TECHNICAL SUPPORT

WHEREAS, the Town Board of the Town of Clarkstown ("Town") has previously authorized the Supervisor of the Town to enter into an agreement with Shore Group, Inc., 460 West 35th Street, New York, N.Y. 10001 to provide the Town with a remote monitoring service called "Shore Patrol," which would proactively monitor the Town's critical network components and applications, and
WHEREAS, the present agreement expires on May 31, 2009,
WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended that the Town renew its agreement with Shore Group, Inc. for this service;
NOW, THEREFORE, BE IT
RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town to enter into an agreement with Shore Group, Inc. for a one year period, in a form approved by the Town Attorney, to provide a remote monitoring service called "Shore Patrol," which would proactively monitor the Town's critical network components and applications, and be it
FURTHER RESOLVED, that payment for such services shall not exceed \$36,000.00, which 50% of said fee shall be paid upon the signing of the agreement and the balance shall be due six months thereafter upon receipt of invoice from the provider, and be it
FURTHER RESOLVED, that the said purchase shall constitute a proper charge to account number # A-1680-409.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (256-2009)
Co. Maloney offered and Co. Hoehmann seconded

Resolution Waiving The Notice Requirement In Section 64 Of The New York State ABC Law With Respect To A Liquor License For K&S Restaurant Corp. (Disaronno Restaurant)

WHEREAS, Guttridge & Cambareri, P.C., attorneys for the K&S Restaurant Corp., have advised that they intend to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality. The establishment is located at 381 South Main Street, New City, New York, and
WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and
WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of K&S Restaurant Corp. (Disaronno Restaurant, 381 South Main Street, New City, New York), by its attorneys Guttridge & Cambareri, P.C., for a liquor license at the premises referred to herein, and be it
FURTHER RESOLVED, that this resolution is hereby made retroactive to April 29, 2009.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (257-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION RESCINDING RESOLUTION 754-2008 OF 11/25/08

WHEREAS, a memorandum from Capt. Robert Mahon, CPD of March 24, 2008 was received by the Town Board referring to the installation of regulatory signage pursuant to Sec.213-2, R3-3 of the NYS UTCDC, and
WHEREAS, the Clarkstown Police Department recommends the rescission of Resolution 754-2008,
NOW, THEREFORE, be it RESOLVED, that Town Board Resolution 754-2008, is hereby rescinded and a copy of this resolution is referred to the Superintendent of Highways and the Chief of Police for informational purposes.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (258-2009)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at
CAMP RAMAH
303 CHRISTIAN HERALD ROAD
VALLEY COTTAGE, NY 10989
136-C-10 (59.12-1-11)

By the installation of Fire lane designations, and
WHEREAS, MARK FRIEDMAN, MANAGER, requested that the Town of Clarkstown designate said fire lanes.
NOW, THEREFORE, BE IT

RESOLVED, that the pursuant to said Local Law 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (259-2009)
Co. Borelli offered and Co. Lasker seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at
STEPHEN GIORDANO, DDS
17 OLD LAKE ROAD
VALLEY COTTAGE, NY 10989
108-A-58-1 (59.07-1-7)

By the installation of Fire lane designations, and
WHEREAS, Stephen Giordano, DDS, OWNER, requested that the Town of Clarkstown designate said fire lanes.
NOW, THEREFORE, BE IT

RESOLVED, that the pursuant to said Local Law 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (260-2009)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants in conjunction with Hydrant Investigation No. 12811, Convent Avenue, Nanuet.

Hydrant #s 4-203, 4-204 4-205 – located on Convent Avenue, Nanuet, NY
and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Mark Papenmeyer, Chief Fire Safety Inspector.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (261-2009)
Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, Town Board Resolution 95-2009 authorized the Director of Environmental Control to retain the services of Pinebrook Industries to replace a deteriorated drain line within the Town ROW in the vicinity of #203 Red Hill Road, New City; and

RESOLUTION NO. (261-2009) continued

WHEREAS, Upon excavating and removing the old drain line, a footing drain from house #203 Red Hill Road was discovered; and

WHEREAS, The Environmental Control inspector ordered the contractor to connect the existing footing drain into the new section of drain line; and

WHEREAS, a change order request was submitted by Pinebrook Industries in the amount of \$500.00 for the additional work; and

WHEREAS, one (1) change order has been reviewed and found acceptable by the Department of Environmental Control as follows:

1) Excavate, cut and install extension to existing footing drain and connect to newly installed 18" drain line. **\$500.00**

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original amount of \$14,750.00 to \$15,250.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H 8760 409 0 84 1

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (262-2009)

Co. Borelli offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE CHANGING OF A STREET NAME FOR A PORTION OF LONG CLOVE ROAD TO LANDMARK DRIVE, CONGERS

WHEREAS, the Long Clove Business Park Corp. has requested that a portion of the street known as Long Clove Road, which is located (north and) east of Scratchup Road to the east end which terminates at the intersection of Route 9W, Congers, New York, be changed to Landmark Drive, in order to distinguish the commercial area from the residential area, and

WHEREAS, consents have been received from all neighboring property owners, and

WHEREAS, by memo dated May 8, 2009, the Superintendent of Highways took no exception to the renaming of the road;

NOW, THEREFORE, be it

RESOLVED, that a portion of Long Clove Road, Congers, New York, as more fully described in the attached Schedule "A," is hereby changed from Long Clove Road to Landmark Drive;

FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to notify the Superintendent of Highways to make appropriate changes in the street signs as may be necessary, and the Town Clerk, pursuant to Town Law §64(9), shall within ten (10) days from the date hereof cause a copy of this resolution to be forwarded to the Planning Board of the Town of Clarkstown, the School District, Post Office, Fire Department, Ambulance Corps, and the Clarkstown Police Department, and that a certified copy of this resolution be filed with the Rockland County Clerk and the Rockland County engineer and the Rockland County Director of Fire and Emergency Services, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Schedule "A"

PART 1

BEGINNING AT the centerline of the intersection of Long Clove Road and Burts Road, and, and running thence:

1. westerly along the centerline of existing Long Clove Road 648 feet to the existing end of Long Clove Road, thence
2. continuing westerly and southerly along the proposed extension of existing Long Clove Road as shown on subdivision plat of "Landmark Corporate Park" 790 feet to the proposed end of the road.

PART 2

BEGINNING AT the centerline of the intersection of Long Clove Road and Burts Road, and, and running thence:

Easterly along the centerline of existing Long Clove Road 2568 feet to the intersection of Long Clove Road with NYS Route 9W.

On roll call the vote was as follows

Co. Lasker Yes

Co. Maloney Yes

Co. Hoehmann Yes

Co. Borelli Yes

Supervisor Gromack Yes

RESOLUTION NO. (263-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Arlene Court, New City to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Arlene Court, New City determined to be a capital improvement, and

WHEREAS, Arlene Court, New City is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

RESOLUTION NO. (263-2009) continued

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	375 tons @ \$91.85	=	\$ 34,443.75
Raising Structures:	5 @ \$215.00	=	\$ 1,075.00
Pipe:	535 linear ft. @ \$21.00	=	\$ 11,235.00
New Catch Basins:	5 units @ \$905.00	=	<u>\$ 4,525.00</u>
			\$ 51,278.75

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$51,278.75 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (264-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Carlton Court, New City to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Carlton Court, New City determined to be a capital improvement, and

WHEREAS, Carlton Court, New City is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	435 tons @ \$91.85	=	\$ 39,954.75
Raising Structures:	13 @ \$215.00	=	\$ 2,795.00
Replace Concrete Curb w/Underdrains:	1550 linear ft. @ \$31.00	=	<u>\$ 48,050.00</u>
			\$ 90,799.75

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$90,799.75 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (265-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Lamborn Avenue, Congers to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Lamborn Avenue, Congers determined to be a capital improvement, and

WHEREAS, Lamborn Avenue, Congers is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	475 tons @ \$91.85	=	\$ 43,628.75
Raising Structures:	6 @ \$215.00	=	\$ 1,290.00
Pipe:	30 linear ft. @ \$21.00	=	\$ 630.00
New Catch Basins:	1 unit @ \$905.00	=	<u>\$ 905.00</u>
			\$ 46,453.75

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

RESOLUTION NO. (265-2009) continued

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$46,453.75 is hereby determined to be a proper charge to capital account H-9760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (266-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Woodcock Road, West Nyack to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Woodcock Road, West Nyack to be a capital improvement, and

WHEREAS, Woodcock Road, West Nyack is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	275 tons @ \$91.85	=	\$ 25,258.75
Raising Structures:	3 @ \$215.00	=	\$ 645.00
Pipe:	380 linear ft. @ \$21.00	=	\$ 7,980.00
New Catch Basins:	4 units @ \$905.00	=	\$ 3,620.00
Milling:	860 sq. yds. @ \$2.75	=	\$ 2,365.00
			<u>\$ 39,868.75</u>

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$39,868.75 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (267-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Bellehaven Court, West Nyack to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Bellehaven Court, West Nyack determined to be a capital improvement, and

WHEREAS, Bellehaven Court, West Nyack is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	287 tons @ \$91.85	=	\$ 26,360.95
Raising Structures:	11 @ \$215.00	=	\$ 2,365.00
Pipe:	60 linear ft. @ \$21.00	=	\$ 1,260.00
New Catch Basins:	1 unit @ \$905.00	=	\$ 905.00
			<u>\$ 30,890.95</u>

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$30,890.95 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

RESOLUTION NO. (267-2009) continued

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (268-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Chisholm Court, Nanuet to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Chisholm Court, Nanuet determined to be a capital improvement, and

WHEREAS, Chisholm Court, Nanuet is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	125 tons @ \$91.85	=	\$ 11,481.25
Raising Structures:	2 @ \$215.00	=	\$ 430.00
Pipe:	70 linear ft. @ \$21.00	=	\$ 1,470.00
New Catch Basins:	2 units @ \$905.00	=	<u>\$ 1,810.00</u>
			\$ 15,191.25

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$15,191.25 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (269-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Lowerre Place, Valley Cottage to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Lowerre Place, Valley Cottage determined to be a capital improvement, and

WHEREAS, Lowerre Place, Valley Cottage is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	545 tons @ \$91.85	=	\$ 50,058.25
Raising Structures:	6 @ \$215.00	=	\$ 1,290.00
Pipe:	450 linear ft. @ \$21.00	=	\$ 9,450.00
New Catch Basins:	3 units @ \$905.00	=	\$ 2,715.00
Milling:	470 sq. yds. @ \$2.75	=	<u>\$ 1,292.50</u>
			\$ 64,805.75

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$64,805.75 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (270-2009)
Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Zabella Drive, New City to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Zabella Drive, New City to be a capital improvement, and
WHEREAS, Zabella Drive, New City is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	575 tons @ \$91.85	=	\$ 52,813.75
Raising Structures:	17 @ \$215.00	=	\$ 3,655.00
Pipe:	120 linear ft. @ \$21.00	=	\$ 2,520.00
New Catch Basins:	1 unit @ \$905.00	=	<u>\$ 905.00</u>
			\$ 59,893.75

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$59,893.75 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (271-2009)
Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Bender Road, New City to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Bender Road, New City to be a capital improvement, and
WHEREAS, Bender Road, New City is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	530 tons @ \$91.85	=	\$ 48,680.50
Raising Structures:	12 @ \$215.00	=	\$ 2,580.00
Perforated Pipe:	120 linear ft. @ \$21.00	=	<u>\$ 2,520.00</u>
			\$ 53,780.50

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$53,780.50 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (272-2009)
Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Ellen Street, New City to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Ellen Street, New City to be a capital improvement, and
WHEREAS, Ellen Street, New City is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

RESOLUTION NO. (272-2009) continued

Paving:	625 tons @ \$91.8	=	\$ 57,406.25
Raising Structures:	12 @ \$215.00	=	\$ 2,580.00
Pipe:	455 linear ft. @ \$21.00	=	\$ 9,555.00
New Catch Basins:	5 units @ \$905.00	=	<u>\$ 4,525.00</u>
			\$ 74,066.25

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$74,066.25 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (273-2009)

Co. Maloney offered and Co. Borelli seconded

Resolution Authorizing the Cost of Reconstruction of Pepperill Court, New City to Be Treated as a Capital Project

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is requesting that the cost of a drainage and resurfacing project on Pepperill Court, New City determined to be a capital improvement, and

WHEREAS, Pepperill Court, New City is in such disrepair that it requires reconstruction and installation of new piping and catch basins, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has estimated the cost as follows:

Paving:	120 tons @ \$91.85	=	\$ 11,022.00
Raising Structures:	4 @ \$215.00	=	\$ 860.00
Pipe:	30 linear ft. @ \$21.00	=	\$ 630.00
New Catch Basins:	1 unit @ \$905.00	=	<u>\$ 905.00</u>
			\$ 13,417.

and

WHEREAS, the work will be completed utilizing the Clarkstown Highway Department forces, materials from the following bids, NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing and Clarkstown Highway Department yard inventory from Bid #43-2002.

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$13,417.00 is hereby determined to be a proper charge to capital account H-8760-409-0-84-11 and it is the intent of the Board that this is to be funded by serial bonds.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (274-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney – Purchasing that BID #6-2009 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

is hereby awarded to: LESCO, INC., 1301 EAST 9TH STREET, SUITE 1300, CLEVELAND, OH 44114-1849

PRINCIPALS: A PUBLIC CORPORATION

PENNINGTON SEED, INC., 9327 US ROUTE 1 SUITE J, LAUREL, MD 20723

PRINCIPALS: A PUBLIC CORPORATION

POLLACK PAINT INDUSTRIES, INC., 119 WOODWORTH AVENUE, YONKERS, NY 10701

PRINCIPALS: ROBERT M POLLACK

MANTEK, DIV. OF NCH CORP, P.O. BOX 660196, DALLAS, TX 75266-0196

PRINCIPALS: A PUBLIC CORPORATION

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

RESOLUTION NO. (274-2009) continued

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (275-2009)

Co. Hoehmann offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent that
 BID #32-2009 – STREETScape BANNERS AND DECORATIONS
 is hereby awarded to: New Born Printing, 100 Red Schoolhouse Road, Suite 9A, Chestnut Ridge, NY 10977
 PRINCIPALS: FRANK MILLER

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

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (276-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID #39-2009 CENTRAL NYACK BASKETBALL COURT RENOVATION
 Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _
 _____ on TO BE DETERMINED at which time bids will be opened and read, and be it
 FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
 Clarkstown Purchasing Department at the above address upon payment of the prescribed fee.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (277-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID #40-2009 – BALLFIELD RENOVATION – Zukor Park (2 Infields) And Germonds Park (2 Infields)
 Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _
 _____ on TO BE DETERMINED at which time bids will be opened and read, and be it
 FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
 Clarkstown Purchasing Department at the above address upon payment of the prescribed fee.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (278-2009)

Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Authorized Purchasing Agent is hereby authorized to advertise for bids for:
 BID #42-2009 – PAPER & PLASTICS
 Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by _
 _____ on TO BE DETERMINED at which time bids will be opened and read, and be it
 FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the
 Clarkstown Purchasing Department at the above address

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (279-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION DEFAULTING PERFORMANCE BOND ON THE LONG CLOVE ROAD ASSOCIATES
SUBDIVISION IN CONGERS (TAX MAP 115-A-4)

WHEREAS, Long Clove Road Associates, Inc. obtained approval for the subdivision known as "Long Clove Road Associates," (tax map designation 115-A-4) which final maps were filed in the Rockland County Clerk's Office on July 9, 1974 and January 8, 1987 as Map Nos. 4530 and 5998 respectively, and

WHEREAS, as a condition of subdivision approval The Carteret Group, Inc., as the current owner and obligor, provided the Town of Clarkstown with a Performance Bond No. AA10008428 for Subdivision Improvements in the principal amount of \$87,512.95, to secure completion of the public and other required improvements, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the developer has failed to faithfully complete its obligations after repeated requests and notification to do so, and has recommended that the developer be declared in default of its Performance Bond and that all reasonable steps be taken to secure completion of the improvements by defaulting Performance Bond No. AA10008428 in the full amount of \$87,512.95 pending calculation by the Department of Environmental Control of the amount deemed necessary to complete the remaining items;

NOW, THEREFORE, be it

RESOLVED, that The Carteret Group, Inc., as owner and obligor, is hereby declared in default of its Performance Bond to complete the public and other required improvements in the Long Clove Road Associates Subdivision and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by defaulting Performance Bond No. AA10008428 in the full amount of \$87,512.95, and be it

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

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (280-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION DEFAULTING PERFORMANCE BOND ON THE LONG CLOVE ROAD ASSOCIATES
SUBDIVISION IN CONGERS (TAX MAP 115-A-4)

WHEREAS, Long Clove Road Associates, Inc. obtained approval for the subdivision known as "Long Clove Road Associates," (tax map designation 115-A-4) which final maps were filed in the Rockland County Clerk's Office on July 9, 1974 and January 8, 1987 as Map Nos. 4530 and 5998 respectively, and

WHEREAS, as a condition of subdivision approval Rivervale Realty Co., Inc., as then owner and obligor, provided the Town of Clarkstown with a Performance Bond No. N4583070 for Subdivision Improvements in the principal amount of \$151,000.00 reduced to \$50,000.00, to secure completion of the public and other required improvements, and

WHEREAS, the Deputy Director of the Department of Environmental Control has advised that the obligor has failed to faithfully complete its obligations after repeated requests and notification to do so, and has recommended that the obligor be declared in default of its Performance Bond and that all reasonable steps be taken to secure completion of the improvements by defaulting Performance Bond No. N4583070 in the full amount of \$50,000.00 pending calculation by the Department of Environmental Control of the amount deemed necessary to complete the remaining items;

NOW, THEREFORE, be it

RESOLVED, that Rivervale Realty Co., Inc., as obligor, is hereby declared in default of its Performance Bond to complete the public and other required improvements in the Long Clove Road Associates Subdivision and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain funds deemed necessary to complete the required public improvements by defaulting Performance Bond No. N4583070 in the full amount of \$50,000.00, and be it

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

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Abstain
- Supervisor Gromack Yes

RESOLUTION NO. (281-2009)
Co. Maloney offered and Co. Hoehmann seconded

RESOLUTION AMENDING RESOLUTION NO. 681-2008 AUTHORIZING THE SUPERVISOR TO RETAIN THE H2M GROUP TO PERFORM FEASABILITY STUDIES

WHEREAS, by Resolution No. 681-2008, adopted on October 21, 2008, the Town Board authorized an agreement with the H2M Group to perform feasibility studies to determine whether a Project Labor Agreement is warranted on certain projects, and

WHEREAS, the Town Board has requested H2M to perform additional feasibility studies, and

WHEREAS, the Town Board has received a proposal from H2M Group dated May 7, 2009, to conduct the feasibility studies on a project by project basis;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement, in a form approved by the Town Attorney, with H2M Group, 575 Broad Hollow Road, Melville, New York, to conduct additional feasibility studies for public works projects, and be it

FURTHER RESOLVED, that the fees for the additional services shall not exceed \$75,000.00, without further authorization from the Town Board, and be it

FURTHER RESOLVED, that the fee for the studies shall be charged to the capital account for the public works project.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann... Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (282-2009)
Co. Maloney offered and Co. Hoehmann seconded

WHEREAS, the Town has received \$3,251.80 from Donations to the D.A.R.E. Program,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$3,251.80 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease Account A-1310-201-0 (Finance-Furniture/Fixtures) and increase Account A-1310-204-0 (Finance-Office Machines) by \$8 and be it

FURTHER RESOLVED, to decrease Account A-1310-409-0 (Finance-Fees for Services) and increase Account A-1310-460-4 (Finance-Cell Phones) by \$250 and be it

FURTHER RESOLVED, to decrease Account SL-5182-461-0 (Consolidated Lighting-Elec/Gas) and increase Account SL-5182-409-0 (Consolidated Lighting-Fees for Services) by \$20,213.55

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann... Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (283-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that Christina Cifuni - Courier – Mail and Copy – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective June 1, 2009 to August 23, 2009.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann... Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (284-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of Michael A. Breganti–Highway Maintenance Supervisor II – Highway Department – is hereby accepted – effective and retroactive to May 8, 2009.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann... Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (285-2009)
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the Rockland Personnel Office has furnished Certification of Eligibles #08207 Legal Stenographer which contains the name of Donna Termini,
NOW, therefore, be it

RESOLVED, that Donna Termini - is hereby appointed to the position of (contingent-permanent) Legal Stenographer – Office of the Town Attorney – at the 2009 annual salary of \$44,587., - effective May 20, 2009.
On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (286-2009)
Co. Hoehmann offered and Co. Lasker seconded

RESOLVED, that the Town Board adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective May 26, 2009.

Year Round High School Student (Office Worker Students)	Salary Increase: \$.75 per hour.
Year Round College Students (Office Worker Students) and Laborer Students	Salary Increase: \$1.00 per hour.
Returning Seasonal College Students: Office Worker Students	\$1.00 per hour.
Laborer Students	\$1.00 per hour.
Office Worker Students starting salary (High School)	\$8.00 to \$9.00 hr.
Office Worker Students starting salary (Attending College)	\$9.50 to \$11.00 hr.
Laborer Students (Over 18 years of age)	\$9.50 to \$11.00 hr.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (287-2009)
Co. Lasker offered and Co. Hoehmann seconded

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO PURSUE PROPERTY ACQUISITION

WHEREAS, Mr. Jerrold Hirschberg, Principal of International Divestitures, Inc., owner of 296 Phillips Hill Road, New City (43.5-1-75), a vacant wooded parcel of land adjacent to Crum Creek, has approached the Town and would like to donate this parcel to the Town for no consideration, and

WHEREAS, K. Luke Kalarickal, PE, PLS, the Director of the Department of Environmental Control (DEC) has recommended that the Town accept this parcel for general municipal purposes, and

WHEREAS, said Director, as agent for the Town Board under the New York State Environmental Quality Review Act (SEQRA), has determined that the acquisition of this parcel is an Unlisted Action and is of the opinion that the proposed action will not result in any significant adverse environmental impacts, and

WHEREAS, no change of use or activity is currently planned for this parcel,

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts the recommendation of the Director of DEC and makes a negative declaration under SEQRA regarding this matter and authorizes the Town Attorney to pursue the acquisition of 296 Phillips Hill Road, New City, and to prepare the necessary paperwork and arrange for the closing on this parcel.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann. Yes
- Co. Borelli. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (288-2009)
Co. Lasker offered and Co. Maloney seconded

WHEREAS, complaints from several residents of the area of N. Rockland Avenue, Congers along the CSX RR tracks have been received by the Clarkstown Highway Department and the Department of Environmental Control regarding dumping of yard waste, grass clippings and debris in the Town Right of Way of N. Rockland Avenue, and

WHEREAS, the complaints have been investigated by the Code & Zoning Enforcement Officer and found to be substantiated,

RESOLUTION NO. (288-2009) continued

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install "No Dumping" signs (2) along the easterly Right of Way of N. Rockland Avenue between # 21 Endicott Street and #27 N. Rockland Avenue.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (289-2009)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE NEW YORK STATE WORKERS' COMPENSATION BOARD

WHEREAS, the New York State Workers' Compensation Board has requested permission from the Town Board to use the Town Justice Courtroom, 20 Maple Avenue, New City, New York, for the conduct of workers' compensation hearings, for a period of one year;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Memorandum of Understanding with the New York State Workers' Compensation Board, in a form approved by the Town Attorney, for the period of one year, and be it

FURTHER RESOLVED, that the State will provide liability insurance coverage and list the Town as an additional insured.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (290-2009)

Co. Borelli offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING THE PREPARATION OF PRELIMINARY PLANS AND SPECIFICATIONS IN CONNECTION WITH THE NEW CITY DOWNTOWN REVITALIZATION PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$58,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$58,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare preliminary plans and specifications in connection with the New City Downtown Revitalization project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$58,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$58,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$58,000 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 object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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

RESOLUTION NO. (290-2009) continued

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (291-2009)

Co. Borelli offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING VARIOUS CAPITAL PROJECTS IN AND FOR THE TOWN, STATING THE ESTIMATED TOTAL COST THEREOF IS \$86,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$86,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to undertake various capital projects, including: (a) installation of a fence at the police impound yard at the estimated maximum cost of \$40,000; (b) replacement of a retaining wall within the Town right-of-way in front of 26 Lindbergh Lane, New City, at the estimated maximum cost of \$16,000; and (c) acquisition and installation of ballfield safety poles and nets at the estimated maximum cost of \$30,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$86,000 and said amount is hereby appropriated therefor. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$86,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$86,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$86,000 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 objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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

RESOLUTION NO. (291-2009) continued

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (292-2009)

Co. Borelli offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING THE PREPARATION OF PRELIMINARY PLANS AND SPECIFICATIONS IN CONNECTION WITH THE WEST NYACK DOWNTOWN REVITALIZATION PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$89,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$89,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare preliminary plans and specifications in connection with the West Nyack Downtown Revitalization project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$89,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$89,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$89,000 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 object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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.

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (293-2009)

Co. Borelli offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF UPGRADES TO THE TOWN HALL DATA CENTER UNINTERRUPTIBLE POWER SUPPLY (UPS), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$128,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$128,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct and install upgrades to the Town Hall data center Uninterruptible Power Supply (UPS). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$128,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$128,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$128,000 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 object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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 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

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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.

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 Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (294-2009)

Co. Borelli offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$560,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$560,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$560,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$560,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$560,000 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 object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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 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

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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.

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 Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (295-2009)

Co. Borelli offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$750,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various road improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$750,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$750,000 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 object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00

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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.

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 Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (296-2009)

Co. Borelli offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING THE ACQUISITION OF VARIOUS ITEMS OF HIGHWAY EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,120,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$1,120,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION, AND AUTHORIZING THE EXPENDITURE OF ANY GRANT FUNDS RECEIVED OR TO BE RECEIVED FOR SAID PURPOSE

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire various items of highway equipment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,120,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,120,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any grant funds received by the Town for such purpose are authorized to be applied toward the cost of said project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes

Section 2. Serial bonds of the Town in the principal amount of \$1,120,000 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 object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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

RESOLUTION NO. (296-2009) continued

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 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.

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 Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (297-2009)

Co. Maloney offered and Co. Hoehmann seconded

Resolution Waiving the Notice Requirement in Section 64 of the New York State ABC Law with Respect to a Liquor License for the Louisa Rose Corp. (DBA as Mulberry Street Grill)

WHEREAS, Louisa Rose Corp., doing business as Mulberry Street Grill, 149 South Middletown Road, Nanuet, New York, advised that they intend to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Louisa Rose Corp., doing business as Mulberry Street Grill, 149 South Middletown Road, Nanuet, New York, for a liquor license at the premises referred to herein.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (298-2009)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the retirement of Joseph F. Caoli- Motor Equipment Operator II - Clarkstown Highway Department -is hereby accepted effective and retroactive to April 9, 2009.

