

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

07/25/2006

8:04 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
Pamela Sitomer, Deputy Town Clerk

Supervisor declared Town Board meeting opened. Assemblage saluted the flag.

Public Hearing #1 re: Continuation- Petition of MAK Development/Stop & Shop Supermarket Co. LLC for special permit to construct gasoline pumps and kiosk (Lot 43.11-2-38,39,40 & 41), On motion of Co. Lasker, seconded by Co. Maloney, opened 8:05. On motion of Co. Nowicki, seconded by Co. Maloney, closed 8:20. RESOLUTION NO. (451-2006) unanimously adopted.

Public Hearing #2 re: Proposed local law to amend Chapter 173 "Littering and Posting" of the Clarkstown Town Code, On motion of Co. Lasker, seconded by Co. Maloney, opened 8:21. On motion of Co. Maloney, seconded by Co. Lasker, closed 8:25, without making a determination on this matter. RESOLUTION NO. (452-2006) unanimously adopted.

Supervisor opened the meeting to public comments regarding agenda items.

Martin Bernstein- New City
Asked for clarification regarding agenda item #2.

Amy Mele- Town Attorney
Regarding agenda item #2- This pertains to negotiations with Cablevision and Verizon for franchise agreements. Our goal is to provide a choice of cable services for residents of Clarkstown. We invite the public for comments at the public hearing on August 22, 2006.

Supervisor- Regarding agenda item #2- Our next workshop will be on August 8, 2006, where we may have representatives from both companies, which we will make an announcement about.

Co. Nowicki- Regarding agenda item #21, I want to compliment the Drainage Task Force. Their schedule of meetings is impressive. They have prioritized all the drainage problems and we are really getting a handle on the drainage situation.

Co. Lasker- Regarding agenda item #21, I would also like to compliment Supervisor Gromack, because that was his idea to get that task force going. In less than two years, we've halved the amount of drainage projects that we used to have. We have really come a long way and we have Supervisor Gromack to thank. I think that the laws that you've suggested drafting are really commendable, especially cutting down on people's ability to clear cut trees and cutting down the amount of impervious surfaces. All of those things are going to make a huge difference when it comes to drainage problems, which are an enormous cost to the town, so I really commend the Supervisor on your work.

Supervisor Gromack- Regarding agenda item #21, I have to say, it's really been a team effort. Thanked everyone who has been involved: Luke Kalarickal, DEC Director and his department, Wayne Ballard, Superintendent of Highways, Ken Seltman, Director of Finance, who headed it up, the Town Attorney's Office, the Planning Department. Hopefully, in September, they will come to a workshop and really give an in depth report of the progress we've made and what is still needed out there. A lot of congratulations to a lot of town employees who have made a really big dent.

RESOLUTION NO. (451-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION AND SPECIAL FINDINGS GRANTING A
SPECIAL PERMIT TO CONSTRUCT GASOLINE PUMPS AND KIOSK

WHEREAS, MAK Development and the Stop & Shop Supermarket Company LLC have petitioned the Town Board of the Town of Clarkstown for a special permit for the construction of four double-sided gasoline pumps and a kiosk pursuant to the provisions of Section 290-17(F) and 290-11A, Table 11 of the Zoning Local Law of the Town of Clarkstown, for property located on the corner of North Main Street and Cavalry Drive, New City, New York, designated on the Clarkstown Tax Map as 43.11-2-38, 39, 40 and 41, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on June 27, 2006 and continued on July 25, 2006, to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form and report pursuant to the State Environmental Quality Review Act (SEQRA), from Robert Geneslaw, Planning Consultant, which the Board has reviewed and considered in making its determination herein; and

RESOLUTION NO. (451-2006) continued

WHEREAS, the Town Board has received comments from the Rockland County Department of Planning pursuant to General Municipal Law §239-1 and m, dated June 1, 2006, which the Board has reviewed and considered in making its determination herein; and

WHEREAS, the Town Board has received comments from the Rockland County Department of Health, dated July 17, 2006, which the Board has reviewed and considered in making its determination herein; and

WHEREAS, the Town Board also referred the petition to the Planning Board for their review and recommendation pursuant to §290-33(A) of the Town's Zoning Local Law; and

WHEREAS, the Planning Board reviewed and discussed the petition at the June 7, 2006 regular Planning Board meeting; and

WHEREAS, as a result of its review, the Planning Board made certain recommendations to the Town Board with respect to the application, as set forth in its June 21, 2006 letter, which the Board has reviewed and considered in making its determination herein;

NOW, THEREFORE, the Town Board makes the following findings:

1. With respect to the proposed use as described and represented by the applicants, the Town Board finds, pursuant to Section 290-15B of the Zoning Local Law of the Town of Clarkstown, that such use:

- a. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
- b. Will not cause undue traffic congestion or create a traffic hazard;
- c. 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;
- d. Will not adversely affect the character of/or property values in the area;
- e. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
- f. Will comply with all other regulations applicable to such use;

2. With respect to the special permit application pursuant to §§290-17(F) and 290-11A, Table 11, the Town Board finds that the applicant has met all of the requirements of the special use permit;

3. With respect to the comments by the Rockland County Department of Planning, the Town Board finds that:

- a. Addressing the first recommended modification – either reducing the number of uses or the size of structures on the site – the applicant proposes to reduce the size of the structure by 24,752 square feet, thereby reducing the existing parking deficit on the site;

- b. Addressing the second through sixth recommended modifications, the Town Board forwarded the application to the suggested agencies and is requiring that the applicant incorporate said comments and/or obtain any required permits as a condition of the special permit;

- c. Addressing the seventh recommended modification, the applicant has redesigned its site plan to eliminate the parking spaces to the North of the filling pumps as suggested;

4. With respect to the Clarkstown Planning Board's recommendations – that only automotive-related products be sold within the kiosk and that the hours of operation of the kiosk and gasoline station be limited to the same hours as the supermarket – the Town Board notes that the applicant has agreed to these conditions;

5. With regard to its review pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Town Board finds that the proposed action is an unlisted action, will not have any significant impact on the environment and that no further processing pursuant to SEQRA is required. In reaching this determination, the Town Board considered the June 22, 2006 report of Robert Geneslaw, Planning Consultant, acting as staff to the Town Board as lead agency, as well as the following:

- a. A study provided by the applicant which concluded that similar facilities in Massachusetts did not adversely affect the operations of nearby gas stations;

- b. Information submitted by the applicant which indicated that most of the gas station customers were also shopping center customers and/or drive-by visitors, and therefore the applicant predicted little increase in traffic as a result of the special permit use;

- c. The fact that the construction of the facility will be subject to the issuance of several required permits, site plan approval by the Clarkstown Planning Board, inspections and oversight by both Town and County agencies,

And be it

FURTHER RESOLVED, that a Special Permit to construct four double-sided gasoline filling pumps and kiosk on the above described property is hereby GRANTED to the petitioners, MAK Development and the Stop & Shop Supermarket Company LLC, subject to the following conditions:

1. Petitioner must comply with the Special Permit Bulk Requirements set forth in Section 290-IIC of the Zoning Local Law of the Town of Clarkstown;

2. Petitioner shall secure any variances required as a result of its overall site layout from the Zoning Board of Appeals prior to returning to the Planning Board for preliminary site plan review and approval;

3. Petitioner must register as a Petroleum Bulk Storage Facility (PBS) as set forth in the July 17, 2006 letter from the Rockland County Board of Health;

4. Petitioner shall abide by any recommendations of, and obtain any permits required by, any other agency with jurisdiction including but not limited to the Rockland County Drainage Agency, Rockland County Department of Highways and the Rockland County Department of Transportation;

5. Only automotive-related products shall be sold within the kiosk and the hours of operation of the kiosk and gasoline station shall be limited to the same hours as the supermarket;

6. Petitioner MAK development shall enter into a lease agreement, in a form acceptable to the Town Attorney and of a duration acceptable to the New York State Department of Transportation to provide the required funding, for the commuter parking lot portion of the property as designated on the plans by

RESOLUTION NO. (451-2006) continued

Wagner Engineering Associates, Inc. dated June 15, 2006 as "1.7 acres of land to be made available for commuter parking to be permitted, designed and constructed by others," in which MAK shall agree to lease the parcel to the Town of Clarkstown for the sum of \$1 per year; 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. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (452-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE CLOSING OF THE PUBLIC HEARING WITH RESPECT TO A PROPOSED LOCAL LAW TO AMEND CHAPTER 173 (LITTERING AND POSTING) OF THE TOWN CODE

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 13, 2006, directed that a public hearing be held on July 25, 2006, at 8:00 p.m., or as soon thereafter as possible, relative to a proposed local law, entitled, "A LOCAL LAW TO AMEND CHAPTER 173 (LITTERING AND POSTING) OF THE TOWN CODE, and,

WHEREAS, said hearing was opened and the Town Board reviewed reports and recommendations and heard from the public;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the public hearing closed without making a determination on this matter.

