

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

2/24/87

8:00 P.M.

Present: Supervisor Holbrook
Council Members Carey, Lettre, Maloney, Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor presented the following proclamation to representatives of Women's American Ort present in the auditorium this evening:

WOMEN'S AMERICAN ORT
Seventh District Biennial Convention
April 25-26, 1987

ABE740

WHEREAS, District 11 of WOMEN'S AMERICAN ORT is holding its Seventh District Biennial Convention on April 25-26, 1987, and

WHEREAS, WOMEN'S AMERICAN ORT is the largest of the volunteer groups in forty nations, supporting the global ORT network of vocational and technical education in which more than 100,000 students are enrolled annually in learning a wide range of skills, and

WHEREAS, ORT'S members are active in all aspects of Jewish community affairs and American affairs, particularly in reshaping attitudes toward vocational education here in the United States and advocating the right of every child to a quality education, its training is known and admired throughout the world for its flexibility and creative teaching.

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby congratulate the volunteers of WOMEN'S AMERICAN ORT on the occasion of their Seventh District Biennial Convention and pay tribute to them in recognition of the vital achievements they have made.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 24TH
DAY OF FEBRUARY, 1987.

/s/ Charles E. Holbrook, Supervisor

CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown

Supervisor declared the public portion of the meeting open.

Appearance: Mr. Waldron
West Nyack, New York

He requested the Town Board to take action regarding Hillcrest & Tupper Lanes. He wanted it noted that these are town roads and have always been town roads. He thanked the Town Board for the Emergency Transportation Act which continued the snow plowing and sanding while mechanical repairs to the roads were being

Continued on Next Page

made and thus prevented a crisis. Mr. Waldron spoke regarding the many problems existing including sewer lines, paving, etc.

Supervisor said the Town Board did take title to these roads in 1971. He wanted the Highway Department to modify its records that these roads are now Town roads and have the Highway Department Superintendent go out and ascertain their condition; speak to the residents and also determine what remedial action needs to be taken so that the roads can be brought up to an appropriate standard.

Supervisor said a resolution would be forwarded to the Highway Department so that their records are up to date. Town Attorney said that is already in the works. Mr. Waldron said the residents would like letters reflecting that this is a Town road so that they can get their titles changed as several people have had trouble getting their houses sold. Supervisor asked Town Attorney how they could go about doing that. Title companies will ordinarily upon resale ask the Town Highway Department if the road is dedicated and a street report will be placed in the title report. If it is on the Highway list it should come out as a dedicated road everytime it is searched.

Mr. Waldron thanked the Town Board for their efforts in solving this problem and also thanked Mr. Robin Wells for obtaining the information.

Appearance: Mr. McKenna
West Nyack, New York

Mr. McKenna went into detail regarding the damage allegedly caused by Fletcher Creamer on Hillcrest Road. He stated that the then Supervisor Dusanenko had instructed the Building Inspector to assess the damage which he did and Fletcher Creamer was directed to repair the situation but that never happened. Storm sewer is still blocked up and Mr. McKenna said when the Highway Superintendent comes out to the location he will point this out to him. He felt the Town should insist that a contractor do top quality work and not have the residents of the Town incur the expenses involved in this repair. Supervisor said they would investigate the possibility of obtaining restitution for the damage done to a Town road.

Supervisor said the resolution would reflect that this matter has finally been resolved and this would go into the minutes of the meeting. Mr. McKenna suggested that the County Superintendent of Highways be contacted also regarding this matter.

Appearance: Ms. Cynthia Fox
West Nyack, New York

Ms. Fox reiterated that Hillcrest and Tupper are dedicated roads and she also requested that a copy of the Town Board minutes be sent to her so that she would have a record of these proceedings tonight in case this type of situation ever arose again.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke with regard to Item No. 21 on the agenda relating to bonds and asked if this item referred to bonding done in August of 1985 and Supervisor said yes. Supervisor said the Town Board at that time initiated the projects and this is money necessary to complete these projects in addition to the bond money which was raised but not spent as yet. Mr. Cuff asked if the \$5,000,000.00 approved in August of 1985 was now going to be spent? Supervisor said yes, essentially for ball field improvements.

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meeting of January 27, 1987 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

ABE740

RESOLUTION NO. (202-1987)

AMENDING RESOLUTION NO.
191-1987 RE: TOWN'S OWN
MOTION FOR ZONE CHANGE FROM
RS DISTRICT TO R-15
DISTRICT (MAP 15, BLOCK A,
LOTS 12, 12.01, 12.03, 13,
14, 15, 17, 18, and 19 AND
DELTION OF MAP 163, BLOCK
A, LOTS 11 (PART OF),
11.01, 11.02 AND 4)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 191-1987 dated February 10, 1987, be amended to add properties designated on the Clarkstown Tax Map as : Map 15, Block A, Lots 12, 12.01, 12.03, 13, 14, 15, 17, 18, and 19, to be rezoned from an RS District to an R-15 Distrct, and to delete the following properties: Map 163, Block A, Lots 11 (part of), 11.01, 11.02 and 4, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to February 10, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (203-1987)

AUTHORIZING SUPERVISOR TO
SIGN LEASE WITH SPRING
VALLEY HOMES ASSOCIATES
(ARCO MANAGEMENT CORP.)
WITH RESPECT TO LAKEVIEW
SENIOR CITIZEN HOUSING
COMPLEX

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is presently using the Community Building in the Lakeview Senior Citizen Housing Complex for the use of the senior citizen clubs sponsored by the Clarkstown Parks Board and Recreation Commission;

Continued on Next Page

RESOLUTION NO. (203-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to renew said lease with Spring Valley Homes Associates through their managing agents, Arco Management Corp., for the continued use of the Community Building, at an annual rental fee of \$2,600.00 for the period September 1, 1986 through August 31, 1987, which renewal shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$2,600.00 be taken from Account No. A-8840-424.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (204-1987)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT
REGARDING FLAG DAY - CHARGE
TO ACCOUNT NO. A 6510-409

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Veterans of Foreign Wars are sponsoring a parade entitled "A Parade Salute to Old Glory" to be held on Flag Day, Sunday, June 14, 1987, in Pearl River, New York, and have requested the Town provide funds to help defray the cost, and

WHEREAS, the Town Board wishes to make an appropriation pursuant to the authority granted by Town Law, Section 64 (14)(a);

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to enter into a contract with the Rockland County Veterans of Foreign Wars, in a form satisfactory to the Town Attorney, which shall provide for the funds to be used to promote the observance of Flag Day, and be it

FURTHER RESOLVED, that the sum of \$1,000 shall be paid to the Rockland County Veterans of Foreign Wars upon the terms of the contract to be signed, and the amount charged to Account No. A6510-409.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (205-1987)

GRANTING PERMISSION FOR USE
OF TOWN OF CLARKSTOWN

Continued on Next Page

TBM - 2/24/87
Page 5

RESOLUTION NO. (205-1987) Continued

SHOWMOBILE (ROCKLAND COUNTY
COUNCIL VETERANS OF FOREIGN
WARS)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Council Veterans of Foreign Wars has requested use of the Town of Clarkstown showmobile on Sunday, June 14, 1987, for "A Parade to Salute Old Glory to be held in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that the Rockland County Council Veterans of Foreign Wars is hereby granted permission to use the Town of Clarkstown showmobile on Sunday, June 14, 1987 for the above purpose, subject to the necessary insurance policies and provided it does not conflict with the raindate (6/14/87) of Serendipity Saturday.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (206-1987)

RESCINDING RESOLUTION NO.
(184-1987) RE APPOINTMENT
OF HEARING OFFICER PATRICK
J. FINNEGAN, ESQ.
(REGARDING JOSEPH BENDIG)

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 184-1987 dated February 10, 1987, appointing Patrick J. Finnegan, Esq., as hearing officer to hear, report and recommend action to be taken by the Town Board with respect to instituting disciplinary proceedings pursuant to Section 75 of the Civil Service Law against JOSPEH BENDIG is hereby rescinded.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (207-1987)

AWARDING BID FOR BID
#7A-1987 - ATHLETIC &
RECREATION SUPPLIES
(KENMAR, FLAGHOUSE) -
CHARGE TO ACCOUNTS NOS.
7310-329 AND 7180-329 - NO
BID AWARDED FOR ITEM #3

