

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/15/85

8:10 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook,
Councilman Lettre arrived at 8:22 P.M.
Councilman Maloney arrived at 8:33 P.M.
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared Town Board Meeting open. Assemblage saluted the Flag.

Supervisor declared the public portion of the meeting open.

Appearance: Mr. Charles Eustis
21 West Street
West Nyack, New York 10994

Mr. Eustis appeared regarding drainage problem he has on West Street. He requested the Highway Department be directed to correct this problem. Supervisor inquired as to how the solution to this problem could be expedited. Councilman Holbrook, as liaison to the Highway Department said the Town Board could pass a resolution directing the Highway Department to correct this problem and they would do so tonight.

Appearance: Mrs. Phyllis Bulhack
9 Westgate Boulevard
New City, New York 10956

She stated that she represented the Highmeadow Park Homeowners Association and the Fair Haven Homeowners Association. Mrs. Bulhack appeared in opposition to the proposed site of the New City Post Office due to the traffic problem on North Main Street and the possible expansion of the commercial area further north.

Appearance: Mr. Joseph Hirschfield
96 Susan Drive
New City, New York 10956

Mr. Hirschfield stated that he was speaking on behalf of the Little Tor Homeowners Association and also as President of the North Clarkstown Coordinating Council. Mr. Hirschfield appeared regarding the proposed post office location and his concern about expanding the commercial area further north on Main Street and the domino effect which would result.

Appearance: Mrs. Zeporah Fleisher
44 Buena Vista Road
New City, New York 10956

Mrs. Fleisher stated that she was representing the West Branch Conservation Association which was in opposition to the proposed post office in New City and the manner in which it was published. She requested that the Town Board inform the Federal Government that this was unacceptable. She requested the Town Board to pass a resolution putting off the purchase and development of this property at this time.

Appearance: Mrs. Deanna Sanderson
Strawtown Road
New City, New York 10956

Mrs. Sanderson spoke on behalf of the Southeast Clarkstown Homeowners Association regarding Item No. 16 on the agenda (Carlton Woods). She asked that the sidewalk be continued along Brewery Road from the end of Laurel Road to Seymour Drive. This would be just a little bit further than the new subdivision and would

Continued on Next Page

be a tremendous advantage in the area. She stated that they would also like to suggest that a drainage plan be included for this subdivision. There have been drainage difficulties in the area when there has been heavy rain. She requested further that the houses when constructed be done so in such a way that their front yards face Brewery Road. This was done at Beechwood Estates and it worked very well.

Appearance: Donald Tracy, Esq.
Little Tor Road
New City, New York 10956

Mr. Tracy said he represented the person who had put in the bid for the proposed post office site. He said that this Town Board had tried to push through road improvements many times and been frustrated by the hue and cry of civic associations. He said the site being considered by the U.S. Postal Authority, although they need not comply with local zoning, is properly zoned for the use that is contemplated. In answer to questions from Councilman Lettre, Mr. Tracy stated that he had been in touch with the postal authorities and what is proposed does conform to the existing zoning in the area at present which he stated is R-15. He spoke regarding the concentric and satellite theories of zoning. He asked where could you put a post office in New City which would be in a better site than what is presently proposed?

Appearance: J. Martin Cornell, Esq.
Main Street
New City, New York 10956

Mr. Cornell spoke regarding Item No. 9 on the agenda for an access road to Route 304. He stated he represented the property owner and would like to advise the Board that the Planning Board at their last meeting granted preliminary approval for access onto Route 304. He urged the Board to put this item onto a workshop so that there would be input from other town agencies and the town planner.

Supervisor asked Town Attorney what the status was of this access road. Town Attorney said there were two resolutions in the Board's packets this evening. One favors and one is against it. Those resolutions were prepared in June and he said the Town Board had not had an opportunity to discuss this at workshop session because the session was cancelled.

Supervisor asked Town Attorney how the preliminary approval of the Planning Board affected the course of action of the Town Board, if any? Town Attorney said the course of action would be to go on record in the form of a resolution of intent to the State Department of Transportation which has ultimate jurisdiction over the granting of access to this location - Route 304. He said it would be his opinion that the DOT would be unlikely to act favorably at an early stage without the Town Board's positive recommendation.

Appearance: Dr. Steven Novick
9 Eileen Avenue
New City, New York 10956

He stated that he was past president of the Little Tor Homeowners Association. He stated he wished to speak to the attorney for Buckley Estates (Mr. Tracy). He said the property is zoned residential. He said no one was questioning whether the Post Office had the authority to take over any parcel of land. He said that the owners of this particular parcel had earlier, under the guise of public spiritedness, attempted to turn some of this land over to the public library. Now they are attempting to do this by turning a portion of this land over for use as a post office. There is a baser motivation behind this whole thing and that is the dollar.

Appearance: Mr. Jack Cuff
West Nyack, New York 10994

TBM - 7/15/85
Page 3

He mentioned items 22 through 36 and asked if our Comptroller could give a figure which these resolutions represent? He asked if anyone on the Town Board had taken the time to add up these items and see just how much money we are borrowing?

Mr. Profenna said that what is on the agenda for tonight is not 100% correct as far as wording. Mr. Profenna said the amount is six and one half million dollars. Mr. Cuff said with the new reassessments that recently took place in Clarkstown and with the proposed change in our income tax with the possible loss of our taxes as a deduction on the federal level he stated that he wanted to commend the Board for being so courageous as to spend six and one half million dollars at this time.

Appearance: Mr. Martin Bernstein
Main Street
New City, New York 10956

Mr. Bernstein was representing the New City Chamber of Commerce. He spoke regarding the traffic on Main Street and the parking problems in connection therewith. He asked what the Town intended to do as the new office building with restaurant was opening on August 6th. In the approval of that office building the Town was supposed to do something about creating a traffic circulation plan.

Supervisor said at the request of the New City Chamber of Commerce and Mr. Bernstein, with the support of the Town Board, a resolution was passed to hire a traffic consultant and that suggestion in turn was referred to that traffic consultant, Mr. Howard Lampert. Supervisor said he was on the phone with him today asking for an update. There was some confusion as to where on Main Street it was supposed to be but the plan he was going to recommend to the Traffic and Traffic Fire Safety Advisory Board as soon as possible was that from about Demarest Avenue to the junction of New Route 304 to eliminate any and all parking on both sides of the road and to have that road a three lane highway which would be striped the way portions of Route 59 are in the vicinity of the Holiday Inn in Nanuet. Instead of two lanes in each direction it would be one lane totally free for traffic with the center lane free for people to make either left hand turning lanes at an intersection or a safety zone to turn left hand into a driveway.

Mr. Bernstein asked if this would be done before the office building opens and the Supervisor said he would hope so but he cannot guarantee it. It was hoped that it would be accomplished before Labor Day.

Mr. Bernstein said that he had a conversation with Mr. Yale Rapkin (who owns a large tract of land in northern New City). He said that Mr. Rapkin stated that if the post office goes in he will come before the Town Board and ask for office building zoning considering the fact that North Main Street is being changed from a residential area to a commercial area.

Mr. Bernstein also mentioned reappointments to Town Boards and Commissions. He said it is about time for this Board to start considering changing the people on the various agencies. People should not serve more than four or five years - not that there is anything wrong with what they are doing but it is a good idea to get new blood and new ideas. These are voluntary appointments and these people are serving the community. However, there are many new people who might have good ideas and people should not be kept on for ten or more years.

Appearance: Mr. Fred Hager
Valley Cottage, New York 10989

Mr. Hager said he supported what Jack Cuff had said. He said couldn't some of these larger items be avoided with an adequate

Continued on Next Page

AAG517

TBM - 7/15/85
Page 5

is going to buy it? Should this town buy it for a baseball field next to a busy state highway? He said that might be insane. Could the Nyack School District afford to purchase that to make a nature preserve? He said he did not know if there was a desire or funds to do so. If the gentleman who petitioned here tonight and this Town Board which is responsive says no to this, no to this, no to this then you people might get something through the Zoning Board of Appeals for what would be considered a hardship. Then the choice is no longer yours.

He urged them to come up with a use which is safe with the concurrence of the owner and at the same time have all the suggestions in mind. He asked that this not come back and then whatever the alternate use is be denied also because it will probably be granted with a ZBA.

There was a recess called at this point at the suggestion of the Clerk from 10:05 P.M. until 10:22 P.M.

RESOLUTION NO. (587-1985) GRANTING TO NATJO REALTY CORP. ACCESS TO OLD LAKE ROAD, CONGERS

Co. Lettre offered the following resolution:

WHEREAS, Natjo Realty Corp. is the owner of property situate on the south side of Old Lake Road in the Hamlet of Congers, Town of Clarkstown, and

WHEREAS, Old Lake Road is not a major road as defined in Article V, Section 106-19a(1) of the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, Old Lake Road is the only means of access for all purposes of ingress and egress to and from the property of Natjo Realty Corp., and

WHEREAS, the Town Board, by Resolution No. 859-1981, at a meeting held on September 22, 1981, did grant to Albert Lamborn, former owner of said property, access to Old Lake Road, and

WHEREAS, Natjo Realty Corp. has agreed to comply with all requests from the Town Board and/or the Planning Board as to development and landscaping of the property for the benefit of the immediate neighborhood;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby grant to Natjo Realty Corp. access to Old Lake Road, pursuant to Section 106-25d of the Zoning Ordinance of the Town of Clarkstown.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....No
Councilman Holbrook.....No
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Supervisor Dusanenko.....Yes

Continued on Next Page

AAG517

Supervisor said he had a question to the petitioner on this. He asked if this would restore the road with conditions imposed by the Planning Board? Mr. Granik said that is what he proposed. Supervisor asked if the Planning Board had consented to such? Mr. Granik said the Planning Board has deferred action on the request for reapproval of the site plan pending whatever determination is made by this Board. If this Board were to approve the access it could then direct the Planning Board to propose whatever conditions this Board and/or the Planning Board thought appropriate and the applicant is willing to comply with whatever those conditions are.

RESOLUTION NO. (588-1985)

REQUESTING REVIEW AND
RECOMMENDATIONS FROM TOWN
AGENCIES REGARDING KINGSGATE
CONDOMINIUMS - (TOWN LAW
280-a(4))

Co. Carey offered the following resolution:

WHEREAS, the plan for development of property referred to as Kingsgate Condominiums is likely to proceed to the building of additional units in the near future, and

WHEREAS, a zone change adopted during 1972 has provided for the development of such property as condominiums and was subject to a covenant and declaration which requires the owner(s) to obtain approval of the access pursuant to Town Law 280-a, and

WHEREAS, application has been made by John M. Knutsen to the Town Board for the creation of an "open development area" pursuant to Town Law 280-a(4), and

WHEREAS, the Town Board desires to obtain recommendations concerning requirements or conditions, if any, which should be imposed prior to granting such approval, so as to assure adequate ingress and egress for the present and future residents, as well as all emergency services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the review and recommendations on or before August 31, 1985, of the following named agencies and organizations for the purpose of determining what conditions, if any, should be imposed with respect to the creation of the open development area, access roads, and internal driveways, so as to provide for reasonable access for present and future residents and for emergency services:

- | | |
|----------------------------|-------------------------------|
| Superintendent of Highways | Police Department |
| Director of Env. Control | Traffic Fire Safety Board |
| Building Inspector | Condominium Information Board |
| Planning Board | Fire Department |
| Police Commission | Ambulance Corps |

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Holbrook.....No
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Yes

Councilman Holbrook said he had questions on a couple of things in terms of all of the covenants which were required by the

RESOLUTION NO. (588-1985) Continued

Planning Board when they got final approval. Have they been adhered to prior to our granting of this? Mr. Granik said some have been met and some are still in the process. This is one of those conditions. He said they have already met quite a few of them - Mr. Knutsen is already widening Smith Road. A lot of the work is being done which was agreed upon to be done. Mr. Granik said paragraph 8 of the original Declaration of Covenants for the change of zone going back to 1972 mandated that we come to this Board for a Section 280-a approval. That was never done for Treetops. You have 240 condominiums there for which 280-a approval was never granted and which is one of the reasons why they all have temporary CO's. All the other conditions are in the process of being fulfilled.

Councilman Holbrook then asked if Mr. Granik's clients were willing to join in the Association of the 1200. Mr. Granik said they had already agreed to do so with the Planning Board as a condition of final approval. Councilman Holbrook again asked if all the covenants have been met. Mr. Granik said they can't all be met. They have to be met one at a time as we go. They all have to be met before we can build.

Mr. Granik, in answer to a query from Councilman Lettre, said that he knew the residents in Treetops had only temporary CO's. Councilman Lettre asked if this was only because they had not been granted 280-a. Mr. Granik said he did not know if that was the only reason but it was one of the reasons. There are probably other reasons as well. Councilman Lettre asked if units up there had been bought and sold and Mr. Granik said certainly. Councilman Lettre asked wasn't it usual that unless you had a permanent CO -- Mr. Granik interrupted and said he did not want to take the position of Town Counsel.

Supervisor asked Mr. Granik if this was only a referral to the agencies and not the granting of a 280-a? Mr. Granik said as he understood the resolution presented by the Town Attorney that is all it is - you are referring it to the agencies. Supervisor said we are not granting it at this time but are looking for their input. Mr. Granik said that was his understanding.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance, Giuseppe DePaulis - LO District to LS District, was opened, time: 10:30 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amending Zoning Ordinance, Giuseppe DePaulis - LO District to LS District, was closed, time: 10:38 P.M.

