

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/17/08

8:00 P.M.

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

Supervisor declared Town Board meeting opened.

Presentation of Colors: Clarkstown Police Honor Guard, Detective Robert McDonald.
Master of Ceremony: Administrative Sargeant Harry Baumann
Salute to the Flag: Chief of Police Peter Noonan
Invocation: Police Chaplain Rev. David S. Lothrop

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
Morgan Ambler
Pamela Samoylo
Byran Baer

Nanuet High School
William Connolly
Eric Roemish
John Morato
Maura Nolan
Brian Stemwede

Clarkstown South High School
Jian Chen
Justin Cruz
Nick Danyluk
James Elliot
Thomas Fasano
Jordan Gallagher
Kevin Grainai
Alex Kasman
Vladimir Komendantov
Daniel Pragdat
John Santana
Raymond Twitty
Kenneth Van Dyke
Devon Whittaker

Clarkstown North High School
Jose Barahona
Shane Jacobs
Anton Klecar
Chris Ojeda
Nick Raniola
Liridon Gjonbalaj
Samantha Kiernan
Pablo Llapa
Leland Parkinson
Sally Smith

INDUCTION CEREMONY – PRESENTATION OF SHIELDS:

P.O. Rory Healy
P.O. Jason Manzella
P.O. George Mendez
P.O. Joseph Caivano
P.O. Robert Fortune
P.O. Christopher Bax

Oath of Office: Councilman John Maloney

Recognition of Re-accreditation of Clarkstown Police Department by New York State:

Remarks: Clarkstown Town Board Members Supervisor Alexander J. Gromack, Councilman John Maloney, Councilwoman Shirley Lasker, Councilman Ralph Mandia, Councilman Frank Borelli
Dismissal: Administrative Sargeant Harry Baumann

Public Hearing #1 re: Continuation from 5/13/08 Proposed Local Law amending Chapter 246 (Site Plan Review) of the Town Code to allow the Town to charge fee to cover maintenance of retention basins. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:37 P.M. On motion of Co. Maloney, seconded by Co. Borelli, the public hearing was continued to July 22, 2008. RESOLUTION NO. (362-2008)

Public Hearing #2 re: Road Improvement Project – Dustman Lane, Bardonia. On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 8:39 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:46 P.M. RESOLUTION NO. (363-2008)

Public Hearing #3 re: Orchard Ridge Zone Change. On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:46 P.M. On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 9:03 P.M. RESOLUTION NO. (364-2008)

Public Hearing #4 re: Eden Park Homes Zone Change. On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 9:03 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:24 P.M. RESOLUTION NO. (364-2008)

Public Hearing #5 re: Petition of Cambridge University Press for special permit to allow for general warehouse and distribution uses. On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 9: 24 P.M. On motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:50 P.M. RESOLUTION NO. (365-2008)

Supervisor opened the meeting to public comments regarding agenda items.

Richard Kearney- Chester, NY

Regarding agenda item #11c (res. no. 386-2008), stated there were problems with the elevator bid, because the company awarded the bid uses proprietary products.

Robert Berdy- Director of Purchasing

Regarding agenda item #11c (res. no. 386-2008), stated the company met all bid criteria.

Lori Pete- West Nyack, Sierra Club

Regarding agenda item #8 (res. no. 375-2008), stated that, on behalf of the Sierra Club, she was thrilled that the Town Board was endorsing the U.S. Mayors Climate Protection Agreement.

RESOLUTION NO. (362-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION CONTINUING THE PUBLIC HEARING CONCERNING THE PROPOSED LOCAL LAW TO AMEND CHAPTER 246 (SITE PLAN REVIEW) OF THE CODE OF THE TOWN OF CLARKSTOWN

WHEREAS, the Town Board held a public hearing on May 13, 2008 and continued said hearing on June 17, 2008, to consider a proposed Local Law to Amend Chapter 246 (SITE PLAN REVIEW) of the Code of the Town of Clarkstown, to allow the Town to charge a fee to cover the maintenance of retention basins;

NOW, THEREFORE, be it

RESOLVED, that in order for the Town Board to consider comments from the public, review SEQRA, and provide the Rockland County Planning Department and the Clarkstown Planning Board sufficient time to review the proposed Local Law, the Town Board shall continue the public hearing concerning the proposed Local Law to Amend Chapter 246 (Site Plan Review) on July 22, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (363-2008)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE CREATION AND CONSTRUCTION OF ROAD IMPROVEMENT DISTRICT – DUSTMAN LANE, BARDONIA, NEW YORK

WHEREAS, by Resolution adopted on May 13, 2008, on Motion of the Town Board of the Town of Clarkstown, the Director of Environmental Control was authorized to make an estimate of expenses to establish a Road Improvement District for premises fronting on DUSTMAN LANE, Bardonia, New York, for the total length of 300 feet of roadway, and approximately 600 lineal feet of frontage, benefiting properties shown on the Clarkstown Tax Map as 58.14-1-50 (owned by Bardonia Realty Group, LLC) and Tax Map 58.14-1-51 (owned by Casmac Partners), and

WHEREAS, by report dated June 4, 2008, the Director of Environmental Control duly presented to the Town Board an estimate of cost of the proposed project, and

WHEREAS, by resolution/Order adopted on May 13, 2008, the Town Board ordered that a public hearing be held on June 17, 2008 at 8:00 p.m., or as soon thereafter as possible, to consider the creation of such road improvement district, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider the matter of construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place concerning same, and

WHEREAS, at the Town Board Meeting of June 17, 2008, the Town Board duly considered the creation of such Road Improvement District, and

WHEREAS, the amount proposed to be expended for the improvement of the road as described in the estimate of the Director of Environmental Control is \$152,275.00, plus the cost of the proceeding to acquire so much land as may be necessary to lay out such road as well as all other associated clerical, legal, surveying and engineering costs involved in any and all proceedings related to the acquisition of land pursuant to Town Law Section 200-12, and

RESOLUTION NO. (363-2008) continued

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from the Deputy Director of Environmental Control, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines from the evidence offered at the public hearing and all documents made part of the record that it is in the public interest to make the said improvement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown, does hereby authorize and approve the improvement of a portion of DUSTMAN LANE, Bardonia, New York, for a frontage distance of approximately 600 lineal feet, and the approximate total length of said road is 300 feet, and be it

FURTHER RESOLVED, that the amount to be expended for the construction of said improvements is \$152,275.00, plus the cost of the proceeding to acquire so much land as may be necessary to lay out such road as well as all other associated clerical, legal, surveying and engineering costs involved in any and all proceedings related to the acquisition of land pursuant to Town Law Section 200-12, and be it

FURTHER RESOLVED, that the Director of Environmental Control shall survey, and cause to be surveyed, the above described portion of DUSTMAN LANE, Bardonia, New York, and establish the lines and grades thereof, and file copies of such survey and a profile of the grade in the office of the Town Clerk of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of Environmental Control is authorized and directed, after completion of the survey work described herein, to prepare the project plans and bids for completion, and thereafter to oversee the work required for such improvement, and be it

FURTHER RESOLVED, that the Director of Environmental Control is authorized and directed to apportion the cost of the project for assessment against the benefited parcels using a per front foot formula so that all parcels having primary access to the improved road being constructed shall be equitably charged a pro-rata share of the cost, and be it

FURTHER RESOLVED, that primary access be defined as the use of the said improved road for ingress and egress to property or to parking areas on property, and be it

FURTHER RESOLVED, that based upon the report of the Deputy Director of Environmental Control dated June 4, 2008, acting as staff to the Town Board as lead agency for approval of the Road Improvement District, the Town Board hereby determines that the proposed road improvement project referred to herein shall not have any adverse impact on the environment, and that no further processing pursuant to SEQRA is required, and

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause a Notice to be published in full in the Journal News, a newspaper published in West Nyack, New York, 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, and be it

FURTHER RESOLVED, that should it be determined that the cost of the improvements referred to herein shall exceed the authorized expenditure of \$152,275.00, plus the cost of the proceeding to acquire so much land as may be necessary to lay out such road as well as all other associated clerical, legal, surveying and engineering costs involved in any and all proceedings related to the acquisition of land pursuant to Town Law Section 200-12, this project may not proceed without further authorization of the Town Board after a further public hearing and notice as required by law.

On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli. | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (364-2008)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION APPROVING ZONE CHANGE REQUEST FOR ORCHARD RIDGE LLC, REDISTRICTING PROPERTY FROM THE MF-2 and LIO DISTRICTS TO THE AAR DISTRICT, PREMISES DESIGNATED AS MAP 35.19-2-15, 35.19-2-17, 35.19-2-18, 35.19-2-19 and 35.19-2-20, and 44.07-2-10, 44.07—2-10.1, and 44.07-2-10.2, CONGERS, NEW YORK

WHEREAS, by Local Law No. 3-2007, the Town Board created the Active Adult Residence Zone (the “AAR Zone”), an unmapped floating zone designed to address the Town’s need for a range of fifty-five (55) and over housing, and

WHEREAS, the Generic Environmental Impact Statement prepared in connection with the adoption of the AAR Zone stated that the zoning was being implemented based upon the needs identified by the Town’s 1999 Comprehensive Plan and the 2002 Housing Study prepared for the Town, and

WHEREAS, the local law provides that an application for the establishment of an AAR Zone by amendment to the Town’s Zoning Local Law shall be made via a petition to the Town Board, and

WHEREAS, the ORCHARD RIDGE, LLC (the “Petitioner”), contract vendee, (owner is DePaulis) submitted a petition (the “Petition”) to the Town Board of the Town of Clarkstown, requesting a change of zones from the MF-2 and LIO Districts to the AAR District for premises designated on the Clarkstown Tax Map as 35.19-2-15, 35.19-2-17, 35.19-2-18, 35.19-2-19 and 35.19-2-20, and 44.07-2-10, 44.07—2-10.1, and 44.07-2-10.2, located at Old Orchard Lane and Meola Road, Congers, New York, to permit the construction of a 320 unit complex for active adults, and

WHEREAS, notice of public hearing was duly published as required by law, for June 17, 2008, at 8:00 p.m., said hearing was duly commenced at the time and place specified in the notice, and

RESOLUTION NO. (364-2008) continued

WHEREAS, by resolution dated November 8, 2007, the Town Board authorized the Supervisor to review all AAR Petitions and convene personnel as he deemed necessary to conduct a thorough review of such applications, and
 WHEREAS, the Supervisor created an in-house committee (the "Committee") consisting of legal, planning, engineering and building personnel to review the AAR Petitions in light of the criteria for rezoning as set forth in Section 290-7.1E(1)-(13) of the law, and

WHEREAS, Petitioner met with the Committee numerous times in 2007 and 2008, and

WHEREAS, by Resolution dated March 11, 2008, the Town Board retained Behan Planning Associates to review the AAR Petitions and make recommendations regarding potential improvements to the proposed Project, and

WHEREAS, the applicant met with Behan Planning in addition to the Committee, and

WHEREAS, as a result of such meetings the Applicant gratuitously offered to provide certain additional amenities in order to bring the Project into compliance with the criteria for rezoning, and

WHEREAS, the Petitioner funded a traffic study which was prepared by the Town's SEQRA consultants, Tim Miller Associates, which concluded that the traffic generated by the proposed Project would be significantly less during peak hours than the existing as of right use, and

WHEREAS, the Petitioner funded a fiscal analysis, prepared by Tim Miller Associates, which analyzed the projected economic impact of the Project, and

WHEREAS, the fiscal study concluded that the Project would have a positive fiscal impact compared with the existing as of right use, and

WHEREAS, by letter dated April 17, 2008, the Rockland Economic Development Corporation recommended restructuring the Clarkstown Empire Zone by moving the Empire Zone designation from the Project site to an alternative site within the Town, thereby resulting in a zero net loss of Empire Zone acreage within the Town, and

WHEREAS, by letter dated April 3, 2008, a copy of which is attached to this resolution, the Rockland County Department of Planning recommended approval of the Petition with certain modifications, and

WHEREAS, by memo dated June 17, 2008, a copy of which is annexed to this resolution, the Town Attorney, pursuant to GML Section 239-m, addressed each of the County's concerns, and

WHEREAS, by resolution dated May 13, 2008, the Town Board declared itself lead agency pursuant to SEQRA and retained Tim Miller Associates as its agent to conduct the SEQRA review of the Project, and

WHEREAS, the Committee presented their findings and recommendations with respect to the Petition to the Town Board at its workshop session on May 6, 2008, and

WHEREAS, by memo dated April 22, 2008, Tim Miller Associates analyzed the Project for compliance with the AAR Zoning criteria and recommended that a public hearing be scheduled so that the Town Board could consider the Petition, and

WHEREAS, by Resolution of the Town Board duly adopted on May 13, 2008, scheduled a public hearing for June 17, 2008 at 8:00 p.m., to consider the application of Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property owned by the petitioners, designated on the Clarkstown Tax Map as 35.19-2-15, 35.19-2-17, 35.19-2-18, 35.19-2-19 and 35.19-2-20, and 44.07-2-10, 44.07-2-10.1, and 44.07-2-10.2, Congers, New York, more particularly described on Schedule "A" herein, from the MF-2 and LIO Districts to the AAR District, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the Committee, its consultants, and the public, and

WHEREAS, the Town Board has received a proposed negative declaration pursuant to SEQRA from its Planning Consultant, Tim Miller Associates, which lists the proposed Zone Change as an unlisted action for environmental review purposes, and concludes that implementing the AAR Zoning designation as proposed in the Petition will not create any significant adverse impacts, which the Board has discussed and considered in making its decision herein;
 NOW, THEREFORE, be it

RESOLVED, that based upon the reports of Tim Miller Associates dated April 22, 2008 and June 17, 2008, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change shall not have any significant adverse impact on the environment, and hereby directs that the attached negative declaration be filed and distributed in accordance with the provisions of SEQRA, and be it

FURTHER RESOLVED, that based on the reports of the Committee and its consultants, and based upon all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

1. The property is eligible for AAR Zone designation;
2. The proposed zone change is consistent with the intent of the AAR Zone;
3. The Petition complies with the criteria set forth in Section 290-7.1E(1)-(3),

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 64.7-1-8, situate in the Hamlet of Congers, from the MF-2 and LIO- Districts to the AAR District, which is described on the attached Schedule "A" provided, however, that such zone change shall be subject to the following conditions:

1. The maximum number of units to be developed under the zone shall be three hundred and twenty (320), subject to site plan constraints;
2. The applicant shall submit an overall site plan for approval by the Planning Board;
3. The applicant shall pay a fee in the amount of \$63.00 per unit, for a total sum of \$20,160.00 for 320 units, pursuant to Section 290-7.1F(3);
4. Subject to required NYSDEC approval, the applicant shall design and install at its own cost and expense a recreational walking trail as depicted on its proposed site plan;
5. The applicant shall design and install at its own cost and expense a bus shelter at the bus stop location contiguous to the project site;
6. The applicant shall execute a developers performance agreement, in a form acceptable to the Town Attorney, and shall submit a Letter of Credit in a sum to be determined by the Town Department of Environmental Control, to ensure compliance with Items above.

RESOLUTION NO. (364-2008) continued

- 7. The Planning Board shall ensure, in connection with final site plan approval, compliance with the limitations on occupancy set forth in Section 290-7.1G(1)-(3);
- 8. The applicant shall pay to the Town money-in-lieu-of-land based on the actual number of units/bedrooms that may be approved by the Town Planning Board consistent with the Clarkstown Code,

and be it

FURTHER RESOLVED, that the Zone Change described herein is deemed to be effective upon compliance with all of the above items, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

FURTHER RESOLVED, that no amendment to the Town’s Comprehensive Plan is required, as the creation of the zone and zone change effectuated herein are consistent with the goals of the Town’s Comprehensive Plan, and be it

FURTHER RESOLVED, that pursuant to GML Section 239-m(6), the Town Attorney is hereby directed to file a copy of her June 17, 2008 report with the Rockland County Department of Planning within thirty days of the date of this resolution, and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the Petition is consistent with the Town’s Comprehensive Plan and that the impact of this change shall not be significant.

On roll call the vote was as follows

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

RESOLUTION NO. (365-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION APPROVING ZONE CHANGE REQUEST FOR EDEN PARK HOMES LLC, REDISTRICTING PROPERTY FROM THE R-15 AND LO DISTRICTS TO THE AAR DISTRICT, PREMISES DESIGNATED AS MAP 64.7-1-8

WHEREAS, by Local Law No. 3-2007, the Town Board created the Active Adult Residence Zone (the “AAR Zone”), an unmapped floating zone designed to address the Town’s need for a range of fifty-five (55) and over housing, and

WHEREAS, the Generic Environmental Impact Statement prepared in connection with the adoption of the AAR Zone stated that the zoning was being implemented based upon the needs identified by the Town’s 1999 Comprehensive Plan and the 2002 Housing Study prepared for the Town, and

WHEREAS, the local law provides that an application for the establishment of an AAR Zone by amendment to the Town’s Zoning Local Law shall be made via a petition to the Town Board, and

WHEREAS, EDEN PARK HOMES LLC (the “Petitioner”) has submitted a petition (the “Petition”) to the Town Board of the Town of Clarkstown, requesting a change of zoning from the R-15 and LO Districts to the AAR District for premises designated on the Clarkstown Tax Map as 64.7-1-8, located at 495 West Nyack Road, West Nyack, New York, to permit the construction of thirty-four (34) patio homes for active adults (the “Project”), and

WHEREAS, notice of public hearing was duly published as required by law for June 17, 2008, at 8:00 p.m., said hearing was duly commenced at the time and place specified in the notice, and

WHEREAS, by resolution dated November 8, 2007, the Town Board authorized the Supervisor to review all AAR Petitions and convene personnel as he deemed necessary to conduct a thorough review of such applications, and

WHEREAS, the Supervisor created an in-house committee (the “Committee”) consisting of legal, planning, engineering and building personnel to review the AAR Petitions in light of the criteria for rezoning as set forth in Section 290-7.1E(1)-(13) of the law, and

WHEREAS, Petitioner met with the Committee numerous times in 2007 and 2008, and

WHEREAS, by Resolution dated March 11, 2008, the Town Board retained Behan Planning Associates to review the AAR Petitions and make recommendations regarding potential improvements to the proposed Project, and

WHEREAS, the applicant met with Behan Planning in addition to the Committee, and

WHEREAS, as a result of such meetings the Applicant gratuitously offered to provide certain additional amenities in order to bring the Project into compliance with the criteria for rezoning, and

WHEREAS, the applicant prepared and submitted a traffic study prepared by Harry Baker and Associates, which concluded that the additional traffic generated by the proposed project would be mitigated by the installation of a traffic signal at the intersection of West Nyack Road and Demarest Avenue, West Nyack, New York, and

WHEREAS, by resolution dated May 13, 2008, the Town Board declared itself lead agency pursuant to SEQRA and retained Tim Miller Associates as its agent to conduct the SEQRA review of the Project, and

WHEREAS, the Committee presented their findings and recommendations with respect to the Petition to the Town Board at its workshop session on May 6, 2008, and

WHEREAS, by memo dated April 22, 2008, Tim Miller Associates analyzed the Project for compliance with the AAR Zoning criteria and recommended that a public hearing be scheduled so that the Town Board could consider the Petition, and

WHEREAS, the Town Board by Resolution duly adopted on May 13, 2008, scheduled a public hearing for June 17, 2008 at 8:00 p.m., to consider the application of Petitioner for Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property owned by the Petitioner, designated on the Clarkstown Tax Map as 64.7-1-8,

RESOLUTION NO. (365-2008) continued

more particularly described on Schedule "A" herein, from the R-15 and LO Districts to the AAR District, and WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the Committee, its consultants, and the public, and

WHEREAS, the Town Board has received a proposed negative declaration pursuant to SEQRA from its Planning Consultant, Tim Miller Associates, which lists the proposed Zone Change as an unlisted action for environmental review purposes, and concludes that implementing the AAR Zoning designation as proposed in the Petition will not create and significant adverse impacts, which the Board has discussed and considered in making its decision herein, and

WHEREAS, by letter dated March 21, 2008, the Rockland County Department of Planning indicated that the matter was not within their jurisdiction;

NOW, THEREFORE, be it

RESOLVED, that based upon the reports of Tim Miller Associates dated April 22, 2008 and June 17, 2008, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change shall not have any significant adverse impact on the environment, and hereby directs that the attached negative declaration be filed and distributed in accordance with the provisions of SEQRA, and be it

FURTHER RESOLVED, that based on the reports of the Committee, and its consultants, and based upon all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

1. The property is eligible for AAR Zone designation;
2. The proposed zone change is consistent with the intent of the AAR Zone;
3. The Petition complies with the criteria set forth in Section 290-7.1E(1)-(3);
4. Pursuant to Section 290-7.1D(1), the applicant has proposed adequate mitigation measures so that the proposed development will not have any greater impact than the as-of-right development;

and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 64.7-1-8, situate in the Hamlet of West Nyack, from the R-15 and LO Districts to the AAR District, which is described on the attached Schedule "A" provided, however, that such zone change shall be subject to the following conditions:

1. The maximum number of units to be developed under the zone shall be thirty-four (34), subject to site plan constraints;
2. The applicant shall submit an overall site plan for approval by the Planning Board;
3. Five (5) of the units shall be "Affordable Units" as defined in Section 290-3 and shall comply with Section 290-7.1I(8);
4. The Planning Board shall ensure, in connection with the final site plan approval, compliance with Section 290-7.1K(2);
5. The applicant shall pay a fee in the amount of \$63.00 per unit, for a total sum of \$2,142.00 for 34 units, pursuant to Section 290-7.1F(3);
6. The applicant shall design, construct and install at its own cost and expense a four-phase traffic light with pedestrian signalization at the intersection of Demarest Avenue and West Nyack Road;
7. The Applicant shall design and install at its own cost and expense a pedestrian cross-walk with signalization, connecting the sidewalk on the South side of West Nyack Road to the JCCY entrance on the North side;
8. The applicant shall replace at its own cost and expense existing macadam sidewalk with concrete sidewalk along the frontage of the project site and east of the project site on the south side of West Nyack Road up to the existing concrete sidewalk located near Crosfield Avenue, or at the Town's option, pay to the Town a sum equal to the cost of said improvement;
9. The applicant shall design and install at its own cost and expense a bus shelter at the bus stop location contiguous to the project site;
10. The applicant shall execute a developers performance agreement, in a form acceptable to the Town Attorney, and a Letter of Credit in a sum to be determined by the Town Department of Environmental Control, to ensure compliance with Items 6-9 above.
11. The Planning Board shall ensure, in connection with final site plan approval, compliance with the limitations on occupancy set forth in Section 290-7.1G(1)-(3);
12. The applicant shall contract with a qualified agency to administer, maintain and oversee the sale of affordable units;
13. The applicant shall pay to the Town money-in-lieu-of-land based on the actual number of units/bedrooms that may be approved by the Town Planning Board consistent with the Clarkstown Code,

and be it

FURTHER RESOLVED, that the Zone Change described herein is deemed to be effective upon compliance with all of the above items, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

FURTHER RESOLVED, that no amendment to the Town's Comprehensive Plan is required, as the creation of the zone and zone change effectuated herein are consistent with the goals of the Town's Comprehensive Plan.