Co. Maloney offered the following resolution:

Continued on Next Page

ABE740

TBM - 2/24/87
Page 6

RESOLUTION NO. (207-1987) Continued

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks and the Director of Purchasing, that

BID #7A-1987
ATHLETIC & RECREATION SUPPLIES

is hereby awarded to the following low bidders who have met bid specifications:

- 1. KENMAR, 1578 White Plains Road, Bronx, New York 10462 for item #7, as per specifications at a net bid price of \$2,100.00
- 2. FLAGHOUSE, 150 N. Macauesten Parkway, Mount Vernon, New York 10550 for items #1, 2, 4, 5, 6 as per specifications at a net bid price of \$88.34

GROSS TOTAL FOR ALL ITEMS: \$2,188.34

and be it

FURTHER RESOLVED, that this amount \$2,188.34 be charged against accounts:

7310-329.....	\$ 2,160.65
7810-329.....	<u>27.69</u>
	\$ 2,188.34

and be it

FURTHER RESOLVED, that no bid awarded to Item #3.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (208-1987)

AUTHORIZING SUPERINTENDENT OF RECREATION & PARKS TO EXECUTE ANY NECESSARY CHANGE ORDERS RE: RENOVATIONS TO BUILDING AND SITE AT LAKE NANUET PARK - (CAPITAL FUND ACCOUNT NO. H 7180-01-409) AND VARIOUS TRANSFERS OF FUNDS

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendations of Gaston L. Raffaelli, P.E. Consulting Engineer; Laurence Kohler, Director of Purchasing and Edward J. Ghiazza, Superintendent of Recreation & Parks, that

BID #16-1987
for
RENOVATIONS TO BUILDING AND SITE AT LAKE NANUET PARK

Continued on Next Page

TBM - 2/24/87
Page 7

RESOLUTION NO. (208-1987) Continued

is hereby awarded as follows:

GENERAL CONSTRUCTION - CONTRACT NO. 1 - R & R Construction, Lake Road, Rockland Lake, New York 10989,

Base Bid.....\$445,000.00
Alternate G-4..... 35,000.00

TOTAL CONTRACT - GENERAL CONSTRUCTION.....\$410,000.00

PLUMBING - CONTRACT NO. 2 - Thomas J. Kempton, Jr., Inc., 87 South Main Street, New City, New York 10956,

Base Bid.....\$ 98,750.00
Alternate P-2.....+ 1,330.00

TOTAL CONTRACT - PLUMBING.....\$100,080.00

TOTAL AWARD: \$510,080.00

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, based upon the recommendation of Gaston L. Raffaelli, P.E., not to exceed \$670,000.00 to be allocated against Capital Fund Account No. H 7180-01-409, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 01-003005 (Mortgage Tax) and Appropriation Account No. A 9550-910 (Transfer to Capital #2 Fund) by \$150,000.00, transfer \$265,000.00 to Appropriation Account No. A 9550-910 from Appropriation account A 7180-409 (Swimming Facilities-Fees for Services), and transfer \$285,000.00 to Appropriation Account No. A 9550-910 from Money-in-Lieu-of-Land Account, and be it

FURTHER RESOLVED, to transfer \$700,000.00 from Appropriation Account No. A 9550-910 to Capital Fund Account No. H 7180-01-409 (Lake Nanuet-Fees for Services).

Seconded by Co. Smith

In answer to a question from Councilman Maloney, Mr. Ghiazza said that with regard to the \$670,000.00 they had tabled the award for the electrical bid based upon a review by the Town Attorney between the two low bidders. Not to hold up the projects as we have to open the facility in June the money is there for the electrical contract but it will not be awarded until after week.next

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (209-2987)

REDUCING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT A 5650-409
(COMMUTER PARKING-FEES FOR
SERVICES)

Co. Maloney offered the following resolution:

Continued on Next Page

ABE740

TBM - 2/24/87
Page 8

RESOLUTION NO. (209-1987) Continued

RESOLVED, to reduce Contingency Account No. A 1990-505 and increase Appropriation Account No. A 5650-409 (Commuter Parking - Fees for Services) by \$40,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (210-1987)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL TRAFFIC SAFETY IMPROVEMENTS - VICINITY OF NANUET PUBLIC SCHOOLS AND EXTENSION OF ASPHALT SIDEWALK VICINITY OF GEORGE MILLER ELEMENTARY SCHOOL ALONG WITH OTHER CHANGES TO BE MADE IN THE SAME AREA

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated February 14, 1987 has recommended various traffic safety improvements for Church Street and Blauvelt Road, Nanuet in the vicinity of Nanuet Public Schools,

NOW, THEREFORE, be it

RESOLVED, that John O'Sullivan, Superintendent of Highways is hereby directed to install the following:

I SIGNS

<u>Location</u>	<u>Legend</u>	<u>Sign #</u>
<u>Church St.</u>		
EB E/O Middletown Rd.	School Child	W6-1C
EB W/O Demarest Ave.	School	W6-3C
	Speed Limit 15	R2-1C
WB E/O Demarest Ave.	Hill	W1-15C
EB 200 Ft. W/O Norwood Pl.	Town Speed Limit 30	R2-6C
WB " " " " " "	School	W6-3C
	Speed Limit 15	R2-1C
WB E/O Norwood Pl.	School Child	W6-1C
WB E/O College Ave.	School Crossing	W6-2C
EB W/O " " " "		
EB E/O DeClark Pl.	School Child	W6-1C
EB 300 Ft. E/O DeClark Pl.	School	W6-3C
	Speed Limit 15	R2-1C
WB " " " " " "	Town Speed Limit 30	R2-6C
WB E/O Naurashaun Brook	Object Marker	W7-13C
WB 100 Ft. W/O Library Driveway	School	W6-3C
	Speed Limit 15	R2-1C
EB 200 Ft. W/O " " " "	Left Turn	W1-1C
	15 MPH	W9-1X
SB 200 Ft. N/O " " " "	Right Turn	W1-2C
	15 MPH	W9-1X
SB N/O Route 304 Exit Ramp	School Child	W6-1C

Continued on Next Page

RESOLUTION NO. (210-1987) Continued

<u>Location</u>	<u>Legend</u>	<u>Sign #</u>
<u>Blauvelt Road</u>		
WB @ Northerly Elem. School Drwy.- NE Corner	No Left Turn	R3-1C
WB @ Northerly Elem. School Drwy.- West Side	• • •	•
<u>II EXTENSION OF ASPHALT SIDEWALK</u>		

Extend existing asphalt sidewalk located on the west side of Blauvelt Road opposite the exit driveway to the George Miller Elementary School, for a distance of approximately 35 feet. Work to be performed by the Highway Department as soon as weather permits. Relocate existing school cross-walk upon completion of sidewalk extension, from north side of exit driveway to George Miller Elementary School, to the south side of the exit driveway; relocate "School Crossing" signs to new crosswalk location. Upon completion of crosswalk relocation, eliminate existing crosswalk at entrance driveway to George Miller Elementary School. Approximate cost of asphalt sidewalk construction not to exceed \$1,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
 Councilman Maloney.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (211-1987)

DIRECTING SUPERINTENDENT OF
 HIGHWAYS TO INSTALL TRAFFIC
 SAFETY IMPROVEMENTS -
 CHURCH STREET, NANUET

Co. Maloney offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated February 14, 1987, has recommended various traffic safety improvements for Church Street, Nanuet with reference to vehicle weight limitations,

NOW, THEREFORE, be it

RESOLVED, that John O'Sullivan, Superintendent of Highways is hereby directed to install the following:

Signs to read "Weight Limit 4 Tons" (NYS MUTCD Sign #R5-1C) and "Except Local Delivery" (#R7-3W) at the following locations:
 EB Church Street E/O Middletown Road
 WB " " W/O Highview Avenue
 EB " " E/O " "
 WB " " W/O College Avenue
 EB Church Street E/O College Avenue
 EB St. Anthony St. E/O " "
 SB Smith Street S/O entrance ramp to southbound Route 304 S/O Route 59

and be it

FURTHER RESOLVED, that Town Board Resolution No. 743 adopted August 12, 1986 is hereby rescinded.