Town Attorney said that his file on the zone change referred to by Mr. Tracy indicates that a letter was sent by Mr. Fogel in July of 1981 asking Mr. Tracy to forward a copy of the Restrictive Covenants that were required. The file does not contain anything else until January 31, 1985 where there is a letter from Mr. Costa to Mr. Tracy advising him that our files did not have the Restrictive Covenants. Mr. Tracy advised Mr. Costa just before the public hearing was opened tonight of the information that he had presented this covenant to Mr. Fogel back in 1981 and somehow it had gotten misplaced. Mr. Tracy stated that he did not say the name but that Mr. Costa had. Mr. Costa said that was correct - Mr. Tracy had not mentioned the name.

Mr. Costa said would it be effective at this date to file that first covenant and then publish the zone change in view of the

AAG517

TBM - 7/15/85
Page 8

fact that the public hearing was so long ago. He did not have the answer to that question, just the question. Mr. Tracy said he did not have the answer either. Mr. Tracy said he has a certified resolution from this Board granting the zone change. They said submit Declaration of Restrictive Covenants. There were Declarations lost and he stated that he was submitting them now nunc pro tunc. He stated he believed that a directive could probably be obtained from Audit and Control on this question.

Town Attorney said that he would definitely pursue that. Mr. Tracy said that he would be bound by the Town Attorney's opinion whatever it is.

Supervisor said if the zone change was granted earlier but did not have the restrictive covenants filed, we are ahead now by them offering to file it on that piece of property so why are we arguing if they are going to comply with something that wasn't done several years ago? Town Attorney said that he has to be concerned with the potential actions of others who may not be happy with this situation. Mr. Tracy said that building permits have been issued based on the fact that the zone was changed and buildings have been built so what we are really doing is legitimizing. Supervisor said we are cleaning up our bookkeeping right now.

Councilman Holbrook said suppose someone challenges this? Mr. Tracy said the first zone change needs to be legitimized. Mr. Costa said the only reason he interrupted the Board was because he thought Councilman Maloney's motion was addressed toward the proposal made by Mr. Tracy that is to record both covenants at this time. Isn't that what Councilman Maloney's motion was? Councilman Maloney said yes - indicating that they were covenants not only for this particular zone change but also the covenants from the previous one. Mr. Tracy said we should leave the existing one out because we were going to do that anyway. Mr. Tracy said he was going to alter that. Councilman Maloney said that it should then read with the agreed upon covenants.

Supervisor said that the owner furthermore agrees to properly file the restrictive covenants and they not apply to a common property boundary of the parcels. Councilman Lettre said it should be added to read for as long as the two parcels are under one ownership.

RESOLUTION NO. (589-1985)

AMENDING ZONING ORDINANCE OF
TOWN OF CLARKSTOWN FROM LO
DISTRICT TO LS DISTRICT
(GIUSEPPE DE PAULIS) -
CONDITIONED UPON THE FILING
OF RESTRICTIVE COVENANTS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 14th day of May, 1985, provided for a public hearing on the 15th day of July, 1985 at 8:20 P.M., to consider the application of Giuseppe DePaulis to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioners from an LO district to an LS district, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice;

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an LO district to an LS district the following described property in the hamlet of Congers,

Continued on Next Page

TBM - 7/15/85
Page 9

RESOLUTION NO. (589-1985) Continued

New York, in said Town; described further on the attached Schedule "A"; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form satisfactory to the Town Attorney.

Seconded by Co. Holbrook All voted Aye.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District #1 to include Astri Hills, was opened, time: 10:45 P.M.

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District #1 to include Astri Hills, was closed, time: 10:47 P.M. ORDER SIGNED.

RESOLUTION NO. (590-1985) ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC., FOR STREET LIGHTING (JARON DEVELOPMENT)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendations of the Director of Environmental Control, the Town Board of a the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc., for street lighting at the following location:

Jaron Development Corporation New City, New York

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (591-1985) AUTHORIZING ATTENDANCE AT NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION EXPOSITION - HIGHWAY DEPARTMENT (BURGIO AND DRESCHER)

Co. Lettre offered the following resolution:

RESOLVED, that Charles T. Burgio and George C. Drescher, Deputy Superintendents of Highways, be authorized to attend the National Solid Waste Management Association Exposition, May 9, 1985, to be held at Washington Convention Center, Washington, D.C., and be it

FURTHER RESOLVED, that all proper expenditures be made proper Town charges.

Seconded by Co. Holbrook All voted Aye.

Please note that Resolution 593-1985 and 592-1985 are out of order. This was done in order that the August Town Board Meeting could be set before a date was given to the Water Extension.

RESOLUTION NO. (593-1985) SCHEDULING TOWN BOARD MEETING FOR AUGUST 12, 1985

Co. Holbrook offered the following resolution:

AAG517

TBM - 7/15/85
Page 10

RESOLVED, that the Town Board Meeting for the month of August shall be scheduled for August 12, 1985 at 8:00 P.M.

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (592-1985)

SETTING PUBLIC HEARING FOR
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
EGOLF

Co. Holbrook offered the following resolution:

WHEREAS, a written Petition dated May 31, 1985 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office).

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 12th day of August, 1985, at 8:15 P.M. DST to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Maloney

All voted Aye.

It was agreed that Item 6 (Eminent Domain Procedure re: Map 58, Block G, Lot 16) would be taken off until the next meeting and the Supervisor asked for a progress report of other items relevant to this problem. He was answered in the affirmative.

With regard to Item No. 7 Supervisor said this was with respect to Palisades Interstate Parkway property where the Town has a lease with them. The Town Board has constructed a parking lot at its expense. The Town of Haverstraw has done a similar thing near its Mount Ivy 202 exit. Councilman Carey asked if this was the same as Item No. 8. Town Attorney said Resolution No. 8 is a resolution which was prepared some months ago as a potential form resolution for the Board to act under the local law that was adopted some months ago. At the time the Nanuet Theatre was a parking facility but that will have to be eliminated now. To a certain extent the two resolutions are duplicitous here.

There followed discussion regarding the establishment of fees

RESOLUTION NO. (594-1985)

DESIGNATING COMMUTER PARKING
LOTS AND ESTABLISHING FEES
FOR PARKING (IN ACCORDANCE
WITH LOCAL LAW NO. 2-1985)

Co. Lettre offered the following resolution:

Continued on Next Page

TMB - 7/15/85
Page 11

RESOLUTION NO. (594-1985) Continued

RESOLVED, that the following areas are hereby designated as commuter parking lots:

1. Parking lot in the vicinity of the Nanuet Railroad Station, Nanuet, New York, as shown on the attached Schedule "A" as Parcel 1.
2. Parking lot on the east side of North Middletown Road, Nanuet, New York, as shown on the attached Schedule "A" as Parcel 2.
3. Parking lot at the West Nyack Car Wash on the south side of Route 59, West Nyack, New York, as shown on the attached Schedule "A" as Parcel 3.
4. Parking lot at Kemmer Lane, on the north side of Route 59, Nanuet, New York, as shown on the attached Schedule "A" as Parcel 4.

and be it

FURTHER RESOLVED, that these areas be posted by the erection of signs indicating that these areas are Town of Clarkstown commuter parking lots, and be it

FURTHER RESOLVED, that the fees for the use of these commuter parking lots are hereby established as follows:

FEES PER YEAR

<u>Residents</u>	<u>Non-Residents</u>
\$60.00	\$250.00

and be it

FURTHER RESOLVED, that a thirty day grace period from the effective date of this resolution is hereby established to provide sufficient time for commuters to be notified of the requirements for the use of Town designated commuter parking lots and to obtain permits to be issued by the Town Clerk in accordance with Local Law No. 2-1985 and as provided herein, and be it

FURTHER RESOLVED, that this resolution shall take effect on September 1, 1985.

Seconded by Co. Maloney

All voted Aye.

On Item 9 on the Agenda - Authorizing new road intersecting Rt. 304 - Long Clove Associates, Mr. Maloney said there was a traffic study that we were supposed to receive from Mr. Gillespi and I don't know whether we got that traffic study or not and I am prepared to go back to workshop if we are waiting for this study from Mr. Gillespi. He asked Mr. Geneslaw if he received anything. Mr. Geneslaw said he was not aware of a report being made to Town Hall.

Supervisor asked Mr. Geneslaw if prior to the next meeting he could get the study. Put it all together. Analyze it. Tell whoever is on the Board that might be available at that time so that we don't have to have a workshop on it and then come back before the August 12th meeting with a recommendation.

Mr. Maloney said he would be prepared to make a motion based on the recommendation of the Planning Board at that time, if they don't come in with that study.

Continued on Next Page

AAG517

TBM - 7/15/85
Page 12

RESOLUTION NO (595-1985)

AUTHORIZING TOWN ATTORNEY TO
DEFEND A PROCEEDING AGAINST
THE TOWN OF CLARKSTOWN RE CM
& N ASSOC., INC. AGAINST
PLANNING BOARD OF TOWN OF
CLARKSTOWN

Co. Holbrook offered the following resolution:

WHEREAS, a proceeding has been instituted against the
Town of Clarkstown entitled as follows:

CM & N ASSOCIATES, INC.,

Petitioners

-against-

THE PLANNING BOARD OF THE TOWN OF CLARKSTOWN,

Respondent.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney take all necessary steps
to defend said proceeding.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (596-1985)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #53-1985
CONCRETE CULVERT PIPE,
CONCRETE CATCH BASIN
BLOCK/BRICK

Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby
authorized to advertise for bids for:

BID #53-1985
CONCRETE CULVERT PIPE
CONCRETE CATCH BASIN BLOCK/BRICK

bids to be returnable to the Office of the Director of Purchasing, 10
Maple Avenue, New City, New York by 11:00 A.M. on Thursday, August 8,
1985, 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 Director of
Purchasing.

Seconded by Co. Maloney

All voted Aye

Co. Carey asked about Resolution No. 597 and wanted to
know if there was a list on where the bids would be sent out.

Supervisor said you can ask the Purchasing Agent to send
them to whoever you so desire. You usually put the legal notice out
plus any other vender who is interested. I would hope that New York
Tel. and any other phone company, private, public or otherwise would
all be active and hungry for this business so that the Town might get
the best prices and the best service. Supervisor asked the Town
Clerk to call Mr. Kohler and ask him to send out to all major
companies at least in the yellow pages of the Rockland County
Directory aside from the Public Notice itself.

TBM - 7/15/85
Page 13

John Costa said the Town's consultant who was hired to develop this proposal had informed him that he has a list of a number of venders.

Supervisor suggested that Mr. Costa forward it to Mr. Kohler.

Mr. Costa said he was sure that he had already done so.

RESOLUTION NO. (597-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #54-1985 SUPPLYING, INSTALLING AND MAINTAINING A NEW TELECOMMUNICATIONS SYSTEM FOR THE TOWN

Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for proposals for:

BID #54-1985
SUPPLYING, INSTALLING AND MAINTAINING A NEW TELECOMMUNICATIONS SYSTEM FOR THE TOWN

proposals to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Tuesday, September 3, 1985 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 Director of Purchasing.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (598-1985)

AUTHORIZING HIRING OF ENGINEER RE DRAINAGE DESIGN - LAKEWOOD DRIVE, CONGERS (DR. JAMES Y YARMUS, P.E.) CHARGE TO APPROPRIATION ACCOUNT A-8730-409. CONTINGENCY ACCOUNT NO. A-1990-505 BE DECREASED AND APPROPRIATION ACCOUNT NO. A-8730-409 BE INCREASED

Co. Holbrook offered the following resolution:

WHEREAS, residents in the vicinity of Lakewood Drive, Congers, have concerns regarding the proposed open drainage ditch which will service the Overlook Estates Subdivision, and

WHEREAS, the Town Board desires to obtain a second opinion as to the appropriateness of such design, and

WHEREAS, a proposal has been obtained from Dr. James J. Yarmus, P.E. of J. Yarmus, Inc., an engineering and construction consulting firm, to study the proposed design and report with recommendtions, for a consulting fee of \$500.00.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to obtain the services of Dr. James J. Yarmus, P.E., for a consulting fee not to exceed \$500.00 to be charged to Appropriation Account A-8730-409, and be it

AAG517

RESOLUTION NO. (598-1985) Continued

FURTHER RESOLVED, that Contingency Account No. A-1990-505 be decreased by \$500.00 and Appropriation Account No. A-8730-409 be increased by \$500.00.

Seconded by Co. Carey

On roll call, the vote was as follows:

- Co. Carey.....Yes
- Co. Holbrook.....Yes
- Co. Lettre.....Yes
- Co. Maloney.....No
- Supervisor Dusanenko.....No

Supervisor said he had discussions with staff about this resolution (Item 12). What it does is it hires somebody for \$500.00 to review the plans which have been approved and suggested by our own staff. If we are going to hire outsiders to look over the shoulders of the insiders, they are going to set a precedent and I think it is not best for the Town.

Co. Lettre said he was out the evening that this was discussed. He said he made a commitment to the people in that area that he would go along with this proposal. I wholeheartedly agree with the Supervisor's remarks and I believe that it really is an improper precedent that is being started. Unfortunately, I did make a commitment and I did say to the people that I would do this and I believe that my word is my bond and I must go along with that. I just would like to state for the record how I honestly feel about it.

Co. Maloney said he to went out there to see how the problem would be solved. I did not make any commitment at that particular time and therefore I voted no.

