

SPECIAL MEETING BETWEEN CLARKSTOWN AND ORANGETOWN
RE: TRANSFER STATION

Town Hall

3/6/90

6:05 P.M.

Present: CLARKSTOWN:

Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

ORANGETOWN:

Supervisor Pellegrini
Council Members McLiverty, O'Sullivan, Ryff and Swift
Diana Reif, Town Attorney
Patricia Haugh, Town Clerk

There was excessive dialogue regarding various proposals after which a verbal agreement was reached on Proposal No. 1 with modifications.

The meeting concluded at approximately 8:00 P.M.

Respectfully submitted,

Patricia Sheridan
Patricia Sheridan,
Town Clerk

Clarkstown/Orangetown Transfer Station Proposals

1. Clarkstown would own the transfer station and pay \$81.00 per ton in the first year of operation. Orangetown would be a preferred customer and pay a tipping fee of \$81.00 per ton, plus a \$7.00 per ton fee to Clarkstown as a host community. This fee is for the costs associated with Clarkstown personnel at the transfer station. Orangetown would only have to guarantee that all garbage collected in Orangetown would come to the the Clarkstown transfer station. Orangetown would receive no penalty for any tonnage which falls below 120,000 tons. Orangetown would be guaranteed that no other community would pay less than Orangetown pays for garbage disposal. Additionally, except for the host fee, Orangetown's tipping fee would be exactly the same as Clarkstown's at all times. If tonnage exceeds 120,000 tons, Orangetown would receive the same blended rate as Clarkstown. Clarkstown would receive all profits obtained from any contractual arrangements made with outside communities. If the outside communities' tonnage resulted in a blended rate, Orangetown would receive that benefit but not the profit.
2. Clarkstown and Orangetown would be equal partners in the transfer station. Orangetown would agree to pay one half of the cost of remediating the transfer station site. Clarkstown and Orangetown would share 50% in all expenses and profits of the transfer station. At the end of a five-year period, the transfer station would be owned by both towns. Tipping fees for both towns would be identical. Any penalties for tonnage below the 120,000 tons would be on a pro-rata basis of 60/40, Clarkstown assuming 60%, Orangetown assuming 40%.
3. Proposal #3 differs from Proposal #2 in the following ways: while Clarkstown and Orangetown would be partners in the transfer station itself, any profits that would be obtained from the transfer station would be first applied to satisfy the cost of the remediation of the balance of the landfill site (8-10 million dollars). Once that amount was satisfied the towns of Clarkstown and Orangetown would share in the profits on a 50/50 basis. In other words a dedicated fund would be established from the profits to pay the 25% cost of the remediation of the landfill site that remains after the transfer station is completed. Orangetown would still agree to split the cost of the remediation of the transfer station site and split the cost of any operating expenses. Both towns would share in the ownership of the transfer station and would share in any penalties on a 60/40 basis if tonnage falls under 120,000 tons. At the end of five years both towns would share in the ownership 50/50.



Charles E. Holbrook
Clarkstown Supervisor

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

75

Town Hall

3/6/90

8:15 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared Special Town Board Meeting open.
Assemblage saluted the flag.

RESOLUTION NO. (213-1990)

BOND RESOLUTION AUTHORIZING
ACQUISITION OF LAND ON
MAPLE AVENUE TO BE USED AS
PART OF SITE FOR A NEW
POLICE/COURT FACILITY (52,
56 AND 60 MAPLE AVENUE, NEW
CITY, NEW YORK

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK,
ADOPTED MARCH 6, 1990, AUTHORIZING THE ACQUISITION BY
PURCHASE OF LAND ON MAPLE AVENUE IN NEW CITY, TO BE
USED AS PART OF THE SITE TO A NEW POLICE/COURT FACILY
FOR THE TOWN, STATING THE ESTIMATED MAXIMUM COST
THEREOF IS \$800,000.00, APPROPRIATING SAID AMOUNT
THEREFOR, INCLUDING THE APPROPRIATION OF \$40,000.00
CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$760,000.00 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
acquire the three contiguous parcels of land in New City known as
Numbers 52, 56 and 60 Maple Avenue, as described in the February 13,
1990 resolution of the Town Board authorizing the Town Attorney to
commence negotiations to purchase such parcels, to be used, together
with adjacent parcels heretofore acquired by the Town, as the site
of a new police and court facility for the Town. The estimated
maximum cost of such land acquisition including preliminary cost and
costs incidental thereto and the financing thereof, is \$800,000.00
and said amount is hereby appropriated therefor, including the
appropriation of \$40,000.00 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 \$760,000.00 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 bond and the interest thereon as the same shall become due
and payable.

Section 2. Serial bonds of the Town in the principal
amount of \$760,000.00, 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 current funds.

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

(a) The period of probable usefulness of said class of
objects or purposes for which said \$760,000.00 serial bonds
authorized pursuant to this resolution are to be issued, within the
limitation of Section 11.00 a. 21. of the Law, is thirty (30) years.

