

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/26/94

8:00 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith
Councilman Mandia absent
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor stated that the first order of business this evening was the awarding of a certificate to David Dolezal of Boy Scout Troop 27 upon his attaining the rank of Eagle Scout. Congratulations were extended to him and his family by the Town Board Members.

Supervisor next noted that certificates would be awarded for Outstanding Emergency Service to members of the various Ambulance Corps, Police Departments, Fire Departments, etc. These were presented for life saving incidents. Many people participated in these incidents. Some were on the scene earlier than others. Some were more actively involved than others but everyone who responded was part of the team that actually saved a life. We are grateful to and proud of all of them. We want to thank each and everyone.

Supervisor called up Mike Mastriani from Rockland Paramedics. Mr. Mastriani described the life saving incident of Mrs. Heidi Lemanski on April 11, 1994 noting all the people and organizations involved. Town Board Members made presentations to James Duff, Peter Kosenko, Adrian Maldonado, John McDonagh, John Miller, Diane Norris, Louis Roman, Vincent Romano, and Steven Wallace.

Mr. Mastriani then described the life saving incident of Mr. Thomas Petito on May 20, 1994 noting all the people and organizations involved. Town Board Members made presentations to Josh Alpert, Robert Caputo, Peter Conlon, Michael Cosenza, Christopher DiMarco, Marla Eckstein, Warren Holtzman, Arthur Kunz, Jen Marrone, Denise Mastandrea, Maureen McCahery, Lorraine McGrath, Brian McMahon, Thomas Mroz, Daniel Pritzker, Alan Rosenfeld, Angela Self, Dr. Marc Tarle and Herman Weintraub.

Supervisor said we are deeply appreciative of the outstanding services and response time of all our volunteer services that service our Town and Rockland County. We are all so very proud of you and certainly we can be assured of quick responses out there and know we are in good hands. Again, thank you.

Supervisor then declared the public portion of the meeting open.

Appearance: Mr. Jonathan Levine, Esq.
Representing Residents of Pineview Road

Mr. Levine spoke regarding the residents of Pineview Road requesting an LIO zoning for their area. It was decided that a resolution would be passed this evening referring this to the Planning Boards on Town's Own Motion.

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Appearance: Mr. Russell Trojan
Nanuet, New York

Mr. Trojan spoke re ferry service in Nyack and the consolidation of Mini Trans and the Tor System.

Mr. Trojan also expressed an interest in having a Department of Public Works.

Mr. Trojan spoke regarding Agenda Item No. 28 (bonding resolutions) and asked for better definitions of these proposed projects.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein spoke regarding Agenda Item No. 6 as it related to parking on Main Street in New City and made suggestions as to relieving the Main Street parking problem.

Appearance: Ms. Marion Fass
New City, New York

Ms. Fass spoke regarding Agenda Item No. 6 as it related to parking on Main Street in New City. She noted she owned a business there and there were no parking areas available.

RESOLUTION NO. (496-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of June 28, 1994 and July 18, 1994 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (497-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

Signs to read "No Parking Monday - Friday from 8:00 A.M. to 4:00 P.M." These signs to be erected on the south side of Village Way from Strawtown Road to Reservoir Drive, New City

and be it

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RESOLUTION NO. (497-1994) Continued

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (498-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

"No Parking" signs with directional arrows on the east and west sides of Ridge Road, New City the entire length of the guide rail (where Ridge Road crosses the reservoir)

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (499-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to

Remove the "YIELD" sign at the intersection of Colton Street and Lake Road, Congers and replace it with a "STOP" sign

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (500-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

Long Meadow West Section 5 (Revised), New City, NY

On roll call the vote was as follows:

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

RESOLUTION NO. (501-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #44-1994
VENDING MACHINE SERVICE

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 August 25, 1994 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (502-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #45-1994
UNIFORM MAINTENANCE SERVICE
FOR THE POLICE DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on August 31, 1994 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.