RESOLUTION NO. (599-1985)

AUTHORIZING PROPOSED ACQUISITION OF PORTION OF LAKE ROAD, CONGERS FOR CONSTRUCTION OF SIDEWALKS AND THAT THE FUNDS BE CHARGED TO CAPITAL ACCOUNT NO. 2, SIDEWALK ACCOUNT

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to make a formal tender, pursuant to Eminent Domain Procedure Law, of the value determined by the Town appointed appraiser to acquire a permanent easement or fee of a portion of the frontage of the below listed properties for sidewalk purposes:

<u>PROPERTY DESIGNATION</u>	<u>OWNER</u>	<u>AMOUNT</u>
Map 127, Block J, Lot 3	John L. Spath	\$1,050.00
Map 127, Block J, Lot 5	Lily A. Wienken	\$2,500.00
Map 127, Block J, Lot 6	Philip Graziano.....	\$1,950.00

which properties to be acquired are described on the attached Schedule "A," "B," and "C," and be it

FURTHER RESOLVED, that the funds for the payment of said tender shall be charged to Capital Account No. 2, Sidewalk Account.

Seconded by Co. Carey

All voted Aye.

Supervisor asked what the next step on this was and asked Mr. Bollman if we should go out to bid on this.

RESOLUTION NO. (599-1985) Continued

Mr. Costa said this is for the condemnation.

Supervisor said this is to acquire the property. Did we go out to bid yet on the construction? Can we have those bids for the next meeting?

There was discussion from the floor with Mr. Bollman.

Supervisor said let's prepare something for bid for the next meeting so we can get it done this year.

Item 14 authorizing Town Attorney to serve Order pursuant to Chapter 37 of Town Code to remove obstruction, Map 141, Block A, Lot 10 was taken off the agenda. Mr. Bollman said he tried resolving it amicably and nothing has been resolved to this date.

Mr. Costa said he believed he got a memo from Mr. Bollman's office with a recommendation from the Building Inspector that action should be taken under chapter 37 and that nothing had happened. This was last week and that's why I had prepared this proposed resolution.

Co. Holbrook said why don't we find out if this can be resolved and we won't have to give Mr. Shapiro a Notice of Violation. He asked if Les could go out there and resolve this. Supervisor said we can do this at the next meeting.

RESOLUTION NO. (600-1985)

AUTHORIZING PUBLIC HEARING
RE ACQUISITION OF PROPERTY
RT. 304 AND CONGERS RD., NEW
CITY. AUTHORIZING TOWN
ATTORNEY TO HIRE SURVEYOR
WITHOUT FURTHER
AUTHORIZATION OF THE TOWN
BOARD. CHARGE TO ACCOUNT
NO. 1420-409

Co. Carey offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the acquisition of land located at the northwest corner of Route 304 and Congers Road, New City, New York, designated on the Clarkstown Tax Map as Map 58, Block G, Lot 17, as shown on the attached Schedule "A," for the purpose of providing land for the expansion of municipal parking in connection with the Clarkstown Town Hall, which public hearing will be held on August 12, 1985 at 8:20 P.M., or as soon thereafter as possible, at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published at least five consecutive days in the official newspaper of the Town of Clarkstown and file proof thereof in the office of the said Town Clerk, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to engage the services of a surveyor for a sum not to exceed \$2,000.00 without further authorization of the Town Board, and be it

FURTHER RESOLVED, that the fee for surveying services shall be a charge to Account No. 1420-409

Seconded by Co. Maloney All voted Aye

AAG517

Item 16 - Authorizing Town Law 281 - Carlton Woods, New City was taken off the agenda and postponed to the next meeting. Councilman Holbrook said he wanted a few things added to the resolution before he could second it and asked Mr. Geneslaw's opinion on it.

Mr. Geneslaw said he had a few suggestions. One was that the sidewalk on Brewery be extended south to the corner of Seymour so that the kids could get to Laurel Plains School without walking without a sidewalk on Brewery. Second was that the front of the homes would face Brewery Road and the driveway access would be to the rear. Keep the driveways off Brewery.

Supervisor said on that question, you are going to have houses facing Brewery Road and the driveways from the internal street. Supervisor asked what is wrong having backyards on Brewery Road instead of frontyards on Brewery Road?

Mr. Geneslaw said if you think about Middletown Road where you have a series of stockade fences along the backyard, they become unsightly very quickly.

Supervisor commented then the rear of the house is facing their neighbor's backyard.

Mr. Geneslaw said if you look at the subdivision that was built where the intersection of Strawtown and Brewery are, you can see a couple of examples where that was done. He suggested that the developer put up a fence so that it is consistent and the same material all the way through.

Supervisor said he could see the sidewalks on Brewery Road and a turnaround be provided so you don't have to back out to the street but to have houses facing Brewery with their backyards facing their neighbors, I can't see that. Beside that, when someone comes to visit looking at numbers, they're going to be looking for numbers off Brewery Road. There is no place to stop. They're going to be causing accidents on the narrow road. Why not have it all internal.

RESOLUTION NO. (601-1985)

AUTHORIZING ATTENDANCE AT SEMINAR, WILLIAM BOWLER, ASST. FIRE INSPECTOR - CHARGE - B3620-414

Co. Holbrook offered the following resolution:

RESOLVED, that William Bowler, Assistant Fire Inspector is hereby authorized to attend a L.P. Gas Seminar on Thursday, July 18, 1985 at the Westchester County Fire Training Center, Valhalla, New York. All cost to be a proper Town charge - (B3620-414).

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (602-1985)

AUTHORIZING SIGNING OF NECESSARY DOCUMENTS RE EASEMENT TO ROCKLAND COUNTY SEWER DISTRICT NO. 1.

Co. Holbrook offered the following resolution:

Continued on Next Page

TBM - 7/15/85
Page 17

RESOLUTION NO. (602-1985) Continued

WHEREAS, the Rockland County Sewer District No. 1 (the "District") intends to install the Phillips Hill Road interceptor and is requesting utilization of a certain sewer easement granted to the Town of Clarkstown (the "Town"), and

WHEREAS, the Town had previously granted utilization to the District of sewer easement from Turnpike Woods, Inc., which had been recorded in the Rockland County Clerk's Office in Liber 88 of Land Records at Page 2501 (the "Former Easement") which is now not required for use by the District; and

WHEREAS, the sewer easement from John W. and Marguerite McLeod which has been recorded in the Rockland County Clerk's Office in Liber of Deeds 1048 at page 91, (the "Latter Easement") is requested by the District for their use;

NOW, THEREFORE, be it

RESOLVED, that the Former Easement not be assigned for the use by the Town to the District; and

FURTHER RESOLVED, that the Supervisor of the Town is hereby authorized and directed to sign the necessary documents to assign the use of the Latter Easement to the District for the purpose of the installation of the Phillips Hill Road interceptor, which documents shall be in a form satisfactory to the Town Attorney.

Seconded by Co. Maloney

All voted Aye

AAG517

RESOLUTION NO. (603-1985)

DECREASING APPROPRIATION
ACCOUNT NO. DB 5110-381 AND
INCREASING ACCOUNT NO. DB
5110-443

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DB 5110-381 (Highway-Bituminous) and increase Appropriation Account No. DB 5110-443 (Private Equipment Rental) by \$18,000.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (604-1985)

DECREASING APPROPRIATION
ACCOUNT NO. DB 5110-383
(HIGHWAY-CONCRETE, LUMBER,
ETC.) AND INCREASE
APPROPRIATION ACCOUNT NO. DB
5110-408 (BUILDING REPAIRS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DB 5110-383 (Highway-Concrete, Lumber, etc.) and increase Appropriation Account No. DB 5110-408 (Building Repairs) by \$1,200.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (605-1985)

ACCEPTING TOWN BOARD MINUTES
OF MAY 28, 1985 AND APRIL
23, 1985

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (605-1985) Continued

RESOLVED, that the Minutes of the regular Town Board meeting of May 28, 1985 and April 23, 1985 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Co. Carey.....Yes
- Co. Holbrook.....Yes
- Co. Lettre.....Yes
- Co. Maloney.....Yes
- Supervisor Dusanenko.....Abstained

Supervisor said he wanted to abstain as he didn't get a chance to read them yet.

RESOLUTION NO. (606-1985)

AUTHORIZING DOLORES LODICO AND DORIS FOGEL TO ATTEND CLASSES AT BURROUGHS CORP. AND ALL EXPENSES BE CHARGED TO APPROPRIATION ACCOUNT NO. A 1680-414

Co. Holbrook offered the following resolution:

RESOLVED, that Dolores Lodico and Doris Fogel be authorized to attend classes at Burroughs Corporation from August 19th-21st in Philadelphia, Pa., and be it

FURTHER RESOLVED, that all proper expenses be charged to Appropriation Account No. A 1680-414 (Data Processing -Conferences & Schools).

Seconded by Co. Maloney

All voted Aye

Supervisor explained that the Bonding Resolutions had to be roll call votes. He said the question was raised earlier what does this amount to? Mr. Profenna responded that it is about six and a half million. As a requirement when a Town goes out for Bonding, a certain amount of cash has to be placed by the Town and cannot be borrowed for the full amount. For example: If we wanted to build a \$1,000,000 building or a \$200,000 building, x dollars of that would have to be - take Central Nyack Community Center, if \$255,000 is to be used, \$200,00 to be borrowed, we have to put up \$55,000. So what this is going to call for is approximately, if all projects are prepared, about \$6,000,000 of actual borrowing and putting up about \$1,000,000 in cash.

Mr. Costa said the question has been raised concerning the state of the SEQR review for each of these items which represents a new expenditure or proposal for a new facility. Some of them deal with reconstruction of existing facilities and replacement of existing facilities and SEQR would not be a factor there but there are others that are new proposals and it is not clear on the record yet whether or not the SEQR process has been completed in respect to them. I would caution the Board not to take an action unless SEQR has been completed on those particular types of items.

Supervisor asked if Mr. Costa knew which ones need SEQR and which ones don't.

Mr. Costa said he did not know all of the information.

Supervisor said then why are we voting here tonight?

Mr. Costa said we have the Town Planner and the Director of the Department of Environmental Control and I think they can fill in any missing information.

RESOLUTION NO. (607-1985)

BOND RESOLUTION AUTHORIZING THE RESURFACING OF VARIOUS STREETS OR PORTIONS THEREOF - APPROPRIATING CURRENT FUNDS TO PROVIDE THE DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS TO FINANCE THE BALANCE

Co. Holbrook offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985, AUTHORIZING THE RESURFACING OF VARIOUS STREETS OR PORTIONS THEREOF, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$829,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$41,450 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$787,550 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to resurface various streets or portions thereof, in said Town, with penetration macadam or plant mix bottom course and heavy duty bituminous concrete wearing surface, including curbs, gutters, drainage, landscaping, grading and improving rights of way and improvements in connection therewith. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$829,000 and said amount is hereby appropriated therefor, including the appropriation of \$41,450 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$787,550 serial bonds of the Town to finance the balance of 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 \$787,550, 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 "Law"), to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said class of objects or purposes for which said \$787,550 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20. (c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or

Continued on Next Page

AAG517

RESOLUTION NO. (607-1985) Continued

any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$41,450 will be provided from moneys now available therefor in the current budget of the Town as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said class of objects or purposes herein described.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

Seconded by Co. Carey

On roll call the vote was as follows:

Co. Carey.....	Yes
Co. Holbrook.....	Yes
Co. Lettre.....	Yes
Co. Maloney.....	Yes
Supervisor Dusanenko.....	No

TBM - 7/15/85
Page 21

RESOLUTION NO. (607A-1985)

AUTHORIZING THE TOWN CLERK
TO PUBLISH BOND RESOLUTION
IN THE JOURNAL NEWS

Co Holbrook 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 of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published in full in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985, authorizing the resurfacing of various streets or portions thereof, in said Town, stating the estimated maximum cost thereof is \$829,000, appropriating said amount therefor, including the appropriation of \$41,450 current funds to provide the required down payment, and authorizing the issuance of \$787,550 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to resurface various streets or portions thereof, in said Town, with penetration macadam or plant mix bottom course and heavy duty bituminous concrete wearing surface, including curbs, gutters, drainage, landscaping, grading and improving rights of way and improvements in connection therewith; and STATING the estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$829,000; APPROPRIATING said amount therefor, including the appropriation of \$41,450 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$787,550 serial bonds of the Town to finance the balance of 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 \$787,550 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING AND STATING the period of probable usefulness of the class of objects or purposes is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$41,450 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said class of objects or purposes; and the proposed maturity of said \$787,550 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

Continued on Next Page

AAG517

TBM - 7/15/85
Page 22

RESOLUTION NO. (607-A-1985) Continued

renewals of said 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: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 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.

Section 3. This resolution shall take effect immediately.
Seconded by Co. Carey

On roll call, the vote was as follows:

Co. Carey.....Yes
Co. Holbrook.....Yes
Co. Lettre.....Yes
Co. Maloney.....Yes
Supervisor Dusanenko.....No

Item #23 on the Agenda - Recreation Department - authorizing expenditure and borrowing of \$1,225,000 for improvements. Germonds Park was taken off the Agenda.

Supt. of Parks and Recreation said that will be SEQR and agreed with the Supervisor that should be held off. He said there is a correction - where it says construction of a warehouse, it should be playground.

Mr. Costa said if we need SEQR why don't we also at the end of all this direct SEQR process to be done so that at the next meeting we can vote on the rest of these.

Item 24 removed from Agenda pending report from SEQR.