Continued on Next Page

ABE740

RESOLUTION NO. (211-1987) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (212-1987)

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN (NO.
87-6 - PAUL DeSIMONE AND
NO. 87-8 - JOHN FEHSAL
EXCAVATION, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the following have applied for Certificates of
Registration pursuant to Section 83-65 of the Code of the Town of
Clarkstown:

PAUL DE SIMONE
35 Madison Avenue
Garnerville, N.Y. 10923

JOHN FEHSAL EXCAVATION INC.
Rd. #1 Thiells Road
Stony Point, N.Y. 10980

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of
Registration be issued:

No. 87-6 issued to Paul DeSimone

No. 87-8 issued to John Fehsal Excavation, Inc.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (213-1987)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF THE CODE
OF THE TOWN OF CLARKSTOWN -
(NO. 87-9 - STRAWTOWN
BUILDERS, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the following has applied for a Certificate of
Registration pursuant to Section 83-65 of the Code of the Town of
Clarkstown:

STRAWTOWN BUILDERS, INC. d/b/a
Hy-Dynamics Equipment
311 Strawtown Road
New City, New York 10956

Continued on Next Page

RESOLUTION NO. (213-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration
be issued:

No. 87-9 issued to Strawtown Builders, Inc.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

ABE740

RESOLUTION NO. (214-1987)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN (NO.
87-11 - MONSEY EXCAVATING,
INC.)

Co. Maloney offered the following resolution:

WHEREAS, the following has applied for a Certificate of
Registration pursuant to Section 83-65 of the Code of the Town of
Clarkstown:

MONSEY EXCAVATING COMPANY, INC.
18 Laura Drive
Monsey, New York 10952

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration
be issued:

No. 87-11 issued to Monsey Excavating Inc.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (215-1987)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #31-1987 (SALE
OF SURPLUS VEHICLES)

Co. Maloney offered the following resolution:

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

BID #31-1987
SALE OF SURPLUS VEHICLES

Continued on Next Page

RESOLUTION NO. (215-1987) Continued

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 Monday, March 23, 1987 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. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (216-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #22-1987 - INSTALLATION, MAINTENANCE AND REPAIR OF TRAFFIC SIGNALS

Co. Maloney offered the following resolution:

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

BID #22-1987
INSTALLATION, MAINTENANCE AND REPAIR OF TRAFFIC SIGNALS

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 Wednesday, April 1, 1987 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. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (217-1987)

DESIGNATING TOWN HALL PARKING LOT AS MUNICIPAL PARKING AREA

Co. Maloney offered the following resolution:

WHEREAS, Chapter 71 of the Code of the Town of Clarkstown provides that the Town Board may from time to time designate areas adjacent to governmental offices and facilities of the Town as municipal parking areas;

NOW, THEREFORE, be it

RESOLVED, the Town Hall parking lot located adjacent to the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and

RESOLUTION NO. (217-1987) Continued

the parking lot located at the Town of Clarkstown Counseling Center, 40 Maple Avenue, New City, New York, are hereby designated as municipal parking areas, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to post same in accordance with the provisions of Chapter 71.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

ABE740

RESOLUTION NO. (218-1987)

AUTHORIZING PAYMENT TO
HOWARD L. LAMPERT FOR
VARIOUS TRAFFIC ENGINEERING
WORK

Co. Maloney offered the following resolution:

WHEREAS, the Town Board entered into an agreement with Howard L. Lampert, P.E., Traffic Engineering Consultant, for various traffic engineering work,

RESOLVED, that payment be authorized in the sum of \$2,700.00 to Howard L. Lampert, P.E., for preparation of the above.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (219-1987)

GRANTING PERMISSION FOR USE
OF TOWN HALL AUDITORIUM
(ITALIAN CLUBS OF
CLARKSTOWN)

Co. Maloney offered the following resolution:

WHEREAS, the Italian Clubs of Clarkstown have requested the use of Town Hall Auditorium on April 5, 1987,

NOW, THEREFORE, be it

RESOLVED, that permission is granted to this organization from the hours of 2:00 P.M. to 5:00 P.M. on April 5, 1987.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

TBM - 2/24/87
Page 14

RESOLUTION NO. (220-1987)

ASSESSING COST FOR CHAPTER
79 PROCEEDING (MAP 165,
BLOCK A, LOT 2 - LOSIER)

Co. Carey offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice dated October 28, 1986, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 165, BLOCK A, LOT 2, which was the subject of a Chapter 79 (Property Maintenance) proceeding has been corrected, and

WHEREAS, by resolution of the Town Board adopted November 25, 1986, the record property owners were required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owners have been notified of the amount due and have failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and Receiver of Taxes are hereby authorized and directed to levy the sum of \$155.00 against MAP 165, BLOCK A, LOT 2 in accordance with law.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (221-1987)

ASSESSING COST FOR CHAPTER
79 PROCEEDING (MAP 127,
BLOCK B, LOT 20 - DEL
ROSARIO)

Co. Carey offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice dated October 28, 1986, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 127, BLOCK B, LOT 20, which was the subject of a Chapter 79 (Property Maintenance) proceeding has been corrected, and

WHEREAS, by resolution of the Town Board adopted November 25, 1986 the record property owners were required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owners have been notified of the amount due and have failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and Receiver of Taxes are hereby authorized and directed to levy the sum of \$155.00 against MAP 127, BLOCK B, LOT 20.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

TBM - 2/24/87
Page 15

RESOLUTION NO. (222-1987)

ASSESSING COST FOR CHAPTER
31 PROCEEDING (MAP 43,
BLOCK E, LOT 6.88 - OHIO
STEEL)

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice dated November 25, 1986, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 43, BLOCK E, LOT 6.88 which was the subject of a Chapter 31 (Unsafe Buildings) proceeding has been corrected, and

WHEREAS, by resolution of the Town Board adopted January 13, 1987, the record property owners were required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owners have been notified of the amount due and have failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and Receiver of Taxes are hereby authorized and directed to levy the sum of \$155.00 against MAP 43, BLOCK E, LOT 6.88.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (223-1987)

REAPPOINTING TO POSITION OF
MEMBER - FIRE BOARD OF
APPEALS (JOHN KIVLEHAN)

Co. Maloney offered the following resolution:

RESOLVED, that John Kivlehan, 177 Rose Road, West Nyack, New York, is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term to commence on February 28, 1987 and to expire on February 27, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (224-1987)

REAPPOINTING TO POSITION OF
MEMBER - FIRE BOARD OF
APPEALS (EDWARD HEWITT)

Co. Maloney offered the following resolution:

RESOLVED, that Edward Hewitt, 8A Bittman Lane, New City, New York, is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term to commence on February 28, 1987 and to expire on February 27, 1990.

Continued on Next Page

ABE740

RESOLUTION NO. (224-1987) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (225-1987)

REAPPOINTING TO POSITION OF
MEMBER - CLARKSTOWN DRUG
ABUSE PREVENTION COUNCIL
(CHARLES GIARDINO)

Co. Maloney offered the following resolution:

RESOLVED, that Charles Giardino, 32 Oak Road, New City, New York, is hereby reappointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective February 26, 1987 and to expire on February 25, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (226-1987)

REAPPOINTING TO POSITION OF
MEMBER - CLARKSTOWN DRUG
ABUSE PREVENTION COUNCIL
(ELEANORE GROSS)

Co. Maloney offered the following resolution:

RESOLVED, that Eleanore Gross, 73 Lindberg Lane, New City, New York, is hereby reappointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective February 26, 1987 and to expire on February 25, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (227-1987)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
BANK OF NEW YORK TO ACT AS
FINANCIAL ADVISOR WITH
RESPECT TO BONDING SERVICES

RESOLUTION NO. (227-1987) Continued

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 Holbrook 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 \$7,000.00 plus expenses.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (228-1987)

AUTHORIZING TOWN
COMPTROLLER TO AUTHORIZE
PAYMENT OF LOST COUPON

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has been advised by Merrill, Lynch, Pierce, Fenner and Smith, Inc., as agent for Bond No. 2050 dated February 1, 1971, due February 1, 2000, that a Coupon due August 1, 1986, with a value of \$145.00 has been lost in bearer form, and

WHEREAS, an Affidavit of Loss, Theft or Destruction and Bond of Indemnity have been tendered by the paying agent and the Federal Insurance Company;

NOW, THEREFORE, be it

RESOLVED, that the Affidavit and Bond referred to above are hereby accepted and the Town Comptroller is hereby authorized and directed to authorize payment of a Coupon due August 1, 1986, with a value of \$145.00 to be paid when due without physical presentation of said coupon.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (229-1987)

SETTING PUBLIC HEARING AND
REFERRING PETITION WITH
REGARD TO APPLICATION TO
AMEND SPECIAL PERMIT FOR
EXPANSION OF AUTO LAUNDRY
(CAL-MART CONSTRUCTION
CORP.)

