

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

8/16/11

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Shirley Lasker, Frank Borelli Stephanie Hausner  
& George Hoehmann  
Amy Mele, Town Attorney  
Justin Sweet, Town Clerk

The Supervisor declared Town Board meeting opened. Assemblage saluted the flag. The Town Clerk read the roll call.

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SPECIAL PRESENTATION: The Town Board recognized the Clarkstown New City Generals for achieving the title of New York State Champions, AABC Metro Division. The following boys were recognized

Jack Wishner	Jack Addeo	Matthew Savedoff
Joseph Di Rocco	Brady Timmerberg	Maxwell Murray
John Maraia	Andrew Knapp	Thomas Kreider
Dennis Riordan	Nicolas Martinez	
Logan Maher	Corey Savedoff	

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Supervisor Gromack opened the meeting for comments on the Agenda items.

Steven Levine, Congers  
Asked for an explanation of Item 2B and Item 25.

Town Attorney Mele explained Item 2b, setting a public hearing for a Proposed Local Law. This public hearing will address installing a new chapter relating to the sale of graffiti implements as well as amending Chapter 240, Shopping Center Parking Areas, to include regulations for clothing bins, and removal of building defacement and graffiti; amending Chapter 109, Building Construction Administration, to update Energy Star Requirements; and, finally, Amending Chapter 136, Blasting, to require certain permitting requirements Regarding Item 25, setting a public hearing for Sewer Improvement, this is a requirement according to §209Q of Town Law in order to issue bonds related to Phase III of the New City revitalization.

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RESOLUTION NO. (433-2011)  
Co. Lasker offered and Co. Hoehmann seconded

RESOLVED, that the Town Board Minutes of July 19, 2011 and the Special Town Board Minutes of August 2, 2011 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows

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

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RESOLUTION NO. (434-2011)  
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, an application has been made by Charles Elin that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare the unimproved portion of Columbus Avenue, north of Gilchrest Road, at the bend, approximately 140 feet west of NYS Route 303, Congers, New York be abandoned, upon the grounds that same has never been used by the public, and

WHEREAS, said street currently appears on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly unopened road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown has determined to consider the application pursuant to Section 205 of the Highway Law, or alternately, deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be held in the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on September 20, 2011, at 8:00 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and/or deletion of same from the Official Map, and be it

FURTHER RESOLVED, that the Town Attorney provide such notices to other municipalities as may be required by the General Municipal Law, and to 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 applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Local Law of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and filing of its affidavit of compliance with the Town Clerk on or before September 20, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (435-2011)  
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, Councilperson Hoehmann, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled "A Local Law creating Chapter 112 – Sale, Purchase & Possession of Graffiti Implements, amending Chapter 240- Shopping Center Parking Areas to include the regulation of the placement of Clothing Bins, amending Chapter 216 – Maintenance of Property to include requirements for the removal of building defacements and graffiti, amending Chapter 109 – Building Construction Administration to update Energy STAR requirements and amending Chapter 136 – Blasting, to update permitting requirements of the Code of the Town of Clarkstown" , and

WHEREAS, this proposed local law is intended to install and amend certain chapters of the Town Code;

NOW THEREFORE, be it

RESOLUTION NO. (435-2011) continued

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on September 20, 2011 at 8:00PM or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause same to be published and posted as aforesaid and file proof thereof in the Office of said Clerk.

On roll call the vote was as follows

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

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RESOLUTION NO. (436-2011)

Co. offered and Co. seconded

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and

WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the Clarkstown Central School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to enter into an agreement with the Clarkstown Central School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2011-2012 school year, and be it

FURTHER RESOLVED, that the Clarkstown Central School District shall pay \$2,350 for each child duly enrolled in the Universal Pre-Kindergarten Program.

On roll call the vote was as follows

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

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RESOLUTION NO. (437-2011)

Co. offered and Co. seconded

WHEREAS, the Education Law makes provision for local School Districts to provide Universal Pre-Kindergarten Programs, and

WHEREAS, the Town of Clarkstown desires to be one of the sites designated by the Nyack School District to provide the Universal Pre-Kindergarten Program;

NOW, THEREFORE, be it

RESOLVED, that hereby authorizes the Supervisor to enter into an agreement with the Nyack School District, in a form approved by the Town Attorney, to provide the Universal Pre-Kindergarten Program at the Town of Clarkstown Street Community Center, New City, New York, during the 2011-2012 school year, and be it

FURTHER RESOLVED, that the Nyack Central School District shall pay \$2,380 for each child duly enrolled in the Universal Pre-Kindergarten Program.