RESOLUTION NO. (608-1985)

BOND RESOLUTION AUTHORIZING
RESURFACING THE PARKING AREA
IN THE HIGHWAY DEPARTMENT
AND AUTHORIZING THE ISSUANCE
OF SERIAL BONDS TO FINANCE
BALANCE OF APPROPRIATION

Co. Lettre offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW
YORK, ADOPTED JULY 15, 1985, AUTHORIZING
RESURFACING THE PARKING AREA IN THE HIGHWAY

25M - 7/15/85
Page 23

RESOLUTION NO. (607-A-1985) Continued

DEPARTMENT COMPOUND, IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$60,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$3,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$57,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

AAG517

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to resurface the parking area in the Highway Department Compound, in said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$60,000 and said amount is hereby appropriated therefor, including the appropriation of \$3,000 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$57,000 serial bonds of the Town to finance the balance of 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 \$57,000, 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 "Law"), to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$57,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20. (f) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$3,000 will be provided from moneys now available therefor in the current budget of the Town as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

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

Continued on Next Page

RESOLUTION NO. (607-A-1985) Continued

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 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

Seconded by Co. Maloney

On roll call, the vote was as follows:

Co. Carey.....Yes
 Co. Holbrook.....Yes
 Co. Lettre.....Yes
 Co. Maloney.....Yes
 Supervisor Dusanenko.....No

RESOLUTION NO. (608-A-1985)

AUTHORIZING THE TOWN CLERK
TO PUBLISH BOND RESOLUTION
IN THE JOURNAL NEWS

Co. Lettre 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 of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

TBM - 7/15/85
Page 25

RESOLUTION NO. (607-A-1985) Continued

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985, authorizing resurfacing the parking area in the Highway Department Compound, in the Town, stating the estimated maximum cost thereof is \$60,000, appropriating said amount therefor, including the appropriation of \$3,000 current funds to provide the required down payment, and authorizing the issuance of \$57,000 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to resurface the parking area in the Highway Department Compound, in said Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$60,000; APPROPRIATING said amount therefor, including the appropriation of \$3,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$57,000 serial bonds of the Town to finance the balance of 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 \$57,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$3,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$57,000 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 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: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication,

Continued on Next Page

AAG517

RESOLUTION NO. (608-A-1985) Continued

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.

Section 3. This resolution shall take effect immediately.

Seconded by Co. Maloney

On roll call, the vote was as follows:

- Co. CareyYes
- Co. Holbrook.....Yes
- Co. Lettre.....Yes
- Co. Maloney.....Yes
- Supervisor Dusanenko.....No

RESOLUTION NO.(609-1985)

BOND RESOLUTION AUTHORIZING EXPENDITURE AND BORROWING OF FOR NEW SALT SHED FOR HIGHWAY DEPT. AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS TO FINANCE SAID APPROPRIATION

Co. Carey offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985, AUTHORIZING THE CONSTRUCTION OF A NEW SALT SHED AT HIGHWAY GARAGE, SITUATE ON SEEGER DRIVE, IN NANUET, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$160,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$8,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$152,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct a new salt shed at Highway Garage, situate on Seeger Drive, in Nanuet, and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said building is to be used. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$160,000 and said amount is hereby appropriated therefor, including the appropriation of \$8,000 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$152,000 serial bonds of the Town to finance the balance of 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 \$152,000, 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 "Law"), to finance the balance of said appropriation not provided by said current funds.

TBM - 7/15/85
Page 27

RESOLUTION NO. (609-1985) Continued

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

(a) The existing building is of Class "C" construction as defined by Section 11.00 a. 11. (c) of the Law, and the period of probable usefulness of said specific object or purpose for which said \$152,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 11. (c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$8,000 will be provided from moneys now available therefor in the current budget of the Town as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

Continued on Next Page

AAG517

RESOLUTION NO. (609-1985) Continued

Section 7. This bond resolution is subject to permissive referendum.

Seconded by Co. Holbrook

- Councilman Carey.....Yes
- Councilman Holbrook.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Yes
- *****

RESOLUTION NO. (609-A-1985)

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 of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown New York, adopted July 15, 1985, authorizing the construction of a new salt shed at Highway Garage, situate on Seeger Drive, in Nanuet, stating the estimated maximum cost thereof is \$160,000, appropriating said amount therefor, including the appropriation of \$8,000 current funds to provide the required down payment, and authorizing the issuance of \$152,000 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to construct a new salt shed at Highway Garage, situate on Seeger Drive, in Nanuet, and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said building is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$160,000; APPROPRIATING said amount therefor, including the appropriation of \$8,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$152,000 serial bonds of the Town to finance the balance of 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 \$152,000 serial bonds of the Town pursuant to the Local Finance Law of the State of

TBM - 7/15/85
Page 29

RESOLUTION NO. (609-A-1985) Continued

New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing building is of Class "C" construction and the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$8,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$152,000 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 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: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 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.

Section 3. This resolution shall take effect immediately.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (610-1985)

BOND RESOLUTION AUTHORIZING THE RECONSTRUCTION, IN PART, OF THE HIGHWAY GARAGE AND AUTHORIZING ISSUANCE OF SERIAL BONDS TO FINANCE BALANCE

Co. Holbrook offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985, AUTHORIZING THE RECONSTRUCTION, IN PART, OF THE HIGHWAY GARAGE, SITUATE ON SEEGER DRIVE, IN NANUET, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$125,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$6,250 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$118,750 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION

Continued on Next Page

AAG517

TBM - 7/15/85
Page 30

RESOLUTION NO. (610-1985) 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 "Town"), is hereby authorized to reconstruct, in part, the Highway Garage, situate on Seeger Drive, in Nanuet, including installation of a new roof and installation of berths to hang spreader bodies, and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said building is to be used. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$125,000 and said amount is hereby appropriated therefor, including the appropriation of \$6,250 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$118,750 serial bonds of the Town to finance the balance of 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 \$118,750, 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 "Law"), to finance the balance of said appropriation not provided by said current funds.

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

(a) The existing building is of Class "B" construction as defined by Section 11.00 a. 11.b of the Law, and the period of probable usefulness of said specific object or purpose for which said \$118,750 serial bonds authorized pursuant to this resolution are to be issued within the limitations of Section 11.00 a. 12. (a) (2) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$6,250 will be provided from moneys now available therefor in the current budget of the Town as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

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

Continued on Next Page

AAG517

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (610-A-1985)

AUTHORIZING TOWN CLERK TO
PUBLISH BOND RESOLUTION IN
THE JOURNAL NEWS

Co. Holbrook 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 of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985, authorizing the reconstruction, in part, of the Highway Garage, situate on Seeger Drive, in Nanuet, stating the estimated maximum cost thereof is \$125,000, appropriating said amount therefor, including the appropriation of \$6,250 current funds to provide the required down payment, and authorizing the issuance of \$118,750 serial bonds of said Town to finance the balance of said appropriation,"

RESOLUTION NO. (610-A-1985) Continued

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

FIRST: AUTHORIZING said Town to reconstruct, in part, the Highway Garage, situate on Seeger Drive, in Nanuet, including installation of a new roof and installation of berths to hang spreader bodies and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said buildings is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$125,000; APPROPRIATING said amount therefor, including the appropriation of \$6,250 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$118,750 serial bonds of the Town to finance the balance of 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 \$118,750 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing building is of Class "B" construction and the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$6,250 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$118,750 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 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: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 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.

Section 3. This resolution shall take effect immediately.

Seconded by Co. Maloney

All voted Aye

Item 28 removed from Agenda pending report from SECA.

TBM - 7/15/85
[age 33

RESOLUTION NO. (611-1985)

BOND RESOLUTION AUTHORIZING
THE ORIGINAL IMPROVEMENT AND
EMBELLISHMENT OF
RECREATIONAL FACILITIES AT
HEATONS POND AND AUTHORIZING
THE ISSUANCE OF SERIAL BONDS
TO FINANCE BALANCE

Co. Holbrook offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF RECREATIONAL FACILITIES AT HEATONS POND, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$180,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$9,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$171,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to originally improve and embellish recreational facilities at Heatons Pond, including reconstruction of the dam and spillway, all as more particularly described in a plan and report to be prepared and filed in the office of the Town Clerk, and approved by the Town Board. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$180,000 and said amount is hereby appropriated therefor, including the appropriation of \$9,000 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$171,000 serial bonds of the Town to finance the balance of 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 \$171,000, 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 "Law"), to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$171,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 19. (c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$9,000 will be provided from moneys now available therefor in the current budget of the Town as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

Continued on Next Page

AAG517

TBM - 7/15/85

Page 34

RESOLUTION NO. (611-1985) Continued

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

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

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

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

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (611-A-1985)

AUTHORIZING THE TOWN CLERK TO PUBLISH BOND RESOLUTION IN THE JOURNAL NEWS

Co. Holbrook 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 of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within

RESOLUTION NO. (611-A-1985) Continued

said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985, authorizing the original improvement and embellishment of recreational facilities at Heatons Pond, in said Town, stating the estimated maximum cost thereof is \$180,000, appropriating said amount therefor, including the appropriation of \$9,000 current funds to provide the required down payment, and authorizing the issuance of \$171,000 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to originally improve and embellish recreational facilities at Heatons Pond, including reconstruction of the dam and spillway, all as more particularly described in a plan and report to be prepared and filed in the office of the Town Clerk, and approved by the Town Board; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$180,000; APPROPRIATING said amount therefor, including the appropriation of \$9,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$171,000 serial bonds of the Town to finance the balance of 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 \$171,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$9,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$171,000 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 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

Continued on Next Page

AAG517

RESOLUTION NO. (611-A-1985) Continued

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

DATED: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 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.

Section 3. This resolution shall take effect immediately.

Seconded by Co. Maloney

All voted Aye

Item 30 was taken off the agenda and tabled.

Item 31 taken off the agenda pending report from SEQR.

Item 32 taken off the agenda to go back to the Bond Council and Town Board for further information and discussion.

Item 33 was tabled. Supervisor asked if this resolution needed SEQR.

Mr. Costa said this is the one on which we had the disagreement. Bond Council said that the project had to be identified in order to qualify for the Bonding.

Supervisor said and you can't borrow a slush fund.

Mr. Costa said that is correct and he thought that was what Mr. Andretta was referring to when he brought that up before. I agree with him that you cannot do that and I think it is the recommendation of the Comptroller that \$300,000 come out of the budgeted amount - \$100,000 each year.

Mr. Bollman spoke from the floor but he could not be heard because of the cross talking from the dais.

Mr. Costa said he was going to defer to Bond Council because that's their expertise.

Supervisor said that Bond Council prepared the resolution for Highway Department. Councilman Lettre indicated that it was for Environmental. Do we have the input from Bond Council as to what department it should be charged to?

Mr. Costa said that he didn't think it made any difference. He thought it was a local issue.

Supervisor said that we borrowed, I think unanimously, five years ago \$2,000,000 which has finally been dissipated this year say almost in a five year period. We have been borrowing about \$400,000 a year and we borrowed it because there were no funds in

TBM - 7/15/85
Page 37

that budget and I concur with that. At the same time, it took five years. If, however, we're going to borrow this rather than place the same amount in an operating budget, we're going to be paying interest on it and we're going to be brought into long paying debt. We probably do need two, three four hundred thousand dollars per year on drainage. Why not put it in the budget instead of borrowing it?

Co. Holbrook said we should. That's where you come with capital projects. You have certain things that have to be done and they are massive. You can't put 1.5,000,000 for one project and not do any other drainage.

Supervisor said we're talking about only \$300,000. We're not talking about the major bond which just passed for Lake Road to finish up.

AAG517

RESOLUTION NO. (612-1985)

BOND RESOLUTION AUTHORIZING THE EXPENDITURE AND BORROWING OF FUNDS FOR PURCHASE AND INSTALLMENT OF TRAFFIC SIGNALS AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS TO FINANCE THE BALANCE

Co. Holbrook offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985, AUTHORIZING THE PURCHASE AND INSTALLATION OF TRAFFIC SIGNALS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$450,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$22,500 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$427,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to the purchase and installation of traffic signals at the following intersections along the tunnel by-pass: Smith Road, Route 59 and West Clarkstown Road. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$450,000 and said amount is hereby appropriated therefor, including the appropriation of \$22,500 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$427,500 serial bonds of the Town to finance the balance of 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 \$427,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the balance of said appropriation not provided by said current funds.

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

RESOLUTION NO. (612-1985) Continued

(a) The period of probable usefulness of said specific object or purpose for which said \$427,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 72.(a) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$22,500 will be provided from moneys now available therefor in the current budget of the Town as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

Seconded by Co. Maloney

On roll call, the vote was as follows:

Continued on Next Page

RESOLUTION NO. (612-1985) Continued

Co. Carey.....	Yes
Co. Holbrook.....	Yes
Co. Lettre.....	Yes
Co. Maloney.....	Yes
Supervisor Dusanenko.....	No

RESOLUTION NO. (612-A-1985)

AUTHORIZING TOWN CLERK TO
PUBLISH BOND RESOLUTION IN
THE JOURNAL NEWS

Co. Holbrook 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 of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985, authorizing the purchase and installation of traffic signals, stating the estimated maximum cost thereof is \$450,000, appropriating said amount therefor, including the appropriation of \$22,500 current funds to provide the required down payment, and authorizing the issuance of \$427,500 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to the purchase and installaltion of traffic signals at the following interesections along the tunnel by-pass: Smith Road, Route 59 and West Clarkstown Road; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$450,000; APPROPRIATING said amount therefor, including the appropriation of \$22,500 current funds to provide the down-payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$427,500 serial bonds of the Town to finance the balance of 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 \$427,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is twenty (20) years; current funds are required by the Law to be provided prior to the

Continued on Next Page

AAG517

RESOLUTION NO. (612-A-1985) Continued

issuance of the bonds or any notes in anticipation thereof and such current funds are available therefore in the amount of \$22,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$427,500 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 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: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 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.

Section 3. This resolution shall take effect immediately.