Co. Maloney offered the following resolution:

Continued on Next Page

ABE740

RESOLUTION NO. (229-1987) Continued

WHEREAS, CAL-MART CONSTRUCTION CORP. has petitioned the Town Board of the Town of Clarkstown for modification of its Special Permit to authorize the expansion of an auto laundry facility on premises known and designated on the Clarkstown Tax Map as MAP 106, BLOCK A, LOT 21.01, pursuant to the provisions of Section 106-10 A, Table of General Use Regulations, RS District, Column 3, Section B, Paragraph 5 of the Zoning Ordinance of the Town of Clarkstown for property located at 357A Route 59, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Ordinance be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 7th day of April, 1987, at 8:05 P.M., to consider the application referred to above relative to the amendment of the previously granted Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the official newspaper of the Town of Clarkstown, as aforesaid, and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that a copy of this Petition be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their reports and recommendations, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (230-1987)

DIRECTING TOWN ATTORNEY TO
TAKE ALL NECESSARY LEGAL
ACTION TO COMPEL COMPLIANCE
WITH TOWN OF CLARKSTOWN
ZONING ORDINANCE (11 PINE
AVENUE, CONGERS, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, a violation of the Town of Clarkstown Zoning Ordinance continues to exist at 11 Pine Avenue, Congers, New York in that there is occupancy in a building without a proper Certificate of Occupancy,

NOW, THEREFORE, be it

RESOLVED, that the Town Board directs the Town Attorney's office to immediately take all necessary legal action to compel the occupants of 11 Pine Avenue to comply with the Town of Clarkstown Zoning Ordinance, and be it

Continued on Next Page

RESOLUTION NO. (230-1987) Continued

FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Town Building Inspector.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (231-1987)

BOND RESOLUTION OF TOWN OF CLARKSTOWN RE: CONSTRUCTION OF DRAINAGE IMPROVEMENTS

Co. Maloney offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 12, 1985 AND AMENDED FEBRUARY 24, 1987, AUTHORIZING CONSTRUCTION OF DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$30,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$570,000 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 drainage improvements in the Town, including pipes and retention basins, and such equipment and apparatus as shall be necessary, all in accordance with maps, plans and specifications to be prepared therefor and filed in the office of the Town Clerk of the Town 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 \$600,000 and said amount is hereby appropriated therefor, including the appropriation of \$30,000 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 \$570,000 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. Bonds of the Town in the principal amount of \$570,000, 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:

Continued on Next Page

ABE740

RESOLUTION NO. (231-1987) Continued

(a) The period of probable usefulness of said specific object or purpose for which said \$570,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 3 of the Law, is thirty (30) 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 \$30,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "CAPITAL FUNDS." 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, as amended, is subject to permissive referendum.

Section B. The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or

RESOLUTION NO. (231-1987) Continued

action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section C. 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 West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 24, 1987, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the bond resolution adopted by said Town Board on August 12, 1985 which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 12, 1985 and amended February 24, 1987, authorizing construction of drainage improvements, stating the estimated maximum cost thereof is \$600,000, appropriating said amount therefor, including the appropriation of \$30,000 current funds to provide the required down payment, and authorizing the issuance of \$570,000 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to construct drainage improvements in the Town, including pipes and retention basins, and such equipment and apparatus as shall be necessary, all in accordance with maps, plans and specifications to be prepared therefor and filed in the office of the Town Clerk of the Town 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 \$600,000; APPROPRIATING said amount therefor, including the appropriation of \$30,000 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 \$570,000 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 \$570,000 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 thirty (30) 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 \$30,000 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 \$570,000 serial bonds will exceed five (5) years;

Continued on Next Page

ABE740

RESOLUTION NO. (231-1987) Continued

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, as amended, is subject to a permissive referendum.

Section D. Said bond resolution, as herein amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted August 12, 1985 shall not be in any way affected and shall remain in full force and effect.

Section E. After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in full, in the newspaper hereinabove referred to in Section C hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section F. This resolution shall take effect immediately.

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

Ayes: Co. Carey, Co. Maloney, Co. Smith,
Supervisor Holbrook

Noes: None

The resolution was declared adopted.

RESOLUTION NO. (232-1987)

BOND RESOLUTION OF THE TOWN
OF CLARKSTOWN RE:
CONSTRUCTION OF AN ADDITION
TO THE CENTRAL NYACK
COMMUNITY CENTER

Co. Carey offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 12, 1985 AND AMENDED FEBRUARY 24, 1987, AUTHORIZING CONSTRUCTION OF AN ADDITION TO THE CENTRAL NYACK COMMUNITY CENTER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$570,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$130,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$440,000 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)

RESOLUTION NO. (232-1987) Continued

AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct an addition to the Central Nyack Community Center for use as a multi-purpose room, 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 \$570,000 and said amount is hereby appropriated therefor, including the appropriation of \$130,000 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 \$440,000 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. Bonds of the Town in the principal amount of \$440,000, 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 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 \$440,000 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 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 \$130,000 will be provided from moneys now available therefor from Community Development Funds of the Town. 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

Continued on Next Page

ABE740

RESOLUTION NO. (232-2987) Continued

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, as amended, is subject to permissive referendum.

Section B. The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section C. 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 West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 24, 1987, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the bond resolution adopted by said Town Board on August 12, 1985 which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 12, 1985 and amended February 24, 1987, authorizing construction of an addition to the Central Nyack Community Center, stating the estimated maximum cost thereof is \$570,000, appropriating said amount therefor, including the appropriation of \$130,000 current funds to provide the required down payment, and authorizing the issuance of \$440,000 serial bonds of said Town to finance the balance of said appropriation,"

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

Continued on Next Page

RESOLUTION NO. (232-1987) Continued

FIRST: AUTHORIZING said Town to construct an addition to the Central Nyack Community Center for use as a multi-purpose room 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 \$570,000; APPROPRIATING said amount therefor, including the appropriation of \$130,000 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 \$440,000 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 \$440,000 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 existing building is of Class "B" construction and 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 issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$130,000 from Community Development Funds 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 \$440,000 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, as amended, is subject to a permissive referendum.

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.

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

AYES: Co. Carey, Co. Maloney, Co. Smith, Supervisor Holbrook

NOES: None

The resolution was declared adopted.

ABE740

RESOLUTION NO. (233-1987)

BOND RESOLUTION OF THE TOWN
OF CLARKSTOWN RE: CONGERS
LAKE PARK

Co. Maloney offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 12, 1985 AND AMENDED FEBRUARY 24, 1987, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF RECREATIONAL FACILITIES AT CONGERS LAKE PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,585,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$79,250 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$1,505,750 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 Congers Lake Park, including dam reconstruction, improvements to the picnic groves and tennis courts, resurfacing the existing parking area and construction of additional parking, reconstruction of the Community Center, and construction of a combination lifeguard/refreshment stand building, as more particularly described in a preliminary plan and report prepared by Mayo, Lynch and Associates, Inc., Engineers, for the dam and Schofield Colgan Architects for the remaining work, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,585,000 and said amount is hereby appropriated therefor, including the appropriation of \$79,250 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 \$1,505,750 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. Bonds of the Town in the principal amount of \$1,505,750. 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 period of probable usefulness of said specific object or purpose for which said \$1,505,750 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 \$79,250 will be provided from moneys now available therefor in the current budget of the Town under the heading "Capital Funds." The Supervisor is hereby authorized and directed to set aside said current funds and

Continued on Next Page

RESOLUTION NO. (233-1987) Continued

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, as amended, is subject to permissive referendum.