RESOLUTION NO. (437-2011)

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (438-2011)

Co. Hoehmann offered and Co. Lasker seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of various town roads for an additional period of two (2) years, continuing from August 15, 2011 to August 15, 2013, as follows:

Sponsor: Curti's Landscaping, Inc.  
 91 West Nyack Road  
 Nanuet, NY 10954

Roads: .3 mile segment of Demarest Mill Road, from  
 Route 304 to West Nyack Road  
 Nanuet, NY 10954

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from August 15, 2011 to August 15, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by Curti's Landscaping, Inc. to remove trash from the roadway.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (439-2011)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment as follows:

RESOLUTION NO. (439-2011) continued

<u>Quantity</u>	<u>Vehicle</u>	<u>Estimated Cost per Vehicle</u>	<u>Estimated Total Cost</u>
2	2012 International 4x4 Heavy Duty Plow Trucks	\$108,014.79	\$216,029.58

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

FURTHER RESOLVED, that said equipment shall be procured by soliciting competitive bids, and be it

FURTHER RESOLVED, that the purchase of said equipment, in an amount not to exceed \$216,029.58 in the aggregate be charged to Account No. H-8762-409-0-86-8.

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

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann. . . . . Yes  
 Co. Hausner . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (440-2011)

Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, Town Board Resolution 573-2010 awarded bid #44-2010; Park Avenue/Pacific Avenue Drainage Improvements to Marini Brothers Construction Co. Inc. for the amount of \$58,000.00; and

WHEREAS, additional paving work is required in order to prevent street runoff from entering the garage of the house located at #11 Park Place; and

WHEREAS, the Department of Environmental Control requested a proposal from Marini Brothers Construction Co. Inc. to perform the additional work; and

WHEREAS, Marini Brothers Construction Co. Inc. submitted a proposal to perform the additional work in the amount of \$4,800.00; and

WHEREAS, change order #2 has been reviewed by the Department of Environmental Control and found acceptable as follows:

- a. Remove existing asphalt and repave garage approach for house #11 Park Place \$4,800.00
- Total Change Order Amount \$4,800.00

NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the current amount of \$66,380.00 to \$71,180.00 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account # H 8761 400 409 0 85 17

RESOLUTION NO. (440-2011) continued

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann... . . . . Yes  
 Co. Hausner . . . . .Yes  
 Supervisor Gromack . . . . .Yes  
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RESOLUTION NO. (441-2011)

Co. Borelli offered and Co. Lasker seconded

WHEREAS, a resident of Summit Drive, New City, New York 10956, in the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community; and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by the Department of Environmental Control; and

WHEREAS, majority of the surrounding property owners have indicated that they are in accord with this proposed lighting;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Summit Drive in New City between 9 & 11 Summit Drive, New City.

Install one (1) – 70-watt – 5,800 sodium vapor street light on Pole # 58765/42447

AND BE IT FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery, which charge shall include maintenance of this street lighting equipment, will be at \$9.10 per light, per month, for each sodium vapor fixture, plus market supply charge, fuel adjustment charge, which shall be charged to Account #SL 5182 461.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
 Co. Borelli . . . . . Yes  
 Co. Hoehmann... . . . . Yes  
 Co. Hausner . . . . .Yes  
 Supervisor Gromack . . . . .Yes  
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RESOLUTION NO. (442-2011)

Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, in recent years, the Planning Board has reviewed and approved site plans for various car dealerships located in the vicinity of Routes 59, 303 and 304 with the imposition of map notes prohibiting car carriers from loading and unloading vehicles in the state right-of-ways, and

WHEREAS, the Planning Board has advised the Town Board that the car carriers continue this practice and are creating a safety hazard in the vicinity of the car dealerships, and

WHEREAS, the Planning Board has recommended that the Town Board request the New York State Department of Transportation to install signage on Routes 59, 303 and 304 prohibiting car carriers from loading and unloading vehicles in the state right-of-ways;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby requests and authorizes the New York State Department of Transportation to install said signage in the vicinity of car dealerships on Routes 59, 303 and 304.

RESOLUTION NO. (442-2011) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (443-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Pamela McQuade, 3 Jeffrey Court, West Nyack, New York – Principal Clerk Stenographer – Parks and Recreation - is hereby granted a Sick Leave of Absence – at one half pay - effective and retroactive to August 8, 2011 thru September 8, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (444-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that Ralph J. Francella, 39 Friend Street, Congers, New York – Crossing Guard (substitute) - is hereby appointed to the position of Crossing Guard (full-time) – Police Department at the current 2011 hourly rate of \$18.31., per crossing – effective to September 7, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (445-2011)

Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that June A. Gabrielli, 2 Hannah Lane, Valley Cottage, New York – is hereby appointed to the position of Crossing Guard (full time) – Police Department at the current 2011 hourly rate of \$18.31., - per crossing effective to September 6, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (446-2011)  
Co. Hausner offered and Co. Hoehmann seconded

WHEREAS, the County of Rockland has tendered a contract award to the Town of Clarkstown Police Department for costs incurred for members of the REACT Team to attend the New York State Tactical Officers' Conference from April 11, 2011 to April 13, 2011 in the amount of \$4,190.70, in accordance with the SHSP Homeland Security Grant;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to obtain reimbursement in the amount of \$4,190.70, for attendance by the REACT Team members of the Clarkstown Police Department in the New York State Tactical Officers' Conference for counter-terrorism training.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (447-2011)  
Co. Hausner offered and Co. Lasker seconded

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

“A Local Law Amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to Hamlet Center Senior Housing” and

WHEREAS, the proposed local law is to create a new section within the Town of Clarkstown Zoning Code, Section 290-17-O(B) PROJECTS WITHIN HAMLET CENTERS;

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

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and its consultant Behan Planning, LLC, 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. Borelli . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (448-2011)  
Co. Borelli offered and Co. Hoehmann seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Public Works Administrator that

BID # 27-2011 – SOUTH MAIN STREET IMPROVEMENTS – PHASE III

is hereby awarded to: MORANO BROTHERS CORP  
2045 ALBANY POST ROAD  
CROTON-ON –HUDSON, NY 10520  
PRINCIPAL: ANGELO MORANO  
ANTHONY MORANO

as per their proposed project base price of \$8,666,750.00 plus the sum of the add alternate items of \$186,363.00 together with an 18% contingency for a total of \$10,446,673.00 and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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

FURTHUR RESOLVED, that this project shall be under the supervision of the Public Works Administrator, and be it

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-5111-400-409-0-4-16, and be it

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

On roll call the vote was as follows

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

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RESOLUTION NO. (449-2011)  
Co. Lasker offered and Co. Hoehmann seconded

WHEREAS, by Resolution #429-2009 the Town Board authorized advertising for bids for Bid #54-2009 – Mountainview Emergency Communications Tower Site Improvements and

WHEREAS, bids were to be received by the Purchasing Department on July 27, 2011 by 11:00 a.m. and

WHEREAS, the Town is rejecting the General Construction and Site bids received, now therefore be it

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

**BID #54A-2009 – MOUNTAINVIEW EMERGENCY COMMUNICATIONS  
TOWER SITE IMPROVEMENTS**

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows

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

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RESOLUTION NO. (450-2011)  
Co. Hausner offered and Co. Lasker seconded

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

**BID#30-2011 – JOSEPH LANE DRAINAGE IMPROVEMENTS**

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

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

On roll call the vote was as follows

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

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RESOLUTION NO. (451-2011)  
Co. Hausner offered and Co. Lasker seconded

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

BID#33-2011 – SOUTH MOUNTAIN ROAD DRAINAGE IMPROVEMENTS

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

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

On roll call the vote was as follows

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

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RESOLUTION NO. (452-2011)  
Co. Hausner offered and Co. Lasker seconded

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

BID#34-2011 – REFUSE PICK-UP SERVICES – TOWN FACILITIES

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

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

On roll call the vote was as follows

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

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RESOLUTION NO. (453-2011)  
Co. Hausner offered and Co. Borelli seconded

WHEREAS, the contract with Clarkstown Medical Associates, P.C. to provide services to the Clarkstown Police Department as police surgeon expired on May 31, 2011; and

WHEREAS, a new agreement has not yet been executed;

NOW, THEREFORE, BE IT RESOLVED, that Clarkstown Medical Associates, P.C. will continue as an independent contractor as police surgeon on a month to month basis under the same terms and conditions as the expired agreement; and be it

FURTHER RESOLVED, that this resolution shall be effective as of June 1, 2011.

RESOLUTION NO. (453-2011) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (454-2011)

Co. Hoehmann offered and Co. Lasker 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:

“Stop” signs and Stop Lines at the following locations in New City  
 On Tavo Lane at Gable Road  
 On Raleigh Drive at Laurel Road  
 On Glen Haven Dr. at Raleigh Drive  
 On Durant Road at Laurel Road

As per Sec. 211.3 signs R1-1A of the NYS DOT’s Manual of Uniform Traffic Control Devices.

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.

On roll call the vote was as follows

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

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RESOLUTION NO. (455-2011)

Co. Hoehmann offered and Co. Lasker 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:

“Stop” signs and Stop Lines at both ends of Grace Street and East Orchard Street, Nanuet as per sec. 211.3 sign no. R1-1a of the NYS DOT’S Manual of Uniform Traffic Control Devices.

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.

On roll call the vote was as follows

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

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RESOLUTION NO. (456-2011)  
Co. Hoehmann offered and Co. Lasker seconded

WHEREAS, the new Congers Lake Trailway has increased the intensity of use of the Paul Farmhouse parking lot, Gilchrest Road, Congers for access to the trailway, and

WHEREAS, due to this increased use, pedestrian crossing at this location has also increased,

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

Pedestrian crosswalk striping on Gilchrest Road, Congers from the south entrance to the Congers Lake Trailway to the Paul Farmhouse Parking Lot and Pedestrian Crossing signs as per the NYS DOT Manual of Uniform Traffic Control Devices Section 235, Sign No. W5-2 on the east and west sides of Gilchrest Road, Congers, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to Superintendent of Highways for implementation and the Superintendent of Parks and Recreation for information and the Chief of Police for information and enforcement.