On roll call the vote was as follows

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

RESOLUTION NO. (453-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of June 27, 2006 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. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (454-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING TO SOLICIT PUBLIC COMMENT WITH RESPECT TO RENEWAL APPLICATION OF CABLEVISION OF ROCKLAND/RAMAPO, INC. FOR A FRANCHISE AGREEMENT

WHEREAS, the franchise agreement between the Town of Clarkstown and Cablevision of Rockland/Ramapo, Inc. will expire shortly, and the Town Board wishes to schedule a public hearing to afford all interested parties the opportunity to comment regarding cable services provided by Cablevision of Rockland/Ramapo, Inc. in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby schedules a public hearing on August 22, 2006, at 8:00 p.m., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, to solicit the public's comments to be considered with respect to the renewal application of Cablevision of Rockland/Ramapo, Inc. for a franchise agreement, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of said hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the same manner provided by law and file proof thereof in the Office of the Town Clerk.

RESOLUTION NO. (454-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (455-2006)

Co. Nowicki offered and Co. Maloney seconded

RESOLUTION SCHEDULING A PUBLIC HEARING TO SOLICIT PUBLIC COMMENT WITH RESPECT TO APPLICATION OF VERIZON NEW YORK INC. FOR A FRANCHISE AGREEMENT

WHEREAS, Verizon New York Inc. has submitted an application for a franchise agreement with the Town of Clarkstown, and the Town Board wishes to schedule a public hearing to afford all interested parties the opportunity to comment regarding cable services to be provided by Verizon in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby schedules a public hearing on August 22, 2006, at 8:00 p.m., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, to solicit the public's comments to be considered with respect to the application of Verizon New York Inc. for a franchise agreement, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of said hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the same manner provided by law and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows

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

RESOLUTION NO. (456-2006)

Co. Mandia offered and Co. Lasker seconded

RESOLUTION CREATING A COMMITTEE TO RECOGNIZE COMMERCIAL PROPERTY OWNERS, OR OPERATORS, WHO MAINTAIN THEIR PROPERTIES WELL

WHEREAS, Councilman Ralph F. Mandia has proposed the creation of a committee to recognize commercial property owners, or operators, who have taken extraordinary steps maintaining their properties. This program, to be known as the "Pride of Clarkstown," is also intended to act as an incentive for all commercial property to be improved, and

WHEREAS, the Committee shall consist of the following persons:

1. Ralph F. Mandia, Town Board Liaison
2. Scott Milich, Chairman
3. Maryann Heinzen
4. Dorie McMaster
5. Win Perry
6. Donald Ritch
7. Irene Ryan
8. Shirley Washington

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the committee referred to herein, and be it

FURTHER RESOLVED, that the Town Board hereby endorses the contest for the best maintained commercial property, and shall appropriate \$1,000.00 to the committee to conduct the contest, prepare award certificate and for incidental expenses, which shall be a proper charge to Account No. A 1010-409.

On roll call the vote was as follows

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

RESOLUTION NO. (457-2006)

Co. Maloney offered and Co. Lasker seconded

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

BLUE ROCK SCHOOL
110 DEMAREST MILL ROAD
WEST NYACK, NY 10994
(52-A-50) (58.15-2-38)

By the installation of Fire lane designations, and

WHEREAS, CATHERINE LAIGNEL requested that the Town of Clarkstown designate said fire lanes.

NOW, THEREFORE, BE IT

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

On roll call the vote was as follows

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

RESOLUTION NO. (458-2006)

Co. Maloney offered and Co. Lasker seconded

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

PALISADES AUDI
127 RT. 59
CENTRAL NYACK, NY 10960
(120-G-20) (65.07-5-3)

By the installation of Fire lane designations, and

WHEREAS, JOHN MATTESON requested that the Town of Clarkstown designate said fire lanes.

NOW, THEREFORE, BE IT

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

On roll call the vote was as follows

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

RESOLUTION NO. (459-2006)

Co. Lasker offered and Co. Nowicki 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 W2-3 sign as per sec. 232.1 of the NYS DOT Manual of Uniform Traffic Control Devices and a W5-16 sign beneath which reads DRIVEWAYS as per sec. 235.10 of the Manual. This sign should be erected on the southside of Phillips Hill Road between housenumbers 67 and 69, New City, NY.

and be it

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

RESOLUTION NO. (459-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (460-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING STRATEGIC BUSINESS SERVICES
 TO PREPARE A PRELIMINARY APPRAISAL ON KOENIG MANAGEMENT LTD.

WHEREAS, KOENIG MANAGEMENT LTD. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 43.15, Block 1, Lot 19 and more commonly known as 120 North Main Street, New City, New York, for the years 2002/03, 2003/04, 2004/05 and 2005/06, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Strategic Business Services be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (461-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING STRATEGIC BUSINESS SERVICES
 TO PREPARE A PRELIMINARY APPRAISAL ON JOSEPH LAICO

WHEREAS, JOSEPH LAICO has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 51.15, Block 1, Lot 1 (formerly known as 55-A-27.2) and more commonly known as 510 Route 304, New City, New York, for the year(s) 2002/03, 2003/04, 2004/05 and 2005/06, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Strategic Business Services be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (462-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING STRATEGIC BUSINESS SERVICES, INC. TO PREPARE A TRIAL APPRAISAL ON
 RETAIL PROPERTY TRUST (57.20-1-27, 57.20-2-59, 63.8-3-3, 63.8-3-6, 63.8-3-8, 63.8-3-9)

WHEREAS, Retail Property Trust (Nanuet Mall) has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 57.20, Block 1, Lot 27, Map 57.20, Block 2, Lot 59, Map 63.8, Block 3, Lot 3, Map 63.8, Block 3, Lot 6, Map 63.8, Block 3, Lot 8, Map 63.8, Block 3, Lot 9 for the years 2004/05 and 2005/06, and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Strategic Business Services, Inc. be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$15,000.00; and such fee shall be charged to Account No. A 1420-439-1.

RESOLUTION NO. (462-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (463-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING PREPARATION OF PRELIMINARY APPRAISAL AND HIRING OF ENGINEER CONCERNING AKW HOLDINGS, LLC (43.7-1-22)

WHEREAS, AKW Holdings, LLC has challenged the assessment affecting parcel designated as Map 43.7, Block 1, Lot 22 (more commonly known as 18 Squadron Boulevard, New City, New York), for the year 2003/04, and

WHEREAS, to complete an in depth reassessment of the property, we require the services of a professional appraiser and engineer to conduct said reassessment;

NOW, THEREFORE, be it

RESOLVED, that a professional appraiser and engineer be retained for the purpose of preparing a preliminary appraisal and reassessment for the year 2003/04 at a fee not to exceed \$4,000 each, for a total of \$8,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows

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

RESOLUTION NO. (464-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLUTION AUTHORIZING REDUCTION IN LETTER OF CREDIT (SOFFER STORAGE – 35.20-1-6)

WHEREAS, Congers Storage, LLC furnished to the Town of Clarkstown Irrevocable Letter of Credit No. 095192050055 in the amount of \$135,000.00, for completion of the paving and landscaping improvements as shown on the site plan and landscaping plan of Soffer Storage (tax map 35.20-1-6), and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that said Letter of Credit be reduced to \$20,000.00, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 095192050055 in the amount of \$135,000.00 be reduced to \$20,000.00.

