

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

9/6/88

8:00 P.M.

Present: Charles E. Holbrook, Supervisor
Council Members Carey, Kunis, Maloney and Smith
Murray N. Jacobson, Town Attorney
Neila Alemi, Acting Secretary

The Town Board signed a waiver to hold a Special Town Board Meeting. Supervisor Holbrook opened the Special Town Board Meeting at 8:00 P.M.

The Town Board agreed that Neila Alemi would act as Acting Secretary and would take the minutes for the Special Town Board Meeting.

RESOLUTION NO. (828-1988)

RESOLUTION WAIVING
NOTICE OF SPECIAL MEETING

Co. Maloney offered the following resolution:

"RESOLVED, that the Town Board Members hereby, as individuals and collectively, waive notice of special meeting and hereby determine to hold a special meeting on September 6, 1988 at 8:00 P.M. in Room 311 of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the consent to hold such special meeting in a form annexed hereto shall be duly signed by all the Town Board Members."

The Consent to a Special Meeting of the Town Board of the Town of Clarkstown is on file in the Town Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (829-1988)

RESOLUTION TERMINATING
EMPLOYMENT OF FRANK ROMEO

Co. Maloney offered the following resolution:

"RESOLVED, that the Town Board hereby terminates Frank Romeo, as an employee of the Town of Clarkstown, effective August 11, 1988."

Seconded by Co. Smith

On roll call the vote was as follows:

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

STBM - 9/6/88
Page 2

RESOLUTION NO. (830-1988)

RESOLUTION AUTHORIZING
TOWN ATTORNEY TO
INSTITUTE ACTION

Co. Maloney offered the following resolution:

"RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including commencing litigation on behalf of the Town of Clarkstown, against JOHN O'SULLIVAN, JOHN BRENNAN, et al., to rectify violations on premises located at 278 C Kings Highway, Valley Cottage, New York, more particularly described on the Tax Map of the Town of Clarkstown as MAP 109, BLOCK F, LOT 8, which violations on the subject premises present an immediate danger to the life and property of the residential occupants."

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (831-1988)

ORDER AND BOND
RESOLUTION REGARDING
ESTABLISHMENT OF THE
TOWN OF CLARKSTOWN
REFUSE AND GARBAGE
DISTRICT

Co. Smith offered the following resolution and moved its adoption:

A special meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, State of New York held at the Town Hall, in said Town, on the 6th day of September, 1988.

PRESENT:

Hon. Charles E. Holbrook, Supervisor
William J. Carey, Councilperson
John R. Maloney, Councilperson
Steven C. Kunis, Councilperson
Ann Marie Smith, Councilperson

-----X

In the Matter : FINAL ORDER
of the : ESTABLISHING
Establishment of the Town of Clarkstown : DISTRICT
Refuse and Garbage District, in the Town
of Clarkstown, in the County of Rockland, : SEPT. 6, 1988
New York.

-----X

WHEREAS, the Town Board has heretofore duly caused Charles R. Velzy Associates, Inc., Consulting Engineers, competent engineers duly licensed by the State of New York, to prepare a general map, plan and report relating to the establishment of the proposed Town of Clarkstown Refuse and Garbage District (herein called "District"), in the Town of Clarkstown, as hereinafter described, and the construction of improvements therein which map, plan and report have been duly

RESOLUTION NO. (831-1988) Continued

filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, by resolution dated May 26, 1987, the Town Board of the Town of Clarkstown, on its own motion, proposed that a Refuse and Garbage District encompassing the incorporated and unincorporated areas of the Town of Clarkstown be created; and

WHEREAS, the Director of the Department of Environmental Control was authorized and directed to prepare a general map, plan and report for providing the facilities, improvements and services required to implement said proposal; and

WHEREAS, the general map, plan and report and addendum to the report have been filed in the office of the Town Clerk; and

WHEREAS, the Town Board held a prior public hearing on the establishment of such District on the 20th day of October, 1987 at 8:05 P.M. (Prevailing Time) at the Town Hall, 10 Maple Avenue, New City, New York, in the Town; and

WHEREAS, the Office of the State Comptroller required the holding of an additional public hearing in order to consider the establishment of the District to provide services for solid waste management and recycling of refuse by source separation encompassing the incorporated and unincorporated areas of the Town of Clarkstown as shown on the Official Map, and where the maximum amount proposed to be expended as stated in the Notice of Public Hearing was to be not more than \$2,200,000 and the expense of the establishment of the District shall be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel within the District shall derive therefrom; and

WHEREAS, pursuant to the Resolution duly adopted on April 26, 1988, the Town Board determined to proceed with the establishment of the District, and the construction of such sewer system therein and adopted a Resolution reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying May 10, 1988, at 8:05 o'clock P.M. (Prevailing Time) as the time when, and the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, in the Town, as the place where, the Town Board would meet to consider the establishment of the District and the construction of such improvements therein, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, following publication and posting of certified copies of said Resolution calling a public hearing on May 10, 1988 pursuant to Article 12-A of the Town Law and after such public hearing duly held by the Town Board at the time and place herein referred to, the Town Board by resolution duly adopted June 28, 1988, subject to permissive referendum, determined that the notice of public hearing was published and posted, as required by law, and is otherwise sufficient, that all property and property owners within the proposed District are benefited thereby, that all property and property owners benefited are within the proposed District and that it is in the public interest to establish the District and construct said improvements therein and approved the establishment of the District and the construction of said improvements therein at a cost not to exceed \$1,825,000; and

Continued on Next Page

RESOLUTION NO. (831-1988) Continued

file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,825,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$1,825,000 and the levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem benefited by said improvements so much upon and from each as shall be in just proportion to the amount of benefit which the improvements shall confer upon the same, to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town in the principal amount of \$1,825,000 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 said appropriation.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$1,525,000 of the serial bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years. The period of probable usefulness of said specific object or purpose for which said \$300,000 of the serial bonds authorized by this resolution are to be issued, within the limitations of Section 11. a. 6 of the Law, is ten (10) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds hereby authorized or of any notes issued in anticipation of the sale of such bonds, in accordance with the provisions of Section 107.00 d. 3. (i) of the Law.

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

Section 4. Each of the serial bonds authorized by this resolution and any notes issued in anticipation of the sale of said bonds or the renewals of said notes shall contain the recital of validity 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 said bonds or the renewals of said notes, and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

Continued on Next Page

RESOLUTION NO. (831-1988) Continued

issuance of the serial bonds herein authorized and of any notes in anticipation of the sale of said bonds or 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 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 resolution shall take effect immediately.

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

AYES: Supervisor Holbrook
Councilpersons Carey, Maloney, Kunis and Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (832-1988)

RESOLUTION DIRECTING
TOWN CLERK TO PUBLISH
BOND RESOLUTION

Co. Maloney offered the following resolution:

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

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

Section 2. This resolution shall take effect immediately.

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

AYES: Superivor Holbrook, Councilpersons Carey, Maloney, Kunis and Smith
NOES: None

Continued on Next Page

RESOLUTION NO. (832-1988) Continued

The resolution was declared adopted.

On motion of Councilman Maloney and seconded by Councilman Kunis and unanimously adopted, the Special Town Board Meeting was declared closed at 8:10 P.M.

Respectfully submitted,

Neila Alemi
Neila Alemi
Acting Secretary