Section B. The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section C. 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 West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

RESOLUTION NO. (233-1987) Continued

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 24, 1987, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the bond resolution adopted by said Town Board on August 12, 1985 which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 12, 1985 and amended February 24, 1987, authorizing the original improvement and embellishment of recreational facilities at Congers Lake Park, stating the estimated maximum cost thereof is \$1,585,000. appropriating said amount therefor, including the appropriation of \$79,250 current funds to provide the required down payment, and authorizing the issuance of \$1,505,750 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to originally improve and embellish recreational facilities at Congers Lake Park, including dam reconstruction, improvements to the picnic groves and tennis courts, resurfacing the existing parking area and construction of additional parking, reconstruction of the Community Center, and construction of a combination lifeguard/refreshment stand building, as more particularly described in a preliminary plan and report prepared by Mayo, Lynch and Associates, Inc., Engineers, for the dam and Schofield Colgan Architects for the remaining work, on file in the office of the Town Clerk and hereby approved; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,585,000 APPROPRIATING said amount therefor, including the appropriation of \$79,250 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 \$1,505,750 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 \$1,505,750 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 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 \$79,250 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 \$1,505,750 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

Continued on Next Page

RESOLUTION NO. (233-1987) Continued

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

Section D. Said bond resolution, as herein amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted August 12, 1985 shall not be in any way affected and shall remain in full force and effect.

Section E. After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in full, in the newspaper hereinabove referred to in Section C hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section F. This resolution shall take effect immediately.

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

AYES: Co. Carey, Co. Maloney, Co. Smith, Supervisor Holbrook

NOES: None

The resolution was declared adopted.

Councilman Carey asked if they could have an explanation in the differences in these appropriations?

Edward Ghiazza, said Congers Lake you have the reconstruction of a dam which in order to get the permits and Les and I have been working on it from a, b, c to our extra requirements, in order to get the permit approved in Albany so that's the increase in the dam. As far as the increase in the rest of the project, to meet all the handicapped requirements that came around through your Handicapped Committee, handicapped ramp, handicapped toilets. We had a request from our senior citizens to air condition the existing meeting room and between that and the cost that was drawn up originally prior to the bonding resolution, these are the estimated costs based upon the hired architects best knowledge that what it is going to cost today.

Co. Carey said that was not considered in the original bid, is that what your saying?

Mr. Ghiazza said all of the handicapped and some of the other items were not when we originally conceived the project for the original bonding, so it's a combination of increased cost for the original project plus adding the other cost.

Supervisor said it had a lot to do with citizen input over there that this was requested.

Co. Carey said there is a great deal of money that is involved there. Some of these things are almost doubled and most .. all of them have doubled in price since 1985. So my suggestion is that in the future I hope we can come in with a good price the first time around so that this discrepancy will be kept to a minimum.

Continued on Next Page

ABE740

RESOLUTION NO. (233-1987) Continued

Mr. Ghiazza said you have to hire the engineers first before you bond.

Mr. Carey said the "cart before the horse," right.

Mr. Ghiazza said, in other words we were bonding it before we hired the consultants. We should have hired the consultants first.

Supervisor said, in other words instead of having two bonds, you would have one bond.

Mr. Carey said, I think we would have come within a reasonable price too. I don't doubt the authenticity of this but some of these figures would stagger the imagination.

RESOLUTION NO. (234-1987)

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN RE: GERMONDS PARK

Co. Maloney offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 12, 1985 AND AMENDED FEBRUARY 24, 1987, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF RECREATIONAL FACILITIES AT GERMONDS PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,725,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$136,250 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$2,588,750 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 the recreational facilities at Germonds Park, including pool renovations, resurfacing of the existing parking area, construction of a ballfield complex including comfort station, basketball courts, lighting and additional parking, and construction of a playground, all as more particularly described in a plan and report prepared for the ballfield by Dolph Rotfeld and Henry Horowitz, and for the pool by G.L. Raffaelli, engineers licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,725,000 and said amount is hereby appropriated therefor, including the appropriation of \$136,250 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 \$2,588,750 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 \$2,588,750, 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.

RESOLUTION NO. (234-1987) Continued

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 \$2,588,750 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 \$136,250 will be provided from moneys now available therefor in the current budget of the Town under the heading "CAPITAL FUNDS." 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.

Section 5. Subject to the provision 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, as amended, is subject to permissive referendum.

Continued on Next Page

ABE740

RESOLUTION NO. (234-1987) Continued

Section B. The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section C. 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 West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 24, 1987, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the bond resolution adopted by said Town Board on August 12, 1985 which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 12, 1985 and amended February 24, 1987, authorizing original improvement and embellishment of recreational facilities at Germonds Park, stating the estimated maximum cost thereof is \$2,725,000 appropriating said amount therefor, including the appropriation of \$136,250 current funds to provide the required down payment, and authorizing the issuance of \$2,588,750 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to originally improve and embellish the recreational facilities at Germonds Park, including pool renovations, resurfacing of the existing parking area, construction of a ballfield complex including comfort station, basketball courts, lighting and additional parking, and construction of a playground, all as more particularly described in a plan and report prepared for the ballfields by Dolph Rotfeld and Henry Horowitz, and for the pool by G. L. Raffaelli, engineers licensed by the State of New York, on file in the office of the Town Clerk and hereby approved; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,725,000; APPROPRIATING said amount therefor, including the appropriation of \$136,250 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 \$2,588,750 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 \$2,588,750 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;

Continued on Next Page

RESOLUTION NO. (234-1987) Continued

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purppse 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 \$136,250 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 \$2,588,750 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, as amended, is subject to a permissive referendum.

Section D. Said bond resolution, as herein amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted August 12, 1985 shall not be in any way affected and shall remain in full force and effect.

Section E. After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in full, in the newspaper hereinabove referred to in Section C hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section F. This resolution shall take effect immediately.

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

AYES: Co. Carey, Co. Maloney, Co. Smith, Supervisor Holbrook

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (235-1987)

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN RE: CONSTRUCTION OF LATERAL SEWERS

Co. Maloney offered the following resolution:

Continued on Next Page

ABE740

RESOLUTION NO. (235-1987) Continued

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 24, 1987, AUTHORIZING THE CONSTRUCTION OF LATERAL SEWERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$910,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$110,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$800,000 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 lateral sewers in and along Old Phillips Hill Road and Route 303, in said Town, including such equipment and apparatus as shall be necessary, all in accordance with the maps, plans and specifications prepared therefor by Charles R. Velzy Associates, Inc., duly licensed by the State of New York, on file in the office of the Town Clerk of the Town and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$910,000 and said amount is hereby appropriated therefor, including the appropriation of \$110,000 current funds. The plan of financing includes the expenditure of said current funds and the issuance of \$800,000 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 \$800,000. 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 \$800,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years; however, the bonds authorized pursuant to this resolution or bond anticipation notes issued in anticipation of the sale of such bonds shall mature no later than twenty (20) years from the date of original issuance of bonds or notes heretofore or herein authorized for such purpose.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d.4 of the Law, however, such current funds in the amount of \$110,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "SURPLUS FUNDS." 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.

Continued on Next Page

RESOLUTION NO. (235-1987) Continued

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town 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.

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

AYES: Co. Carey, Co. Maloney, Co. Smith, Supervisor Holbrook

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (235-A-1987)

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

Co. Maloney offered the following resolution:

Continued on Next Page

ABE536

RESOLUTION NO. (235a-1987) Continued

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES 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 West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 24, 1987, 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 February 24, 1987, authorizing the construction of lateral sewers, stating the estimated maximum cost thereof is \$910,000 appropriating said amount therefor, including the appropriation of \$110,000 current funds to provide the required down payment, and authorizing the issuance of \$800,000 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 lateral sewers in and along Old Phillips Hill Road and Route 303, in said Town, including such equipment, machinery and apparatus as shall be necessary, all in accordance with the maps, plans and specifications therefor as approved by the Town Board of the Town of Clarkstown and filed in the office of the Town Clerk; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$910,000; APPROPRIATING said amount therefor, including the appropriation of \$110,000 current funds; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$800,000 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 \$800,000 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 forty (40) years; however, the bonds authorized pursuant to this resolution or bond anticipation notes issued in anticipation of the sale of such bonds shall mature no later than twenty (20) years from the date of original issuance of bonds or notes heretofore or herein authorized for such purpose; 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 \$110,000 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 \$800,000 serial bonds will exceed five (5) years;

Continued on Next Page

RESOLUTION NO. (235-A-1987)

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.