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RESOLUTION NO. (213-1990) Continued

(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 \$40,000.00 will be provided from money now available therefor. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said purpose as 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 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 bond anticipation 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 Councilman Maloney and duly put to a vote on roll call, which resulted as follows:

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RESOLUTION NO. (213-1990) Continued

AYES: Supervisor Holbrook, Councilmen Maloney, Kunis,
Mandia and Councilwoman Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (213-A-1990)

TOWN CLERK TO PUBLISH
NOTICE OF ADOPTION OF BOND
RESOLUTION RE ACQUISITION
OF PROPERTY ON MAPLE AVENUE
FOR POLICE/COURT FACILITY

Co. Smith offered the following resolution:

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY
OF ROCKLAND, NEW YORK, HEREBY RESOLVED 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 designate 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 6, 1990, 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 March 6, 1990, authorizing the acquisition by
purchase of land on Maple Avenue in New City, to be
used as part of the site of a new police/court facility
for the Town, stating the estimated maximum cost
thereof is \$800,000.00, appropriating said amount
therefor, including the appropriation of \$40,000.00
current funds to provide the required down payment, and
authorizing the issuance of \$760,000.00 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 acquire the three
contiguous parcels of land in New City known as Numbers 52, 56 and
60 Maple Avenue, as described in the February 13, 1990 resolution of
the Town Board authorizing the Town Attorney to commence
negotiations to purchase such parcels, to be used, together with
adjacent parcels heretofore acquired by the Town, as a site of the
new police and court facility for the Town; and STATING the
estimated maximum cost of such land acquisition, including
preliminary costs and costs incidental thereto and the financing
thereof, is \$800,000.00; APPROPRIATING said amount therefor,
including the appropriation of \$40,000.00 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 \$760,000.00 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;

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RESOLUTION NO. (213-A-1990) Continued

SECOND: AUTHORIZING THE ISSUANCE OF \$760,000.00 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 current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the class of objects or purposes 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 \$40,000.00; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said purposes; and the proposed maturity of said \$760,000.00 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 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 bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

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

DATED: March 6, 1990

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby dsignated 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: Supervisor Holbrook, Councilmen Maloney, Kunis Mandia and Councilwoman Smith

NOES: None

The resolution was declared adopted.

Councilman Kunis inquired as to our debt service and our goals and objectives for this year.

Comptroller Paul Schofield said there were no problems. This was just authorization to borrow. It was not necessary to borrow right away but rather to have the money available.

Councilman Kunis asked about the amount for notes maturing this year.

Comptroller Schofield said it was approximately \$1.5 million principal in serial bonds.

RESOLUTION NO. (213-A-1990) Continued

Councilman Kunis then inquired if there were architectural renderings of the proposal.

Supervisor Holbrook we had several options with the acquisition of this property. One of them would be a four story building which would have cost much more. Because of the acquisition of this property we will be more cost effective and have more options. Supervisor Holbrook said also we would not have to remove the Counseling Center immediately. We could begin building without removing it. That could be done at a later date.

Councilman Kunis said based on the facts that he had heard about there being less building costs involved and faster pay back possible he was voting yes.

Councilwoman Smith said having leared from history that costs always increase she was voting yes now.

RESOLUTION NO. (214-1990)

BOND RESOLUTION AUTHORIZING
PREPARATION OF REMEDIAL
INVESTIGATION/FEASIBILITY
STUDY TOWARDS CLOSING OF
THE CLARKSTOWN MUNICIPAL
LANDFILL

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 6, 1990, AUTHORIZING THE PREPARATION OF A REMEDIAL INVESTIGATION/FEASIBILITY STUDY, INCLUDING PLANS, SURVEYS, SPECIFICATIONS AND ESTIMATES NECESSARY AND PRELIMINARY TO CLOSING OF THE CLARKSTOWN MUNICIPAL LANDFILL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000.00 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION, AND AUTHORIZING ANY AMOUNTS RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID SPECIFIC OBJECT OR PURPOSE OR REDEMPTION OF SAID BONDS ISSUED THEREFOR OR TO BE BUDGETED AS A OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS

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 prepare a Remedial Investigation/Feasibility Study, including plans, surveys, specifications and estimates necessary and preliminary to closing of the Clarkstown Municipal Landfill, pursuant to the Order on Consent dated August 7, 1989 and entered into by the Town and the New York State Department of Environmental Conservation. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,000,000.00 serial bonds of the Town to finance 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. It is expected that any grants received from the State of New York for such project shall be applied towards the cost of said specific object or purpose or

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RESOLUTION NO. (214-1990) Continued

redemption of said bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds.

Section 2. Serial bonds of the Town in the principal amount of \$2,000,000.00 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 said appropriation.

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 \$2,000,000.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 62. 2nd of the Law is five (5) years.