On roll call the vote was as follows

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

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RESOLUTION NO. (457-2011)  
Co. Hoehmann offered and Co. Lasker 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:

Pedestrian Crossing signs as per the NYS DOT ‘ Manual of Uniform Traffic Control Devices Sec. 235 sign no. W5-2 on the East and West sides of Smith Street, Nanuet at NYS Route 59

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.

On roll call the vote was as follows

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

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RESOLUTION NO. (458-2011)  
Co. Hoehmann offered and Co. Lasker 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:

Pedestrian Crossing signs as per the NYS DOT's Manual of Uniform Traffic Control Devices Sec. 235 sign no. W5-2 on the East and West sides of South Main Street at Elinor Place, New City.

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.

On roll call the vote was as follows

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

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RESOLUTION NO. (459-2011)  
Co. Hoehmann offered and Co. Borelli seconded

WHEREAS, by Resolution #289-2011 the Town Board authorized advertising for bids for Bid #24-2011 – Quaspeck Park Drainage Improvements and

WHEREAS, bids were to be received by the Purchasing Department on August 9, 2011 by 11:00 a.m. and

WHEREAS, the Town is rejecting all bids received, now therefore be it

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

**BID #24A-2011 – QUASPECK PARK DRAINAGE IMPROVEMENTS**

Bids to be returnable to the office of the Authorized Purchasing Agent, 10 Maple Avenue, New City, New York by \_\_\_\_\_ on TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Department of Environmental Control at the above address.

On roll call the vote was as follows

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

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RESOLUTION NO. (460-2011)  
Co. Lasker offered and Co. Hausner seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #11107 (RC/NCP)Principal Clerk – Police Records Department which contains the name of Joan M. Murphy,

NOW, therefore, be it

RESOLVED, that Joan M. Murphy, 12 Shore Road, New City, New York – is hereby appointed to the (promotional) (permanent) position of Principal Clerk – Police Records Department – at the current 2011 annual salary of \$57,177., - effective and retroactive to August 15, 2011.

On roll call the vote was as follows

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

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RESOLUTION NO. (461-2011)  
Co. Lasker offered and Co. Hausner seconded

RESOLVED, that Rabbi Jeffrey Abraham, 308 Front Street, Upper Nyack, New York – is hereby appointed to the position of Member – Board of Ethics – (to fill the unexpired term of Rabbi Joshua Gruenberg) – at the current annual salary of -\$2,225., term effective August 16, 2011 and to expire on June 26, 2015.

On roll call the vote was as follows

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

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RESOLUTION NO. (462-2011)  
Co. Hoehmann offered and Co. Lasker seconded

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

WHEREAS, the following group wishes to continue to adopt the below segment of town road for an additional period of two (2) years, continuing from September 1, 2011 to September 1, 2013, as follows:

Sponsor: Aldan Press  
57 Bardonia Road  
Bardonia, NY 10954

RESOLUTION NO. (462-2011) continued

Road: 0.9 mile segment of Ludvigh Road, from  
Route 304 to Middletown Road  
Bardonia, NY 10954

and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years continuing from September 1, 2011 to September 1, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the above named to remove trash from the roadway.

On roll call the vote was as follows

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

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RESOLUTION NO. (463-2011)

Co. Hoehmann offered and Co. Lasker seconded

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

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, continuing from August 14, 2011 to August 14, 2013, as follows:

Sponsor: Housecraft Inc.  
43 Maple Avenue  
New City, NY 10956

Road: .5 mile segment of Cairnsmuir Lane from Congers Road  
to Strawtown Road, New City, New York,

and

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

NOW, THEREFORE, be it

RESOLUTION NO. (463-2011) continue

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years continuing from August 14, 2011 to August 14, 2013, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment, and to provide and coordinate services by the Housecraft Inc. organization, to remove trash from the roadway.

On roll call the vote was as follows

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

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RESOLUTION NO. (464-2011)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 16, 2011, AUTHORIZING THE ACQUISITION AND INSTALLATION OF TRAFFIC LIGHTS IN CONNECTION WITH THE NEW CITY DOWNTOWN REVITALIZATION PROJECT (PHASE III), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$680,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$680,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire and install traffic lights in connection with the New City Downtown Revitalization Project (Phase III). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$680,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$680,000 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 \$680,000 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 Sections 11.00 a. 72(a) of the Law, is twenty (20) years.