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RESOLUTION NO. (502-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (503-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #46-1994
LAUREL ROAD SIDEWALK PROJECT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on August 30, 1994 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, upon payment of the prescribed non refundable fee for each set.

On roll call the vote was as follows:

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

RESOLUTION NO. (504-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, it has been proposed to use the former landfill site at Route 303, West Nyack, New York, as a skeet shooting range;

NOW, THEREFORE, be it

RESOLVED, that the question of the utilization of a portion of the former landfill site as a skeet shooting range is hereby referred to the Clarkstown Planning Board for recommendation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (505-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on August 9, 1994 at 8:30 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (506-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has been advised by Chemical Bank, as agent for the Town of Clarkstown, that lost coupons #44 and #45 due September 1, 1993 and March 1, 1994, at \$142.50 each, totaling \$285.00, detached from Bond No. 1384 of the Town of Clarkstown, New York, Sewer Improvement Serial Bond Second issue 1971 at 5.70% dated September 1, 1971, due March 1, 1994, principal amount \$5,000 registered in Bearer Form, and

WHEREAS, an appropriate Affidavit of Loss and Bond of Indemnity has been tendered by The Depository Trust Company;

NOW, THEREFORE, be it

RESOLVED, that the Affidavit and Bond referred to above are hereby accepted, and the Town Comptroller is hereby directed to authorize payment of the lost coupons #44 and #45 due September 1, 1993 and March 1, 1994, at \$142.50 each, totaling \$285.00, detached from Bond No. 1384 of the Town of Clarkstown, New York, Sewer Improvement Serial Bond Second issue 1971 at 5.70% dated September 1, 1971, due March 1, 1994, principal amount \$5,000 registered in Bearer Form, without physical presentation of said coupon.

On roll call the vote was as follows:

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RESOLUTION NO. (506-1994) Continued

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

RESOLUTION NO. (507-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with ACUMEN COMPUTER SERVICES, in a form approved by the Town Attorney, for the period commencing June 1, 1994 and terminating on May 31, 1995, to provide technical support needed to maintain the computer programs and data files currently in use in the office of the Receiver of Taxes, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$3,000.00, which shall be charged to Appropriation Account No. A-1680-409, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to June 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (508-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation account numbers require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990 505 by \$14,177.00 and increase the following Appropriation Account Numbers:

A 1010 414 - Councilmen-Conferences & Schools.....\$3,020.00
A 1220 114 - Supervisor - Part-Time..... 2,642.00
A 9785 640 - Installment Purchases-Principal..... 1,010.00
A 9785 740 - " " -Interest..... 7,505.00

and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. SS 06 14 2999 0 (Sewer Debt-Unexpended Balance) and Appropriation Account No. SS 9710 610 (Principal on Serial Bonds) by \$7,200.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 1356 114 (Board of Assessment-Part-Time) and increase Appropriation Account No. A 1356 313 (Office Supplies & Printing) by \$50.00.

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RESOLUTION NO. (508-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (509-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease DWI Reserve Account No. A 0887 and increase Appropriation Account No. A 3120 111 (Police-Overtime) by \$635.00 and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (General Fund-Gifts & Donations) and Appropriation Account No. A 1120 301 (Youth Court-Food) by \$200.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (510-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Fees for Services Account No. A 7140-409 (Parks and Playgrounds) by \$1,650.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (511-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. H 7110 409 18 1 (Parklands-Congers Lake Dam) and increase H 9710 409 11 3 (Capital-Congers Lake Dam) by \$5,780.00, and be it

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RESOLUTION NO. (511-1994) Continued

FURTHER RESOLVED, to decrease Appropriation Account No. A 1620 407 (Maintenance-Equipment Repairs) by \$1,000.00 and A 1620 408 (Building Repairs) by \$2,000.00 and increase Appropriation Account No. A 1620 306 (Maintenance Supplies) by \$3,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (512-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Newco Development has commenced tax certiorari proceedings against the Town of Clarkstown affecting Map 57, Block C, Lot 4 for the year 1993/94, and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$2,500.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (513-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Albert Frassetto has commenced tax certiorari proceedings against the Town of Clarkstown affecting Map 124, Block C, Lots 43 and 44, for the year 1993/94, and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$2,000.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (514-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, West Nyack Realty has commenced tax certiorari proceedings against the Town of Clarkstown affecting Map 32, Block A, Lot 5.1, for the year 1993/94, and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$2,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (515-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Joseph Herskowitz has commenced tax certiorari proceedings against the Town of Clarkstown affecting Map 58, Block F, Lot 20.1, for the year 1993/94, and

WHEREAS, it is desirable to have a trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$2,500.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (516-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Director of Purchasing that

BID #39-1994
REINFORCED CONCRETE CULVERT PIPE,
CONCRETE CATCH BASIN BLOCK & BRICKS

is hereby awarded as follows:

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RESOLUTION NO. (516-1994) Continued

ITEM # 1 - REINFORCED CONCRETE CULVERT PIPE
awarded to:

VIANINI PIPE, INC.
P.O. BOX D
SOMERVILLE, N.J. 08876
PRINCIPAL: VIANINI INDUSTRIA S.P.A.

as per the attached item, price schedule, and be it

FURTHER RESOLVED, that the Director of Purchasing is hereby authorized to readvertise for competitive bids on Item #2 - Concrete Catch Basin Block & Bricks.

New bids to be returnable to the Office of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on August 17, 1994 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.

(Item/price schedule on file in Town Clerk's Office.)

On roll call the vote was as follows:

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

RESOLUTION NO. (517-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Chief of Police and the Director of Purchasing that

BID #41-1994
TWO (2) FULL SIZE PASSENGER VEHICLES
(LEASE/PURCHASE)

is hereby awarded to

WARNOCK FORD, INC.
175 ROUTE 10
EAST HANOVER, N.J. 07936
PRINCIPAL: DONALD W. WARNOCK

at their lowest bid proposed cost of \$448.00 per month, per vehicle, and be it

FURTHER RESOLVED, that said award is subject to the execution of a Municipal Lease Agreement between the Town and Government Leasing Company.

On roll call the vote was as follows:

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

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RESOLUTION NO. (518-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, on May 24, 1994 the Town Board adopted Resolution No. 401-1994 authorizing the Director of D.E.C. to hire Cal-Mart Construction Corp., 357A Route 59, West Nyack, New York, to complete the drainage system associated with the Medway Avenue Road Improvement; and

WHEREAS, the cost for such work was based on a daily rate of \$2,950.00 per day with the anticipated completion of 2.5 days; and

WHEREAS, said work required an additional 1/2 day to complete;

NOW, THEREFORE, be it

RESOLVED, that the total cost for said work to be increased by \$1,474.00 for a cost not to exceed \$8,874.00 and shall be a proper charge of account H 5110-400-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (519-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance for 1994 to:

MARTIN LUTHER KING MULTI-PURPOSE CENTER \$ 7,000.00
MEALS ON WHEELS OF ROCKLAND COUNTY, INC. 10,500.00

and be it

FURTHER RESOLVED, that the total amount of \$17,500.00 be transferred from Account # A 1990 505 to # A 8840 424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1994 and are to be charged against Account # A 8840 424.

On roll call the vote was as follows:

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

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RESOLUTION NO. (520-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organizations listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to Section 256 of the Education law of New York State, in the amount of \$3,000.00 for the calendar year 1994.

NEW CITY LIBRARY
On roll call the vote was as follows:

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

RESOLUTION NO. (521-1994)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that John F. Mauro, Superintendent of Highways, and Charles T. Burgio, Highway Maintenance Supervisor III, are hereby authorized to attend the 65th Annual Conference of the New York State Association of Town Superintendents of Highways, to be held Tuesday, September 27 through Friday, September 30, 1994, at the Nevele Hotel, Ellenville, New York, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account No. A 1010 414.