On roll call the vote was as follows

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

RESOLUTION NO. (465-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND (COYLE SUBDIVISION – 44.11-3-67 & 80)

WHEREAS, Dennis L. Coyle furnished to the Town of Clarkstown a Maintenance Bond secured by Certified Check No. 0153 in the amount of \$2,750.00 to guaranty the road and improvements in the Dennis L. Coyle Subdivision, as shown on the final plat of Dennis L. Coyle (44.11-3-67 & 80, f/k/a 127-N-20.07 and 128-A-6.01 & 6.02), which was filed in the Rockland County Clerk’s Office on January 27, 1999, and

WHEREAS, the Deputy Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, has advised that the security may be released, as the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Maintenance Bond in the amount of \$2,750.00, in connection with the dedication of the road and improvements in a subdivision known as Dennis L. Coyle is hereby terminated; and the sum of \$2,750.00 may be released to the guarantor.

RESOLUTION NO. (465-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (466-2006)

Co. Lasker offered and Co. Maloney seconded

AMENDING RESOLUTION NO. 69-2006

WHEREAS, Resolution No. 69-2006, adopted on January 24, 2006, authorized the installation of "No Parking Anytime" signs at the recommendation of the Traffic and Traffic Fire Safety Advisory Board on the eastside of Burnside Avenue beginning at the corner of Congers Lake Road, Congers, extending 50 feet north, and

and WHEREAS, this parking restriction is no longer necessary as the entire roadway has been repaved and improved,

NOW THEREFORE, be it

RESOLVED, that at the recommendation of the Traffic and Traffic Fire Safety Advisory Board, Resolution 69-2006 is hereby amended to eliminate the "No Parking Anytime" signs on the eastside of Burnside Avenue, Congers, extending 50 feet north, and be it

FURTHER RESOLVED, that the second paragraph of Resolution 69-2006 pertaining to a "Stop" sign and a "Stop" line should remain for safety purposes; and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (467-2006)

Co. Nowicki offered and Co. Lasker seconded

**RESOLUTION AUTHORIZING ADDITIONAL WORK PERFORMED FOR
"Strathmore Creek Remediation Phase II"**

WHEREAS, Town Board Resolution # 112-2006 awarded construction Bid #87-2005 to Upstate Concrete and Masonry Contracting Company Inc., and,

WHEREAS, field conditions required necessary construction modifications and the change order additions are as follows:

C.O. #1 Installation of medium stone rip-rap within channel, re-establishing stone-lined boarder, removal of dead trees and relocation of proposed trees and shrubs.

Cost \$3,300

WHEREAS, these change orders have been review and approved by the Department of Environmental Control

NOW, THEREFORE, BE IT RESOLVED that the total for the construction phase for the project by change orders has been increased by \$3,300, and the current allowance for the project be increased from \$84,500 to \$87,800, and

BE IT FURTHER RESOLVED that this shall be a proper charge to account #H 8749 409 0 73-27.

On roll call the vote was as follows

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

RESOLUTION NO. (468-2006)

Co. Nowicki offered and Co. Lasker seconded

Whereas, the Village of Spring Valley has requested use of the Town of Clarkstown showmobile on Saturday, August 5, 2006 from 11:00 AM – 11:00PM for the 3rd Annual Spring Valley Day,

NOW, THEREFORE, BE IT

RESOLUTION NO. (468-2006) continued

RESOLVED, that permission is hereby granted to the Village of Spring Valley to use the Town of Clarkstown showmobile on August 5, 2006 for the above purpose and subject to the provision of the necessary insurance policies,

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile on August 5, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (469-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION GRANTING CERTIFICATE OF REGISTRATION PURSUANT TO SECTION 236-48 OF THE TOWN CODE

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

FAIRWAY GOLF & LANDSCAPE
119 Rockland Center, Suite 164
Nanuet, NY 10954
Chris Peterson, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 06-28 FAIRWAY GOLF & LANDSCAPE

On roll call the vote was as follows

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

RESOLUTION NO. (470-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING REFUND OF BUILDING PERMIT FEE TO DOMINIC AND SILVANA SELVAGGI - MAP NO. 52.12-1-18

WHEREAS, Dominic and Silvana Selvaggi have requested a refund of Building Permit fee (No. 06-895) paid in the amount of \$590.00 for premises located at 79A Ridge Road, Valley Cottage, New York, and WHEREAS, the property owners have advised that the fee of \$590.00 had already been paid to the Town of Clarkstown, and

WHEREAS, the Building Inspector has recommended a full refund of \$590.00 as the amount was submitted in error;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a full refund of \$590.00, of the Building Permit fee paid, to Dominic Selvaggi and Silvana Selvaggi, to be charged to Account No. B 02-6-2555-0.

On roll call the vote was as follows

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

RESOLUTION NO. (471-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A-7180-408 (building repairs) by \$3,000.00 and to increase Appropriation Account A-7180-219 (misc. equip.) by \$3,000.00.

On roll call the vote was as follows

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

RESOLUTION NO. (472A-2006)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Town has received \$856.67 from D.A.R.E. Donations and \$30,000 from New York State Division of Criminal Justice,

NOW THEREFORE BE IT,

RESOLVED, to increase Revenue Account A-01-9-2705-0 (Gifts & Donations) and Expense Account A-3230-319-0 (D.A.R.E.-Misc Supplies) by \$856.67 and be it

FURTHER RESOLVED, to increase Revenue Account A-01-10-3828-0 (State Aid-DCJS) by \$30,000 and Expense Accounts A-3120-293-0 (Police-Law Enforcement Equipment) by \$20,100 and A-3120-111-0 (Police Overtime) by \$9,900 and

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT,

RESOLVED, to decrease A-1420-110-0 (Town Attorney-Salaries) and increase A-1420-439-0 (Town Attorney-Special Counsel) by \$40,000.

On roll call the vote was as follows

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

RESOLUTION NO. (472B-2006)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A-7180-427 (Publicity) by \$4,641.00 and to increase Appropriation Account A-7020-225 (Computer Hardware) by \$4,641.00.

On roll call the vote was as follows

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

RESOLUTION NO. (473-2006)

Co. Lasker offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE WAIVING OF TIPPING FEES WITH RESPECT TO THE ROCKLAND COUNTY FEIS

WHEREAS, the Rockland County Ancient Order of Hibernians and the Ladies Ancient Order of Hibernians, non-profit organizations, are sponsoring the Rockland County FEIS, which is being held on July 16, 2006, and have requested the Town Board to waive tipping fees with regard to disposal of refuse from said charitable event;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the tipping fee, pursuant to Section 149(21) of the Town Code, with respect to the charitable event described herein, and be it

FURTHER RESOLVED, that this resolution is retroactive to July 16, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (474-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#37-2006 – JOSEPH LANE STREAM CHANNEL REPAIRS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New city, New York 11:00 A.M. on August 11, 2006 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 Environmental Control upon payment of the prescribed fee.

RESOLUTION NO. (474-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (475-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#38-2006 – VIDEO EQUIPMENT FOR THE CLARKSTOWN POLICE DEPARTMENT

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 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 Deputy Town Attorney-Purchasing.

On roll call the vote was as follows

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

RESOLUTION NO. (476-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION GRANTING A LICENSE TO ERECT A FENCE IN A TOWN DRAINAGE EASEMENT AT PREMISES KNOWN AS 27 MERIWETHER TRAIL, CONGERS, NEW YORK (MAP 44.6-1-32)

WHEREAS, EHAB SHAHID and AMIRA SHAHID, reputed owners of property located at 27 Meriwether Tail, Congers, New York, have requested permission to erect a fence on their property which may interfere with access to the Town Drainage Easement, and

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has made a site inspection and has reported that the proposed encroachment will not adversely impact the Town’s Drainage Easement provided that the Town retains the right to access the easement area even if such access may result in damage or removal of the fence, and

WHEREAS, Amy Mele, the Town Attorney, has recommended that if permission is granted by the Town Board that same be in the form of a revocable license agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a revocable license agreement with the property owners, EHAB SHAHID and AMIRA SHAHID, in a form approved by the Town Attorney, granting a license terminable on ten (10) days written notice, to authorize the installation of the requested fence on or near the Town’s Drainage Easement located at 27 Meriwether Trail, Congers, New York, more particularly described as Tax Map 44.6-1-32, and be it

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

On roll call the vote was as follows

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

RESOLUTION NO. (477-2006)

Co. Maloney offered and Co. Lasker seconded

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

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2006 Assessment Roll for the Town of Clarkstown, and be it

RESOLUTION NO. (477-2006) continued

FURTHER RESOLVED, that said figures for percentages and proportions are attached, (on file with Town Clerk).