(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. 5. of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not 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 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 bond anticipation 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 publication of such resolution are not substantially complied with,

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RESOLUTION NO. (214-1990) Continued

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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in West Nyack, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

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

AYES: Supervisor Holbrook, Councilmen Kunis, Maloney, Mandia and Councilwoman Smith

NOES: None

The resolution was declared adopted

RESOLUTION NO. (215-1990)

BOND RESOLUTION AUTHORIZING
REMEDICATION OF PORTION OF
CLARKSTOWN MUNICIPAL
LANDFILL RE CLOSING THEREOF
AND ESTABLISHMENT OF
TRANSFER STATION ON SAID
PORTION

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 6, 1990 AUTHORIZING THE REMEDIATION OF A PORTION OF THE CLARKSTOWN MUNICIPAL LANDFILL IN CONNECTION WITH THE CLOSING THEREOF AND ESTABLISHMENT OF A TRANSFER STATION TO BE LOCATED ON SUCH PORTION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000.00, APPROPRIATING SAID AMOUNT THEREFORE, INCLUDING THE APPROPRIATION OF \$100,000.00 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$1,900,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION, AND AUTHORIZING ANY AMOUNTS RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID SPECIFIC OBJECT OR PURPOSE OR REDEMPTION OF THE BONDS ISSUED THERFOR OR TO BE BUDGETED AS A OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

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 (therin called "Town"), is hereby authorized to implement the remediation of a portion of the Clarkstown Municipal Landfill in connection with the closing and abandonment thereof and establishment of a transfer station on such portion of the landfill site, pursuant to the Order on Consent dated August 7, 1989, and

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RESOLUTION NO. (215-1990) Continued

entered into by the Town and the New York State Department of Environmental Conservation. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000.00 and said amount is hereby appropriated therefor, including the appropriation of \$100,000.00 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 \$1,900,000.00 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. It is expected that any grants received from the State of New York for such purpose shall be applied towards the cost of said specific object or purpose or redemption of the bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds.

Section 2. Serial bonds of the Town in principal amount of \$1,900,000.00, 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 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 \$1,900,000.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 6-b 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 \$100,000.00 will be provided from moneys now available therefor. 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 in 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

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RESOLUTION NO. (215-1990) Continued

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 bond anticipation 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 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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution., in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in West Nyack, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

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, Councilmen Kunis, Maloney, Mandia and Councilwoman Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (216-1990)

AUTHORIZING SUPERVISOR TO ENTER INTO CONTRACT TO PURCHASE REAL PROPERTY LOCATED AT 56 AND 60 MAPLE AVENUE, NEW CITY, NEW YORK - MAP 57, BLOCK J, LOTS 5 AND 6 (MCCALL AND J.L.R. ASSOCIATES)

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of purchasing premises located at 56 and 60 Maple Avenue, New City, New York, which are designated on the Clarkstown Tax Map as Map 57, Block J, Lots 6 and 5 respectively, and Jeffrey, Linda and Robert McCall and J.L.R. Associates respectively, owners of said properties are agreeable to selling these two properties for the total consideration of \$600,000.00;

NOW, THEREFORE, be it

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RESOLUTION NO. (216-1990) Continued

RESOLVED, that the Supervisor is hereby authorized to enter into a contract in a form approved by the Town Attorney for the purchase of properties designated on the Clarkstown Tax Map as Map 57, Block J, Lots 6 and 5, for the total consideration of \$600,000.00 (plus adjustments for prepaid excise/use taxes) payable ten (10%) percent on contract and the balance in cash at the time of closing, expected to be on or before May 1, 1990, and be it

FURTHER RESOLVED, that the contract deposit of \$60,000.00 shall be charged to Surplus Funds, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a licensed land surveyor to provide a certified survey, and to obtain fee title insurance for the benefit of the Town on or before the date of closing of title, and be it

FURTHER RESOLVED, that the Town Board intends to use a Serial Bond to pay the purchase price and closing expenses for the acquisition referred to herein.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (217-1990) (FAILED)

APPOINTING DEPUTY TOWN
ATTORNEY (RICHARD GLICKEL)

Co. Smith offered the following resolution:

RESOLVED, that Richard Glickel, Esq., residing at 69 Massachusetts Avenue, Congers, New York, is hereby appointed to the position of Deputy Town Attorney, term effective March 7, 1990 and to expire on December 31, 1991, at the current 1990 annual salary of \$20,416.00, to serve at the pleasure of the Town Board.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Abstain
Councilman Maloney.....Abstain
Councilman Mandia.....Abstain
Councilwoman Smith.....Abstain
Supervisor Holbrook..... Abstain

RESOLUTION NO. (218-1990)

APPOINTING DEPUTY TOWN
ATTORNEY - VICTOR S.
VITALE, ESQ.

Co. Maloney offered the following resolution:

RESOLVED, that Victor S. Vitale, Esq., residing at 100 Van Houten Fields, West Nyack, New York, is hereby appointed to the position of Deputy Town Attorney, term effective March 7, 1990 and to expire on December 31, 1991, at the current 1990 annual salary of \$20,416.00, to serve at the pleasure of the Town Board.

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RESOLUTION NO. (218-1990) Continued

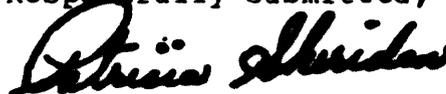
Seconded by Co. Kunis

On roll call the vote was as follows:

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

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 Kunis and unanimously adopted the Special Town Board Meeting was adjourned, time: 8:34 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk