

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

3/21/89

9:20 P.M.

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

RESOLUTION NO. (261-1989) 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 a special meeting and hereby determine to hold a special meeting on March 21, 1989, 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 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 shall be filed in the Town Clerk's Office.

(Consent on file in Town Clerk's Office)

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. (262A-1989) BOND RESOLUTION AUTHORIZING CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS WITHIN THE TOWN

Co. Maloney offered the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 21, 1989, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS WITHIN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,050,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$52,500 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$997,500.00 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 various drainage improvements within the Town, consisting of the reconstruction and replacement of the Church Street culvert and various other improvements in accordance with the maps, plans and specifications prepared therefor and approved by the Town Board, including lands or rights in land, original furnishings, equipment machinery and apparatus required therefor. The estimated maximum cost of said specific objects or purposes, including preliminary

RESOLUTION NO. (262A-1989) Continued

costs and costs incidental thereto and the financing thereof, is \$1,050,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$52,000.00 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$997,500.00 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. Capital notes of the Town in the principal amount of \$52,500.00 to pay the required down payment, and serial bonds of the Town in the principal amount of \$997,500.00 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 capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$997,500.00 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 will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

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

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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RESOLUTION NO. (262A-1989) Continued

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

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

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

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (262B-1989)

AUTHORIZING TOWN CLERK TO PUBLISH AND POST RESOLUTION (VARIOUS DRAINAGE IMPROVEMENTS)

Councilman Maloney offered the following resolution:

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 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 March 21, 1989, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond and capital note resolution entitled:

Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted March 21, 1989, authorizing the construction of various drainage improvements within the Town, stating the estimated maximum cost thereof is \$1,050,000.00, appropriating said amount therefor, authorizing the issuance of \$52,500.00 capital notes to provide the required down payment, and authorizing the issuance of \$997,500.00

RESOLUTION NO. (262B-1989) Continued

serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various drainage improvements within the Town, consisting of the reconstruction and replacement of the Church Street culvert and various other improvements in accordance with the maps, plans and specifications prepared therefor and approved by the Town Board, including lands or rights in land, original furnishings, equipment machinery and apparatus required therefor; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,050,000.00 APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$52,500.00 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$997,500.00 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 \$52,500.00 capital notes to provide the required down payment and \$997,500.00 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 capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$997,500.00 serial bonds are to be issued 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 will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital notes proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$997,500.00 serial bonds will exceed five (5) years:

FOURTH: DETERMINING that said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said capital notes and bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

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

DATED: March 21, 1989

Neila Alemi,
Acting Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note 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.

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RESOLUTION NO. (262B-1989) Continued

Section 3. 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: Supervisor Holbrook, Councilpersons Maloney, Carey, Smith and Kunis

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (263A-1989)

BOND RESOLUTION AUTHORIZING RECONSTRUCTION, IN PART, OF STREET COMMUNITY CENTER, LOCATED AT ZUKOR PARK

Co. Carey offered the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 21, 1989, AUTHORIZING THE RECONSTRUCTION, IN PART, OF THE STREET COMMUNITY CENTER, LOCATED AT ZUKOR PARK WITHIN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$100,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$5,000 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$95,000 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 reconstruct, in part, the Street Community Center, located at Zukor Park within said Town, to provide for the removal and abatement of asbestos and reconstruction and upgrading of the electrical system, including the original furnishings, equipment, machinery and apparatus required in connection with the purposes for which said building as so reconstructed 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 \$100,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$5,000 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$95,000 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. Capital notes of the Town in the principal amount of \$5,000 to pay the required down payment, and serial bonds of the Town in the principal amount of \$95,000, 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 capital notes.

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RESOLUTION NO. (263A-1989) Continued

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

(a) The existing Street Community Center is of at least 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 \$95,000 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 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 will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes 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 capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 as to the sale and issuance of the capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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

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RESOLUTION NO. (263A-1989) Continued

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

Section 7. This bond and capital note resolution is subject to permissive referendum.

* * *

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

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (263B-1989)

AUTHORIZING TOWN CLERK TO
PUBLISH AND POST BOND
RESOLUTION (RECONSTRUCTION
OF STREET SCHOOL)

Co. Maloney offered the following resolution:

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 Nyack, New York, having a general circulation within said Town and hereby designatd 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 March 21, 1989, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted March 21, 1989, authorizing the reconstruction, in part, of the Street Community Center, located at Zukor Park within said Town, stating the estimated maximum cost thereof is \$100,000, appropriating said amount therefor, authorizing the issuance of \$5,000 capital notes to provide the required down payment, and authorizing the issuance of \$95,000 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Town to reconstruct, in part, the Street Community Center located at Zukor Park within said Town, to provide for the removal and abatement of asbestos and reconstruction and upgrading of the electrical system including the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said building as so reconstructed is to be used; and STATING the estimated maximum cost

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RESOLUTION NO. (263B-1989) Continued

of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$5,000.00 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$95,000.00 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 \$5,000.00 capital notes to provide the required down payment and \$95,000.00 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 capital notes;

THIRD: DETERMINING and STATING the existing building is of Class "B" construction and the period of probable usefulness of the specific object or purpose for which said \$95,000.00 serial bonds are to be issued 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 will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$95,000.00 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said capital notes and bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

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

DATED: March 21, 1989

Neila Alemi,
Acting Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note 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 Carey and duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

There being no further business to come before the Special Town Board Meeting and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Special Town Board Meeting was declared closed: 9:25 P.M.

Respectfully submitted,

Neila Alemi
NEILA ALEMI,
Acting Town Clerk