On roll call the vote was as follows

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

RESOLUTION NO. (478-2006)

Co. Maloney offered and Co. Lasker seconded

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

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2006 Assessment Roll for the Town of Clarkstown, and be it FURTHER RESOLVED, that said figures for such proportions are attached. (on file with Town Clerk).

On roll call the vote was as follows

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

RESOLUTION NO. (479-2006)

Co. Mandia offered and Co. Nowicki seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SIGMA7 DESIGN GROUP

WHEREAS, the Communications Center at the Town of Clarkstown Police Department requires upgrading, as certain communication equipment is outdated and/or obsolete, and

WHEREAS, the Police Department has received a proposal from Sigma7 Design Group, to provide professional services in the form of evaluating the communication center, creating an operational and spatial plan for the center, and developing a needs assessment report;

NOW, THEREFORE, based on the recommendation of the Chief of Police and the Authorized Purchasing Agent, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney with Sigma7 Design Group, 1250 Broadway, New York, New York 10001, to provide professional services as outlined in its April 24, 2006 proposal, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$22,500 (plus reasonable reimbursable expenses) and shall constitute a proper charge to Account No. A 3120-409.

On roll call the vote was as follows

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

RESOLUTION NO. (480-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (TIME EQUITIES – 43.19-2-59)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, TIME EQUITIES V. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index Nos. 4132/01, 4878/02, 4722/03, 4108/04 and 4823/05, affecting parcel designated as Map 43.19, Block 2, Lot 59, (f/k/a 57-F-5) and more commonly known as 104 South Main Street, New City, New York for the years 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings 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

RESOLUTION NO. (480-2006) continued

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central 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 43.19, Block 2, Lot 59 be reduced for the years 2001/02 from \$300,800.00 to \$228,742.00 at a cost to the Town of \$1,040.10;

2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.19, Block 2, Lot 59 be reduced for the years 2002/03 from \$300,800.00 to \$224,700.00 at a cost to the Town of \$1,109.15;

3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.19, Block 2, Lot 59 be reduced for the years 2003/04 from \$300,800.00 to \$210,000.00 at a cost to the Town of \$1,371.01;

4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.19, Block 2, Lot 59 be reduced for the years 2004/05 from \$300,800.00 to \$195,225.00 at a cost to the Town of \$1,856.47;

5. The assessment on the premises owned by the petitioner described on the assessment roll as Map 43.19, Block 2, Lot 59 be reduced for the years 2005/06 from \$300,800.00 to \$186,000.00 at a cost to the Town of \$2,081.05;

6. Reimbursement for the years 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06 on the parcel described as Map 43.19, Block 2, Lot 59, 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. 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. Nowicki. | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (481-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (ROCKWELL, LLC – 64.5-1-9)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ROCKWELL, LLC V. THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index Nos. 5126/02, 5071/03, 4537/04 and 5022/05, affecting parcel designated as Map 64.5, Block 1, Lot 9, and more commonly known as 41 Main Street, Nanuet, New York for the years 2002/03, 2003/04, 2004/05 and 2005/06, 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 Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner described on the assessment roll as Map 64.5, Block 1, Lot 9 be reduced for the year 2002/03 from \$282,900.00 to \$240,470.00 at a cost to the Town of \$618.41;

2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 64.5, Block 1, Lot 9 be reduced for the year 2003/04 from \$282,900.00 to \$226,320.00 at a cost to the Town of \$854.32;

3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 64.5, Block 1, Lot 9 be reduced for the year 2004/05 from \$282,900.00 to \$212,170.00 at a cost to the Town of \$1,243.75;

4. The assessment on the premises owned by the petitioner described on the assessment roll as Map 64.5, Block 1, Lot 9 be reduced for the year 2005/06 from \$282,900.00 to \$198,030.00 at a cost to the Town of \$1,538.49;

5. Reimbursement for the years 2002/03, 2003/04, 2004/05 and 2005/06 on the parcel described as Map 64.5, Block 1, Lot 9, 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;

6. 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

RESOLUTION NO. (481-2006) continued

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel and the Assessor for the Town of Clarkstown are 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. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (482-2006)

Co. Lasker offered and Co. Mandia seconded

RESOLUTION ACCEPTING REPORT OF THE DRAINAGE TASK FORCE AND DIRECTING THE TOWN ATTORNEY TO PREPARE RECOMMENDED LAWS

WHEREAS, the Drainage Task Force of the Town of Clarkstown has submitted a report dated July 10 2006 concerning drainage projects, and the Town Board accepts said report and wishes to commend the Drainage Task Force for their efforts;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby directs Amy Mele, Town Attorney, to draft local laws suggested by the Task Force concerning the following matters:

- Limitations on tree-cutting;
- Limitations on impervious surfaces;
- Limitations on/or prohibiting development on steep slopes;
- Limitations relating to storm water management.

On roll call the vote was as follows

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

RESOLUTION NO. (483-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDMENT OF THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN REGARDING HOSPICE FACILITIES

WHEREAS, the Town Board wishes to amend the Comprehensive Plan of the Town of Clarkstown with respect to identifying goals, objectives and policies concerning hospice facilities;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264 (Zoning and Planning), 265 (Changes) and 272-a (Town Comprehensive Plan) of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 19, 2006 at 8:00 p.m., or as soon thereafter as possible, to review and to consider an amendment to the Town's Comprehensive Plan for zoning with respect hospice facilities, and be it

FURTHER RESOLVED, that the Town attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the proposed amendment to the Comprehensive Plan is hereby referred to the Clarkstown Planning Board for its review and recommendations, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by sections 239-1 and 239-m of General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, 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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows

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

RESOLUTION NO. (484-2006)

Co. Lasker offered and Co. Mandia seconded

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New City, New York held at the Meeting Room of the Town Hall, 10 Maple Avenue, New City, New York in said Town of Clarkstown on the 25th day of July, 2006.

PRESENT:

| | | |
|----------------------|--------------|----------------|
| ALEXANDER J. GROMACK | Supervisor | |
| JOHN R. MALONEY | Councilman | ORDER CALLING |
| RALPH MANDIA | Councilman | PUBLIC HEARING |
| SHIRLEY LASKER | Councilwoman | |
| CATHERINE NOWICKI | Councilwoman | |

IN THE MATTER OF:

PETITION, for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include all of the area shown and designated as ‘LITTLE TOR HOMES SUBDIVISION AND HIGHLAND VISTA ESTATES SUBDIVISION, in the Town of Clarkstown, Rockland County, New York’

WHEREAS, a written Petition dated April 11, 2006, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(DESCRIPTION ON FILE WITH TOWN CLERK)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York in said Town of Clarkstown, on the 22nd day of August, 2006 at 8:00 P.M. EST to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other actions as may be required by law or proper in the premises.

On roll call the vote was as follows

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

RESOLUTION NO. (485-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06037 Records Clerk Typist (Law Enforcement) (Promotional) which contains the name of Patricia McGrogan,

Now, therefore, be it

RESOLVED, that Patricia McGrogan, 1 Church Lane, Valley Cottage, New York – is hereby appointed to the position of (permanent) Records Clerk Typist (Law Enforcement) –Police Department – at the current annual salary of \$56,634, effective and retroactive to July 3, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (486-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Brian D. Wagner, 42 Newport Drive, Nanuet, New York – is hereby appointed to the position of Courier – Mail and Copy – at the current 2006 annual salary of \$27,978., – effective and retroactive to July 10, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (487-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on July 12, 2006 that the position of File Clerk Town Justice Department – can be created, in lieu of the position of Clerk #500804 – Town Justice Department,

NOW, therefore, be it

RESOLVED, that the position of File Clerk – Town Justice Department - is hereby created – effective retroactive to July 24, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (488-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Lois August, 8 Central Drive, Nanuet, New York – is hereby reassigned from the Office of the Town Clerk - in the title of File Clerk - to the position of File Clerk – Town Justice Department – at the current 2006 annual salary of \$41,091, – effective and retroactive to July 24, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (489-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Patrick Ross, 185 Old Route 304, New City, New York – Computer Installation Assistant – Data Processing Department – is hereby accepted - effective and retroactive to July 20, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (490-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Gail M. Warner, 29B Old County Road, Pomona, New York – Crossing Guard - Police Department - is hereby accepted – effective and retroactive to May 25, 2006.