On roll call the vote was as follows

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

RESOLUTION NO. (366-2008)
Co. Lasker offered and Co. Mandia seconded

RESOLUTION AND SPECIAL FINDINGS GRANTING A SPECIAL PERMIT FOR GENERAL WAREHOUSE AND DISTRIBUTION USES ON PROPERTY OWNED BY CAMBRIDGE UNIVERSITY PRESS, MAP 64.7-1-10

WHEREAS, CAMBRIDGE UNIVERSITY PRESS has re-petitioned the Town Board of the Town of Clarkstown for a Special Permit to allow for general warehouse and distribution uses subject to certain conditions, pursuant to the provisions of the Zoning Local Law of the Town of Clarkstown, Section 290-11A, LO District, Table 8, Column 3, Item B-8, for property located at 100 Brook Hill Drive, West Nyack, New York, which property is designated on the Clarkstown Tax Map as Map 64.7-1-10;

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on June 17, 2008, at 8:00 P.M., or as soon thereafter as possible, to consider such application, and

WHEREAS, by resolution dated May 13, 2008, the Town Board declared itself lead agency with respect to the Special Permit application, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from its consultant Robert Geneslaw, in which he opines that the instant application involves little or no physical change to the existing property and structures and as such has less impact than many Type 2 actions, and is accordingly not subject to SEQRA review, and

WHEREAS, the Town of Clarkstown Planning Board, as lead agency for the Petitioner’s proposed site plan, has determined that the proposed site plan will not have any significant adverse impact on the environment, and

WHEREAS, the Town Board has discussed and considered Mr. Geneslaw’s report and the Planning Board’s conclusion in making its decision herein, and

WHEREAS, the Rockland County Planning Department recommended approval with certain modifications by letter dated May 9, 2008, and

WHEREAS, as per the Rockland County Planning Department’s recommendation the matter was referred to the Rockland County Department of Health and the Rockland County Highway Department, who had no objections to the proposed Special Permit, and

WHEREAS, the Town of Clarkstown Planning Board, by memo dated June 12, 2008, recommended approval with certain conditions which the Board has considered in making its determination herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, as well as the Negative Declaration of the Town Planning Board, the Town Board hereby determines that the Special Permit for Cambridge University Press shall not have any significant impact on the environment and no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waster disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard and, in fact, will alleviate existing traffic concerns;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to allow for general warehouse and distribution uses on the above described property owned by the Cambridge University Press is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-11(C) and Section 290-17(Z) of the Zoning Ordinance of the Town of Clarkstown;
2. The approval is subject to site plan approval by the Town of Clarkstown Planning Board, as per the Planning Board’s June 12, 2008 recommendation;
3. Petitioner must comply with the Planning Board’s conditions, as set forth in its June 12, 2008 memo annexed to this resolution as Exhibit “A;”
4. Petitioner shall execute and convey the deeds and any right of entry agreements necessary to construct a connector road connecting Medical Park Drive to Centerock Road, as shown on the site plan for Cambridge University Press,

and be it

FURTHER RESOLVED, that the buffer area for the subject site is hereby reduced to 25 feet along Route 59, and be it

FURTHER RESOLVED, that the Planning Board Chairwoman is not authorized to sign the final site plan unless and until the conditions set forth above are satisfied, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (367-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of May 13, 2008 are hereby accepted as submitted by the Town Clerk.
On roll call the vote was as follows

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

RESOLUTION NO. (368-2008)
Co. Lasker offered and Co. Borelli seconded

WHEREAS, the Town of Clarkstown has received \$28,529.34 from NJ Transit, \$11,600 from the County of Rockland and \$7,582.38 from D.A.R.E. Donations

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account H-15-9-2770-0 (Capital-Misc Revenue) by \$40,129.34 and increase Expense Accounts H-8757-409-0-81-22 (Capital-Nanuet Drainage Improvements) by \$28,529.34 and H-8755-409-0-79-31 (Capital-Commuter Lot Cameras) by \$11,600 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-9-2705-0 (General-Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$7,582.38 and

WHEREAS, various expense accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-1-1090-0 (General Fund-Interest & Penalties) and Expense Account A-1330-409-0 (Receiver of Taxes-Fees for Services) by \$20,112.54 and be it

FURTHER RESOLVED, to decrease Accounts A-7620-410-0 (Adult Activities-Photo ID Cards) by \$1,000, A-7610-410-0 (Programs for the Aging-Photo ID Cards) by \$1,000 and A-7180-410-0 (Swimming Facilities-Photo ID Cards) by \$710 and Increase Account A-7020-230-0 (Parks & Recreation-Communication Equipment) \$2,710 and be it,

FURTHER RESOLVED, to decrease A-9000-801-0 (Employee Benefits-Retirement) and increase A-9000-409-0 (Employee Benefits-Fees for Services) by \$766 and be it,

FURTHER RESOLVED, to decrease Account DB-5110-443-0 (Highway-Private Equipment Rental) by \$6,000 and increase Accounts DB-5110-225-0 (Highway-Computer Hardware) by \$3,500 and DB-5110-438-0 (Highway-Maintenance Agreements) by \$2,500

On roll call the vote was as follows

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

RESOLUTION NO. (369-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO MARK IGEL - MAP NO. 64.6-1-12

WHEREAS, Mark Igel has requested a refund of Building Permit Fee (No. 08-467) paid in the amount of \$125.00 for property located at 246 East Route 59, Nanuet, New York, more particularly described as Tax Map No. 64.6-1-12, and

WHEREAS, the Building Inspector has advised that the permit application was submitted in error and recommends a full refund of \$125.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$125.00, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (370-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO CASTLTON ENVIRONMENTAL CONTRACTORS, LLC PROPERTY KNOWN AS MAP NO. 34.18-2-48

RESOLUTION NO. (370-2008) continued

WHEREAS, Castlton Environmental Contractors, LLC, has requested a refund of Building Permit Fee (No. 08-632) paid in the amount of \$125.00 for property owned by Chodos, located at 2 Croyden Lane, New City, New York, more particularly described as Tax Map No. 34.18-2-48, and

WHEREAS, the Building Inspector has advised that the permit application was submitted in error and recommends a full refund of \$125.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$125.00 to Castlton Environmental Contractors, LLC, 80 West Nyack Road, Nanuet, New York 10954, to be charged to Account No. B-02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli. | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (371-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING AMENDMENT TO CAPITAL PROJECT H-8758-409—78-20 FOR DATA PROCESSING SERVICES BY SOFTWARE CONSULTING ASSOCIATES, INC.

WHEREAS, Robert Stritmater, Director of Data Processing has recommended an upgrade to existing software to support Building, Planning, Zoning and Code Enforcement applications, and

WHEREAS, the Building Department, Planning Department and Office of the Zoning Administrator have all expressed the desire and need for this upgrade to existing systems, and

WHEREAS, the current vendor, Software Consulting Associates, Inc. (“SCA”) has provided the necessary services through Capital Project H-8758-409-78-20 of which \$14,475.00 is still remaining, and

WHEREAS, SCA is also the supplier of related interconnected services for the Town Assessor and Receiver of Taxes, and

WHEREAS, the cost of the upgrade is \$49,985.00,

NOW, THEREFORE, be it

RESOLVED, that Capital Project #H-8758-409-78-20 is hereby extended to a total of \$64,460.00, which includes a \$4,000.00 data conversion contingency, for the purchase of a computer software program known as “Municipity” from Software Consulting Associates, Inc.

On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli. | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (372-2008) intentionally not used

RESOLUTION NO. (373-2008)

Co. Lasker offered and Co. Borelli seconded

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR FRENCH QUARTERS OF NEW CITY, INC.

WHEREAS, Ralph Heavner, attorney for French Quarters of New City, Inc., has advised that he intends 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 170 South Main Street, New City, New York (Store No. 5), 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 French Quarters of New City, Inc., by its attorney Ralph Heavner, 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. Mandia. | Yes |
| Co. Borelli. | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (374-2008)
Co. Maloney offered and Co. Borelli seconded

WHEREAS, UNITED WATER NEW YORK has requested permission to film in the Town of Clarkstown, on June 10, 2008.

NOW, THEREFORE, be it

RESOLVED, that United Water New York, 360 West Nyack Road, West Nyack, NY 109944, is hereby authorized to film a Commercial, on Tuesday, June 10, 2008 between the hours of 6:00 pm to 11:00 pm at the intersection of Van Nostrand Place and College Road, Nanuet, NY 10954 upon the following conditions:

- (1) Permittee obtains permission from named party to film at the above mentioned sites;
- (2) A permit fee of \$250.00 shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (5) Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town; and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day; and be it

FURTHER RESOLVED, that this resolution shall be retroactive from 6:00 pm, Tuesday, June 10, 2008 and deemed the Filming Permit.

On roll call the vote was as follows

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

RESOLUTION NO. (375-2008)
Co. Lasker offered and Co. Borelli seconded

RESOLUTION OF THE TOWN OF CLARKSTOWN ENDORSING THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT REGARDING THE REDUCTION OF GLOBAL WARMING POLLUTION

WHEREAS, the Town of Clarkstown endorses the U.S. Mayors Climate Protection Agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown urges the Federal Government and State Government to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 level by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste of energy, wind and solar energy, fuel cells, efficient motor vehicles, and be it

FURTHER RESOLVED, the Town urges the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that: includes clear timetables and emissions, and a flexible, market-based system of tradable allowances among emitting industries, and be it

FURTHER RESOLVED, The Town will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities, such as:

- 1. Inventory global warming emissions in Town operations and in the community, set reduction targets and create an action plan;
- 2. Adopt and enforce land use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
- 3. Promote transportation options such as bicycle trail, commute trip reduction programs, incentive for car pooling and public transit;
- 4. Increase the use of clean, alternative energy by, for example, investing in "green tags," advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
- 5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
- 6. Purchase only Energy Star equipment and appliances for Town use;
- 7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
- 8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program inkling anti-idling messages; convert diesel vehicles to bio-diesel;
- 9. Evaluation opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
- 10. Increase recycling rates in Town operations and in the community;
- 11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO2; and

RESOLUTION NO. (375-2008) continued

12. Help education the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

On roll call the vote was as follows

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

RESOLUTION NO. (376-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE NYSDEC FOR THE 2007 URBAN AND COMMUNITY FORESTRY GRANT - MAIN STREET, NEW CITY

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is dedicated to providing support and assistance to communities in comprehensive planning, management, and education to create healthy urban and community forests and to enhance the quality of life for urban residents, and to carry out those endeavors has instituted a program to allow municipalities to apply for the 2007 Urban and Community Forestry Grant, and WHEREAS, the Town of Clarkstown is commencing the revitalization of the New City Hamlet Center and intends to plant trees as part of the streetscape design for Main Street and beautification plans for the Kevin Landau Park, New City, New York, and wishes to apply for said grant;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to file an application with the New York State Department of Environmental Conservation, for 50% matching funds in an amount not to exceed \$20,000, and upon approval of said application shall enter into a project agreement with the NYSDEC, in a form approved by the Town Attorney, for such financial assistance to the Town for the Revitalization of the New City Hamlet Center, Main Street, New City, New York.