Seconded by Co. Maloney

On roll call, the vote was as follows:

Co. Carey.....Yes
Co. Holbrook.....Yes
Co. Lettre.....Yes
Co. Maloney.....Yes
Supervisor Dusanenko.....No

RESOLUTION NO. (613-1985)

BOND RESOLUTION AUTHORIZING
CONSTRUCTION OF A RAILROAD
GRADE CROSSING, INCLUDING
SIGNALIZATION AND
AUTHORIZING THE ISSUANCE OF
SERIAL BONDS TO FINANCE THE
BALANCE

Co. Holbrook offered the following resolution:

BOND REOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985, AUTHORIZING CONSTRUCTION OF A RAILROAD GRADE CROSSING, INCLUDING SIGNALIZATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$175,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$8,750 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$166,250 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

RESOLUTION NO. (613-1985) 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 "Town"), is hereby authorized to construct a railroad grade crossing, including signalization. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$175,000 and said amount is hereby appropriated therefor, including the appropriation of \$8,750 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$166,250 serial bonds of the Town to finance the balance of 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 \$166,250, 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 "Law"), to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$166,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 8 of the Law, is forty (40) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$8,750 will be provided from moneys now available therefor in the current budget of the Town as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law,

AAG517

RESOLUTION NO. (613-1985) Continued

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 notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

Seconded by Co. Maloney

Councilman Carey.....Yes
 Councilman Holbrook.....Yes
 Councilman Lettre.....Yes
 Councilman Maloney.....Yes
 Supervisor Dusanenko.....Yes

RESOLUTION NO. (613-A-1985)

BOND RESOLUTION AUTHORIZING
THE TOWN CLERK TO PUBLISH
BOND RESOLUTION IN THE
JOURNAL NEWS

Co. Holbrook 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 of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985, authorizing construction of a railroad grade crossing, including signalization, stating the estimated maximum cost thereof is \$175,000, appropriating said amount therefor, including

TBM - 7/15/85
Page 43

RESOLUTION NO. (613-A-1985) Continued

the appropriation of \$8,750 current funds to provide the required down payment, and authorizing the issuance of \$166,250 serial bonds of said Town to finance the balance of said appropriation."

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

FIRST: AUTHORIZING said Town to construct a railroad grade crossing, including signalization; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$175,000; APPROPRIATING said amount therefor, including the appropriation of \$8,750 current funds to provide the down payment required by the Law, as hereinafter defined, STATING the plan of financing includes the expenditure of said current funds, the issuance of \$166,250 serial bonds of the Town to finance the balance of 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 \$166,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is forty (40) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$8,750 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$166,250 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 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: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 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.

Section 3. This resolution shall take effect immediately.

Seconded by Co. Maloney

Continued on Next Page

AAG517

RESOLUTION NO. (613-A-1985) Continued

- Councilman Carey.....Yes
- Councilman Holbrook.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Yes

Mr. Bollman made the following statement: I don't know why they were broken up. I was not told they were going to be broken up and I want to tell you that I pulled both those numbers out of the air. Now you're holding me to \$450,000 for signalization, \$175,000 for a crossing. It was a basic project that we felt we could do for a million dollars and that's the way I put it together and that's the way I presented it to you gentlemen - trying to give you a breakdown of approximately \$150,000 intersection and reintersection for signalization. Now when you do a different bond you are going to run into the same problem with Lake Road. I need \$10,000 more for the grade crossing but the judge comes up with something else, I can't take it out of the \$450,000 if I do this for \$400,000.

Councilman Lettre said it is an absolute disgrace. We've got department heads, full time elected officials and we don't know what is going on.

Mr. Costa said that's the way the Bond Council suggested it be handled.

RESOLUTION NO.(614-1985)

BOND RESOLUTION AUTHORIZING THE CONSTRUCTION OF A TUNNEL BY-PASS, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS TO FINANCE THE BALANCE

Co. Holbrook offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985, AUTHORIZING THE CONSTRUCTION OF A TUNNEL BY-PASS, IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$825,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING A DEVELOPER CONTRIBUTION IN THE AMOUNT OF \$450,000, STATING THE TOWN'S SHARE OF SAID COST IS \$375,000, INCLUDING THE APPROPRIATION OF \$18,750 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENET, AND AUTHORIZING THE ISSUANCE OF \$356,250 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF THE TOWN'S SHARE OF SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construction of a tunnel by-pass beginning at West Clarkstown Road and running in a southerly direction to Route 59, in the Town, using flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous wearing surface, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way and improvements in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$825,000 and said amount is hereby appropriated therefor, including a developer contribution in the amount of \$450,000. The

TBM - 7/15/85
Page 45

RESOLUTION NO. (614-1985) Continued

plan of financing the Town's share of said cost in the amount of \$375,000 includes the appropriation of \$18,750 current funds to provide the down payment required by the Law, as hereinafter defined, the issuance of \$356,250 serial bonds of the Town to finance the balance of 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 \$356,250, 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 "Law"), to finance the balance of the Town's share of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$356,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$18,750 are available in the current budget as an unappropriated fund balance. The Supervisor is hereby authorized and directed to set aside and to apply same solely to said specific object or purpose herein described.

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

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

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

Continued on Next Page

AAG517

TBM - 7/15/85
Page 46

RESOLUTION NO. (614-1985) 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 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 premissive referendum.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (614-A-1985)

AUTHORIZING THE TOWN CLERK
TO PUBLISH BOND RESOLUTION
IN THE JOURNAL NEWS

Co. Holbrook 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 of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted in at least six (6) public places in the Town, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 15, 1985, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985, authorizing construction of a tunnel by-pass beginning at West Clarkstown Road in a southerly direction to Route 59, in the Town, stating the estimated maximum cost thereof is \$825,000, appropriating said amount therefor, including a developer contribution in the amount of \$450,000, stating the Town's share of said cost is \$375,000, including the appropriation of \$18,750 current funds to provide the required down payment, and authorizing the issuance of \$356,250 serial bonds of said Town to finance the balance of the Town's share of said appropriation,"

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

FIRST: AUTHORIING said Town to construction of a tunnel by-pass beginning at West Clarkstown Road and running in a southerly direction to Route 59, in the Town, using flexible pavement with penetration macadam or plant mix bottom course and heavy duty,

RESOLUTION NO. (614-A-1985) Continued

bituminous wearing surface, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way and improvements in connection therewith; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs incidental thereto and the financing thereof, is \$825,000; APPROPRIATING said amount therefor; including a developer contribution in the amount of \$450,000; STATING the plan of financing the Town's share of said cost in the amount of \$375,000 includes the appropriation of \$18,750 current funds to provide the down payment required by the Law, as hereinafter defined, the issuance of \$356,250 serial bonds of the Town to finance the balance of 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 \$356,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of the Town's share of said appropriation not provided by said Current Funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$356,250 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 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: July 15, 1985

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 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.

Section 3. This resolution shall take effect immediately.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (615-1985)

APPOINTING LESLIE F.
BOLLMAN, AGENT FOR TOWN
BOARD AND DIRECTING THAT THE
RECREATION COMMISSION SHALL
INITIATE THE PROCESS FOR
SEQRA REVIEW42

Co. Holbrook offered the following resolution:

Continued on Next Page

AAG517

RESOLUTION NO. (615-1985) Continued

RESOLVED, that Leslie F. Bollman, Director of the Department of Environmental Control, shall be agent for the Town Board and the Recreation Commission shall initiate the process for SEQRA review for the following projects proposed to be paid in full or in part by bonded indebtedness:

<u>PROJECT</u>	<u>SPONSORING DEPT.</u>	<u>AMOUNT</u>
Congers Lake Park	Recreation	\$ 775,000.00
Germonds	Recreation	\$1,225,000.00
French Farms	Recreation	\$ 850,000.00
Recreational Facilities		
Acquisition of Land	Recreation	\$ 275,000.00
North Main Street, N.C.		
Lake Road Drainage	Env. Control	\$1,150,000.00
Drainage Improvement in	Env. Control	\$ 300,000.00
Town (three years)		
Central Nyack Community	Recreation	\$ 265,000.00
Center		

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (616-1985)

MEMORIALIZING ALL STATE OFFICIALS TO SUPPORT AN EQUITABLE CAP ON MONETARY SUITS

Co. Holbrook offered the following resolution:

WHEREAS, the State of New York is one of only 2 States not having a Cap on Municipal Tort Claims for monetary damages, and

WHEREAS, this fact has caused concern among insurance carriers due to the possibility of ruinous decisions, and

WHEREAS, some Municipalities and School Districts have either lost insurance or have seen their premiums rise as much as 400% and

WHEREAS, the taxpayers of the Town of Clarkstown should be afforded the same kind of protection now afforded residents of 48 other states.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown call upon all State Elected Officials to support an equitable cap on monetary suits for all Public Entities in the State of New York, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown be charged with the responsibility of delivering a certified copy of this Resolution to all other Towns in the County of Rockland, as well as all Elected State Representatives having jurisdiction over Rockland County, including the Governor of the State.

Seconded by Co. Carey

All voted Aye

Item 38 taken off the Agenda deferred to next workshop.

TBM - 7/15/85
Page 49

Item 39 on the Agenda was taken off and Mr. Costa said that this organization maintains a local chapter within Rockland County and they provided the name and address of the chapter head. Under the Town Code Section 75.5 they would be exempt from the requirements of that chapter except to the extent that they have to keep records so basically all that this resolution does is state the law and it's a memorializing resolution.

Mr. Costa said he prepared the resolution at the request of the Supervisor's office on Friday.

Supervisor said we don't have to take any action on it.

Item 40 was taken off the agenda. Supervisor commented to Mr. Costa that we didn't buy the property yet. Mr. Costa said no we did not. Supervisor said so how can we do this. Mr. Costa said again this was requested by your office. It's a little bit premature but it would be effective when we take title.

Mr. Lettre asked what's reasonable compensation? Who determines that?

Mr. Costa said there is no exact determination yet but it was thought, and I have been in consultation with Mr. Ghiazza on this, that there would be services incurring provided maintaining the property as well as a cash payment. That's basically the idea behind it, is to keep the property arable and thereby preserve it for use at later date as park land without incurring as much expense to develop the property.

Mr. Ghiazza said the land is already being farmed now. If it remains farms it will be to our benefit because the ball fields will then cost us less money because the land is already flat.

Supervisor asked Mr. Ghiazza if he would like a Victory Garden on your front yard because that would help the fertilizer of your grass ten years from now.

Mr. Costa said it doesn't have to be adopted tonight.

Supervisor said Mr. Costa you stated earlier that my office requested Item 40.

Mr. Costa said that's my understanding.

Supervisor said that his office received some time ago for your information to clarify that item a proposed agreement with additional backup. In view of the fact that we were going to borrow the money to buy the property this evening, that item was placed on the agenda but I did not solicit it. I did not request it or otherwise. In fact I had little if any input and what Mr. Lettre stated earlier about some of us supposedly being here full time or during the day is correct. My office has not had involvement in this or knowledge of it until many weeks later.

Mr. Costa said I don't want to debate it with you and my understanding was that your office called and requested the resolution on the Smith Farms. The correspondence that I have had has been carboned to the Town Board over the past several weeks so that everybody knew what was being discussed and there was no intention of misinforming anybody. That's why all that correspondence went to your office. I do think it's a bit premature because we haven't received Mr. Smith's response to my last letter that was sent to him the early part of last week. I think it should be tabled.

Co. Carey and Maloney withdrew their motions.

AAG517

RESOLUTION NO. (617-1985)

GRANTING SICK LEAVE TO BUS
DRIVER - MINI TRANS (PAUL
SCHWARTZ)

Co. Carey offered the following resolution:

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., Paul Schwartz, 24 Lenox Avenue, Congers, New York - Bus Driver - Mini Trans Department - is hereby granted a Sick Leave of Absence - at one half pay - effective and retroactive to June 24, 1985 - for the period up to July 29, 1985.

Seconded by Co. Lettre

All voted Aye

RESOLUTION NO. (618-1985)

APPOINTING POSITION OF BUS
DRIVER - MINI TRANS (THOMAS
J. MITCHELL)

Co. Carey offered the following resolution:

RESOLVED, that Thomas J. Mitchell, 16 Ridge Street, Pearl River, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the hourly rate of \$6.74 - effective July 20, 1985.

Seconded by Co. Lettre

All voted Aye

RESOLUTION NO. (619-1985)

APPOINTING POSITON OF POLICE
OFFICER (DAVID ELMENDORF)

Co. Carey offered the following resolution:

WHEREAS, THE Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #EL84200 which contains the name of David Elmendorf,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, David Elmendorf, 12 Hacker Place, Nanuet, New York is hereby appointed to the position of Police Officer - Police Department - at the salary of \$26,618., effective July 22, 1985.

Seconded by Co. Lettre

All voted Aye

RESOLUTION NO. (620-1985)

RECLASSIFYING POSITION OF
AUTOMOTIVE MECHANIC AND
MOTOR EQUIPMENT OPERATOR I
TO AUTOMOTIVE MECHANIC AND
MOTOR EQUIPMENT OPERATOR II
- GRADE 21 - SANITARY
LANDFILL (GEORGE RIST)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 1, 1985 that the position of Automotive Mechanic and Motor Equipment Operator I - can be reclassified to the position of Automotive Mechanic and Motor Equipment Operator II,

RESOLUTION NO. (620-1985)

NOW, THEREFORE, be it

RESOLVED, that the position of Automotive Mechanic and Motor Equipment Operator I (presently encumbered by George Rist) - Sanitary Landfill - is hereby reclassified to the position of Automotive Mechanic and Motor Equipment Operator II - Grade 21 - effective July 15, 1985.