On roll call the vote was as follows

Co. Lasker Yes
 Co. Maloney Yes
 Co. Hoehmann Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (299-2009)

Co. Hoehmann offered and Co. Lasker seconded

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 town road for an additional period of two (2) years, continuing from May 31, 2009 to May 31, 2011, as follows:

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

Roads: 1.14 mile segment on Lake Road from Kings Highway to Route 9W, Valley Cottage,

and

.75 mile segment from the Railroad Tracks in Valley Cottage to Crusher Road on Kings Highway, Valley Cottage

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Blue Sky Lawn Care & Landscape, Inc. will continue to perform a public service in removing trash from above roadways 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 continuing from May 31, 2009 to May 31, 2011, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Blue Sky Lawn Care & Landscape, Inc. to remove trash from the roadways.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (300-2009)

Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, a certain veteran organization has requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organization for the year 2009:

Veterans of Foreign Wars of the U.S. – Post 2607

and be it

FURTHER RESOLVED, that claim for such sum shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2009 Account No. A 6510-401.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (301-2009)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, by Resolution No. 211-2009, the Town Board awarded Bid No. 8-2009 - "2009 Roadway Resurfacing program" to A.J.M. CONTRATORS, and

WHEREAS, the Bid Specifications provided that additional locations other than those set forth in the bid could be added depending on available highway funds, and

WHEREAS, the Superintendent of Highways has recommended that a portion of South Main Street, New City, New York, be added to Bid No. 8-2009, in accordance with the contract documents;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the following location/work to be added to Bid No. 8-2009, to make necessary repairs to South Main Street, from Third Street southward to the end of South Main Street at Route 304, New City, New York, and be it

FURTHER RESOLVED, that the additional work shall not exceed the sum of \$200,000.00 and this fee shall be charged to Account No. H 5111-400-4-16.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann Yes
Co. Borelli Yes
Supervisor Gromack Yes

RESOLUTION NO. (302-2009)

Co. Maloney offered and Co. Hoehmann seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 19, 2009, AUTHORIZING THE CONSTRUCTION OF WAREHOUSE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,888,000, APPROPRIATING \$50,000 FOR SUCH PURPOSE, IN ADDITION TO THE \$1,838,000 HERETOFORE APPROPRIATED, AND AUTHORIZING THE ISSUANCE OF \$50,000 SERIAL BONDS OF SAID TOWN 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 improvements to the warehouse used for sewer purposes. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,888,000 and \$50,000 is hereby appropriated therefor, in addition to the \$1,838,000 heretofore appropriated. The plan of financing includes the issuance of \$50,000 serial bonds of the Town 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 said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$50,000 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 additional appropriation.

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

- (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a) (2) 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 without limitation of rate or amount. 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 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.

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 Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Hoehmann Yes
- Co. Borelli Yes
- Supervisor Gromack Yes

RESOLUTION NO. (303-2009)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, on April 21, 2009 the Town Board adopted Resolution No. 214-2009 awarding Bid No. 33-2009 (Zukor Park Ballfield Poles/Nets) to High Peaks Fence and Rail, Inc.

WHEREAS, during the course of construction unforeseen issues arose which indicated that additional work was necessary, including resetting twelve posts and two additional four inch poles needed for netting, and

WHEREAS, Jo Anne Pedersen, Superintendent of Recreation and Parks, has reviewed said change orders and found them to be reasonable in scope and price;

NOW THEREFORE, be it

RESOLVED, that the total approved cost for the change orders on contract is \$8,550.00, and be it

FURTHER RESOLVED, that the current budget allowance for this project be increased to \$38,515.00, to reflect the additional cost of the change orders on contract, and be it

FURTHER RESOLVED, that this shall be a proper charge to Account No. H8760-409-84-8

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (304-2009)

Co. Maloney offered and Co. Hoehmann seconded

Resolution Scheduling a Public Hearing on a Proposed Local Law Amending Chapters 1, 4, 6, 10, 13, 16, 40, 42, 45, 59, 68, 84, 113 and 226 of the Code of the Town of Clarkstown

WHEREAS, the Town Board of the Town of Clarkstown wishes to amend, delete and/or update certain sections of the Town Code of the Town of Clarkstown, and

WHEREAS, a Local Law entitled, "A Local Law Amending Chapter 1-General Provisions, Chapter 4-Appearence Tickets, Chapter 6-Assessor