On roll call the vote was as follows

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

RESOLUTION NO. (491-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #06139 Senior Storekeeper (Automotive) (NCP/T&E) which contains the name of Kenneth Rooney,

Now, therefore be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Kenneth Rooney, 11 Old County Road, Pomona, New York to the position of (permanent) Senior Storekeeper - Highway Department – at the current annual salary of \$59,071, effective and retroactive to July 10, 2006.

RESOLUTION NO. (491-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (492-2006)

Co. Maloney offered and Co. Nowicki seconded

RESOLUTION ACCEPTING PROPOSAL FOR EXPLORATORY SOIL BORING SERVICES WITH REGARD TO THE TOWN'S PROPOSED EMERGENCY COMMUNICATIONS TOWER

WHEREAS, the Town Board authorized the construction of emergency communications tower to provide for the health, safety and welfare of the community, and

WHEREAS, to insure proper design of said facility it is important to determine the soil and rock conditions at the proposed site of the tower, and

WHEREAS, a proposal has been received from Soil Testing Inc., 140 Oxford Road, Oxford, CT, dated July 6, 2006 to obtain the core samples at the location of the tower, and

WHEREAS, Dennis M. Letson, PE, Deputy Director of the Department of Environmental Control has recommended acceptance of said proposal,

NOW THEREFORE, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Soil Testing Inc., in a form satisfactory to the Town Attorney, to provide the necessary boring and core samples with regard to design of foundations for the Town's emergency communications tower, and be it further

RESOLVED that the fee for such services shall not exceed Six Thousand Ninety Four (\$6094.00) and shall be charged to Account No. H 8754-409-0-78-41.

On roll call the vote was as follows

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

RESOLUTION NO. (493-2006)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO CLEAN A PORTION OF STREAM CHANNEL WITHIN A TOWN CONSERVATION EASEMENT IN THE VICINITY OF 15 GREEN AVENUE, VALLEY COTTAGE

WHEREAS, a portion of stream channel running through a Town conservation easement in the vicinity of 15 Green Avenue is partially obstructed by vegetation and debris; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to remove the existing vegetation and debris; and

WHEREAS, the Department of Environmental Control has received three (3) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Cal Mart Enterprises, Inc. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Cal Mart Enterprises, Inc. for their low proposal of \$3,535.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of:

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, NY 10994

to perform this work in accordance with their proposal for an amount not to exceed **\$3,535.00**; and

FURTHER RESOLVED that this amount shall be a proper charge to account # A 8730 409 0

On roll call the vote was as follows

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

RESOLUTION NO. (494-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE CLARKSTOWN JUSTICES TO ENTER INTO AN AGREEMENT WITH GOVERNMENT PAYMENT SERVICE, INC.

WHEREAS, pursuant to the request of the Town Justices, the Town of Clarkstown has received a proposal from the Government Payment Service, Inc. (GPS) for the purpose of providing processing services with respect to payments by credit card for fines due the Town, and

WHEREAS the Clarkstown Justices have recommended GPS to provide such service to the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Justices to enter into an agreement with Government Payment Service, Inc. (GPS), in a form approved by the Town Attorney, to provide processing services with respect to payments by credit card for fines due the Town, for the period August 1, 2006 through July 31, 2007, which shall be automatically extended for additional one year periods for up to five years, and be it

FURTHER RESOLVED, that the fee for said services shall be as follows:

- 1. Fine Payments made through the GPS Call Center-5% Service Fee
- 2. Fine Payments made through the Internet - 3½%

and be it

FURTHER RESOLVED, that said service fees shall be paid directly by the credit card holder, and shall not constitute an additional fine and/or revenue to the Court.

On roll call the vote was as follows

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

RESOLUTION NO. (495-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH H2M GROUP TO PROVIDE PROFESSIONAL ENGINEERING SERVICES

WHEREAS, Tilcon New York, Inc. ("Tilcon") has submitted an application to the New York State Department of Environmental Conservation ("NYSDEC") for renewal of its Mined Land Reclamation Permit; and

WHEREAS, by letter dated March 20, 2006 to the NYSDEC, the Town of Clarkstown commented on the permit renewal and requested that the NYSDEC conduct a review pursuant to 6 NYCRR Part 617.5(35); and

WHEREAS, in its response, the NYSDEC advised that the Town must make its request for an environmental review to the Commissioner of the NYSDEC; and

WHEREAS, the Town Attorney is of the opinion that in order to support such a request, it is advisable to retain the services of an engineer well-versed in mining operations to review Tilcon's current permit, reclamation plan as well as its dust and noise mitigation measures; and

WHEREAS, the Supervisor has received a proposal from H2M Group, which group has provided similar engineering services to other municipalities in which Tilcon operates, to provide professional engineering services to assist the Town in its efforts to ensure that Tilcon's operations are conducted within statutory regulations and in an environmentally sensitive manner; and

WHEREAS, the proposal has been reviewed by the Town Attorney who found the proposal 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 H2M Group, 575 Broad Hollow Road, Melville, NY 11747, to provide the professional engineering services outlined in Tasks I and III of its July 21, 2006 proposal; and be it

FURTHER RESOLVED, that the fees for said services shall not exceed \$27,100 without further authorization from the Town Board and shall constitute a proper charge to account no. A 1420-409.

On roll call the vote was as follows

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

RESOLUTION NO. (496-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH HDR/LMS ENGINEERING TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH THE TOWN'S MORATORIUM ON WIRELESS COMMUNICATIONS FACILITIES

WHEREAS, on May 9th, 2006, the Town of Clarkstown adopted a moratorium on the granting of special permits to site wireless communications facilities; and

WHEREAS, the purpose of the moratorium is, among other things, to allow the Town to study and review issues concerning the current and anticipated deployment and siting of wireless communications facilities in the Town; and

WHEREAS, in order to adequately review such issues, the Town requires the assistance of a professional engineering firm well-versed in such matters; and

WHEREAS, the Town solicited proposals from three (3) qualified firms to assist in its effort; and

WHEREAS, the Town's in-house moratorium committee has reviewed said proposals and recommends that the Town Board retain the services of HDR/LMS Engineering;

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 HDR/LMS Architecture and Engineering, PC, to perform those services set forth in its June 23, 2006 proposal; and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$26,100 without further authorization from the Board.

On roll call the vote was as follows

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

RESOLUTION NO. (497-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AWARING BID NO. 46-2004 – KILL VON BEASTE DRAINAGE PROJECT

WHEREAS, the Town of Clarkstown solicited bids for Bid No. 46-2004 – Kill Von Beaste Drainage Project; and

WHEREAS, while twelve (12) contractors purchased the bid specifications, the Town only received one (1) bid in response to its solicitation; and

WHEREAS, the sole bidder (Cal Mart Enterprises, Inc.) submitted a bid price of \$2,090,902.00, which was higher than the engineer's estimated cost; and

WHEREAS, the Department of Environmental Control requested that the engineer review the bid price in light of current market conditions; and

WHEREAS, the engineer, Leonard Jackson Associates, has reviewed the bid in light of current market conditions and provided a report, dated June 22, 2006, a copy of which is attached to this resolution; and

WHEREAS, the Director of Environmental Control has also reviewed the bid proposal and has negotiated with the sole bidder to reduce his bid price; and

WHEREAS, the sole bidder has agreed to reduce his bid price to \$1,976,102.00; and

WHEREAS, the County of Rockland has agreed to reimburse the Town the sum of \$800,000 toward the cost of the project;