On roll call the vote was as follows

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

RESOLUTION NO. (377-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH GLOBAL MARKETING RESEARCH SERVICES, INC.

WHEREAS, the Town Board is interested in obtaining a study with respect to the housing needs of Town of Clarkstown residents, and

WHEREAS, the Town has received several proposals in response to its solicitation, and

WHEREAS, the Director of Finance and the Town Attorney have reviewed the proposal of Global Marketing Research Services, Inc. dated May 30, 2008, and found said proposal to be reasonable in terms of scope and price;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, with Global Marketing Research Services, Inc., 712 East New Haven Avenue, Melbourne, Florida, to provide the study outlined in its May 30, 2008 proposal, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$30,000.00 without further authorization from this Board, and shall constitute a proper charge to Account No. A 8021-409-0, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (378-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE HIRING OF TECTONIC ENGINEERING CONSULTANTS, P.E., TO PROVIDE CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR THE 2008 ROAD RESURFACING PROGRAM IN THE TOWN OF CLARKSTOWN

RESOLUTION NO. (378-2008) continued

WHEREAS, Wayne T. Ballard, P.E., C.S.P, Superintendent of Highways recommends the hiring of Tectonic Engineering Consultants, P.C., in accordance with its proposal dated June 3, 2008, to provide professional construction inspection and material testing services for the 2008 Roadway Resurfacing Program Bid # 12-2008 for the Town Of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Tectonic Engineering Consultants, P.C., in a form approved by the Town Attorney, to provide professional construction inspection and material testing services for the 2008 Roadway Resurfacing Program for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$50,000.00 and shall be charged to Account No. DB 5110-381-0.

On roll call the vote was as follows

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

RESOLUTION NO. (379-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP TO PROVIDE ENGINEERING SERVICES CONCERNING UPGRADES TO THE TOWN HALL DATA CENTER UPS

WHEREAS, the H2M Group has submitted a proposal dated June 10, 2008, to provide professional engineering services for the preparation of construction drawings and specifications and public bidding for upgrades to the Town Hall Data Center Uninterruptable Power Supply (UPS), and the Director of Automated Systems finds said proposal to be reasonable in terms of scope and price, and recommends the hiring of this firm;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the H2M Group, in a form approved by the Town Attorney, to provide professional engineering services regarding upgrades to the Town Hall Data Center Uninterruptable Power Supply (UPS), pursuant to its proposal dated June 10, 2008, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$17,500.00 and will be charged to Account No. H 8759-409-83-15.

On roll call the vote was as follows

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

RESOLUTION NO. (380-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING AN AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES CONCERNING HVAC UPGRADES INVESTIGATION STREET COMMUNITY CENTER

WHEREAS, the H2M Group has submitted a proposal to provide professional engineering investigative services for the HVAC upgrades at the Street Community Center located at 31 Zukor Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the H2M Group, in a form approved by the Town Attorney, to perform professional engineering investigative services regarding the HVAC upgrades at the Street Community Center, pursuant to its proposal dated June 11, 2008, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$10,100.00 and will be charged to Account No. H 8759-409-83-24, which shall be reimbursed through the Town's Money in Lieu of Land Account.

On roll call the vote was as follows

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

RESOLUTION NO. (381-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

RESOLUTION NO. (381-2008) continued

"No Parking 8:00 am to 4:00 pm Monday – Friday School Days" on both sides of Loran Court, Nanuet. As per Sec. 221.5 of the NYS Manual of Uniform Traffic Control Devices, a P1.4 sign. and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows

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

RESOLUTION NO. (382-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "Stop" sign and a "Stop Line" (per sec. 211.3, a R1-1A sign of the NYS DOT Manual of Uniform Traffic Control Devices) to be erected on Caravella Avenue at South Edsall Lane, Nanuet and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, P.E., for implementation.

On roll call the vote was as follows

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

RESOLUTION NO. (383-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

Two (2) "Weight Limit 4 Tons" signs (see sec. 215.1, R5-1C sign of the NYS Manual of Uniform Traffic Control Devices) and

Two (2) "Except Local Delivery" signs (see sec. 217.1, R7-3W signs of the NYS Manual of Uniform Traffic control Devices)

The first on Patterson Avenue at Western Highway. The second on Patterson Avenue at Green Road, West Nyack, New York and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to the Superintendent of Highways, Wayne Ballard, P.E., Superintendent of Highways, for implementation.

On roll call the vote was as follows

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

RESOLUTION NO. (384-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney- Purchasing and the Superintendent of Highways that

BID #27-2008 – GUIDERAIL SYSTEM AND INSTALLATION WEST STREET CENTRAL NYACK AND SOUTH GREENBUSH ROAD, WEST NYACK

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

PRINCIPALS: MYRA S. STEMERMAN, MARC P. STEMERMAN

as per their proposed total cost not to exceed \$50,205.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

RESOLUTION NO. (384-2008) continued

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

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8759-400-409-0-83-4 not to exceed \$50,205.00 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds
On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli... | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (385-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Director of the Department of Environmental Control that

BID # 61-2007 – FREEDMAN AVENUE DRAINAGE IMPROVEMENTS

is hereby awarded to: JMK ENTERPRISES, 301 NORTH MAIN STREET, SUITE 1, NEW CITY, NY 10956-4054

PRINCIPAL: JOHN KNUTSEN, SR., JOHN KNUTSEN, JR.

as per their proposed project cost not to exceed \$59,321.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8758-400-409-0-82-34 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds
On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli... | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (386-2008)

Co. 1 offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney- Purchasing and the Project Engineer that

BID #56-2007 – RECONDITIONING OF TOWN HALL ELEVATORS

is hereby awarded to: THYSSEN KRUPP ELEVATOR CORP., 500 EXECUTIVE BLVD., ELMSFORD, NY

PRINCIPAL: A PUBLIC CORPORATION

as per their proposed total cost not to exceed \$229,677.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

FURTHER RESOLVED, that bid alternative Item G-1 (cab floor finish) and Item G-2 (elevator jack casing and piston) be rejected because of excessive cost and be it

FURTHER RESOLVED, that said award shall constitute a proper charge to account # H-8759-400-409-0-83-18 not to exceed \$229,677.00

On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli... | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (387-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Authorized Purchasing Agent that
BID #15-2008 – FIVE DUMP BODIES WITH SALT SPREADING AND LIQUID APPLICATION ATTACHMENT
is hereby awarded to the lowest responsible bidder:

REED SYSTEMS, P.O. BOX 209, ELLENVILLE, NY 12428

PRINCIPALS: JOAN REED

as per their low bid proposal of \$75,124.00 each unit for five units and be it
FURTHER RESOLVED, that said award shall constitute a proper charge to
account # H-8759-400-409-0-83-8 not to exceed \$375,620.00.

On roll call the vote was as follows

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

RESOLUTION NO. (388-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney - Purchasing and the Director of the Department of Environmental Control that

BID # 57-2007 – LAUREL ROAD LOW FLOW CHANNEL

is hereby awarded to: DANNY CLAPP LANDSCAPING, 59 SCHREIVER LANE, NEW CITY, NY 10956

PRINCIPAL: DANNY CLAPP

as per their proposed project cost not to exceed \$47,440.00 and be it
FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-8759-400-409-0-83-22 not to exceed \$47,440.00 and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds

On roll call the vote was as follows

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

RESOLUTION NO. (389-2008)
Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE NEW CITY DOWNTOWN IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$11,500, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$11,500 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 plans and specifications in connection with the New City Downtown Improvement Project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$11,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$11,500 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 \$11,500 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance 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

RESOLUTION NO. (389-2008) continued

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.

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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (390-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS IN CONNECTION WITH THE VALLEY COTTAGE DOWNTOWN IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,600, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$16,600 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 improvements in connection with the Valley Cottage Downtown Improvement project. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$16,600 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$16,600 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 \$16,600 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. 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.

RESOLUTION NO. (390-2008) continued

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.

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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (391-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VALLEY COTTAGE PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$66,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$66,000 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 improvements to Valley Cottage Park. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$66,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$66,000 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 \$66,000 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. 19 (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

RESOLUTION NO. (391-2008) continued

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 full, 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. Mandia | Yes |
| Co. Borelli | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (392-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS AT THE DAVENPORT PRESERVE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$20,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$20,000 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 improvements at the Davenport Preserve. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$20,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$20,000 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 \$20,000 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. 19 (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

RESOLUTION NO. (392-2008) continued

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 full, 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. Mandia | Yes |
| Co. Borelli | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (393-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO TOWN HALL ELEVATORS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$29,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$29,000 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 improvements to Town Hall elevators. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$29,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$29,000 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 \$29,000 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. 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

RESOLUTION NO. (393-2008) continued

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 full, 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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (394-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$35,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$35,000 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 acquire various equipment for environmental control system, police communication, public safety answering system, geographic information system and fuel dispensing system. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$35,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$35,000 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 \$35,000 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. 32 of the Law, is five (5) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, 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

RESOLUTION NO. (394-2008) continued

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 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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (395-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE ACQUISITION OF VEHICLES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$180,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$180,000 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 acquire vehicles, including automobiles at the estimated maximum cost of \$153,000 and a leaf loader at the estimated maximum cost of \$27,000. The aggregate estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$180,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$180,000 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 \$180,000 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. 29 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

RESOLUTION NO. (395-2008) continued

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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (396-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS AT VARIOUS PARKS AND RECREATIONAL FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$70,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$70,000 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 improvements at various parks and recreational facilities. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$70,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$70,000 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 \$70,000 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. 19 (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 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

RESOLUTION NO. (396-2008) continued

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 full, 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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (397-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE RENOVATION OF THE WAREHOUSE FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$138,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$138,000 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 plans and specifications in connection with the renovation of the warehouse facility. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$138,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$138,000 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 \$138,000 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.