-Office of, Chapter 10-Condominium Information Board, Chapter 13-Drug Abuse Prevention Council, Chapter 16-Environmental Control-Department of, Chapter 40-Personnel Policies, Chapter 42-Planning Board and Board of Appeals, Chapter 45-Police Department, Chapter 59-Safety Committee, Chapter 68-Traffic and Traffic Fire Safety Advisory Board, Chapter 84- Youth Commission, Chapter 113-Bus Transportation, and Chapter 226-Recycling, of the Code of the Town of Clarkstown," has been proposed in order to implement such amendments;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on June 16, 2009, 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 the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

RESOLUTION NO. (305-2009)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

GRAND PRIZE CHEVROLET-CADILLAC
16 RT. 304
BARDONIA, NY 10954
32-A-2 (58.18-1-22)

By the installation of Fire lane designations, and

WHEREAS, MICHAEL HAEMMERLE, MANAGER, requested that the Town of Clarkstown designate said fire lanes.

NOW, THEREFORE, BE IT

RESOLVED, that the pursuant to said Local Law 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows

Co. Lasker Yes
Co. Maloney Yes
Co. Hoehmann. Yes
Co. Borelli. Yes
Supervisor Gromack Yes

The Supervisor opened the meeting for general public comments.

Charles Ulrich- Valley Cottage

Submitted pictures (on file with Town Clerk) of Storms corner, a 4-way intersection. Requested stop lines repainted and a "Children at Play" sign installed.

Kevin Gilroy- New City

Stated he spoke in February about a crosswalk on Congers road.

Joel Epstein- Code Enforcer

Stated the matter was discussed at the last Traffic Safety Board meeting.

Joe Cannata- New City

Stated petitions were collected by neighbors, without his knowledge, regarding putting no parking signs in front of his house. Spoke about the need for a 4-way stop sign at Capral Lane, but no need for a no parking sign in front of 2 Capral Lane.

Debra Moroney- Goshen

Spoke about growing up at 139 Massachusetts Avenue in Congers (parents are former owners, Barry and Linda Goldberg).

Robin Levy- Katonah

Spoke about fond memories she and her children have of her parent's backyard at 139 Massachusetts Avenue in Congers.

Steven Levine- Congers

Stated that the property the previous speakers spoke of has been divided into two lots [139 and 141 Massachusetts Avenue] and asked if any remediation plan has been applied for regarding these sites.

Amy Mele, Town Attorney

Stated no remediation plan had been applied for and that Mr. Goldberg has retained an attorney, so the Town board cannot comment on this matter.

On motion of Co. Hoehmann, seconded by Co. Maloney, and unanimously adopted, Town Board Meeting was closed 9:31 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN SPECIAL MEETING
CLARKSTOWN MIDDLEWOOD HOUSING
DEVELOPMENT FUND COMPANY, INC.

Town Hall

5/19/09

9:31 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Shirley Lasker, George Hoehmann & Frank Borelli
Amy Mele, Town Attorney
David Carlucci, Town Clerk

On motion of Co. Maloney, seconded by Co. Borelli the special meeting was declared open, on motion of Co. Hoehmann, seconded by Co. Lasker, and unanimously adopted, the meeting was closed, time: 9:33 P.M.

Upon motion duly made, seconded and carried, and by the affirmative vote of all present, it was resolved, Alexander J. Gromack was duly elected Chairman of the meeting and John R. Maloney was duly elected as Secretary thereof.

The Chairman stated that the election of the Directors was the next item of business.

The following were nominated as Directors:

- Alexander J. Gromack
- John R. Maloney
- Shirley Lasker
- Frank Borelli
- George Hoehmann

Upon motion duly made, seconded and carried, and by the affirmative vote of all present, it was

RESOLVED, that each of the above named nominees be and hereby is elected as Director of the Corporation; and be it

FURTHER RESOLVED, that the Board of Directors authorized the signing of Housing Assistance Payments Basic Renewal Contract and Rent Schedules, retroactive to April 23, 2009.

Upon motion duly made, seconded and carried, and by the affirmative vote of all present, it was resolved,

RESOLUTION OF THE TOWN BOARD AUTHORIZING THE SIGNING OF HOUSING ASSISTANCE
PAYMENTS BASIC RENEWAL CONTRACT WITH RESPECT TO THE CLARKSTOWN MIDDLEWOOD
SENIOR CITIZENS' COMPLEX – HUD PROJECT

RESOLVED, that the Town Board of the Town of Clarkstown, as Board of Directors of the Clarkstown Middlewood Housing Development Fund, Inc., hereby authorizes the signing of Housing Assistance Payments Basic Renewal Contract and Rent Schedules for the Middlewood Senior Citizens' Complex – HUD Project No. 012-44136-NP-WAH; and be it

FURTHER RESOLVED, that this resolution shall be retroactive to April 23, 2009.

Respectfully submitted,

David Carlucci
Town Clerk