## RESOLUTION NO. (464-2011) continued

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

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 16, 2011, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

## RESOLUTION NO. (464-2011) continued

“Bond Resolution of the Town of Clarkstown, New York, adopted August 16, 2011, authorizing the acquisition and installation of traffic lights in connection with the New City Downtown Revitalization Project (Phase III), stating the estimated maximum cost thereof is \$680,000, appropriating said amount for such purpose, and authorizing the issuance of \$680,000 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 and install traffic lights in connection with the New City Downtown Revitalization (Phase III); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$680,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$680,000 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 \$680,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York 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 twenty (20) 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 \$680,000 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.

DATED: August 16, 2011

Justin Sweet  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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RESOLUTION NO. (464-2011) continued

On roll call the vote was as follows

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

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RESOLUTION NO. (465-2011)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 16, 2011, AUTHORIZING THE CONSTRUCTION OF SIDEWALK AND CURB IMPROVEMENTS IN CONNECTION WITH THE NEW CITY DOWNTOWN REVITALIZATION PROJECT (PHASE III), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,185,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$2,185,000 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 sidewalk and curb improvements in connection with the New City Downtown Revitalization Project (Phase III). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,185,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$2,185,000 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 \$2,185,000 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 Sections 11.00 a. 24 of the Law, is ten (10) years.

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

## RESOLUTION NO. (465-2011) continued

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 16, 2011, 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 August 16, 2011, authorizing the construction of sidewalk and curb improvements in connection with the New City Downtown Revitalization Project (Phase III), stating the estimated maximum cost thereof is \$2,185,000, appropriating said amount for such purpose, and authorizing the issuance of \$2,185,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (465-2011) continued

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

FIRST: AUTHORIZING said Town to construct sidewalk and curb improvements in connection with the New City Downtown Revitalization (Phase III); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,185,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$2,185,000 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 \$2,185,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York 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 ten (10) 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 \$2,185,000 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.

DATED: August 16, 2011

Justin Sweet  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

\* \* \*

On roll call the vote was as follows

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

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## RESOLUTION NO. (466-2011)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 16, 2011, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS IN CONNECTION WITH THE NEW CITY DOWNTOWN REVITALIZATION PROJECT (PHASE III), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,730,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$5,730,000 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 road improvements in connection with the New City Downtown Revitalization Project (Phase III). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,730,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$5,730,000 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 \$5,730,000 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 Sections 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. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

## RESOLUTION NO. (466-2011) continued

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

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 16, 2011, 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 August 16, 2011, authorizing the construction of road improvements in connection with the New City Downtown Revitalization Project (Phase III), stating the estimated maximum cost thereof is \$5,730,000, appropriating said amount for such purpose, and authorizing the issuance of \$5,730,000 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 road improvements in connection with the New City Downtown Revitalization (Phase III); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$5,730,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$5,730,000 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. (466-2011) continued

SECOND: AUTHORIZING the issuance of \$5,730,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York 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 \$5,730,000 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.

Justin Sweet  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

\* \* \*

On roll call the vote was as follows

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

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RESOLUTION NO. (467-2011)

Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 16, 2011, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS IN CONNECTION WITH THE NEW CITY DOWNTOWN REVITALIZATION PROJECT (PHASE III), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$815,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$815,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

## RESOLUTION NO. (467-2011) continued

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 in connection with the New City Downtown Revitalization Project (Phase III). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$815,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$815,000 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 \$815,000 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 Sections 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. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

## RESOLUTION NO. (467-2011) continued

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 16, 2011, 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 August 16, 2011, authorizing the construction of drainage improvements in connection with the New City Downtown Revitalization Project (Phase III), stating the estimated maximum cost thereof is \$815,000, appropriating said amount for such purpose, and authorizing the issuance of \$815,000 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 drainage improvements in connection with the New City Downtown Revitalization (Phase III); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$815,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$815,000 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 \$815,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York 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 \$815,000 serial bonds will exceed five (5) years;

RESOLUTION NO. (467-2011) continued

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.

Justin Sweet  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

\* \* \*

On roll call the vote was as follows

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

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RESOLUTION NO. (468-2011)  
Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 16, 2011, AUTHORIZING CONSTRUCTION OF VARIOUS IMPROVEMENTS IN CONNECTION WITH THE NEW CITY DOWNTOWN REVITALIZATION PROJECT (PHASE III), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$600,000 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 improvements in connection with the New City Downtown Revitalization Project (Phase III), including installation of benches, a bike hitch, a bus shelter, trash bins, recycling binds, sign posts and plantings. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000 and said amount is hereby

## RESOLUTION NO. (468-2011)

appropriated for such purpose. The plan of financing includes the issuance of \$600,000 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 \$600,000 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:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