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.

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

AYES: Co. Carey, Co. Maloney, Co. Smith, Supervisor Holbrook

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (236-1987)

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN RE: HEATONS POND

Co. Maloney offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 15, 1985 AND AMENDED FEBRUARY 24, 1987, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF RECREATIONAL FACILITIES AT HEATONS POND, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$330,000 APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$16,500 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$313,500 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 originally improve and embellish recreational facilities at Heatons Pond, 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 \$330,000 and said amount is hereby appropriated

ABE740

RESOLUTION NO. (236-1987) Continued

therefor, including the appropriation of \$16,500 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 \$313,500 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 \$313,500 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:

(a) The period of probable usefulness of said specific object or purpose for which said \$313,500 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 \$16,500 will be provided from moneys now available therefor in the current budget of the Town under the heading "CAPITAL FUNDS." 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:

Continued on Next Page

RESOLUTION NO. (236-1987) 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, as amended, is subject to permissive referendum.

Section B. The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section C. 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 West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 24, 1987, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution amending the bond resolution adopted by said Town Board on July 15, 1985 which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 15, 1985 and amended February 24, 1987, authorizing the original improvement and embellishment of recreational facilities at Heaton's Pond, in said Town, stating the estimated maximum cost thereof is \$330,000, appropriating said amount therefor, including the appropriation of \$16,500 current funds to provide the required down payment, and authorizing the issuance of \$313,500 serial bonds of said Town to finance the balance of said appropriation."

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

FIRST: AUTHORIZING said Town to originally improve and embellish recreational facilities at Heaton's Pond, 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 \$330,000; APPROPRIATING said amount therefor, including the appropriation of \$16,500 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 \$313,500

Continued on Next Page

ABE740

RESOLUTION NO. (236-1987) Continued

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 \$313,500 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 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 \$16,500 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 \$313,500 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, as amended, is subject to a permissive referendum.

Section D. Said bond resolution, as herein amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted July 15, 1985 shall not be in any way affected and shall remain in full force and effect.

Section E. After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in full, in the newspaper hereinabove referred to in Section C hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section F. This resolution shall take effect immediately.

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

AYES: Co. Carey, Co. Maloney, Co. Smith, Supervisor
Holbrook

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (237-1987)

AMENDING RESOLUTION NO.
146, TO HAVE ALL
EXPENDITURES PURSUANT TO
THIS RESOLUTION CHARGED TO
APPROPRIATION ACCOUNT NO. A
3320-409 INSTEAD OF DB
5110-449

Co. Maloney offered the following resolution:

RESOLVED, to amend Town Board Resolution No. 146 dated
February 10, 1987 to have all expenditures pursuant to this
resolution charged to Appropriation Account No. A 3320-409
(Installation of Traffic Signals-Fees for services) instead of DB
5110-449.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (238-1987)

CHANGING DATE OF TOWN BOARD
WORKSHOP FROM APRIL 9TH TO
APRIL 2 AND THE TOWN BOARD
MEETING FROM APRIL 14 TO
APRIL 7

Co. Maloney offered the following resolution:

BE IT RESOLVED, that the Town Board Workshop scheduled
for Thursday, April 9th is hereby changed to Thursday, April 2, 1987
and the regular Town Board meeting of Tuesday, April 14th is hereby
changed to Tuesday, April 7, 1987 due to the religious holidays.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Carey, seconded by Councilman
Maloney and unanimously adopted, the Public Hearing re: Special
Permit for Landfill Operation (Feldi) was opened, time: 8:42 P.M.

On motion of Councilman Maloney, seconded by
Councilwoman Smith and unanimously adopted, the Public Hearing re:
Permit for Landfill Operation (Feldi) was closed, DECISION RESERVED,
time: 9:15 P.M.

RESOLUTION NO. (239-1987)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE
DEBRIS ON PREMISES
DESIGNATED AS MAP 106,
BLOCK A, LOT 26.04 (303
ERIE STREET REALTY)

Co. Carey offered the following resolution:

Continued on Next Page

ABE740

RESOLUTION NO. (239-1987) Continued

WHEREAS, by Resolution No. 1262 dated December 31, 1986, and Resolution No. 105 dated January 27, 1987, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 106, BLOCK A, LOT 26.04, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on February 24, 1987, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated January 27, 1987, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 1st day of March, 1987, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

Councilman Maloney stated that a few weeks ago Mrs. Julia Quaglia passed away. For thirteen years she was Secretary to the Drug Abuse Prevention Council and he asked for a moment of silence and that the minutes reflect that this meeting was adjourned in her memory.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

117

Town Hall

2/24/87

8:42 P.M.

Present: Supervisor Holbrook
Council Members Carey, Maloney, Smith
Councilman Lettre absent
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: SPECIAL PERMIT TO CONDUCT LANDFILL
OPERATION (FELDI)

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 stated that he had correspondence from the Town of Clarkstown Planning Board dated February 23, 1987 regarding the application and read as follows:

(Letterhead of Clarkstown Planning Board)

"February 23, 1987

The Honorable Town Board
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Gentlemen: SPECIAL PERMIT REQUEST TO CONDUCT LANDFILL
OPERATION, FELDI 108B4, VALLEY COTTAGE (To
W. side Kings Highway).

The Board reviewed the above request at the meetings of January 28, 1987 and February 11, 1987. At the latter meeting Member Paris made a motion, seconded by Centra, carried 6:0 with Ayes of Schweitzer, Hershberger, Maraia and Yacyshyn, approving the following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the matter of Special Permit request for Feldi 108B4, Valley Cottage, and recommends that the petition not be granted for the following reasons:

- 1 The Planning Board has adopted a policy of not permitting any filling without concurrently processing for subdivision and/or site plan approval, and an application should be made for subdivision review and approval concurrently with the request for Special Permit for filling.
2. The Planning Board is concerned with any adverse impact filling of this property may have on surrounding properties. This property is environmentally sensitive, and if this were a proper subdivision application all agencies would have the opportunity to make a determination as to such impact.
3. The Board is concerned that this would set a precedent for future similar applications, and this would not be in the best interests of the Town.

Very truly yours,

/s/ Rudolph J. Yacyshyn,
Chairman

cc: Town Attorney
Town Clerk"

Continued on Next Page

ABE740

Town Attorney stated that he also had correspondence dated January 21, 1987 from the Department of Environmental Control which reads:

"We have reviewed the proposed grading plan for landfill request and have the following comments:

1. In raising the site to allow for future subdivisions, we would require that sedimentation protection for adjoining property owners be shown on the plan.
2. The proposed ditch that parallels the ConRail tracks will have to be graded to allow surface flow to enter the cross drain at the northwest end of the property.
3. The existing 12" cross-drain under the Con-Rail tracks shall be cleaned as required by the DEC.
4. Shade Tree Commission should review regarding what trees should remain on the site.

We will review in detail at a later date.

/s/ Ralph Lauria
Ralph Lauria, Engineer II"

Town Attorney said he also had a memo dated 2/6/87 from the Department of Environmental Control which states:

- "1. We have reviewed the revised site grading plan and feel that the original grading plan would be preferable to allow for proper drainage of the site.
2. Our comments of 1/21/87 are still valid.

/s/ Ralph A. Lauria
Ralph A. Lauria, Engineer, II"

Town Attorney stated that he had minutes of the Planning Board meetings of January 28, 1987 and February 11, 1987 in his file. He stated that notice of this proceeding was forwarded by mail to various municipalities and state agencies in the County of Rockland.

Supervisor called upon the applicant to make his presentation to the Board after which anyone from the public wishing to comment for or against will be heard.

Appearance: Mr. Martin Feldi
New City, New York

Mr. Feldi said there was no problem complying with the recommendations of the DEC and the only reason they are asking for this now is there is a question of how this land can be subdivided with a piece of property adjoining it which he is trying to enter upon to get into the subdivision. Later on this may or may not require legal action by himself or by the Town.

Town Attorney asked if that was not already in suit and Mr. Feldi said it is but nothing has been accomplished yet. Town Attorney said the matter has not been submitted for decision but it is pending in litigation. Mr. Feldi said he thought that was one of the reasons that Mr. MacCartney, one of the Deputy Town Attorneys, had advised the Planning Board not to okay it at this time because he felt a subdivision should be obtained prior to filling the land in.