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

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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. Mandia. Yes
 Co. Borelli. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (398-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE ACQUISITION AND INSTALLATION OF HIGHWAY GUIDERAILS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$202,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$202,000 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 acquire and install highway guiderails. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$202,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$202,000 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 \$202,000 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. 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 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

RESOLUTION NO. (398-2008) continued

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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (399-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF VARIOUS CURB IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$525,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$525,000 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 curb improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$525,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$525,000 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 \$525,000 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. 24 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 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

RESOLUTION NO. (399-2008) continued

(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 full, 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. Mandia | Yes |
| Co. Borelli | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (400-2008)

Co. Borelli offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$990,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$990,000 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 \$990,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$990,000 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 \$990,000 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 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

RESOLUTION NO. (400-2008) continued

(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 full, 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. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (401-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING PAYMENT FOR ADDITIONAL WORK PERFORMED IN CONJUNCTION WITH THE SEDGE ROAD AND MACE DRIVE RECONSTRUCTION PROJECT

Whereas, a meeting attended by Supervisor Alex Gromack, Superintendent of Recreation and Parks Jo Anne Pedersen, Chairman of the Parks Board and Recreation Committee Rudi Damonti, Director of the Department of Environmental Control K. Luke Kalarickal, Project Manager Richard Westervelt of the Department of Environmental Control, Code Enforcement Officer Joel Epstein and Danny Clapp of Danny Clapp Landscaping, Inc. was held on May 2, 2008 at Twin Ponds Park in Valley Cottage, and

Whereas, the purpose of this meeting was to address safety and aesthetic issues raised by residents involving the two (2) Water Quality Basins installed in the park as part of the Sedge Road and Mace Drive Reconstruction Project, and Whereas, as a result of this meeting, Danny Clapp Landscaping, Inc. was directed to install stone around the perimeter of both ponds and plantings of various varieties and sizes at both locations in sufficient quantity and proximity to limit pedestrian access to the ponds in accordance with a planting schedule to be developed by the Department of Environmental Control; and

Whereas, Danny Clapp Landscaping, Inc. submitted a proposal in the amount of \$12,300.00 for the costs associated with this work to the Department of Environmental Control; and

Whereas, the Department of Environmental Control reviewed said proposal and found it to be acceptable; and

Whereas, Danny Clapp Landscaping, Inc. installed said additional improvements as directed and in accordance with the planting schedule prepared by the Department of Environmental Control; and

Whereas, the Department of Environmental Control inspected the work and found it to be satisfactory;

Now, Therefore, Be It Resolved that the Town Board authorizes payment in the amount of \$12,300.00 be made to Danny Clapp Landscaping, Inc. for this additional work; and

Be It Further Resolved that the contract price for Bid #22-2006 is hereby increased by the amount of \$12,300, and

Be It Further Resolved that this shall be a proper charge to account # H 8755 409 0 79-26.

On roll call the vote was as follows

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

RESOLUTION NO. (402-2008)

Co. Lasker offered and Co. Maloney seconded

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

SHF CORPORATION, 23 Briarwood Drive, New City, NY 10956, Shawn H. Failing, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 08-30 SHF CORPORATION

On roll call the vote was as follows

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

RESOLUTION NO. (403-2008)
Co. Lasker offered and Co. Maloney seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown :
TRUE GREEN INDUSTRIES, INC., 233 Germonds Road, New City, NY 10956, David J. Hoehman, President
NOW, THEREFORE, be it
RESOLVED, that the following Certificate of Registration be issued: No. 08-31 TRUE GREEN INDUSTRIES, INC.
On roll call the vote was as follows

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

RESOLUTION NO. (404-2008)
Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Wayne Hose Company No. 1 has requested use of the Town of Clarkstown showmobile for Thursday, Friday & Saturday, July 10, 11 & 12, 2008 for the 2008 Annual Wayne Day Bazaar Fund Raiser for Fire Company located in the Town of Stony Point property at Letchworth Village off Willow Grove Road
NOW, THEREFORE, BE IT
RESOLVED, that permission is hereby granted to the Wayne Hose Company No. 1 to use the Town of Clarkstown showmobile on July 10, 11 & 12, 2008 for the above purpose and subject to the provision of the necessary insurance policies,
FURTHER RESOLVED, that the Clarkstown Parks Board and Recreation Commission and Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

On roll call the vote was as follows

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

RESOLUTION NO. (405-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE ABANDONMENT OF AN EXISTING DRAINAGE EASEMENT AND ACCEPTANCE OF A NEW DRAINAGE EASEMENT CONCERNING DRAINAGE IMPROVEMENT PROJECT IN VICINITY OF FREEDMAN AVENUE, NANUET, NEW YORK

WHEREAS, the Department of Environmental Control is preparing plans for a drainage improvement project which will run through the backyard of 70 Freedman Avenue, Nanuet, New York (57.19-3-33), and
WHEREAS, the existing drainage easement given to the Town on April 29, 1966 by Efren Olivo and Sofia Olivo, then owners of 70 Freedman Avenue, Nanuet, New York, and recorded in the Rockland County Clerk's Office in Liber 809, page 144, is not contiguous with the other drainage easements over adjacent lots, and
WHEREAS, the Department of Environmental Control recommends abandoning the existing drainage easement over 70 Freedman Avenue, Nanuet, New York and acquiring a new drainage easement from the current owner in a form approved by the Town Attorney;
NOW, THEREFORE, be it
RESOLVED, the Supervisor is hereby authorized to execute a release abandoning the existing easement and extinguishing the Town's interest, and be it
FURTHER RESOLVED, that the Town Board hereby accepts a new drainage easement from Melinda Lee Patelli, the current owner of 70 Freedman Avenue, Nanuet, New York, and orders both documents 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. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (406-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF WOODWARD 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

RESOLUTION NO. (406-2008) continued

drainage and resurfacing project on Woodward Road, West Nyack be determined to be a capital improvement, and WHEREAS, Woodward 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: | 385 tons @ \$86.00 | = | \$33,110.00 |
| Raising Structures: | 6 @ \$275.00 | = | \$ 1,650.00 |
| Pipe: | 330 linear ft. @ \$18.00 | = | \$ 5,940.00 |
| New Catch Basins: | 2 units @ \$825.00 | = | \$ 1,650.00 |
| Asphalt Milling | 1,695 yards @ \$8.00 yd | = | <u>\$13,560.00</u> |
| | | | \$55,910.00 |

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 \$55,910.00 is hereby determined to be a proper charge to capital account H8759-409-0-83-21 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. Mandia. Yes
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (407-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF WOODBINE 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 Woodbine Road, New City determined to be a capital improvement, and

WHEREAS, Woodbine 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: | 365 tons @ \$86.00 | = | \$ 31,390.00 |
| Raising Structures: | 6 @ \$275.00 | = | \$ 1,650.00 |
| Pipe: | 24 linear ft. @ \$18.00 | = | \$ 432.00 |
| New Catch Basins: | 1 unit @ \$825.00 | = | <u>\$ 825.00</u> |
| | | | \$ 34,297.00 |

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 \$34,297.00 is hereby determined to be a proper charge to capital account H8759-409-0-83-21 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. Mandia. Yes
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (408-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF SOUTH HARRISON 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 South Harrison Avenue, Congers be determined to be a capital improvement, and

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

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

RESOLUTION NO. (408-2008) continued

| | | | |
|---------------------|------------------------------|---|---------------------|
| Paving: | 2,295 tons @ \$86.00 | = | \$197,370.00 |
| Raising Structures: | 79 @ \$325.00 | = | \$ 25,675.00 |
| Pipe: | 350 +/- linear ft. @ \$18.00 | = | \$ 6,300.00 |
| Asphalt Milling | 7,700 yards @ \$8.00 yd | = | <u>\$ 61,600.00</u> |
| | | | \$290,945.00 |

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 \$290,945.00 is hereby determined to be a proper charge to capital account H8759-409-0-83-21 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. Mandia. Yes
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (409-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF SHERRY DRIVE, 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 Sherry Drive, Valley Cottage be determined to be a capital improvement, and

WHEREAS, Sherry Drive, 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: | 595 tons @ \$86.00 | = | \$ 51,170.00 |
| Raising Structures: | 13 @ \$325.00 | = | \$ 4,225.00 |
| Pipe: | 600 +/- linear ft. @ \$18.00 | = | \$ 10,800.00 |
| New Catch Basins: | 4 units @ \$825.00 | = | \$ 3,300.00 |
| Concrete Curb Replacement: | 1,650 linear ft. @ \$29.00 | = | \$ 47,850.00 |
| | 1,650 linear ft w/ Curb Underdrain @ \$33.00 | = | <u>\$ 54,450.00</u> |
| | | | \$171,795.00 |

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 \$171,795.00 is hereby determined to be a proper charge to capital account H8759-409-0-83-21 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. Mandia. Yes
- Co. Borelli... Yes
- Supervisor Gromack Yes

RESOLUTION NO. (410-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF JEFFREY 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 Jeffrey Court, West Nyack be determined to be a capital improvement, and

WHEREAS, Jeffrey 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: | 295 tons @ \$86.00 | = | \$ 25,370.00 |
| Raising Structures: | 16 @ \$275.00 | = | \$ 4,400.00 |
| Pipe: | 585 linear ft. @ \$18.00 | = | \$ 10,530.00 |
| New Catch Basins: | 4 units @ \$825.00 | = | \$ 3,300.00 |
| Asphalt Milling: | 1,780 yards @ \$8.00 yd | = | <u>\$ 14,240.00</u> |
| | | | \$ 57,840.00 |

RESOLUTION NO. (410-2008) continued
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 \$57,840.00 is hereby determined to be a proper charge to capital account H8759-409-0-83-21 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. Mandia | Yes |
| Co. Borelli | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (411-2008)
Co. Maloney offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE COST OF RECONSTRUCTION OF
BELLOWS LANE, 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 Bellows Lane, New City determined to be a capital improvement, and

WHEREAS, Bellows Lane, 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: | 507 tons @ \$86.00 | = | \$ 43,602.00 |
| Raising Structures: | 10 @ \$275.00 | = | \$ 2,750.00 |
| Pipe: | 375 linear ft. @ \$18.00 | = | \$ 6,750.00 |
| New Catch Basins: | 3 units @ \$825.00 | = | <u>\$ 2,475.00</u> |
| | | | \$ 55,577.00 |

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 \$55,577.00 is hereby determined to be a proper charge to capital account H8759-409-0-83-21 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. Mandia | Yes |
| Co. Borelli | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (412-2008)
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. 12680, KOHL INDUSTRIAL PARK, CONGERS

- X11200 – North side of proposed Kohl Industrial Park
- X11199 – South side of proposed Kohl Industrial Park

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. Mandia | Yes |
| Co. Borelli | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (413-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves a Side Letter of Agreement between the Civil Service Employees Association, Inc., Town of Clarkstown Unit and the Town dated June 4, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (414-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING TOWN ATTORNEY TO INSTITUTE CHAPTER 216 PROCEEDING
(22 CLARK DRIVE, NANUET – 57.11-1-64)

WHEREAS, by report dated May 12, 2008, the Building Inspector has advised the Town Board that premises located at 22 Clark Drive, Nanuet, New York (Tax Map designation 57.11-1-64 f/k/a 7-A-3.23) has become, by reason of failure to maintain property, failure to provide landscaping maintenance and neglect with litter and debris scattered about the property, a fire and safety hazard, a nuisance and a threat to the health and welfare of the community, and that the property appears to be unoccupied at this time, and

WHEREAS, the Code Enforcement Officers have duly issued Order Nos. 07-1505 and 07-1506, dated December 6, 2007, and Order Nos. 08-714 and 08-715, dated April 23, 2008, to the persons having an interest in said property to remove said violations and said Orders have been ignored;

NOW, THEREFORE, be it

RESOLVED, pursuant to Chapter 216 of the Code of the Town of Clarkstown, the Town Board hereby determines that the subject premises is unsafe and dangerous and said violations must be removed in accordance with the Orders of the Code Enforcement Officers subject to further determination after the public hearing as herein provided, and it is

FURTHER RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as provided for in Chapter 216 of the Code of the Town of Clarkstown to secure compliance by the property owners or any other person having a vested or contingent interest in said premises, reputedly owned by Allan J. Fine and Linda C. Fine, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice for a public hearing to be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 22nd day of July 2008, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice as required by Section 216-8 of the Town Code is made, at which time the property owners and all persons in interest shall be heard.