RESOLUTION NO. (468-2011) continued

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. Borelli . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (469-2011)  
Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 16, 2011, AUTHORIZING CONSTRUCTION AND INSTALLATION OF STREET LIGHTING IMPROVEMENTS IN CONNECTION WITH THE NEW CITY DOWNTOWN REVITALIZATION PROJECT (PHASE III), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,040,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,040,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct and install street lighting improvements in connection with the New City Downtown Revitalization Project (Phase III). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,040,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,040,000 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 \$1,040,000 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:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

Resolution no. (469-2011) continued

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

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

On roll call the vote was as follows

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

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RESOLUTION NO. (470-2011)  
Co. Hoehmann offered and Co. Borelli seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 16, 2011, AUTHORIZING THE REPLACEMENT OF A DRAINAGE CULVERT ON OLD HAVERSTRAW ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$90,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$90,000 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 replace a drainage culvert on Old Haverstraw Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$90,000 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 \$90,000 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 Sections 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. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and

## RESOLUTION NOL (470-2011) continued

contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 16, 2011, 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 August 16, 2011, authorizing the replacement of a drainage culvert on Old Haverstraw Road, stating the estimated maximum cost thereof is \$90,000, appropriating said amount for such purpose, and authorizing the issuance of \$90,000 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 replace a drainage culvert on Old Haverstraw Road; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$90,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$90,000 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 \$90,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York 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

RESOLUTION NO. (470-2011) continued

are authorized; and the proposed maturity of said \$90,000 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.

Justin Sweet  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows

Co. Lasker . . . . . Yes  
Co. Borelli . . . . . Yes  
Co. Hoehmann. . . . . Yes  
Co. Hausner . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (471-2011)  
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of Environmental Control that

BID # 29-2011 – SEWER RELOCATION - SOUTH MAIN STREET

is hereby awarded to: MONTANA CONSTRUCTION CORP, INC.  
80 CONTANT AVENUE  
LODI, NJ 07644  
PRINCIPAL: LISA BALLERINI  
VINCENT SANTAITE

as per their proposed project base price of \$630,750.00

ADDITIONAL/ALTERNATE ITEMS

- 1 – Rock Excavation  
This price shall be used to determine the total cost of rock excavation based on field measurements. \$350.00/C.Y.
- 2 – Removal and disposal of unsuitable subgrade material as ordered by the engineer \$85.00/C.Y.
- 3 – NYS Item 4 backfill material \$121,00.00

RESOLUTION NO. (471-2011) continued

and be it

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

- a) Signed Contract Documents – four sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation insurance coverage
- g) Certificate of Worker's Disability Insurance coverage
- h) Evidence that all Contractors/Sub-contractors have entered into an Apprenticeship Agreement which has been registered with and approved by the NYS Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

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

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

FURTHER RESOLVED, that this project shall constitute a proper charge to account number H-5111-400-409-0-4-16, and be it

FURTHER RESOLVED, that it is the intent of the Town Board to fund this project with the issuance of Serial Bonds; and such bid award shall be contingent upon the Town Board's approval of the issuance of said bonds.

On roll call the vote was as follows

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

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RESOLUTION NO. (472-2011)

Co. Hoehmann offered and Co. Hausner seconded

WHEREAS, at the Planning Board meeting held on July 20, 2011, the Planning Board adopted a resolution requesting the Town Board to authorize the Planning Board to require the use of Town Law § 278 (Cluster Development) in connection with the Sky Drive Subdivision, which is located at the end of Sky Drive, New City, New York, and is designated on the Clarkstown Tax Map as 26.18-1-4 (the "Property"), and

WHEREAS, the Planning Board seeks authorization to utilize Town Law § 278 with respect to said subdivision, and

WHEREAS, the Planning Board found that the proposed clustering of the three (3) lot subdivision meets the goals of the 2009 Comprehensive Plan, will provide permanent protection of steep slopes by dedicating this portion of the property to the Palisades Interstate Park Commission and will protect the wetlands on the property by granting a proposed conservation easement to the Town, and

RESOLUTION NO. (472-2011) continued

WHEREAS, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency on the Sky Drive Subdivision and that the Deputy Director of the Department of Environmental Control shall act as agent for the Town Board with respect to SEQRA review, and

WHEREAS, by memorandum dated August 16, 2011, the Deputy Director of the Department of Environmental Control, as agent for SEQRA, found that this is an Unlisted action under the provisions of 6NYCRR (SEQRA) Part 617, and further found that application of Town Law § 278 to said subdivision will not result in any adverse impact on the environment, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law § 278 in connection with this subdivision for the reasons outlined above, and

WHEREAS, the Town Board of the Town of Clarkstown agrees with the Planning Board’s determination that it would be a benefit to the Town if Town Law § 278 authorization is granted for the development of the property in connection with this subdivision for the reasons outlined above, including, but not limited to, providing permanent protection of steep slopes by dedicating this portion of the property to the Palisades Interstate Park Commission and protecting the wetlands on the property by granting the proposed conservation easement to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts and incorporates by reference the Department of Environmental Control’s SEQRA findings herein, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to require the use Town Law § 278 for the proposed Sky Drive Subdivision, which is designated on the Clarkstown Tax Map as 26.18-1-4, subject to the applicant complying with all rules, regulations and requirements of law, and any additional requirements imposed by the Clarkstown Planning Board, and be it

FURTHER RESOLVED, that this resolution, with conditions, shall be recorded as a Covenant in the Rockland County Clerk’s office, to run with the land.