NOW, THEREFORE, BE IT

RESOLVED, that based on the July 20, 2006 memorandum of the Director of Environmental Control (a copy of which is also attached) and the June 22, 2006 letter of Leonard Jackson Associates, the Town Board finds that:

1. the fact that there was only one bidder was likely due to the complexity of the project and/or lack of availability of qualified contractors, factors which are not likely to change in the near future; and
2. the engineer's estimate was based upon 2005 commodities prices, such as fuel prices, all of which have increased substantially since the estimate, and thus the proposal price is not unreasonable in light of current market conditions;
3. Cal Mart Enterprises, Inc. is a reputable contractor and has completed several similar projects for the Town of Clarkstown and the County of Rockland;
4. if the project were re-bid, is it likely that the Town would receive few bids and that the bids may in fact be higher, in light of the continuous rise in commodities prices;

and be it

RESOLUTION NO. (498-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (499-2006)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, The Town of Clarkstown solicited bids for the Municipal Repair Garage Addition under Bid #30-2006; and

WHEREAS, the sole Mechanical Contractor’s bid was higher than the architect’s estimate; and

WHEREAS, the sole bidder has agreed to reduce his bid price to an amount satisfactory to the architect and the Clerk of the Works; now therefore be it

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Clerk of the Works that

BID#30-2006 – MUNICIPAL REPAIR GARAGE ADDITION & ROOF REPAIR
 MECHANICAL/PLUMBING IMPROVEMENTS

is hereby awarded to: HAUSER BROTHERS MECHANICAL
 17 OLD SCHOOLHOUSE LANE
 ORANGEBURG, NY 10962
 PRINCIPALS: TIMOTHY M. HAUSER
 JAMES P. HAUSER

as per their low bid proposal of \$180,000.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

- a) Signed Contract Documents – two sets
- b) Performance Bond – 100% of the 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 Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker’s Compensation
- g) Certificate of Worker’s Disability Insurance Coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

FURTHER RESOLVED, that this project shall be under the supervision of the department of the Clerk of the Works; and be it

FURTHER RESOLVED, that fees for such work shall constitute a proper charge to account no. H-8757-409-0-81-17.

On roll call the vote was as follows

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

RESOLUTION NO. (500-2006)

Co. Maloney offered and Co. Lasker seconded

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

BID #35-2006 – ONE MOBILE ALL-TERRAIN EXCAVATOR WITH TRANSPORT
 FOR THE CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to: VOELKER EQUIPMENT CO., INC.
 P.O. BOX 868
 PINE BUSH, NY 12566
 PRINCIPALS: MARTIN VOELKER, PRESIDENT

as per the amount not to exceed \$250,000.00.

RESOLUTION NO. (500-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (501-2006)

Co. Mandia offered and Co. Lasker seconded

RESOLUTION AMENDING RESOLUTION NO. 140-2005

WHEREAS, on February 8, 2005 , by Resolution No. 140-2005, the Town Board awarded Bid No. 66-2004 "Town Hall Second and Third Floor Renovations" to Lorencin Contracting Inc. (General Contractor), Pearl River Plumbing Heating & Electric (HVAC & Plumbing) Naber Electric (Electrical); and

WHEREAS, change orders as a result of additional work required in the Old Police Building, Town Hall Second and Third Floors and Justice Court increased the cost of the project;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 140-2005 is hereby amended as follows:

That the total cost of the project is hereby increased from \$2,152,000 to \$3,027,000; and be it

FURTHER RESOLVED, that Capital Account No. H 8752-400-409-0-78-42 shall be adjusted accordingly.

On roll call the vote was as follows

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

RESOLUTION NO. (502-2006)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPROVE VARIOUS TRAINING SCHOOLS FOR MEMBERS OF THE CLARKSTOWN POLICE DEPARTMENT

WHEREAS, the Chief of Police, Peter Noonan, has recommended that the following schools and conferences be approved for training and professional education of member of the Clarkstown Police Department,

NOW, THEREFORE, it is

RESOLVED, that the Supervisor is hereby authorized to approve the recommended training schools as follows:

| | |
|---|----------------|
| SUPERVISING COUNTERDRUG OPERATIONS TRAINING/DCJS | Tuition N/A |
|---|----------------|

BE IT FURTHER RESOLVED, that the Chief of Police is hereby authorized to select and recommend those members of the Department who shall be permitted to attend the schools and conferences as approved hereby.

On roll call the vote was as follows

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

RESOLUTION NO. (503-2006)

Co. Nowicki offered and Co. Mandia seconded

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI (BARDONIA ASSOCIATES – 58.14-1-50)

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, BARDONIA ASSOCIATES v. TOWN OF CLARKSTOWN, Its ASSESSOR AND BOARD OF ASSESSMENT REVIEW, Index Nos. 4352/03, 4234/04, 4648/05 and 5180/06, affecting parcel designated as Map 58.14, Block 1, Lot 50, (f/k/a 33-B-3.1) and more commonly known as 167 Route 304, Bardonia, New York for the years 2003/04, 2004/05, 2005/06 and 2006/07, and

RESOLUTION NO. (503-2006) continued

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 Clarkstown Central 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 58.14, Block 1, Lot 50 be reduced for the year 2003/04 from \$725,000.00 to \$688,800.00 at a cost to the Town of \$546.59;

2. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.14, Block 1, Lot 50 be reduced for the year 2004/05 from \$725,000.00 to \$652,500.00 at a cost to the Town of \$1,274.87;

3. The assessment on the premises owned by the petitioner described on the assessment roll as Map 58.14, Block 1, Lot 50 be reduced for the year 2005/06 from \$725,000.00 to \$616,300.00 at a cost to the Town of \$1,970.47;

4. Reimbursement for the years 2003/04, 2004/05 and 2005/06 on the parcel described as Map 58.14, Block 1, Lot 50, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

5. The proceedings commenced by the petitioner respecting Map 58.14, Block 1, Lot 50 be discontinued for the year 2006/07;

6. 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. Nowicki. | Yes |
| Supervisor Gromack | Yes |

RESOLUTION NO. (504-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING VARIOUS DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$360,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$360,000 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 \$360,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$360,000 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 \$360,000 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 serial 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

RESOLUTION NO. (504-2006) continued

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 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, 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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 25, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 25, 2006, authorizing various drainage improvements, stating the estimated maximum cost thereof is \$360,000, appropriating said amount therefor, and authorizing the issuance of \$360,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various drainage improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$360,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$360,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$360,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$360,000 serial bonds will exceed five (5) years;

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

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (505-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$95,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$95,000 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 various roads. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$95,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$95,000 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 \$95,000 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 serial 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 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, 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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 25, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 25, 2006, authorizing the construction of improvements to various roads, stating the estimated maximum cost thereof is \$95,000, appropriating said amount therefor, and authorizing the issuance of \$95,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct improvements to various roads; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$95,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$95,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$95,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any

RESOLUTION NO. (505-2006) continued

bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$95,000 serial bonds will exceed five (5) years;

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

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (506-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING THE ACQUISITION OF A STEEL DECK MOTOR TRUCK SCALE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$50,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$50,000 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 a steel deck motor truck scale. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$50,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 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 \$50,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said 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 serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made 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 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, 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. (506-2006) 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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 25, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 25, 2006, authorizing the acquisition of a steel deck motor truck scale, stating the estimated maximum cost thereof is \$50,000, appropriating said amount therefor, and authorizing the issuance of \$50,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to acquire a steel deck motor truck scale; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$50,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$50,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$50,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$50,000 serial bonds will exceed five (5) years;

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

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (507-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR USE BY THE HIGHWAY DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$255,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$255,000 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 equipment for use by the Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$255,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$255,000 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 \$255,000 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 serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or

RESOLUTION NO. (507-2006) continued

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 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, 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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 25, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 25, 2006, authorizing the acquisition of equipment for use by the Highway Department, stating the estimated maximum cost thereof is \$255,000, appropriating said amount therefor, and authorizing the issuance of \$255,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to acquire equipment for use by the Highway Department; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$255,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$255,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$255,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$255,000 serial bonds will exceed five (5) years;