On roll call the vote was as follows

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

RESOLUTION NO. (415-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (WARREN HILL ASSOCIATES – 59.83-1-1)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Warren Hill Associates, Index Nos. 4116/01, 4894/02, 4725/03, 4126/04, 4847/05, 5953/06 and 5685/07, affecting parcel designated as Map 59.83, Block 1, Lot 1, and more commonly known as Gail Drive, Nyack, New York 10960 for the years 2001/02, 2002/03, 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08, and

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

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

NOW, THEREFORE, be it

RESOLVED, that:

- 1. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.83, Block 1, Lot 1 be reduced for the year 2003/04 from \$4,575,000.00 to \$4,125,000.00 at a cost to the Town of \$5,586.00;
- 2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.83, Block 1, Lot 1 be reduced for the year 2004/05 from \$4,575,000.00 to \$3,938,750.00 at a cost to the Town of \$9,114.17;
- 3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.83, Block 1, Lot 1 be reduced for the year 2005/06 from \$4,575,000.00 to \$3,813,000.00 at a cost to the Town of \$11,306.01;

RESOLUTION NO. (415-2008) continued

- 4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.83, Block 1, Lot 1 be reduced for the year 2006/07 from \$4,575,000.00 to \$3,565,875.00 at a cost to the Town of \$15,325.71;
 - 5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 59.83, Block 1, Lot 1 be reduced for the year 2007/08 from \$4,575,000.00 to \$3,502,000.00 at a cost to the Town of \$18,350.32;
 - 6. Reimbursement for the years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08 on the parcel described as Map 59.83, Block 1, Lot 1, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
 - 7. There is no reduction in the assessment on the premises owned by the petitioner described on the assessment roll as Map 59.83, Block 1, Lot 1 for the years 2001/02 and 2002/03;
 - 8. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it
- FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows

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

RESOLUTION NO. (416-2008)

Co. Maloney offered and Co. Borelli seconded

RESOLUTION REFERRING AND SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE) OF THE CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, Councilperson Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE) OF THE CODE OF THE TOWN OF CLARKSTOWN," and

WHEREAS, the purpose of this local law is to increase the penalties for offenses;
 NOW, THEREFORE, be it

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA) the Town Board determines that it shall act as lead agency, and Luke Kalarickal, Director of the Department of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York on July 22, 2008 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. Mandia. Yes
 Co. Borelli... Yes
 Supervisor Gromack Yes

RESOLUTION NO. (417-2008)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer - which contains the name of Christopher M. Bax,
 NOW, therefore, be it

RESOLVED, that Christopher M. Bax is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2008 annual salary of \$61,905., effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (418-2008)
Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer - which contains the name of Joseph G. Caivano,
NOW, therefore, be it
RESOLVED, that Joseph G. Caivano is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2008 annual salary of \$61,905., effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (419-2008)
Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #04200 Police Officer - which contains the name of Robert S. Fortune,
NOW, therefore, be it
RESOLVED, that Robert S. Fortune is hereby appointed to the position of (permanent) Police Officer – Clarkstown Police Department – at the current 2008 annual salary of \$61,905., effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (420-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of Camille Zambito, Crossing Guard – Police Department - is hereby accepted - effective and retroactive to May 30, 2008 - at the close of the business day.

On roll call the vote was as follows

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

RESOLUTION NO. (421-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Debbie P. McKinney is hereby appointed to the position of Crossing Guard – Police Department – at the current 2008 hourly rate of \$16.64., - per crossing – effective and retroactive to June 2, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (422-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of John Sullivan- Vice Chairman – Zoning Board of Appeals – is hereby accepted – effective and retroactive to May 30, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (423-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of John Sullivan, Member – Zoning Board of Appeals – is hereby accepted – effective and retroactive to May 30, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (424-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of Brian Lynch, – (part-time) Clerk – Town Justice Department – is hereby accepted – effective and retroactive May 23, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (425-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Steven T. McCrudden, Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to April 29, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (426-2008)
Co. Mandia offered and Co. Lasker seconded

WHEREAS, Daniel C. Lettre has requested a leave of absence, without pay, and
WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

NOW, therefore, be it

RESOLVED, that Daniel C. Lettre – Senior Groundswoker – Maintenance Department - is hereby granted a six (6) month leave of absence, without pay, effective May 28, 2008 to November 28, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (427-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation by (retirement) of

Patricia Barad – Principal Clerk Typist – Youth Court – Police Department - is hereby accepted – effective and retroactive to May 25, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (428-2008)
Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06068
Principal
Clerk Typist which contains the name of Patricia McGrogan,

NOW, therefore, be it

RESOLVED, that Patricia McGrogan – is hereby appointed to the position of (permanent) Principal Clerk
Typist – Youth Court – Police Department - at the current 2008 annual salary of \$63,025., effective and retroactive
to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (429-2008)
Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on May 22, 2008 that the position of
Principal
Clerk Stenographer #0885 – Department of Environmental Control - is hereby reclassified to the position of
Principal Clerk Typist,

NOW, therefore, be it

RESOLVED, that the position of Principal Clerk Stenographer – Department of Environmental Control - is
hereby reclassified to the position of Principal Clerk
Typist – effective June 23, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (430-2008)
Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Rukmani DeColyse – is hereby reassigned to the position of Principal Clerk Typist – Department
of Environmental Control – at the current 2008 annual salary of \$65,557., - effective June 23, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (431-2008)
Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on May 21, 2008 that the position of
Clerk Building Department - (encumbered by Eileen O’Connell) -can be reclassified to the position of Senior Clerk,
NOW, therefore, be it

RESOLVED, that the position of Clerk #500061 – is hereby reclassified to the position of Senior Clerk –
Building Department - effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (432-2008)
Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06150 Senior Clerk
(promotional) which contains the name of Eileen O’Connell,

RESOLUTION NO. (432-2008) continued

NOW, therefore, be it

RESOLVED, that Eileen O’Connell, is hereby appointed to the (permanent) position of Senior Clerk – Building Department – at the current 2008 annual salary of \$37,797., effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (433-2008)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on April 25, 2008 that the position of Clerk Typist – Highway Department (encumbered by Maria Conciatori) can be reclassified to the position of Senior Clerk Typist,

NOW, therefore, be it

RESOLVED, that the position of Clerk Typist #500940 – Highway Department – is hereby reclassified to the position of Senior Clerk Typist – effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (434-2008)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #05076 Senior Clerk Typist (promotional) which contains the name of Maria Conciatori,

NOW, therefore, be it

RESOLVED, that Maria Conciatori is hereby appointed to the (permanent) position of Senior Clerk Typist – Highway Department – at the current 2008 annual salary of \$41,212 – effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (435-2008)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #07094 Data Entry Operator I – which contains the name of Pierre-Angelo T. Llamas,

NOW, therefore, be it

RESOLVED, that Pierre-Angelo T. Llamas is hereby appointed to the position of (permanent) Data Entry Operator I – Clarkstown Police Department – at the current 2008 annual salary of \$32,587., - effective and retroactive to June 9, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (436-2008)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION GRANTING PERMISSION TO ALERT HOOK, LADDER AND ENGINE COMPANY NO. 1, TO HAVE A LICENSED FIREWORKS DISPLAY AT 65/66 LAKE ROAD, CONGERS, NEW YORK, AND CARNIVAL

WHEREAS, the Alert Hook, Ladder and Engine Company No. 1 of Congers, New York, has requested permission to have a licensed fireworks display at 65/66 Lake Road, Congers, New York, on June 29, 2008, and hold a

RESOLUTION NO. (436-2008) continued
carnival on June 26, 2008 through June 29, 2008, and

WHEREAS, Police Chief Peter Noonan, Clarkstown Police Department, Keith Garrabrant, Emergency Management Coordinator, and Mark Papenmeyer, Chief Fire Safety Inspector, have reviewed the proposal and have advised that the proposed fireworks display shall be in compliance with the National Fire Protection Act and New York State Penal Law Section 405 and that adequate police personnel will be available, and have recommended permission be granted for such fireworks display subject to certain conditions and compliance with all necessary public safety measures provided the display is held on June 29, 2008;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Alert Hook, Ladder and Engine Company. No. 1 to sponsor a fireworks display at 65/66 Lake Road, Congers, on June 29, 2008, at approximately 9:00 p.m., subject to the following conditions:

1. Compliance with New York State Penal Law §405 and the National Fire Protection Act, and
2. A Certificate of Insurance naming the Town of Clarkstown as an additional insured with coverage not less than \$3,000,000 and evidence of NYS Workers' Compensation and Disability Benefits coverage, and
3. An on-site inspection by the Town of Clarkstown Fire Inspector prior to the fireworks display, and
4. Provide a bond to the Town of Clarkstown in an amount not less than \$5,000 as provided by §405.00(4) Penal Law, and
5. Compliance with the Rockland County Department of Planning's conditions, as outlined in their June 10, 2008 letter, a copy of which is annexed hereto.

On roll call the vote was as follows

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

RESOLUTION NO. (437-2008)
Co. Maloney offered and Co. Lasker seconded

WHEREAS, certain veteran organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provided 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 \$750.00 (\$500.00 for leasing, rental, and maintenance of meeting facility and \$250.00 for patriotic observance) to the Veterans of Foreign Wars of the U.S. – Post No. 2607 and be it

FURTHER RESOLVED, that claims 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 Account No. A 6510-401.