Mr. Feldi said that this has dragged on for over a year and he wanted to fill his land in now as it could be done relatively

PH - Special Permit for Landfill (Feldi)
Page 3

inexpensively and then when he gets his subdivision approval in the late spring or early summer he could get in and start working there. He said some of the houses are sold already so this would be the proper time to fill in the land. He said he is merely filling in a couple of feet so that he has cover for the sewer and pitch out to the street as the property is a little low there. He said he was willing to comply with all recommendations of the Department of Environmental Control which is the agency which governs this type of an operation. He said the Planning Board states that they have not done this in the past but that is not so. He said they have filled in next to where Pathmark is on Route 59 which is an area ten times as large as his. He said his is only an acre of land. The word "landfill" suggests that it is a major operation but it is only a couple of feet of fill and would improve the area.

Supervisor asked Mr. Feldi if he had stated that he has sold houses there already? Mr. Feldi said he had contracts with people subject to getting approval.

Councilman Maloney asked Mr. Les Bollman, Director of Environmental Control, if he agreed with what had been said and Mr. Bollman said that they do prefer the original grading plan and that does affect some of the property that is in question now. That is the way we can grade it the best. He said he understood that the reason it was revised is that Mr. McCartney suggested that maybe we should not touch this property but we can't do as good a grading job from a drainage point of view by not touching the adjacent piece of property.

Mr. Costa asked Mr. Feldi if he would be willing to stipulate as part of his application that if the permit were granted it shall not prejudice the law suit in either direction, for or against his position. He said he thought the concern of the Planning Board was that should you get this permit you would go ahead and fill the property and then somehow seek to gain an advantage in your law suit by establishing that you were permitted to fill the property. If your application here is based on the merits of the proposal merely to fill the property notwithstanding what may happen to the subdivision approval in the future that may clarify your intentions to the Board. Mr. Feldi said he had no problem with that and merely wants to fill the land in at this point.

Councilman Maloney asked if Mr. Feldi was willing to stipulate to that and Town Attorney said yes. Town Attorney said the issue from the Town Board's point of view is whether or not it is appropriate to grant this permit if the environmental issues are addressed satisfactorily by the plan and if the other special findings required in the zoning ordinance can be made. He said that would be up to the Board to make a determination based on what Mr. Feldi has said and what Mr. Bollman and his staff have said.

Supervisor asked if there was any member of the public wishing to make a comment.

Appearance: Mr. Mark Anderson
Valley Cottage, New York

He said he was an adjacent landowner and was representing by document other residents of Karen Court. He said they are simply concerned about drainage. They would just like to have some assurance that they would be protected in case Mr. Feldi does go ahead and get the landfill and something goes wrong with the drainage system and water starts to run through their property. He said right now they have no drainage ditch adjacent to the railroad as the other homes do that are further south of the landfill.

Continued on Next Page

ABE740

Supervisor asked if there was a drainage problem on Karen Court right now. Mr. Anderson said no they just did not want one to be created. Mr. Anderson said water does run into that land and it would seem if that land is filled without the proper environmental precautions in case of a heavy rain the water could start to run northward into our property.

Appearance: Ms. Rae Ann Gross
386 Kings Highway
Valley Cottage, New York

Ms. Gross asked what kind of fill would be used? Mr. Feldi said it will be clean fill as he is planning to construct \$250,000.00 houses. Ms. Gross asked how long it would take to conduct the fill and Mr. Feldi said hopefully not longer than a couple of weeks. Ms. Gross asked would there be any regulations as to times when trucks could come and go and Mr. Feldi said during normal working hours. Supervisor asked would it be before 7:00 A.M. and Mr. Feldi said no. Ms. Gross asked would Mr. Feldi be willing to have canvas covers and the Supervisor said that is a requirement of law. Ms. Gross said she had no concern about the homes which Mr. Feldi intended to construct but had merely been concerned about the fill operation.

Appearance: Mr. Saccente
3 Parma Drive
Valley Cottage, New York

Mr. Saccente said that he lives right next door to the property in question and there is a storm sewer that goes across the back of his property and fills Mr. Feldi's land with three or four feet of water. When that land is filled Mr. Saccente said he may have a problem. The Town has a twenty foot easement which they are supposed to maintain. He said he has been there for ten years and the drain has never been cleaned out. The water builds up to a certain height and goes into the vacant land of Mr. Feldi. He wanted to know who was going to maintain the drainage as he has seen this land with about three feet of water on it. Where is this water going to go? He said it was his understanding that there is some sort of opening under the tracks which is clogged up and never gets cleaned out which is why the water lays on this property all the time. When the fill is put in there what is going to happen to all that water? He did not want a water problem. Mr. Saccente said he has a wooden fence and all the poles which hold up that fence will be undermined with this water because there will be no runoff.

Supervisor Holbrook said if the Town does have an easement there then it is the Town's responsibility. Mr. Feldi said one of the recommendations in the Environmental Control's report would be to run a channel north and south through the existing drain that was cleaned out when he built the house next door. It is working at this time. There is hay all around it right now so no other debris can get into the pipe going under the railroad. The swale is to go north and south from the area to the railroad. Mr. Saccente asked if that would be concrete filled? Mr. Feldi said it would be dirt and Mr. Saccente asked what would happen to the vegetation growing there then? Mr. Feldi said that happens to all drainage areas.

Supervisor said the problem is maintenance and he asked Mr. Bollman, Director of Environmental Control if he would comment on this situation. Mr. Bollman said he did not know if affected Mr. Saccente at all. He said there were two drains going under the Con Rail tracks and his might drain down to the other one but he is not sure. He said on occasion a concrete pipe has been put in but most of them are natural and do require maintenance periodically to take down the weeds and keep them cut. He said we have done what is called mechanical stabilization.

Continued on Next Page

Supervisor said at this point if the Town were to entertain a filling of this property maybe we should require stricter measures here in light of what Mr. Saccente has stated. Maybe we should try to make this so that it would not require so much maintenance since our record over the last ten years is not very good.

Appearance: Mr. Larry Dolce
2 Mayfield Street
Valley Cottage, New York

He said he had no objection to Mr. Feldi filling or building on this property but he said the drainage ditch which runs parallel to the Con Rail tracks runs for quite some distance. It starts up in Valley Cottage and follows through in the back of all the properties mentioned and continues along the tracks. He said the drainage ditch is filled with debris all along the tracks. He said he knew the railroad had a right of way on a certain amount of footage on either side of the tracks and this could present the Town with a problem. He felt if there was to be any kind of survey it should be done along the entire length because if it backs up on one end it will back up all the way across no matter how careful the builder is in building a swale on his property.

Appearance: Mr. Kent (?)
Valley Cottage, New York

He said that he lives about a mile away and would not be directly affected by this but he is speaking for friends who do live in the area. He said he was involved in a landfill situation in West Haverstraw where he formerly lived. He said there is a tremendous number of living things in the area and when the site gets filled they will move out and into the houses of surrounding residents. In West Haverstraw he had an enormous problem with crickets, small rodents, small snakes, etc. Mr. Feldi said the area to be filled is approximately 175 feet by 80 feet. Mr. Feldi said the adjacent properties are all much higher than this parcel and he is proposing a ditch at least five or six feet deep with a swale along the railroad to go into a pipe going underneath.

Mr. Kent (?) said he was not speaking of drainage right now. He was discussing the problems the residents would face with the insects and animals being displaced. He asked if there would be any security at the site while the operation is going on so that illegal dumping cannot occur? He said that was attempted in West Haverstraw. Mr. Bollman said he thought there might be some confusion as the site we are discussing is less than a building lot. Mr. Bollman said if someone came in and obtained a building permit he would be doing the same thing and at the recommendation of the Environmental Control Department. The land disturbed would be the same. This is no different from any house which is built in this community. Mr. Bollman said if Mr. Kent (?) statements are justified they are justified for any house built here.

Mr. Kent (?) asked the approximate depth of the fill on the average? Mr. Feldi said three feet in some spots and he did not think it would be any deeper. Mr. Bollman said it is not that significant in such a small area.

Appearance: (Unidentified Resident)

He said the drain pipes seem to be inadequate for the amount of water involved and they will need frequent maintenance.

