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TOWN OF CLARKSTOWN  
SPECIAL TOWN BOARD MEETING

Town Hall

6/23/83

9:15 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Neila Alemi, Acting Town Clerk

Supervisor Dusanenko declared Special Town Board Meeting open; Assemblage saluted the Flag. Members signed Consent to Hold Special Town Board Meeting and Supervisor Dusanenko directed Neila Alemi to act as Clerk for the meeting.

RESOLUTION NO. (585-1983)

BOND RESOLUTION AUTHORIZING  
ACQUISITION OF BESSO PROPERTY  
AND AUTHORIZING ISSUANCE OF  
\$200,000 SERIAL BONDS TO  
FINANCE SAME

Co. Carey offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 23, 1983, AUTHORIZING ACQUISITION OF THE CERTAIN PIECE OR PARCEL OF LAND, KNOWN AS THE BESSO PROPERTY, CONTIGUOUS TO THE NORTH SIDE OF THE TOWN LANDFILL SITE NEAR THE INTERSECTION OF ROUTE 59 AND ROUTE 303, IN SAID TOWN, AS AN ADDITION TO SAID SITE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000.00, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown (the "Town"), in the County of Rockland, New York, is hereby authorized to acquire by dedication, purchase and/or condemnation the certain piece or parcel of land containing forty (40) acres, more or less, known as the Besso Property, contiguous to the north side of the Town Landfill Site near the intersection of Route 59 and Route 303, in the Town, said piece or parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof, as an addition to said landfill site. The estimated maximum cost of said specific object or purpose, including preliminary costs of surveys, maps, plans, estimates and hearings and costs incidental thereto and the financing thereof, is \$200,000.00 and the said amount is hereby appropriated therefor. Serial bonds in the principal amount of \$200,000.00 are hereby authorized to be issued pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), to finance said appropriation. The plan of financing includes the issuance of said serial bonds 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. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of acquiring said site hereinabove described, being the specific object or purpose for which said \$200,000.00 serial bonds authorized pursuant to Section 1 hereof are to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years, but the maturity of said bonds shall not exceed five (5) years.

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(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the serial bonds herein authorized to be issued, or of any bond anticipation notes issued in anticipation of the sale of said bonds, pursuant to the provisions of Section 107.00 d. 4 of the Law.

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

Section 4. Each of the bonds authorized to be issued pursuant to this resolution, and of any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of the sale of said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town, without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds 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 Sec. 30.00 relative to the authorization of bond anticipation notes and of Sec. 50.00 and Secs. 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized to be issued and of any bond anticipation notes issued in anticipation of the sale of said bonds, or the renewals thereof, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized pursuant to 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 publication of such resolution, 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 resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by Councilman Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Councilman Maloney, Holbrook, Carey and Lettre  
and Supervisor Dusanenko

NOES:

The resolution was declared adopted.

\* \* \*

(Exhibit A - Description of Property on File in Town Clerk's Office)

RESOLUTION NO. (586-1983)

AUTHORIZING TOWN CLERK TO  
PUBLISH BOND RESOLUTION IN  
THE JOURNAL NEWS

Co. Carey offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN,  
IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, and having a general circulation in said Town, which newspaper is hereby designated, as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice substantially in the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by Co. Maloney and duly put to vote on roll call, which resulted as follows:

AYES: Councilmen Carey, Holbrook, Lettre and Maloney  
and Supervisor Dusanenko

NOES:

The resolution was declared adopted.

\* \* \*

RESOLUTION NO. (587-1983)

AUTHORIZING TOWN ATTORNEY  
TO MAKE A FORMAL WRITTEN  
OFFER OF COMPENSATION TO  
MR. NED BESSO FOR PURPOSE  
OF ACQUIRING TITLE TO PROPERTY

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized and directed to make a formal written offer of compensation to Mr. Ned A. Besso pursuant to Section 303 and 304 of the Eminent Domain Procedure Law for the purpose of acquiring title to the property in the action entitled, "In the Matter of the Petition of the Town of Clarkstown to Acquire Certain Real Property Situate in the Town of Clarkstown, County of Rockland, State of New York", Index No. 1573/83, as soon as the funds obtained pursuant to bonding resolution Number 585 are available.

Seconded by Co. Holbrook

All voted Aye.

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There being no further business to come before the Special Town Board Meeting and no one wishing to be heard, on motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Special Town Board Meeting was declared closed, time: 9:30 P.M.

Respectfully submitted,



NEILA ALEMI  
Acting Clerk