Seconded by Co. Lettre

All voted Aye

RESOLUTION NO. (621-1985)

AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION AGREEMENT WITH THE COUNTY OF ROCKLAND FOR SUBSTANCE ABUSE SERVICES PROGRAM

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an Extension Agreement with the County of Rockland for the Substance Abuse Services Program for an additional one-year period to expire March 31, 1986, for a total consideration of \$89,500.00.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (622-1985)

CORRECTING RESOLUTION NO. 574 OF JUNE 25, 1985 - ACCEPTING DEED FROM ANRO CONSTRUCTION CORP (WINDERMERE WOODS) AND ACCEPTING AGREEMENT GUARANTEEING IMPROVEMENTS FOR A PERIOD OF ONE YEAR

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 574 dated June 25, 1985, which intended to accept for dedication a road widening along Pine Lane and other public improvements was adopted in incorrect form and referred to an area intended to be retained as a private right of way;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 574 dated June 25, 1985, is hereby to read as follows:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deed from Anro Construction Corp. dated August 24, 1984, conveying a road widening strip along Pine Lane, New City, New York, and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of WINDERMERE WOODS, filed in the Rockland County Clerk's Office on October 5, 1984, in Book No. 102, at Page 54 as Map No. 5672 is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording, and be it

FURTHER RESOLVED, that the agreement guaranteeing the improvements for a period of one (1) year, with security posted by the developer in the amount of \$1,012.50 is hereby accepted.

Seconded by Co. Holbrook

All voted Aye

AAG517

RESOLUTION NO. (623-1985)

ACCEPTING DEED FOR SAYMOR
ESTATES SUBDIVISION AND
ACCEPTING SECURITY
GUARANTEEING ROADS AND
IMPROVEMENTS FOR ONE YEAR

Co. Holbrook offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deed(s) from: J.M.K. BUILDING CORP. dated June 6, 1985, conveying road(s) and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of SAYMOR ESTATES, filed in the Rockland County Clerk's Office on July 31, 1981, in Book No. 97, at Page 34 as Map No. 5278, as follows:

SAYMOR DRIVE - 888 L.F.
INWOOD DRIVE - 425 L.F.

is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording, and be it

FURTHER RESOLVED, that the agreement guaranteeing the road(s) and improvements for a period of one (1) year, with security posted by the developer in the amount of \$8,300.00 is hereby accepted, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to the Superintendent of Highways and New York State Department of Transportation.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (624-1985)

AUTHORIZING SUPERVISOR TO
ENTER AGREEMENT WITH BANK OF
NEW YORK FOR BONDING
SERVICES

Co. Maloney offered the following resolution:

RESOLVED, based on the recommendation of Louis J. Profenna, Town Comptroller, the BANK OF NEW YORK is hereby appointed financial advisor with respect to bonding services, and be it

FURTHER RESOLVED, that Supervisor Dusanenko is authorized and directed to enter into an agreement with the Bank of New York in a form approved by the Town Attorney, to obtain such services and compensation not to exceed \$12,000 plus expenses.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (625-1985)

REQUESTING THE U.S. POSTAL
SERVICE RECONSIDER THE
PROPOSED RELOCATION OF THE
NEW CITY POST OFFICE

Co. Holbrook offered the following resolution:

WHEREAS, the U.S. Postal Service has advised that it is seeking a new location for the New City Post Office and a location on North Main Street, New City, is being considered, and

RESOLUTION NO. (625-1985) Continued

WHEREAS, the possible site of such post office is in a residential area which is experiencing increased traffic congestion;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the U.S. Postal Service reconsider any decision regarding relocation of the New City Post Office, and be it

FURTHER RESOLVED, that the Town Board hereby goes on record as rejecting such proposed location and recommends that other sites more centrally located in the New City commercial area be considered, and be it

FURTHER RESOLVED, that copies of this resolution be sent by the Town Clerk to the U.S. Postal Service, Senators D'Amato and Moynihan, and Congressman Gilman.

Seconded by Co. Maloney

Supervisor said several people spoke about this earlier this evening and I with your help over five and a half years finally convinced the postal service that we needed an expanded and larger post office. While they were doing that they have for those first four years they tried every band-aide approach, namely: additional post office boxes at the facility itself; additional post office box at the "Mr. Oz Book Store" as well as postal stamp machines there; the postal employees were exempt from zoning and the facility did not have sufficient staff parking and for patrons much less the fifty or more employees; they leased space behind the New City Garage; they placed various express boxes; after all of their band-aides failed, they were finally convinced that a facility was there. I had suggested the abandoned A & P before it was remodeled. I had suggested, remember we had that building where you gentlemen wanted to declare a historic site two years ago, where the office building is, I suggested that be the site of the post office between the A & P and Grand Union. That went also. Almost all of the sites were gone. Now most of you gentlemen, with me, realize that there are several hundred people who have Spring Valley addresses as well who want to join the New City Post Office. The postal authorities in discussing this item with me have decided that they want a facility along the main street of the community and for those reasons I am grateful that we will have a post office and I didn't like the fact that all of the choice places for a post office were developed for other purposes by delays. Similarly, those many people representing many of the civic associations and home owners associations of Clarkstown suggested there was a problem with traffic. That is true but working with you gentlemen of the Town Board we haven't had an answer to the traffic on Main Street, New City. Working with my colleagues in the Legislature we did have a plan if you recollect which was to cut across the Court House lawn and double the traffic capacity. Not only did some of our colleagues in the Legislature scuttle that plan but also declared it a historic zone so it never could be improved again. I just shared those items with you prior to the vote.

Co. Lettre said at the same time you were making some of those other suggestions, I had suggested possibly looking into the parcel of land on Squadron Blvd.

Supervisor said that was reviewed by them.

Mr. Lettre continued either the parcel for the tennis court where the Raquet-ball Club is presently or the parcel just up from that and your comment and feelings at that time were very strong and adamant that it was too far north on Main Street and it was inconvenient for the people of New City. For some reason now, a

Continued on Next Page

AAG517

RESOLUTION NO. (625-1985) Continued

parcel further north on North Main Street becomes acceptable and I think that should be in the record also.

Supervisor said he had tried to get the post office south of Congers Road but all my efforts had failed.

On roll call the vote was as follows:

Co. Carey.....Yes
Co. Holbrook.....Yes
Co. Lettre.....Yes
Co. Maloney.....Yes
Supervisor Dusanenko.....Abstained

RESOLUTION NO. (626-1985)

DIRECTING THE SUPERINTENDENT OF HIGHWAYS TO COMPLETE DRAINAGE PROJECT ON WEST STREET

Co. Holbrook offered the following resolution:

RESOLVED, that Nicholas A. Longo, Superintendent of Highways, is hereby directed to complete a drainage project in the vicinity of John Eustis residence, 21 West Street, West Nyack

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (627-1985)

EXTENDING SUMMER EMPLOYMENT OF LEGAL ASSISTANT (TOWN ATTORNEY - SEASONAL) RONALD DECHRISTOFORO,

Co. Carey offered the following resolution:

RESOLVED, that the summer employment of RONALD DeCHRISTOFORO as Legal Assistant (Seasonal) in the Town Attorney's Office be extended for a period of one (1) month upon the same salary terms.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Co. CareyYes
Co. Holbrook.....Yes
Co. Lettre.....Yes
Co. Maloney.....Yes
Supervisor Dusanenko.....Abstained

There being no one further wishing to be heard and no further business to come before the Town Board, the Town Board Meeting was declared Adjourned, time: 12:05 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/15/85

8:50 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Maloney, Lettre
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: AMENDING ZONING ORDINANCE, LOOMIS GROSSMAN, PO DISTRICT
TO CS DISTRICT

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and Town Attorney testified as to proper posting and publication.

Supervisor noted that there was a 265 petition filed by Patricia Roy, Vice President of the Board of Education of the Nyack Union Free School District.

Town Attorney said his file contains correspondence from the Rockland County Planning Board dated June 21, 1985, correspondence from the Town of Clarkstown Planning Board dated July 2, 1985 and a copy of a letter from the Department of Environmental Control to Mr. George Rusciano regarding Friendly's Restaurant.

Town Attorney stated that the Rockland County Planning Board made its recommendation of approval subject to a condition which they said was the recommendation of the NYSDOT otherwise for local determination for the proposed zone change. The Clarkstown Planning Board has submitted a recommendation as follows:

"...The Planning Board has examined the petition of Grossman for request for change of zone from PO to CS in relation to the surrounding area, the traffic problems of the six corners intersection, the NYSDOT proposed options for improvements, and the statutory requirements, and recommends that the petition be DENIED for the following reasons:

1. The important issue is the change from PO to CS and if CS uses are appropriate in the area in light of the dangerous intersection; in particular since NYSDOT has suggested to the Town that, as a cooperative effort to reduce traffic congestion at Route 303/Lake Road intersection, the Town make an effort to encourage less traffic intensive land uses. CS uses would generate considerable additional traffic while an office building will draw traffic at different times than a group of retail stores.
2. The NYSDOT has informed the Town that an additional curb cut on Route 303 for this property will not be approved. As a result a driveway will be required in very close proximity to the school driveway, which would create potential turning movement conflicts between the retail driveway and the school driveway.
3. The CS zone would allow for greater intensive retail uses, auto shops, i.e. Midas Muffler or similar type use, which is not an appropriate use in the area.
4. There are available lands owned by same owner at the northerly end of the existing Food Emporium Shopping Center which would better lend itself to a Friendly's and have less adverse impact on the abutting residential area."

Continued on Next Page

AAG517

Correspondence from Environmental Control to Mr. Rusciano basically is referring to him a negative declaration made by Les Bollman as Director of Environmental Control and this is dated July 10, 1985.

Supervisor called upon Mr. Donald Tracy, attorney for the owner of the property which is the subject of the public hearing. With regard to the filing of a 265 petition, Mr. Tracy said he questioned the validity of this since he has not had an opportunity to review and count the land. He asked whether the Town Attorney had made a definite opinion on that particular matter at this time?

Town Attorney said he had not seen the 265 petition and therefore had not made any opinion. He said he had not looked at the map to determine what property it covers. Mr. Tracy said he would respectfully suggest that the statement that four affirmative votes are necessary be deferred until both Town Attorney and counsel for the applicant have had an opportunity to review the matter.

He gave the long and varied history of the parcel of land in question. At one time it was zoned CS and then was changed by the Town Board over the objections of the present owner to PO with the idea that PO would produce less traffic and would be more consistent with the traffic problems allegedly proposed and which exist on the corner there.

Mr. Tracy said that at the meeting of the Planning Board one individual, unsolicited - a Dr. Louis Alpert, who is Chairman of the Consumer Affairs Commission, was asked by someone to make an informal telephone survey in the area. He posed the questions to some 100 people concerning whether or not Friendly's should be introduced into the area. Thirteen people were opposed. Sixty-eight people were in favor. Nineteen had no opinion. The principal of the Valley Cottage Elementary School indicated that he loves Friendly's but he was concerned about the exit and the safety of the children. The PTA also indicated that they didn't want to see a Friendly's next to the school because it would interfere with the education of the children. Mr. Tracy said that might be so with a MacDonald's with a great big yellow sign and a recreation area outside but we are within spitting distance of a Friendly's right here and that is within spitting distance from a school. We have all had an opportunity to go to Friendly's Restaurant and we know what kind of an operation it is. It does not bring vandals and it does not have people hanging out in it. Tonight we have a Mrs. Betty Morgan here representing Friendly's.

Town Attorney swore in Mrs. Betty Morgan.

Appearance: Mrs. Betty Morgan
Schnectady, New York

Mrs. Morgan stated that she was a full-time employee of Friendly's Ice Cream Corporation. She said she was basically present for moral support. She stated that she felt everyone who lives in this area is familiar with Friendly's operation. She said there is one in New City, which is not the newest concept. The one contemplated would be larger with a little more ambiance than we have at the moment. She said they have been in operation for fifty years. They take great pride in their service. They take great pride in their response to the community. She said they try to be sensitive. She stated that she could understand to some degree the problems which some people foresee and she said she has seen this happen before. Quite often after it is all over and settled down the people who had the greatest concern turn out to be the most consistent customers. They realize that they were not as accurate as they thought.

Supervisor asked Mrs. Morgan to be more specific about what is contemplated here and asked if she would jot down whatever

Continued on Next Page

PH - Zone Change Grossman - PO to CS - 7/15/85
Page 3

questions the public might raise during the course of this public hearing and then, in her summary, answer them.

Mrs. Morgan said their proposal is about 37,000 square feet as far as the building is concerned. It will have approximately 118 seats. There will be parking for approximately 60 cars. There will not be a drive-in. She said this area will eventually be used for something - an office building, etc. An office building will necessitate people coming in and out and not always from the community. Friendly's will cater to the people who live here and who work here and know the problems. They would certainly do everything they could to avoid interfering with children's education or whatever the problems are.

Councilman Lettre asked what the seating capacity was in the New City Friendly's and Mrs. Morgan said about 60 seats. He asked about the parking and she stated that she was unsure about the parking facilities in that location. Councilman Lettre said the ratio would probably be the same and that in itself would create a problem. This Friendly's on many occasions has a parking problem. He stated that he had gone in there on numerous occasions and people have been double parked along the curbs or out in front of the building illegally. He stated that he knew that just from being a user of Friendly's.

Mrs. Morgan said that does happen in the older buildings. They were community concept buildings and they did not provide as much parking as the new ones and some of them are in trouble in that respect.

Mr. Tracy called upon Mr. George Rusciano, a registered architect for his next witness.

Town Attorney swore in Mr. Rusciano.

Appearance: Mr. George Rusciano, Architect
150 White Plains Road
Tarrytown, New York

Mr. Rusciano gave a history of his participation and planning regarding this site. He stated that Mr. Grossman built the existing shopping center and he (Mr. Rusciano) was his architect - Lake Ridge Plaza. When he bought the property it extended from Rockland Lake Road to a point north of the shopping center. On the undeveloped area south of the shopping center was approximately three acres, which is the parcel we are talking about now. There is another piece of property north of the shopping center which is approximately four and one half acres. He would like to develop the southerly portion. When Mr. Grossman bought the property the entire parcel except for the northerly end was zoned CS. The shopping center was then developed.