On roll call the vote was as follows

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

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RESOLUTION NO. (473-2011)

Co. Borelli offered and Co. Hoehmann seconded

WHEREAS, culvert #368 as shown by the Town of Clarkstown Comprehensive Drainage Study and located on Old Haverstraw Road, Congers, New York is in a state of disrepair; and

WHEREAS, the Clarkstown Department of Environmental Control has inspected said culvert and recommends that it be replaced with a culvert fabricated from steel and/or aluminum structural plate; and

WHEREAS, current New York State contract Group 37700 – Culvert & Underdrain Pipe Tubing (w/Arches, Bands & Accessories) – Metal & Plastic Based (Statewide) – Award #21142-RA contains those materials required to fabricate said replacement culvert;

RESOLUTION NO. (473-2011) continued

NOW THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to purchase materials from said New York State contract Group 37700 (Award #21142-RA) in an amount not to exceed \$87,500 without further resolution of the Town Board of the Town of Clarkstown; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account number H-8762-400-409-0-86-15

On roll call the vote was as follows

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

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RESOLUTION NO. (474-2011)  
Co. Hoehmann offered and Co. Hausner seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for September 13, 2011 immediately following the workshop meeting scheduled for 7:30 p.m. on said day in Room 301 of the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York. The purpose of said meeting is as follows:

To hold a public hearing to consider construction of sewer improvements for the sewer lines on Main Street in New City,

and any such other matter that the Town Board may wish to consider.

On roll call the vote was as follows

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

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RESOLUTION NO. (475-2011)  
Co. Hoehmann offered and Co. Lasker seconded

At a meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, New York, held at the Town Hall, in said Town, on the 16th day of August, 2011.

PRESENT:

Hon. Alexander Gromack, Supervisor  
Shirley Lasker, Councilperson  
Frank Borelli, Councilperson  
George Hoehmann, Councilperson  
Stephanie Hausner, Councilperson

## RESOLUTION NO. (475-2011) continued

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In the Matter

of the

Construction of Sewer Improvements in the  
Town of Clarkstown in the County of  
Rockland, New York pursuant to Article 12-C  
of the Town Law

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Offered by: Councilperson George Hoehmann

Seconded by: Councilperson Shirley Lasker

ORDER CALLING FOR A PUBLIC  
HEARING TO BE HELD ON  
SEPTEMBER 13, 2011

WHEREAS, the Town Board of the Town of Clarkstown (herein called the "Town"), in the County of Rockland, New York, has caused the Town's Department of Environmental Conservation to prepare a general map, plan and report for the proposed construction of sewer improvements, consisting of the replacement of sewer lines on Main Street in New City, including furnishings, equipment, machinery and apparatus required in connection therewith (referred to herein as the "Sewer Improvement"), all within the unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, which map, plan and report has been heretofore duly filed in the office of the Town Clerk for public inspection; and

WHEREAS, such Sewer Improvement will benefit the entire unincorporated area of the Town outside of any villages, said area having been designated as the Benefited Area pursuant to the Town Law; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$750,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the entire unincorporated area of the Town outside of any villages, which assessments shall be levied and collected in the same manner and at the same time as other Town charges, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the annual cost of operation and maintenance of said Sewer Improvement shall be paid by a charge upon the entire unincorporated area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law, and in connection therewith the Town Board has determined that the project is a Type II action for purposes of SEQRA and no further environmental review is required;

Now, therefore, be it

ORDERED, that the Town Board of the Town meet and hold a public hearing at the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of September, 2011, at 8:00 o'clock P.M. (Prevailing Time) to consider the construction of such Sewer Improvement within the Benefited Area, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

RESOLUTION NO. (475-2011) continued

FURTHER ORDERED, that the Town Clerk publish at least once in the "Journal-News", a newspaper having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the bulletin board in the office of the Town Clerk, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

On roll call the vote was as follows

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

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Supervisor Gromack opened the meeting for general public comments.

Phil DeGaetano, New City  
Thanked the Town Board for the getting sewers on Sharon Drive. He also thanked Highway Supervisor, Wayne Ballard and Environmental Department employee, Chris Wagner, for their help in this matter.

Gerry O'Rourke, Congers  
Spoke in favor of the implementation of term limits for the Town Board members and he presented more than 3,000 signatures in support of this.