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

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (508-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWN HALL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$877,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$877,000 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 the Town Hall. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$877,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$877,000 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 \$877,000 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 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 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, 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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 25, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 25, 2006, authorizing the construction of improvements to the Town Hall, stating the estimated maximum cost thereof is \$877,000, appropriating said amount therefor, and authorizing the issuance of \$877,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct improvements to the Town Hall; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$877,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$877,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

RESOLUTION NO. (508-2006) continued

SECOND: AUTHORIZING the issuance of \$877,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$877,000 serial bonds will exceed five (5) years;

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

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (509-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWN GARAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$820,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$820,000 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 the Town garage. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$820,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$820,000 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 \$820,000 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 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 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, 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

RESOLUTION NO. (509-2006) continued

(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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 25, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 25, 2006, authorizing the construction of improvements to the Town garage, stating the estimated maximum cost thereof is \$820,000, appropriating said amount therefor, and authorizing the issuance of \$820,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct improvements to the Town garage; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$820,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$820,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$820,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$820,000 serial bonds will exceed five (5) years;

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

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

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

On roll call the vote was as follows

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

RESOLUTION NO. (510-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS AT THE KILL VON BEASTE STREAM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,980,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$800,000 EXPECTED TO BE RECEIVED FROM THE COUNTY OF ROCKLAND TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF \$1,180,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE THE BALANCE OF 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 drainage improvements at the Kill Von Beaste Stream. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,980,000 and said amount is hereby appropriated therefor. The plan of financing includes the expenditure of \$800,000 expected to be received from the County of Rockland to pay a part of said appropriation, the issuance of \$1,180,000 serial bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village 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 \$1,180,000 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 a part of said appropriation.

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

RESOLUTION NO. (510-2006) continued

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 (c) 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 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, 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 in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 25, 2006, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 25, 2006, authorizing the construction of drainage improvements at the Kill Von Beaste Stream, stating the estimated maximum cost thereof is \$1,980,000; appropriating said amount therefor, including the expenditure of \$800,000 expected to be received from the County of Rockland to pay a part of said appropriation; and authorizing the issuance of \$1,180,000 serial bonds of said Village to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to construct drainage improvements at the Kill Von Beaste Stream; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,980,000; APPROPRIATING said amount therefor, including the expenditure of \$800,000 expected to be received from the County of Rockland to pay a part of said appropriation; and STATING the plan of financing includes the expenditure of said \$800,000 in grant funds to pay a part of said appropriation, the issuance of \$1,180,000 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,180,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance a part of said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,180,000 serial bonds will exceed five (5) years;

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

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

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

RESOLUTION NO. (510-2006) continued

On roll call the vote was as follows

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

RESOLUTION NO. (511-2006)

Co. Nowicki offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 25, 2006, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE PROPOSED INSTALLATION OF AN EMERGENCY COMMUNICATIONS TOWER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$27,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$27,000 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 proposed installation of an emergency communications tower. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$27,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$27,000 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 \$27,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The 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 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, 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. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (512-2006)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND ON BEHALF OF ITS DEPARTMENT OF TRANSPORTATION

WHEREAS Rockland County has purchased buses from New York State for temporary use during the process of procuring new buses for T.R.I.P.S. and no longer has need of buses without all the features the County prefers, and

WHEREAS the County of Rockland is willing to turn over two said excess buses to Clarkstown Mini-Trans by means of an Intermunicipal Agreement, and

WHEREAS Clarkstown Mini-Trans will provide all applicable insurance and perform all maintenance and repair to the vehicles throughout the five year length of the agreement;

NOW THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into an agreement with the Rockland County Transportation Department in a form approved by the Town Attorney for the transfer of the vehicles to the Town on terms as described therein.

On roll call the vote was as follows

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

RESOLUTION NO. (513-2006)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN THE SERVICES OF A CONTRACTOR TO CLEAN A SWALE LOCATED WITHIN A TOWN DRAINAGE EASEMENT

WHEREAS, a drainage swale located within a Town drainage easement running over tax lot 52.19-2-39 requires cleaning and re-grading; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to perform the required work; and

WHEREAS, the Department of Environmental Control has received three (3) proposals in response to its solicitation; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Cusack Landscaping, Inc. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Cal Mart Enterprises, Inc. for their low proposal of \$2,375.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of:

*Cusack Landscaping, Inc.
PO Box 106
New City, NY 10956*

to perform this work in accordance with their proposal for an amount not to exceed \$2,375.00; and

FURTHER RESOLVED that this amount shall be a proper charge to (account to be determined)

On roll call the vote was as follows

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

The Supervisor opened the meeting for general public comments.

Chris Sieradzki- New City, President, Dellwood Park Civic Association

Spoke about poor condition of streets in Dellwood Park community. The Highway Department had been asked to inspect the condition by the residents. Superintendent of Highways, Wayne Ballard, confirmed the need for repairs, but could not include the repairs in the regular maintenance budget, but the work would have to be done as a separate project. Presented the Town Board with copies of a letter from the officers of Dellwood Park Civic Association, a letter to Superintendent of Highways, Wayne Ballard, including list of damages, reply letters from Superintendent Ballard, sample pictures of damages, a CD with pictures of damages, and 124 petitions from residents of Dellwood Park, (on file with Town Clerk). Asked the Town Board and Highway Department to approve and accept budget for repairs. Requested a schedule for repairs.

Supervisor- Superintendent Ballard contacted myself, the Comptroller, and the Director of Finance, earlier today. He brought forth the request and the needed work. He did do a thorough investigation. The estimated costs would be approximately \$475,000 for the repairs, plus another \$550,000 for the paving. So the cost would be roughly \$1,025,000. Since these are town roads, we have a responsibility and there is a need for repair. The good news is that this is a project that we will do. I would like the Comptroller, the Director of Finance, and the Superintendent of Highways to work on a timetable. While the entire parameters are not worked out, we are looking at perhaps a period over two years with the Belgian block starting in 2007 and 2008, followed up by the repaving. We acknowledge a need and will come up with an exact timetable in a few weeks, with a commitment to start next year. There is a list of roads in worse condition, so we have to weigh that with all the other projects. There is a major project on Zukor Road this year and multimillion dollar drainage projects, but we recognize the importance of this and we hope the residents of the Dellwood area know that we will lay out the timetable and the Town Board is addressing it. We hope we have your understanding and support of balancing it with other pending projects, considering this project will be over a million dollars.

Superintendent Ballard stated the town has many financial obligations and thanked the public for their patience. Zukor Road has a lot of cars traveling on it, about 6,000, so it needs attention first, because of the volume. There is much needed drainage on that road, which is going on right now. The Highway Department and DEC are taking on many projects, similar to this. Advised the Supervisor that the Dellwood Park project is a great idea.

Supervisor stated that if our State Senator and Assemblymen can get us some additional road repair money, and there is some talk of a multi-modal program in Albany, we may even be able to shorten the timetable. If we start with an estimated commitment of two years for the Belgian blocks, and in the third or fourth year with the paving, which goes against the paving in other parts of the town. There may be a few streets ahead, but we are looking at that time frame and we would like to move forward.

Mr. Sieradzki- Stated he would take the plan back to the Dellwood residents and he thanked the Town Board for receiving the petitions so well.

Supervisor Gromack- You have been very gracious and please express our thanks to the residents and we will move on this as quickly as possible.

Jack Schmidt- Valley Cottage

Thanked the Town Board for the Kill Von Beaste award and asked when the project would start. Supervisor stated this is a two million dollar drainage project, being done in partnership with Rockland County, so Clarkstown will be reimbursed for about \$800,000 of the project. Luke Kalarickal, DEC Director, stated we must get the necessary bonds and that the start date should be a month to forty-five days. Mr. Schmidt asked if the CSX was okay and whether there were any problems with the walls. The DEC Director stated the CSX wall was reviewed by our consultant and is acceptable, so we will talk with the contractor to proceed.

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, Town Board Meeting was closed 8:45PM.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING #1

Town Hall

07/25/2006

8:05 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
Pamela Sitomer, Deputy Town Clerk

Re: Continuation- Petition of MAK Development/Stop & Shop Supermarket Co. LLC for special permit to construct gasoline pumps and kiosk (Lot 43.11-2-38,39,40 & 41)

On motion of Co. Lasker, seconded by Co. Maloney, opened 8:05. On motion of Co. Nowicki, seconded by Co. Maloney, closed 8:20. RESOLUTION NO. (451-2006) unanimously adopted.