The original intention was to develop the southerly portion right after the shopping center was built. At that time it was thought that it would be good for an office building. Mr. Rusciano said he planned a two-story office building for that site and put up signs asking for people who might be interested in that space. He said they received no response at all. Mr. Rusciano said the preliminary plans were developed to determine approximate costs and to come up with feasibility for office use. He said the cost of building as opposed to possible rental in that area coupled with the fact that there were no takers on the space made it just not feasible at that time. He said while he was developing that plan he had discussed the possibilities with Mr. Geneslaw. Shortly thereafter it was proposed in the next Master Plan by Mr. Geneslaw and his firm that the property be revised from CS to PO. At that time Mr. Grossman sent a letter to the Planning Board and also to the Town Board indicating that he was completely against such a change because it would limit the use of the property. He said they had already tried to develop it for use as an office building and were unsuccessful.

Continued on Next Page

AAG517

PH - Zone Change - Grossman - PO to CS - 7/15/85
Page 4

Now, Friendly's is interested in a restaurant on the southerly portion of the three acres. He said the plans would be to build a Friendly's which would be approximately 3,700 square feet and also possibly build a two story smaller building between Friendly's and the post office. The lower floor would face the existing parking lot of the post office and the proposal would be for 6,000 to 7,000 square feet of stores. The upper floor of that structure would have office space. That is the plan which was presented to the Planning Board and which is before you now.

Mr. Tracy asked Mr. Rusciano to address the alleged traffic hazard on the site in view of the present DOT plans and his own observations and traffic counts.

Mr. Rusciano said the DOT has always been against an additional curb cut onto Route 303. He said the point was argued with them but they finally conceded that the site could be developed on the southerly section by using the entrance to the post office and having another curb cut on Rockland Lake Road which would permit a right hand turn out and a left turn in and also a right turn in from Route 303. They would not allow a left turn out going towards Route 303 because the distance is too short and the feeling was the corner could not handle it. He said the Board is aware that the DOT presently plans to develop and change the entire corner and introduce left hand turns. Mr. Rusciano said it was his understanding that the budget for this is approximately \$1,000,000.00. He stated that he knew that Mr. Grossman was talking to the real estate people and the DOT considering the acquisition of property on Route 303 for that purpose. With a left hand turn and left hand signals Mr. Rusciano said he was quite sure that the traffic problem will be alleviated considerably.

As far as traffic and the danger to the children in the school he stated that when he made his traffic study during the school session he found that the school district was Route 303 and that no children come from Route 303 and walk to the school with the exception of one child and that child walked on the southerly side of Rockland Lake Road and went past the common boundary between this property and the school to where a guard was and she would cross that child plus other children who walked from a westerly direction going to the school.

Mr. Tracy said at this time he would like to incorporate into the record the petition to go with affidavits previously filed. He said he would rest at this point reserving his right to rebuttal. He said it seemed to him in connection with this project that everyone was in favor of Friendly's but they did not want to see this zone change in this particular area.

Supervisor asked if there was anyone wishing to be heard in favor of the proposed zone change.

Appearance: Mr. Fred Hager
Kings Highway
Valley Cottage, New York 10989

Mr. Hager said he hoped this was not going to be an issue decided on the basis of head count. He felt this situation needed to be more carefully studied than it has been to date. He said he was concerned about the organized effort to resist Friendly's coming into this area. He said if a scientific poll was taken he is convinced that the residents of Valley Cottage would overwhelming support the admission of Friendly's to their area. He said what disturbed him most was the idea that children would be distracted when looking out a window at the new site with Friendly's in place. If that is an objection it seems to him that a teacher is there to control the children looking out windows.

The school is not the only component in the community. The community is made up of many parts. We are already heavily

Continued on Next Page

PH - Zone Change - Grossman - PO to CS - 7/15/85
Page 5

taxed and many feel unfairly so. With new proposals for disallowing certain deductions coming up we are badly in need of good ratables. If there are traffic problems we have the expertise to handle that.

Mr. Hager said the school is open from 9:00 A.M. to 3:00 P.M. normally. It is closed for various vacations, weekends, all summer, etc. When this is added up you assess the time factor involved. Friendly's would be a welcome addition to Valley Cottage. Most of us have to travel into New City or go into Jersey for a Friendly's. This would be good for the families in Valley Cottage. This could be done to the satisfaction of everyone in the community. He urged the Board to vote for this proposal.

Appearance: Mr. Alex Rosensweig
Medway Avenue
Congers, New York 10920

He said we are looking at a fast food restaurant that wants to build on that side of town. Right now there is nothing on that side of town. He discussed the traffic generated on Route 303 during the rush hours. He said the school board would object to anything that would be put on that site whatever it might be. He said the children would not be leaving the school to cross over to Friendly's to get something to eat. They are supervised - it is a not a high school where they get free time to wander or disappear. The elementary school children have a lunch time which is supervised.

If a professional office building is put there, people will have to park, leave their cars, go into the building. That will distract any child who happens to be looking out the window just as much as someone parking their car and going into Friendly's to eat. It is ridiculous to say that someone parking their car and leaving it is a distraction to children. We are in bad need of this. He felt the Planning Board should step in and give some guidelines as to how the traffic should come and flow into the shopping center which is already existing and use the already existing entrances for the new proposal.

Supervisor asked if there was anyone wishing to speak in opposition to this proposal or if anyone wished to raise any questions.

Town Attorney John Costa stated at this time that he had been asked by Mr. Les Bollman, Director of Environmental Control to clarify his (Mr. Costa's) remarks concerning SEQR. Mr. Bollman's negative recommendation would not be effective until fifteen days from the date of mailing of his notification to the agencies involved and that was fifteen days from July 10th. To that extent that negative declaration is still not final. Supervisor said then that negative declaration is not final until after July 25th, is that correct? Town Attorney replied in the affirmative.

Appearance: Mr. Edward Whalen, Principal
Valley Cottage Elementary School

He said at the last meeting that he did like Friendly's. He thought at that meeting that the Planning Board was going against Friendly's. The essence of what they are talking about really needs to be grasped by the Board. It is a safety factory with which he is most concerned. No one has interviewed the two people who work at the crossing - the Crossing Guard and the teacher who volunteers directing traffic at dismissal time at Valley Cottage School. He has asked the Police Department if they could send a policeman there and was told no. The Supervisor asked him to whom he had made that request and Mr. Whalen said to the Chief of Police.

Continued on Next Page

AAG517

Mr. Whalen said if a variance is granted to let traffic out on Lake Road to take a right hand turn in front of the school that would be directing more traffic. Now, there is a traffic problem in front of the school. If we direct more traffic onto Lake Road coming out to go right that will go right in front of the school. Also he said the architect is not correct in the number of children who walk down in front of the school. There is Watermill II - ninety buildings - and those children are not eligible for busing. All of those children are potential walkers. Nyack School District has a mile and one half limitation on busing. If our budget is ever defeated all of the children who live in Sierra Vista Apartments (approximately fifty children) will have to walk. There is a large potential amount of children who will have to walk in front of the school in front of any additional exit onto Lake Road. He said he was most concerned about any additional traffic on Lake Road in front of the school.

He said Mr. Hager is not correct in stating that the school opens at 9:00 A.M. and is finished at 3:00 P.M. Children start arriving at school at 8:00 A.M. Mr. Whalen stated they have a very active after school enrichment program. The children do not leave until 4:30 P.M. Anyone involved with Clarkstown Recreation knows that seventy-five children now are using Valley Cottage School on a daily basis from the week after school lets out until the end of the first week in August. The children use the school continuously throughout the year. He reiterated his concern regarding the traffic.

Appearance: Mr. John Burkhart, Attorney
for Nyack Board of Education

Mr. Burkhart stated that he was present with four members of the board to object to the proposed change in zoning. He said he would like to present and incorporate into the record the position paper which had been submitted to the Planning Board last month and also the petition submitted tonight invoking Section 265 of the Town Law. He said the Board of Education is not opposed to Friendly's. They are opposed to the change of zoning and the issue boils down not to whether Friendly's should be there but whether there should be a change in zoning from PO to CS. He said you have also heard testimony this evening that there are at least six retail stores with office space above them being considered. At this time there is no guarantee that any of that will take place. Once there is a change from PO to CS it opens up a Pandora's box of all the uses permitted by that zoning and it is not the board's position that they are opposed to Friendly's but that rather they are opposed to the zone change.

This is an extremely busy intersection. The elementary school is on property immediately adjacent to the proposed site and any additional curb cut on Lake Road would have a tremendous adverse impact on the traffic there. It would affect the health, safety and welfare of the children which is the predominant reason for their objection. It would also be distracting to the children but the primary concern of the Board of Education is the additional traffic at an already overloaded intersection. The Board of Education is recommending that the amendment to change the zoning be rejected and he urged the Town Board to review those comments and also the fact that they point out that there is available land owned by the petitioner which is more appropriate for such use. We have not heard why that is not being chosen. The CS zoning would allow intensive uses that are inappropriate for that particular parcel.

Appearance: Mr. Isidore Schlacter, Member
Nyack Board of Education

Mr. Schlacter said he has been on the school board for the past nine years and is a past president of the Nyack School Board. He stated that a previous speaker has characterized the

PH - Zone Change - Grossman - PO tdo CS - 7/15/85
Page 7

Board as being ridiculous. He said that we are not ridiculous. When we took office we took an oath that we would not only educate the children but that we would somehow or other protect their health and safety. Nyack School District has a tragic history in regard to transportation and in regard to traffic. It is something we are all keenly aware of, unfortunately. It is something we consider whenever something moves near the school area. He stated that they really have no objection to Friendly's but this is in the wrong place at the wrong time. It would come out on Lake Road. This is a two lane road. At the point where the school begins up to Route 303 there is a gentle rise which is very difficult in the wintertime. When there is snow or ice on the ground the traffic problem is compounded. That area is so bad that the state is willing to spend taxpayers' money to try and fix it. It is something that has long been overdue and we look forward to it. Mr. Schlacter said to further compound the problem by having cars come out onto Lake Road and attempt to ascend that road in the wintertime is ludicrous. He urged the Town Board to really consider what this would mean to the health, welfare and safety of the children and reject this petition.

Supervisor stated that the State of New York has informed the supervisor's office that they are going to proceed very shortly with the bid letting for the construction of that intersection and if someone makes a request to his office he would send a copy of that letter out. There is also a problem with the professional office type zoning in so far as the bank which is directly across the street is having problems with realigning their driveways for their drive-up windows, etc. That has yet to be resolved even though the State is going to go ahead with the improvement there.

Appearance:

Mr. Charles Kasmarek
6 Barry Court
Valley Cottage, New York 10989

He said he was representing himself as the father of two children attending the Valley Cottage Elementary School. He said he had been asked by the PTA to represent their point of view also. Mr. Kasmarek stated that Mr. Tracy and Mrs. Morgan seem to feel that they are engaged in a great social experiment but in reality they are really trying to make a dollar there. They shouldn't make a dollar at the expense of the taxpayers in this community who are going to have to straighten out a mess which is already there. Route 303 and Lake Road has a Texaco station. You aren't supposed to make a left turn but everybody does in the morning going into the Texaco station and that is a fact of life. You try and get across that intersection in the morning when you have four trucks backed up in a "No Parking" zone which I have advised Mr. Dusanenko of and he, in turn, has advised the Chief of Police which is appreciated. There were two trucks there just this morning.

The topography of that intersection is against any solution. I can speak from the point of view of someone who is trained in the area of urban economics. He stated he was a graduate of City College in urban economics and recognized the theories which Mr. Tracy was throwing out here as far as central place theories and as far as the various little modules in the community. Those are all old theories and are not being used anymore.

Mr. Kasmarek said he was speaking from the point of view of the kids. Basically, this lot is about fifty feet away from the school. One third of the school windows border on this lot. Right now the second grade classes and the library look out into a wooded area where they are able to do nature studies. Believe it or not, the kids do look out the windows and that is a good idea. They have bird feeders out there. We expect all that change but we don't want them looking at either a Friendly's or, if the zone change goes through, a billiard parlor because that's what the zoning law allows. We don't want a billiard parlor, we don't want a tavern because that is exactly what a change from PO to CS would allow.

Continued on Next Page

AAG517

Appearance: Mr. James Hirshberger,
Citizens for Sensible Zoning
Valley Cottage, New York 10989

Mr. Hirschberger said in regard to the survey which Mr. Tracy quoted from Dr. Alpert. He said he had spoken to Mr. Alpert and the gist of the survey that he made was to ask people whether or not they would like a Friendly's in Valley Cottage and naturally you would expect the majority of people to respond in the affirmative. Most people would like a Friendly's in Valley Cottage but not at that location. Dr. Alpert is here if anyone wishes to inquire about his survey.

With due respect to Mrs. Morgan he said she knows a lot about Friendly's Restaurants but she is just not familiar with that intersection. It is a very dangerous intersection. It is easy for Mr. Tracy and Mr. Rusciano to pooh pooh the dangers of the intersection but it is one of the most dangerous intersections in Rockland County. He said he thought every person on the Town Board was aware of that. There have been many public hearings conducted by the State in trying to improve that intersection and that is a well established fact. They have had many conversations with representatives of the NYDOT with regard to the improvements contemplated and no one at the DOT claims or even implies that the improvements are going to resolve the problems. They are trying to make the best of a very bad situation. The improvements will help but basically the problem there is not solvable and a Friendly's would aggravate the problem much more.

Mr. Hirshberger said the Fire House is located near the intersection and Lake Road is the only way that fire trucks can reach the other side of Valley Cottage to fight fires on the other side. Increased density at that intersection would only aggravate the situation should a fire emergency occur.