On roll call the vote was as follows

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

RESOLUTION NO. (438-2008)
Co. Maloney offered and Co. Mandia seconded

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

BID #31-2008 – S. LITTLE TOR ROAD DRAINAGE REPAIR

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (439-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AMENDING RESOLUTION NO. 55-2008, AUTHORIZING AN AMENDED AGREEMENT WITH H2M GROUP FOR ENGINEERING SERVICES AT THE WAREHOUSE FACILITY, BURNSIDE AVENUE, CONGERS, NEW YORK

RESOLUTION NO. (439-2008) continued

WHEREAS, by Resolution No. 55-2008, adopted by the Town Board on January 22, 2008, the Town Board authorized the Supervisor to enter into an amended agreement with the H2M Group to perform additional services for the construction phase of the Burnside Avenue project, and

WHEREAS, the H2M Group, pursuant to its letter dated April 11, 2008, has informed the Town that it has performed services beyond the original scope during the construction phase of the project and is requesting payment for such services, and upon its review, the Superintendent of Recreation and Parks has found the request reasonable in terms of scope and price, and

WHEREAS, Resolution No. 984-2004 was amended by Resolution No. 196-2007, which was amended by Resolution No. 352-2007, which was amended by Resolution No. 55-2008, authorizing the Town to retain H2M Group, to perform professional engineering services in connection with the Warehouse Facility upgrade at Burnside Avenue in Congers, as per its proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a fourth amended agreement with H2M, in a form approved by the Town Attorney, to perform additional engineering services concerning the upgrade to the Warehouse Facility, Burnside Avenue, Congers, New York, pursuant to its letter dated April 11, 2008, and be it

FURTHER RESOLVED, that the additional fee not to exceed \$7,400 for said work shall be charged to Account No. H 8758-400-409-82-19, and said Capital Account is hereby increased to \$144,350.00.

On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli. | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (440-2008)

Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE AQUATIC VEGETATION MANAGEMENT PROGRAM AT FIVE PONDS AND CONGERS LAKE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$46,900, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$46,900 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 plans and specifications in connection with the aquatic vegetation management program at Five Ponds and Congers Lake. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$46,900 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$46,900 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 \$46,900 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.

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.

RESOLUTION NO. (440-2008) continued

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. Mandia Yes
 Co. Borelli Yes
 Supervisor Gromack Yes

RESOLUTION NO. (441-2008)

Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 17, 2008, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$605,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$605,000 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 \$605,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$605,000 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 \$605,000 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 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,

RESOLUTION NO. (441-2008) continued

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 full, 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. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (442-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE M ZONE"

WHEREAS, Councilperson Lasker, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A LOCAL LAW AMENDING CHAPTER 290 OF THE ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN WITH RESPECT TO THE M ZONE," and

WHEREAS, the purpose of this local law is to amend Chapter 290-3, and Chapter 290-11A to include Cultural Centers in the M Zone;

NOW, THEREFORE, be it

FURTHER 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 July 22, 2008 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. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (443-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 216 (PROPERTY MAINTENANCE) OF THE CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, Councilperson Lasker, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "A Local Law Amending Chapter 216 (PROPERTY MAINTENANCE) of the Code of the Town of Clarkstown," and

WHEREAS, the purpose of this local law is to amend and update Chapter 216, relating to PROPERTY MAINTENANCE, in order to preserve the health, safety, and welfare of the Town of Clarkstown and its inhabitants;

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 July 22, 2008 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. Mandia. Yes
Co. Borelli... Yes
Supervisor Gromack Yes

RESOLUTION NO. (444-2008)
Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO FILE AN APPLICATION FOR FUNDING FOR VARIOUS PROJECTS IN THE HAMLET OF WEST NYACK

WHEREAS, the Town of Clarkstown, herein called the "Town", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Transportation Equity Act for the 21st Century and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users provided funding opportunities for activities intended to benefit the traveling public, to increase transportation choices and access, to enhance the built and natural environment, to provide a sense of place; and

WHEREAS, the activities of the Project herein benefit the traveling public, increase access to public transportation, enhance the built environment and further the Town's plans for the revitalization of the Hamlet of West Nyack; and

WHEREAS, the Town deems it to be in the public interest and benefit under these acts to authorize and direct Alexander J. Gromack, as Supervisor of the Town of Clarkstown, New York, to file an application for funds to the New York State Department of Transportation, Transportation Enhancement Program.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Clarkstown:

1. That the Supervisor, is hereby authorized to file an application for funding in support of the construction of new sidewalks, the installation of new street lighting and related streetscape improvements on West Nyack Road from east of the railroad tracks to the intersection of West Nyack Road and Crosfield Avenue; also including Strawtown Road from the Fire House to Sickletown Road ending at the Route 59 underpass in the Hamlet of West Nyack; and
2. That the Town agrees that it will fund its matching share of the grant for the Project and that the funds will be available to initiate the Project's field work upon execution of a contract with New York State Department of Transportation.

On roll call the vote was as follows

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

RESOLUTION NO. (445-2008)
Co. Lasker offered and Co. Borelli seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND, THROUGH THE SHERIFF'S DEPT., FOR REIMBURSEMENT FOR PARTICIPATION IN THE ROCKLAND COUNTY INTELLIGENCE CENTER

WHEREAS, two police officers from the Clarkstown Police Department have been assigned to work at the Rockland County Intelligence Center, throughout the calendar year 2008, and

WHEREAS, by Resolution No. 310 of 2008, the County of Rockland resolved to reimburse the Town of Clarkstown in the amount of \$147,840.00, upon execution of an inter-municipal cooperation agreement between the County of Rockland and the Town of Clarkstown, and

WHEREAS, Chief of Police Peter Noonan has recommended that the Town enter into such inter-municipal cooperation agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the inter-municipal cooperation agreement with the County of Rockland, in a form satisfactory to the Town Attorney, which after execution by the County, will result in the payment to the Town of Clarkstown in the amount of \$147,840.00, as reimbursement for two members of the Clarkstown Police Department having worked and to work at the Rockland County Intelligence Center Sheriff's Department for the period January 1, 2008 through December 31, 2008.

On roll call the vote was as follows

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

RESOLUTION NO. (446-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF THE MS4 ANNUAL REPORT ON STORMWATER DISCHARGES IN THE TOWN OF CLARKSTOWN WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has prepared the MS4 Annual Report for the New York State Department of Environmental Conservation concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02), and

RESOLUTION NO. (446-2008) continued

WHEREAS, the report was published on the Town’s website at www.town.clarkstown.ny.us, and
WHEREAS, copies of the report were available for inspection and comment at the Town Board’s June 17, 2008 regularly scheduled meeting, and
WHEREAS, no comments were received;
NOW, THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the report and the Director of Environmental Control to file the MS4 Annual Report concerning the Phase II SPDES Program for Stormwater Discharges from Municipal Separate Storm Sewer Systems with the New York State Department of Environmental Conservation.

On roll call the vote was as follows

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

RESOLUTION NO. (447-2008)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING MAINTENANCE PURSUANT TO
§ 64, ARTICLE 4, 5-A OF THE TOWN LAW OF NEW YORK STATE

WHEREAS, the Town Board has recognized that the proliferation of foreclosed and abandoned properties has increased leading to a number of attractive nuisances in the Town resulting from failed property maintenance, and
WHEREAS, in this late spring season, the failed maintenance has caused a number of health and safety hazards in the form of attracting vermin, increasing fire hazards and leading to safety, security and visibility issues,
NOW THEREFORE, be it
RESOLVED, that the Town Board hereby authorizes the marshalling of available Town forces to cure these hazards and recover the associated costs pursuant to § 64, Article 4, 5-a of the Town Law of New York State and the Building Inspector is hereby directed to produce a list of the involved properties as well as documentation of appropriate notice, posting, and detailed reports of the hazards.

On roll call the vote was as follows

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

RESOLUTION NO. (448-2008)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A SO
ORDERED STIPULATION OF SETTLEMENT

WHEREAS, Pondview LLC (the “Petitioner”)commenced a special proceeding against the Town, the Town Board and the Supervisor, alleging, among other things, that the Town acted in an arbitrary and capricious manner in defaulting the Petitioner’s security; and
WHEREAS, the Town Board, on the advice of counsel, wishes to amicably resolve the matter by entering into a so-ordered stipulation of settlement;
NOW, THEREFORE, BE IT
RESOLVED, that the Supervisor is hereby authorized to enter into a so-ordered stipulation of settlement, in a form acceptable to the Town Attorney, in the matter entitled Pondview LLC v. Alexander Gromack, in his capacity as Supervisor of the Town of Clarkstown, Town Board of the Town of Clarkstown and the Town of Clarkstown.

On roll call the vote was as follows

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

RESOLUTION NO. (449-2008)
Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXTEND THE SERVICE AGREEMENT FOR ENVIRONMENTAL OPERATION AND MAINTENANCE SERVICES AT THE CLARKSTOWN SANITARY LANDFILL AND FLARE STATION, WEST NYACK, NEW YORK

WHEREAS, HDR Engineering, Inc., currently provides environmental operation and maintenance services at the Clarkstown Sanitary Landfill, and

WHEREAS, the current contract between HDR Engineering, Inc. and the Town of Clarkstown expires June 16, 2008, and

WHEREAS, HDR Engineering, Inc. has submitted a proposal dated 2/19/08 for an extension of the current contract through July 2012, and

WHEREAS, the proposal provides for a zero percent (0%) increase from July 2008 through July 2009 and a four percent (4%) increase per year for each successive year of the contract, and

WHEREAS, the Deputy Director of Operations for the Department of Environmental Control has reviewed the proposal and finds it to be acceptable.

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Deputy Director of Operations, Department of Environmental Control, that the current contract between the Town of Clarkstown and HDR Engineering, Inc., be extended to July 31, 2012, and

BE IT FURTHER RESOLVED, that the total cost for operation and maintenance engineering services shall be as follows and shall be a proper charge to account SR 8160 409.

| | |
|------------------------------------|-------------|
| June 17,2008 through June 30, 2009 | \$55,200.00 |
| July 1, 2009 through June 30, 2010 | \$57,408.00 |
| July 1, 2010 through June 30, 2011 | \$59,704.00 |
| July 1, 2011 through July 31, 2012 | \$62,092.00 |

On roll call the vote was as follows

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

RESOLUTION NO. (450-2008)
Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING HOME RULE LEGISLATION FOR THE ALIENATION OF A PARCEL OF LAND DESIGNATED AS PARK LAND TO MUNICIPAL LAND

WHEREAS, the Town Board supports the introduction of Home Rule legislation to be sponsored by Senator Thomas P. Morahan and Assemblyman Kenneth Zebrowski which would authorize the alienation of a parcel of park land designated as Map 65.11-3-46, that was purchased from Mary Bradley Blake through the Town’s Open Space Acquisition Initiative, to the Town of Clarkstown as Municipal Land in order to create an Environmental Conservation Detention Basin for drainage purposes, and

WHEREAS, the Town’s consultant, Tim Miller Associates, has prepared a report and recommendation along with a Full Environmental Assessment Form, which the Town Board has considered in making its determination herein; and

WHEREAS, the Town Planner has prepared a proposed negative declaration for the Town Board’s consideration, which the Town Board has considered in making its determination herein;
NOW, THEREFORE, be it

RESOLVED, that based upon the December 7, 2007 report of the Town’s consultant, Tim Miller Associates, and the Full Environmental Assessment Form attached thereto, the Town Board hereby determines that the requested Home Rule legislation shall not have any significant adverse impact on the environment, and hereby directs that the attached negative declaration be filed and distributed in accordance with the provisions of SEQRA, and be it FURTHER RESOLVED, that the Town Board hereby supports and encourages Senator Morahan and Assemblyman Zebrowski to introduce Home Rule legislation, to authorize the conversion of approximately 9.47 acres of park land, Central Nyack, New York, to municipal land, for use by the Town of Clarkstown to create an Environmental

RESOLUTION NO. (450-2008) continued

Conservation Detention Basin, for the benefit of residents of the Town, which parcel is more particularly described in Schedule "A," and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to execute a Home Rule Request concerning Senate Bill No. S. 8573, and Assembly Bill No. A. 11662, which provides for alienation of park lands and conversion to municipal land as described herein and which shall permit the creation of an Environmental Conservation Detention Basin, at a location where it would best serve the public interest.