The Supervisor opened the floor for comments.

Martin Bernstein- New City

Spoke against there being any gas pumps at Stop & Shop. Asked what could be sold at kiosk and whether other automotive services could be provided, such as oil changes, air pressure checks, and tire and battery changes. The Supervisor advised that only automotive products could be sold, but the automotive services inquired about would not be allowed to be provided.

Jared Weber- Attorney with Silverberg Zalaades LLP, representing Supervalue, the neighboring gas station

Requested a continuation of hearing. As he was only retained two days ago, he asked to be advised by the Board if any of the following concerns were already addressed. In the Environmental Assessment Form (EAF) presented on July 22, 2005, it said there would be a traffic study submitted, but there was no traffic study done by John Collins Engineers in the file he reviewed today. His clients concerns are that people are backing out on Main Street and Cavalry Road, creating potential backlogs. Concerning the proposed additional restaurant, would it be fast food or a sit down type of establishment, as that might have an impact on traffic? The County of Rockland said that the bulk requirement and the parking were an issue, so he would like the applicant to address these questions, as well.

Amy Mele- Town Attorney

We continued the public hearing from the last town board meeting because we were referring certain matters out to certain county agencies. Of those agencies, the agency we were most anxious to hear from was the County Department of Health, who did respond to our request with no objection to the special permit, provided the applicant register as a Petroleum Bulk Storage Facility. We have not received any comments from the County Highway or the County Drainage Agency; however, should the Town Board choose to grant the special permit tonight, the applicant would be required to obtain any permits necessary from any county agencies and abide by any recommendations from those agencies with jurisdiction. At the last town board meeting, Mr. Simoes, the Town Planner, addressed the recommendations of the County Planning Department. He also addressed the two concerns of Clarkstown's Planning Department, that the kiosk only be allowed to sell automotive supplies and that the kiosk should only be open during the regular operating hours of the supermarket. The applicant has agreed to both of those conditions and they are a condition of the special permit should it be granted.

Supervisor – Asked Mr. Weber if he wanted answers from the applicant now or at a review by the Planning Board? Mr. Weber asked again for a continuation of the public hearing at a later time, whereby, the Supervisor advised that a continuation would not happen, due to the fact that we have spent a lot of time on this matter and we plan on entertaining a motion to move and adopt and close the public hearing. However, there will be ample time for Mr. Weber, in light of the fact that he was only retained two days ago, to meet with the Planning Board, the Town Planner, and the Vice Chairman and have many of his questions answered. I'm sure the applicant would be happy to meet with you on a separate occasion at Town Hall, so you may have the benefit that we have had over the many months of research that went into this. Obviously, being on the case for only two days isn't a lot of time, but we will make that time available. But we do intend to move and adopt and close the public hearing, but it doesn't close the opportunity for you to do the reviews. If you have any specific questions now, we would be happy to answer them, unless you prefer to wait until the Planning Board does their in depth review during site plan and all the other aspects of it.

Amy Mele - I believe that many of the issues you raised will be addressed in the context of the site plan review and approval, and don't necessarily relate to the special permit that we are talking about tonight. Regarding the county's comments on reducing the uses or the sizes of the structure, the applicant has agreed to reduce the structure by over 24,000 square feet, thereby reducing the parking deficit on the site. The applicant also agreed to redesign the site plan, eliminating the parking spaces to the north of the filling pumps, as suggested by the County Planning Department.

Joe Simoes- Town Planner

My understanding is that a traffic report was submitted and reviewed by our Traffic Control during the zoning amendment stage. We recently received a letter from the County Department of Highways finding the design acceptable and stating that a work permit was required prior to the start of construction, (on file with Town Clerk). Again, the site plan was redesigned to eliminate the parking near the gas station, addressing the concerns of the county.

Mr. Weber- Regarding the issue of the corner lot, we have a question of what is between the buffer, meaning the stream, and Route 304 that creates the right of way. Mr. Simoes stated that the special permit requires that the lot be a corner lot, which it is, as per the Building Inspector. The Town Attorney stated the Building inspector was asked to opine if this met the definition of a corner lot in our code and did so opine and found that it is a corner lot. She invited Mr. Weber to FOIL the file with that information, but he said he did not find this information in the special permit file he reviewed today at the Town Clerk's Office. Ms. Mele suggested he also review the file regarding the adoption of the local law itself, because some of those issues would be addressed. Mr. Weber asked for a continuation of the public hearing.

Supervisor- Invited Mr. Weber to FOIL any of the documents and files he wishes to review and to meet with the town officials previously specified and the applicant to have his questions answered, but we are not going to do that here, considering the many months we have been going through this. Suggested he contact Mr. Simoes tomorrow to go over the information both he and his clients are entitled to and which we would be happy to provide, but unless he has any specific questions that can't wait until tomorrow, we are going to move forward.

There being no one wishing to be heard, on motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 8:20 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

(RESOLUTION NO. (451-2006) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING #2

Town Hall

07/25/2006

8:21 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Maloney, Mandia, Lasker, & Nowicki
Amy Mele, Town Attorney
Pamela Sitomer, Deputy Town Clerk

Re: Proposed local law to amend Chapter 173 "Littering and Posting" of the Clarkstown Town Code

On motion of Co. Lasker, seconded by Co. Maloney, opened 8:21. On motion of Co. Maloney, seconded by Co. Lasker, closed 8:25, without making a determination on this matter. RESOLUTION NO. (452-2006) adopted.

The Supervisor opened the floor for comments.

Joel Epstein- Town Code Enforcer

Read into the record the following description of the amendments to Chapter 173:

The amendments to Chapter 173, our Littering and Posting Local Law adopted in 1984 on the heels of the landmark US Supreme Court case City Council of the City of Los Angeles v. Taxpayers for Vincent were designed to clarify some confusing language, update administration and enforcement, increase penalties and add a severability clause.

The fundamental statute has not changed. Its content neutral basis withstood a legal challenge as recently as last year and was upheld by the Federal District Court in White Plains as constitutional.

Three of six paragraphs were updated. Following are the specific changes:

- 1.) 173-2 Posting Prohibited. This paragraph was amended to add "display or carry" to the posting of illegal signs and "in or on any landscaped area" to the location of illegal postings. This was designed to address a recent proliferation of so called "signwalkers" displaying commercial signs in the right of way as well as to clarify the area of the right of way to include lawns, medians and the like.**
- 2.) 173-4 Penalties for offenses. The maximum penalty was changed from \$250 to \$1000 and each day's continued violation will constitute a separate offense. This maximum penalty, subject to the discretion of a Town Justice, was increased for better compliance and persuasion during prosecutions. Clearly, the right to due process as well as plea bargaining are still available to defendants as each individual case will be heard on its merits.**
- 3.) 173-5 Enforcement. The current code specifically burdened the Superintendent of Highways as the enforcement authority of Chapter 173. In view of the success of Operation Clean Sweep and its interdepartmental team effort, this paragraph was amended to add the Building Inspector, the Chief of Police and town officials with code enforcement authority as additional authorities. This is a pro forma change to clarify what the existing statute, while understood, is textually silent on.**
- 4.) 173-7 Severability. This clause was added, as it is in many Town Code sections, to thwart a legal challenge to the entire statute, where only one aspect is at issue. This again is a pro forma text change for the purpose of clarification.**

A letter from Rockland County Legislator Theodore R. Dusanenko to the Town Board expressing his concerns was entered into the record, along with a reply from Joel J. Epstein, Code & Zoning Enforcement/Community Liaison, (on file with Town Clerk).

Co. Nowicki- I wanted to compliment the Code Enforcement Officer. I went through the decision that Judge McMahon wrote. It was very witty reading and full of compliments for the way Clarkstown handled the entire situation and I think it's worthy of comment. I don't recall seeing a judge so complimentary about the town.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co.Lasker, and unanimously adopted, the public hearing was closed 8:25 P.M.

Respectfully submitted,

Pamela Sitomer
Deputy Town Clerk

(RESOLUTION NO. (452-2006) ADOPTED)