Appearance: Mr. Nick (?)
5 Mayfield Street
Valley Cottage, New York

Continued on Next Page

ABE740

He said in contradiction to what Mr. Feldi said that there were no lower properties he said there are lower properties which would be affected because they are at least at the same level or lower. He said his concerns are mainly drainage. The area is marshy, stays wet and seems to be a natural runoff for the general area. He said he did not have any problem with the land being filled in and ultimately developed. However, he went along with what the Planning Board said which is not to do any fill until the subdivision is planned and that work ultimately takes place because then the proper storm drains would be built as the work progresses. The potential problem is that the water would extend to Parma Drive. He is concerned with what would happen to the water that would ultimately go into the Con Rail ditch from a health standpoint because the standing water there has tended to cause breeding of mosquitoes during the summer. There has also been a rat problem there.

Appearance: Mr. John Fella
18 Tamar Drive
Valley Cottage, New York

Mr. Fella said he was concerned about the drainage problem. He said his property is across the railroad tracks. There is a storm drain which empties large amounts of water. He said he does have some flooding now and he did not know if this proposed fill will aggravate the situation. He said he was also concerned about the health situation as there are a large number of mosquitoes which breed in the standing water. He is also concerned about the proposed material to be used in the landfill. He said he hoped it would be environmentally safe and not be any danger to the residents in that general area.

Mr. Feldi was asked to sum up. He said he is willing to go along with everything the Department of Environmental Control recommends. He will also comply with the Planning Board. He said he believes that the Planning Board recommended 6-0 against it because they felt he might be seeking an advantage in pending litigation.

Supervisor said the major concern which residents have expressed besides the fact that they want clean fill is the drainage. When you fill a property which is a receptacle for water it can create a problem. That is the issue the Board is concerned with. Mr. Feldi said the same amount of water will still flow to the same pipe. The only difference is now the area will be filled in. Before the water used to reach a certain level, run to this pipe and still go out there. Now, it will be filled in. He said he also wanted to reassure about the mosquitoes. If anything, this filling in will make it better and there will be less mosquitoes.

Councilwoman Smith asked if this property were adjoined to the abutting parcel would it still need the fill and Mr. Feldi said yes it would.

Supervisor asked if there were any more questions or comments? No one responded. Supervisor said the Board would reserve decision for two weeks at which time a decision will be rendered. He said they are concerned about the drainage and about the comment the Planning Board made in terms of the subdivision. He said the comments which Mr. Costa made and the many comments of the public with regard to drainage must be considered.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:15 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

123

Town Hall

2/24/87

9:15 P.M.

Present: Supervisor Holbrook
Council Members Carey, Maloney and Smith
Councilman Lettre absent
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: CHAPTER 79 (303 ERIE STREET REALTY CORP.)

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared open.

Town Attorney John Costa explained the proceeding and said it was instituted by the Town Board with respect to property designated on the Clarkstown Tax Map as Map 106, Block A, Lot 26.04. The property is located at 322 Route 59, West Nyack, New York reputedly owned by Harry Adler. The Town Board instituted this proceeding by a resolution adopted December 31, 1986 and subsequently authorized additional time to serve the Notice and Order pursuant to resolution adopted on January 27, 1987. An Order and Notice was prepared and served by certified mail, return receipt, upon the property owner as reported by the Clarkstown Tax Assessor's office upon the 303 Erie Street Realty Corporation, Attn.: Mr. Harry Adler, 80 Strawtown Road, West Nyack, New York. The Town Attorney's office has received the return receipt card from the Post Office indicating that the mail as addressed was received by a Harry Adler.

Pursuant to the Town Board's order the Notice directed the property owner to comply with an Order dated July 30, 1985 from the Building Inspector's office which directed that there be removed from the property a large pile of tires from the side of the building, remove the tires from the rear of the lot and repair exit lights to the premises. Town Attorney said a copy of the Order and Notice were also served upon the persons indicated to be holding mortgages on the premises.

Town Attorney called on Mr. Mark Papenmeyer who stated that he is the Fire Inspector of the Town of Clarkstown and has been employed for approximately nine years.

Town Attorney swore in Clarkstown Fire Inspector, Mark Papenmeyer. Mr. Papenmeyer stated that this violation goes back to July of 1985 whereupon on a routine inspection large amounts of tires were found alongside the building and in the rear of the building. Violation 85-310 was issued to remove the same. As of the 30th of September of the same year a reinspection was made and it was noted that the tires had not been removed. An information was filed with the Justice Court. That information was made out to the tenant of the property, Eastern State Tires. On two dates no one appeared in court. The third date an appearance was made and the case was dismissed. On the 3rd of December 1985 a second information was filed for failure to maintain the property and again no appearance was made. In February of 1986 they did plead guilty. They were fined \$100.00 with the condition that the tires be cleaned up.

Reinspection on the 4th of July 1986 revealed that the tires had yet to be cleaned up and a third information was filed. On October 1, 1986 the tenant, Eastern State Tires, appeared in court, pled guilty and was fined the maximum \$250.00. In December of 1986 reinspection was made and again the tires were not removed and at that time Mr. Papenmeyer said he had requested the Town Board to institute this hearing under Chapter 79. A reinspection this past week reveals that the tires remain there. Mr. Papenmeyer presented photographs which were taken in July of 1986 and December of 1986.

Continued on Next Page

ABE740

Supervisor asked Mr. Papenmeyer if, in his opinion, this person is an habitual, recalcitrant violator of the Town Law. Mr. Papenmeyer stated as can be seen we have attempted on several occasions to have this condition corrected and it has yet to be done. He presented the photographs into evidence and the Town Attorney asked him if they were a fair and accurate depiction of the premises. Mr. Papenmeyer said yes.

Town Attorney asked Mr. Papenmeyer if the present condition of the premises is as shown on the photographs? Mr. Papenmeyer said the present condition remains the same with respect to the rear of the property. The tires which were located on the side of the building appear to come and go. At this time they have been removed but on other occasions they have been there. Mr. Papenmeyer said the main concern is the tires in the rear of the property at this time.

Town Attorney asked Mr. Papenmeyer if he had any direct contact with anyone at the site who may be a tenant or with the property owner? Mr. Papenmeyer said he has been in contact with Eastern State Tire via court appearances. He said he was also instructed by a Deputy in the Town Attorney's office to contact the manager of the tire place as he was willing to comply with the order and wanted to speak with the Fire Inspector regarding compliance. Mr. Papenmeyer said he went there but the manager was not available. He said he left his card but no return calls were ever made. Mr. Papenmeyer said he did not have the manager's name.

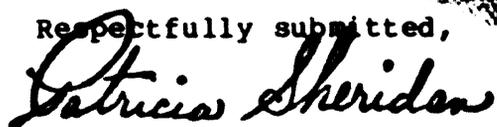
Town Attorney asked Mr. Papenmeyer if the presence of the quantity of tires which he described create any fire hazard or other clear and present danger to the community? Mr. Papenmeyer said they present both an eye sore and a fire hazard because of the quantity. Town Attorney said for the Board's information he has in his file a memo of a telephone call received in the Town Attorney's office on January 30th at 4:00 P.M. The person identified himself as George Slavis and left a return number. He wanted to speak to Mr. Costa. Mr. Costa returned the call and a person who identified himself as George Slavis told him that he was in the process of cleaning up the tires and he wanted to cooperate with the Town. He also indicated that some of the tires had been buried and that they were coming up to the surface from some unknown cause. Town Attorney said he informed Mr. Slavis that the Town Board's order would stand and that the public hearing would go on as scheduled tonight.

Town Attorney asked Mr. Papenmeyer if he had a recommendation to make to the Town Board. Mr. Papenmeyer said his recommendation would be that we clean this piece of property up and get rid of the tires. Town Attorney asked if the condition of the property constituted a present danger to the life, health and safety of the community? Mr. Papenmeyer said most certainly.

Mr. Costa asked if the Board Members had any questions. No one did. Mr. Costa asked if anyone in the audience had any questions for Mr. Papenmeyer? No one did. Town Attorney asked if the property owner was present. No one appeared. Town Attorney asked if the tenant or person in possession was present. No one appeared.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:25 P.M.

Respectfully submitted,



Patricia Sheridan,
Town Clerk