On roll call the vote was as follows

| | |
|------------------------------|-----|
| Co. Lasker | Yes |
| Co. Maloney | Yes |
| Co. Mandia. | Yes |
| Co. Borelli. | Yes |
| Supervisor Gromack | Yes |

The Supervisor opened the meeting for general public comments.

Barry and Linda Goldberg- Goshen, N.Y.

Regarding issues relating to 139 Massachusetts Avenue in Congers, submitted a letter, (on file with Town Clerk), to be added to the record, as follows:

WITH DEMOCRACY SUCH AS THIS...
BY BARRY GOLDBERG

We note with sadness, on the ninth anniversary of innocently placing fill on our property at 139 Massachusetts Avenue in Congers, that our ruination is now complete, with loss of our homestead, our filing for bankruptcy, and the pending foreclosure on our valuable adjoining parcel of land.

Sporadically through the years, *The Journal-News* reported on this matter. Readers may not know, however, that two individuals, Patrick Rocco and Steve Levine, pursued us for years, alleging that our fill was hazardous and toxic; the Town of Clarkstown initiated five separate legal actions; the State DEC sued us three times, and Rocco filed suit in federal court alleging Superfund condition on less than one-tenth of one acre of land.

Readers may also not know that we prevailed against the first four Town actions, as well as all three State DEC actions, and that a federal Court order placed all obligations on Rocco for access to fill allegedly on his land—a Court order in which he has been in defiance since 2003.

Readers may also not know that the Town's own consulting engineer—in January 2003—officially wrote that the fill is not hazardous, which is clearly why the Town refused to move its now nearly six-year-old suit to court.

That the Town has also refused to modify or discontinue its suit, and consistently refused to negotiate with us, is clearly the result of intense ongoing public pressure. Indeed, Levine continues to this day—months after we lost our home to foreclosure—to pursue us through public commentary at Town Board meetings, a defamatory letter read into the record alleging, in multiple places, "toxic" conditions; a Community Viewpoint alleging same, and, we believe, blogging comments—all replete with numerous factual inaccuracies.

Journal-News readers may also not know that Rocco and Levine alleged hazardous conditions almost from the beginning. * Rocco's lawyer, early on, pressured the Town and State DEC, writing, "Under no circumstance should remediation await outcome of the pending Court proceedings." * And Rocco actually called 911 to prevent us from removing a block of concrete, alleging that this, too, was hazardous.

Indeed, given the hysteria they continually exhibited and frenzy of concern they generated among neighbors, top officials of the Congers Civic Association, a former County legislator and Town Supervisor, the general public, and the Town Board, it is not surprising, in retrospect, that matters would conclude as they have.

What is surprising, however, is that neither Rocco nor Levine have ever been taken to task for their despicable fabrications and unwarranted actions—and the Town has never been held accountable for its illegal actions—and deliberately unethical inactions.

* How can the Town refuse to move its six-year-old suit to court, if the fill represents an "imminent peril to life and health," as four Town officials—all with no engineering background—have alleged in writing?

* How can the Town continue to legally insist that the fill is hazardous, when their own consulting engineer has written, officially, that it is not?

* How can the Town continue its suit against us, when we no longer own our home, but not sue the bank that now owns it?

* How can the Town get away with a classic Constitutional "takings" without in-depth reporting of the facts and issues by *The Journal-News*, despite numerous appeals to do so?

With democracy-in-action—and inaction—such as this, perhaps Third-World justice doesn't look quite as bad as we've been led to believe.

Viewpoint-05-08

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was closed 10:21 P.M.

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

6/17/08

8:37 P.M.

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

Re: Continuation from 5/13/08 Proposed Local Law amending Chapter 246 (Site Plan Review) of the Town Code to allow the Town to charge fee to cover maintenance of retention basins

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 8:37 P.M.

Amy Mele- Town Attorney

Gave an overview of the proposal. Recommended the proposal be continued to July 22, 2008, as per the request of the DEC.

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Borelli, the public hearing was continued to July 22, 2008. RESOLUTION NO. (362-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (362-2008)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

6/17/08

8:39 P.M.

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

Re: Road Improvement Project – Dustman Lane, Bardonia.

On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 8:39 P.M.

Amy Mele- Town Attorney
Gave an overview of the proposal.

Adam Mathio & Richard Vickers - Bardonia
Asked for clarification about project, including when it would be done.

Luke Kalarickal- DEC Director
Stated the project should be done prior to the winter.

Hillel Kirsten- Counsel for Bardonia Realty Group, representing the two fronting property owners of the proposal
Stated we are new to owning the property and we were not aware this proposal was on the table at the time of purchase and feels the cost should not be borne by these two properties, but shared by the abutting properties benefitting from the proposal.

There being no one wishing to be further heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:46 P.M. RESOLUTION NO. (363-2008)
Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #3

Town Hall

6/17/08

8:46 P.M.

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

Re: Orchard Ridge Zone Change

On motion of Co. Mandia, seconded by Co. Maloney, hearing opened 8:46 P.M.

Amy Mele- Town Attorney
Gave an overview of the proposal.

Angelo Annunziato- Congers
Spoke in favor of the proposal, stating it is good for the economy and does not want warehouses.

Vincent D'Aquino- Congers
Stated this is a great idea and needed, as Rockland has the fastest growing senior population in the state of New York.

Gerry O'Rourke- President, Congers Civic Association
Spoke against the proposal, stating the area is currently zoned properly. We are not against housing in the right place. Route 303 rivals US95 with heavy trucking. Putting high density housing of this nature is simply not a fit. The critical issue here is job creation and this proposal is at cross purposes with the Empire Zone that was created for economic development. It would effectively eliminate one of the largest areas that are available for industrial development.

Scott Turner- Congers
Spoke against the proposal, stating Route 303 would provide excellent access to the thruway for an Empire Zone.

Steven Coyle- Founder of Congers Chamber of Commerce
Stated the proposal would be good for the merchants of Congers.

George Rath- Congers
Spoke in favor of the proposal.

Allen & Rita Hicks- Congers
Spoke in favor of the proposal, which will cause less traffic, stating they live directly across the street and will be impacted more than anyone.

James Miele- Clarkstown
Stated this is an excellent opportunity for parents to stay in the community.

Eric Bergstol- Congers
Submitted a petition, signed by 100 area residents, in favor of the proposal, (on file with Town Clerk).

There being no one wishing to be further heard, on motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the public hearing was closed 9:03 P.M. RESOLUTION NO. (364-2008)

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #4

Town Hall

6/17/08

9:03 P.M.

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

Re: Eden Park Homes Zone Change

On motion of Co. Lasker, seconded by Co. Maloney, hearing opened 9:03 P.M.

Amy Mele- Town Attorney
Advised the Town Board that they would be in a position to adopt, if they so wish to do so.

Alan Kardon- West Nyack
Asked how big the property was and stated the traffic is bad on West Nyack Road and there should be a building moratorium until traffic is studied.

Amy Mele- Town Attorney
Advised that the property is 7.4 acres.

Dominick Resnato- West Nyack
Stated he has lived in West Nyack for forty years and there is no place for the seniors to go.

Tom Melan- West Nyack
Stated the area needs this project.

Jim Flynn- West Nyack
Stated anytime you can put senior housing in West Nyack, I'm all for it. We have a traffic problem on West Nyack Road. I'm in favor, but take another traffic study.

Evelyn Webber- West Nyack
I have lived here for over thirty years and I would love to see this approved. We should have a traffic light on McCarthy and Parrott Road.

Jerry Lott-Nanuet
I have lived here for over thirty years and I am a member of AARP. I feel the AAR zone will have less impact on traffic than the current zone, prohibiting truck traffic. I would like to move into the residences, because of the location.

Roslyn Zucker- Clarkstown
I have been waiting for this development for years.

Lilly Cannon- Clarkstown
I have lived here for over forty years. We need this.

There being no one wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:24 P.M. RESOLUTION NO. (364-2008)

Respectfully submitted,

David Carlucci
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #5

Town Hall

6/17/08

9:24 P.M.

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

Re: Petition of Cambridge University Press for special permit to allow for general warehouse and distribution uses

On motion of Co. Lasker, seconded by Co. Mandia, hearing opened 9: 24 P.M.

Amy Mele- Town Attorney
Gave an overview of the petition. Advised the Town Board that they can approve the petition, if they so wish to do so.

Joe Simoes- Town Planner
Gave an overview of the petition, stating there would not be truck traffic out of Cambridge onto Brook Hill, except for local delivery.

Dennis Murphy- West Nyack
Stated a delivery was made tonight.

Ian Brady- Director of Cambridge University Press
Stated the truck traffic will not be excluded until the special permit goes into effect.

Jim Flynn- West Nyack
Wished to thank Town Board and Superintendent of Highways Wayne Ballard.

Frank Casquarelli- West Nyack
Spoke about traffic problems in the area.

Mark Maraia- West Nyack
Regarding a buffer zone, why is this matter not being put to the Zoning Board?

Joe Simoes- Town Planner
In this case, the matter is referred to the Town Board.

There being no one wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:50 P.M. RESOLUTION NO. (365-2008)

Respectfully submitted,

David Carlucci
Town Clerk

RESOLUTION NO. (365-2008)

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

Town Hall

6/17/08

10:22 P.M.

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

On motion of Co. Lasker, seconded by Co. Maloney the special meeting was declared open, on motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the meeting was closed, time: 10:23 P.M.

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

RESOLUTION AUTHORIZING ACCEPTANCE OF A PROPOSAL OF DCAK ARCHITECTURE, P.C.
TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES FOR REPLACEMENT OF KITCHENS
FOR THE MIDDLEWOOD SENIOR CITIZEN HOUSING PROJECT

WHEREAS, The Board of Directors of the Clarkstown Middlewood HDFC are interested in replacing kitchens at Middlewood Senior Citizens Housing Project and solicited a proposal from an architectural firm to provide architectural and engineering services for the project, and

WHEREAS, DCAK Architecture, P.C. has submitted a proposal to provide drawings and specifications for replacement of the 99 kitchens for 97 standard residence kitchens, the kitchen in the Superintendent's apartment, and the kitchen in the Community Room, and,

WHEREAS, DCAK Architecture, P.C.. has submitted a proposal not to exceed a lump sum payment of \$15,900.00 to do the aforementioned work. Extra site visits will be provided if requested for a fee of \$900.00 per visit and report.

NOW, THEREFORE, be it

RESOLVED, subject to review and approval of the proposal by Paul K. Schofield, Esq., that DCAK Architecture, P.C.. is hereby authorized to perform the aforementioned work at a cost not to exceed a lump sum payment of \$15,900.00.

Respectfully submitted,

David Carlucci
Town Clerk