With regard to the curb cuts planned by Mr. Rusciano and Mr. Tracy, Mr. Whalen has already commented about the curb cut at the school. Mr. Hirshberger mentioned the existing curb cut near the post office. Right now that is very dangerous if you are travelling north making a left into the shopping center because you have the prospect of traffic bearing down behind you and it is very difficult to make a left turn because of the very narrow curb cut. Narrow or wide it is just too close to the six points intersection where traffic goes back and forth and backs up to that intersection. To have a Friendly's and retail stores also using that curb cut even if it were widened or even if a light were put there would be just too close.

At a Planning Board Meeting last year Mr. Tracy argued strongly to remove a road by the Food Emporium cutting into Route 303 so that the Grossmans could build a Friendly's to the north of the Food Emporium. Eventually, the Town Board did remove that paper road which would have given them the availability to build a Friendly's where Mr. Tracy wanted to build. That would have been a better location.

Mr. Hirshberger said it is possible that Mr. Tracy, during his rebuttal, will suggest that as a compromise the applicant be allowed to build a Friendly's but will covenant not to build anything else - that is the other retail stores and office building which he is contemplating. If he does make that suggested compromise Mr. Hirshberger requested that the Town Board still deny the zone change because the Friendly's alone is enough to severely aggravate the situation because of the traffic that would be contributing to the six points intersection.

Mr. Hirshberger strongly recommended that they deny the zone change and request that you vote tonight to put the matter to bed.

Continued on Next Page

PH - Grossman - Zone Change - PO to CS - 7/15/85
Page 9

Appearance: Ms. GLoria Maida
Valley Cottage, New York

Mrs. Maida mentioned accidents which had occurred at that intersection. The area was not zoned for a Friendly's and they do not want it. They do not want it on Route 303.

Appearance: Mr. Lou Buonincontri
1 Vivian Court
Valley Cottage, New York 10989

Mr. Buonincontri said he was an active member of the Valley Cottage PTA as well as the Hilltop PTA. He requested that the Town Board members do an on site inspection of the area. As Mr. Whalen stated the school is open on more than just average school time. The PTA provides after school activities and the Cub Scouts and Boy Scouts of Valley Cottage utilize the school at night. The Nyack Valley Cottage Little League uses the area during baseball season for active little league games. The pre-rookies use the field for routine games on weekends as well as during the week for baseball practice. Clarkstown Recreation uses this facility for soccer practice during the week. The school yard is used seven days a week for numerous children. A great deal of traffic congestion would be caused by a Friendly's in that location and could be potentially dangerous.

Appearance: Mr. Gerald Newman, President
Board of Mangers
Lake Road Condominiums

This is not just a Friendly's that is being talked about. If we are changing the zone to CS we are talking about possibly six other stores and offices and other buildings to go there. There will be a lot more traffic than just that for Friendly's. There is a great deal of construction along Route 303 in that area. A lot more traffic will be happening at that intersection. Mr. Newman said he is representing 150 condominium unit owners and not one of them wants the change. They would prefer the professional office zoning. That is probably 150 of the 190 letters to which Mr. Tracy referred sending out.

Mr. Newman said not only driving across that intersection by walking across that intersection is a major concern. Mr. Newman said he has walked across that intersection many times and it is not an easy intersection to walk across. If there are more stores there and it is not properly constructed you will have a very dangerous problem.

Mr. Newman said he was also concerned about drainage problems resulting from construction in that area. They already have drainage problems in their buildings and he did not know how the proposed construction would handle their drainage - if it was to go into the drainage canal behind the shopping center right now. He wanted to know if problems would be caused in their area.

Mr. Newman said that Mr. Tracy had mentioned Dr. Alpert's phone calls. He said as far as he knew no one in his condominiums was called for that survey either. He wanted the Board to know that 150 condominium owners were against the proposal.

Supervisor said regardless of the outcome of this hearing for Mr. Newman's information the state plan will basically narrow the openings on Route 303 so that people can more safely cross Route 303 instead of having traffic flare out into a no-man's land there. Mr. Newman said they would also be putting pedestrian lights there but he did not know when and the Supervisor said at the same time they do the other project work in the area.

Appearance: Dr. Louis Alpert

Continued on Next Page

AAG517

Dr. Alpert said he did conduct a very informal survey and it did come out positively. People in the area do want a Friendly's. He said it is a traffic hazard to try to turn into the post office owned by the federal government. It is a dangerous act to try to mail a letter in the post box.

He said Friendly's has nothing to do with this discussion. How on earth did that thing ever get approved by the honorable Planning Board of the Town of Clarkstown? He was told that it had not been approved by the Town Planning Board but had been approved by the Rockland County Planning Board.

Dr. Alpert asked who approved the southerly and northerly curb cuts which now exist? Supervisor said the Planning Board and the New York State DOT prior to the construction of both the post office and the Lake Ridge Shopping Center. If the Planning Board did that Dr. Alpert wanted to know who was on the Planning Board at that time and approved curb cuts without knowing what was going to go in there. Supervisor said he did not recollect but it is available in the Town Clerk's Office.

Dr. Alpert said people should be more aware of planning considerations when they develop shopping centers. Whether Friendly's goes in there or not is irrelevant. It should be put on the back burner until they straighten out that intersection.

Appearance: Mrs. Alice Bory
Valley Cottage, New York

She stated she was a member of the Valley Cottage PTA and also a member of the Association for Sensible Zoning. She introduced a letter written by the DOT to the Supervisor back on November 4, 1982 relative to the six points intersection. She quoted as follows:

- "4. If possible, consider rezoning this area in the future in all four quadrants, for businesses which generate low traffic volumes and therefore cause less traffic congestion than the type of businesses that present exist. Changes to existing driveways; location, channelization, width, grades, etc; does not appear to be a realistic request."

She said that should be an answer to anyone's inquiring about whether the experts were in on the six point intersection. The State DOT has spoken and they say to zone it for less traffic not more traffic and certainly community shopping does not qualify.

She said community shopping according to the zoning code will permit services and stores, retail establishments which generate traffic and patronage from outside the immediate area. That is what community shopping is. It will generate traffic from South Nyack, from New City, from West Nyack not just Valley Cottage. You will have a lot of traffic located on a bad intersection where you have truck traffic going through. Mrs. Morgan said this will probably be open at 7:30 in the morning. You may have truckers stop and have breakfast there also. It will be open until after 11:00 at night. That is when you might have to worry about vandalism fifty feet away from the school building. Kids do hang out and that is a possibility you have to consider. She said the Friendly's in New City cannot even be seen from the Town Hall and it is certainly not within "spitting distance." She said let's get everything into perspective. We are talking fifty feet away from the school. There is no comparison.

Mr. Tracy spoke in rebuttal. The hours of operation which are the peak hours for Friendly's are 11:30 A.M. until 2:00 P.M. and 6:00 P.M. until 8:00 P.M. They don't think that the elementary school will be interfered with with that type of

Continued on Next Page

PH - Zone Change - Grossman - PO to CS - 7/15/85
Page 11

schedule. He quoted the attorney for the school board who said they are not opposed to Friendly's. He stressed that. He said he was against the zone change in the area.

There was talk by the president of the School Board - snow and ice - at that intersection. Mr. Tracy respectfully submitted that if there is snow and ice you would probably have very minimal attendance at a Friendly's Restaurant.

The PTA representative talked about traffic. The property is presently zoned for 3,600 square feet of professional office space which would generate traffic of 244 cars as opposed to a Friendly's Restaurant which has 46 parking spaces. The peak hours of arrival at school are the peak hours of office workers arriving and the peak hours of rush hour departure is the peak rush hour of office buildings emptying out. We don't have to be traffic experts to know that. We see it.

Mr. Tracy said they would make an offer to the Town Board - an irrevocable covenant - that in the event that a zone change to CS is permitted for the introduction of Friendly's Restaurant that no other retail uses will be built on that 3.79 acres. That would be a covenant which Mr. Tracy said he was authorized by Mr. Grossman to state to the Board tonight and that will be submitted in recordable form subject to review and approval by the Town Attorney.

Supervisor said in the presentation given earlier the request was for a Friendly's in one building and a two story building with offices above and some commercial below. Now, what you are saying is that whatever you are entitled to - I just don't understand that the irreversible covenant would be? Mr. Tracy said that the only retail use on the site would be Friendly's Ice Cream and all other uses on the site would have to be CS uses of a non-retail or service establishment nature. That is the covenant that is proposed.

Mr. Tracy said he appreciated the manner in which the people have conducted the hearing tonight as concerned citizens in a gentlemanly and ladylike manner. This thing really requires common sense. What will do greater violence to that corner? Massive office structure, maybe out of aluminum and glass, shiny and bright or a Friendly's Ice Cream with it's typical New England hospitality motif. He said he did not think that many of the fears that have been put forth here so eloquently tonight are justified. He added that at the last Planning Board meeting he discussed briefly with the Planning Board the fact that he had discussed this particular covenant proposed tonight with Mr. Grossman and he asked would that have changed their mind? The consensus was that, of course, they would review that again.

He respectfully asked the Town Board to reserve decision on this matter and to get some input in view of the covenant that was proposed, particularly from our experts with regard to traffic impact and overall effect on the area.

On motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, time: 10:00 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

AAG517

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/15/85

10:30 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: AMENDING ZONING ORDINANCE - GIUSEPPE DePAULIS, LO
DISTRICT TO LS DISTRICT

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and Town Attorney testified as to proper posting and publication.

Town Attorney said he had correspondence from the Rockland County Planning Board dated June 21, 1985, from the Clarkstown Planning Board dated July 11, 1985, from the DEC of the Town of Clarkstown dated June 25, 1985 and also July 12, 1985 with respect to SEQR requirements. He said the Rockland County Planning Board at its meeting of June 30, 1985 indicated that this matter was for local determination. The Clarkstown Planning Board has considered the matter and recommended that the petition be granted for change to LS with a Declaration of Restrictive Covenants to be filed for both parcels in accordance with Town Board Resolution No. 665 dated July 7, 1981. With respect to the instant application - for the background of the Town Board - there was a prior zone change on property located adjacent to the subject property which was granted by action of the Board in 1981 which required a restrictive covenant to be filed. The records in the Town Attorney's office indicate that a request was made of the applicant's attorney for the covenant but no covenant was ever received (at least according to the Town Attorneys records). None was ever recorded nor was a publication of the zone change made.

Mr. Tracy, attorney for the petitioner, was asked to state the case for the petitioner. He said the petition of Mr. DePaulis involves 3.179 acres of land which is presently zoned LO and is located on the westerly side of Route 9W, easterly side of Route 303 in the Hamlet of Congers. The history of Mr. DePaulis' stone and masonry supply business is somewhat legend in the Town of Clarkstown. Mr. DePaulis does not wish to speak. The business has prospered and grown and he has been a credit to the community. He has been an employer of people in the community. The business needs to grow further but it only has one piece of land left that it can expand upon and be adjacent to his present uses.

Mr. Tracy said in 1981 he submitted a petition for a zone change which was granted by the Town Board by a resolution, certified by Mrs. Sheridan on the 13th day of July, 1981 which required Mr. Tracy to submit a Declaration of Restrictive Covenants. Within the last couple of months Mr. Tracy said he had received a communication from the Town Attorney's office requesting Mr. Tracy to locate and furnish those restrictive covenants. Mr. Tracy stated that he went to his archives and got a copy of the restrictive covenants dated in July of 1981 which indicated, and was verified with his diary, that he had a visit from a then Deputy Town Attorney at that time who inquired of me and sought my assistance with a zoning problem he had with the Town of Orangetown. Mr. Tracy said his records indicated that he had handed an original signed Declaration of Restrictive Covenants to this individual on that date. Mr. Tracy said he can only assume that what that individual did was immediately lose it in his file and it was never filed which Mr. Tracy did not know until he filed this present zone change.

Supervisor said is it not true that the Planning Board recommendation is that it be granted; that Declaration of Covenants be not only for this parcel but to the one that was passed back in 1981? Mr. Tracy said that was correct and the covenants which Mr.

Continued on Next Page

AAG517

DePaulis will indicate here at this public hearing that he is willing to covenant to if this zone change is granted are as follows:

1. That the premises shall be restricted to the following uses:
 - a. Professional Offices;
 - b. Retail sales of:
 1. Building supplies;
 2. Hardware;
 3. Home appliances;
 4. Energy saving and solar energy devices;
 5. Fire wood and bagged coal.

Mr. Tracy said it then went on to say that all accessory uses and open storage shall be no closer than twenty-five feet to any property line. A twenty-five foot buffer shall be provided with evergreen screening. Mr. Tracy said he would request that if this is granted that the center property line where his own property merges together, that portion of the previous covenants be eliminated. Supervisor asked if that was in writing and Mr. Tracy said yes it was but what he intended to do was to have this covenant reexecuted along with the new restrictive covenants with the elimination of his own lot lines from the new covenant and asking this Board to accept it nunc pro tunc.

Mr. Tracy said that these covenants are necessary for Mr. DePaulis' building supply business.

Supervisor asked if anyone wished to speak in favor of the proposed zone change.

IN FAVOR: No one appeared.

Supervisor asked if anyone wished to speak in opposition to the proposed zone change or had any questions to change.

IN OPPOSITION: No one appeared.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 10:38 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/15/85

10:45 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John Costa, Town Attorne
Patricia Sheridan, Town Clerk

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT #1 TO INCLUDE ASTRI HILLS

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Town Clerk stated that there was on file an affidavit as to the qualifications in evidence which will enable the Town Board to grant a proosed extension and that the affidavit wa submitted by Mr. Bollman to the sufficiency and need.

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of this proposed extension.

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to this proposed extension.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10:47 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

AAG517