Jonathan Steckler, New City  
Spoke in opposition to term limits.

Guy Gervasi, West Nyack  
Spoke in favor of term limits.

Terry Schwartz, 95 Tennyson Drive  
Asked the Town to set a regulation for driveway standards and spoke of problems caused by his neighbor's driveway.

Sandra Siegel, New City  
Spoke about the conditions on New Hempstead Road and asked when the project will be completed.

Ralph Sabatini, New City  
Spoke in favor of term limits.

Sharon Silverbrand, New City  
Spoke about problems in relation to vacant gas station property on Old Rte 304 with respect to condition of property, environmental issues, vagrants and trash. Asked the Board to exert more pressure on the owner of the property to take care of these problems.

Mark Brenner, New City  
Spoke in favor of term limits

Mike Hirsch, New City  
Spoke in favor of term limits.

Laurie Peek, Tappan  
Spoke against term limits.

Arlene Whittiker, Bardonia

Spoke against term limits and also spoke of traffic problems at the Palisades Mall.

Jack Borowski, New City

Spoke in favor of putting a referendum on the ballot regarding term limits.

Joe Ciardullo, New City

Spoke in favor of term limits.

Amy Durbin, Congers

Asked about the responsibilities of the Deputy Supervisor and coverage when the Supervisor is away.

Bert Steinberg, New City

Expressed disappointment with the Police Union negotiations and spoke in favor of term limits.

Nicole Doliner, New City

Spoke about voter apathy and increasing voter turn out in local elections and spoke against term limits.

Bob Terry, New City

Spoke in favor of term limits.

Stanley Hoyer, West Nyack

Spoke in favor of term limits.

Mary Beneti, Nanuet

Spoke about a variance request her neighbor submitted which would allow her neighbor to keep an addition that he built 10 feet from her property line.

Bob Axelrod, New City

Spoke in favor of term limits.

Frank Grandel, New City

Spoke in favor of term limits for all elected politicians.

Steve Levine, Congers

Spoke in favor of term limits and continuing problems with remediating property at 139 & 141 Massachusetts Avenue.

Ernie Selzer, Bardonia

Spoke in favor of term limits.

Steve Corobus, New City

Spoke in favor of term limits.

Barry Silverman, West Nyack

Spoke in favor of term limits.

Giovanni Scaringi, Nanuet

Spoke in favor of term limits.

Rhea Vogel, New City

Spoke against term limits.

Kevin Hobbs, New City

Spoke in favor of term limits.

Barry Goldberg, Goshen

Read a statement regarding his property at 141 Massachusetts Ave and submitted it to the Board.

Supervisor Gromack stated that New Hempstead Road is a County road so the Board will continue to talk to the County about the schedule. The work from 304 to Main Street is a Town Road and it should be concluded by November. Regarding the old gas station on Old Route 304, the Board met with the owner and we are trying to resolve the use of that property. Regarding the traffic by Palisades Mall, this is due to roadwork on Rte 59 which is a State project so the Town will continue to work with them to ease traffic congestion there. Regarding the question about who is in charge when Supervisor is away, Town Attorney Mele stated that the Supervisor is still the Supervisor when he is on vacation. The deputy is there to fill in if the Supervisor is absolutely unavailable. With regard to union negotiations, the Supervisor stated that negotiations with the Police unions are subject to a different set of constraints due to the Taylor Law and binding arbitration and that is why these laws need to be updated. Regarding the addition a resident spoke about, there will be a meeting about that in the next couple of weeks, but the applicant is entitled under State law to go before the ZBA who will make a determination.

Regarding term limits, the Town Attorney stated that there is no legal mechanism to submit this as a question on the ballot. She introduced outside counsel, the Hon. Robert A. Spolzino, to address the specific question of whether this matter of term limits can be placed on the ballot. He stated NYS does not permit this and cited many cases to support his opinion. In conclusion, a matter cannot go on the ballot unless State law specifically allows it and State law does not allow it with respect to term limits; therefore, it was his opinion that the Town Board does not have the authority to put this matter on the ballot for voter consideration.

Co. Borelli is in agreement with the concept of the petition but feels it should apply to all offices. He would like to look into different options in the future.

Co. Hoehmann favors term limits but does not favor the language in this petition; it should apply to all office holders.

Co. Hausner stated that she also does not favor the language in this petition and also does not feel we should act against legal counsel

Co. Lasker appreciates the hard work in obtaining over 3,000 signatures but does not agree with this petition and would like to study this issue further.

Supervisor Gromack stated that there are a number of antiquated laws that should be addressed at a State Constitutional Convention and this will certainly be one of the laws that will be discussed.

There being no one further wishing to be heard, on motion of Co. Hausner seconded by Co. Hoehmann and unanimously adopted the Town Board Meeting was adjourned, time: 9:57 pm.

Respectfully submitted,

Justin Sweet  
Town Clerk