On roll call the vote was as follows:

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

RESOLUTION NO. (522-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a mosquito and gnat problem exists in the area of Lakewood Drive, Congers, New York, and

WHEREAS, residents in this area have petitioned the Town Board to provide for mosquito spraying;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the spraying for mosquitoes at the locations indicated on the attached lists.

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

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RESOLUTION NO. (522-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (523-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is authorized to install:

FIRE HYDRANTS

- North side of Route 59 approximately 486 feet west of the center line of Middletown Road.
- North side of Route 59 approximately 355 feet east of the center line of Dykes Park Road.
- North side of Route 59 approximately 100 feet west of the center line of Dykes Park Road.
- North side of Route 59 approximately 250 feet west of the center line of Hutton Avenue.
- North side of Route 59 approximately 67 feet west of the center line of Kemmer Lane.
- North side of Route 59 approximately 100 feet west of the center line ramp from 59 to Nyack Turnpike.
- South side of Route 59 approximately 580 feet west of the center line of College Road.
- East side of College Road south of Route 59 in front of Trader Horn.

Investigation No.: 11068, and be it

FURTHER RESOLVED, that a certified copy of this resolution be furnished to Tricia Betz, Service Investigation Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (524-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town Board adopted an Order on June 14, 1994, approving an extension of the Clarkstown Consolidated Water Supply District #1 to include the area of Pheasant Drive, Cardinal Court, Mallard Drive and Mandarin Lane, West Nyack, New York, and

WHEREAS, the Town has requested that the Spring Valley Water Company install mains and fire hydrants in the area of Pheasant Drive, Cardinal Court, Mallard Drive and Mandarin Lane, West Nyack, New York, for the purposes of providing public fire protection services;

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RESOLUTION NO. (524-1994) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Spring Valley Water Company, Inc. to provide for the installation of mains and fire hydrants in the area of Pheasant Drive, Cardinal Court, Mallard Drive and Mandarin Lane, West Nyack, New York, to provide public fire protection services in this area, and be it

FURTHER RESOLVED, that the agreement shall be in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (525-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition currently exists within a Town drainage easement adjacent to Tena Place, Valley Cottage, New York; and

WHEREAS, said system has been determined to be non-functional; and

WHEREAS, the Department of Environmental Control has recommended the installation of a new drainage system to bypass the existing non-functional system;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Environmental Construction, Inc., P.O. Box 563, Stony Point, New York, to install a new drainage system on Tena Place in accordance with their proposal of July 22, 1994; and be it

FURTHER RESOLVED, that the total cost shall not exceed \$19,985.00 and shall be a proper charge of H 1989 409 0334.

On roll call the vote was as follows:

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

RESOLUTION NO. (526-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, LAWRENCE APFELBAUM, MANNY APFELBAUM, ALAN APFELBAUM and ELAINE APFELBAUM petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners, from an R-15 District to an MF-2 District, and

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RESOLUTION NO. (526-1994) Continued

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 59, Block A, Lot 1, and more particularly described on the attached Schedule "A";

NOW, THEREFORE, be it

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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

(Schedule A on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION NO. (527-1994)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Superintendent of Highways and the Clarkstown Highway Department are hereby authorized to pave the parking lot of Clarkstown Town Hall.

On roll call the vote was as follows:

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

RESOLUTION NO. (528-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, THOMAS McQUADE v. The ASSESSOR of the TOWN OF CLARKSTOWN, The BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN and the TOWN OF CLARKSTOWN, Index Nos. 6696/91, 5816/92 and 4394/93, affecting parcel designated as Map 127, Block A, Lot 1 for the years 1991/92, 1992/93 and 1993/94, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioner described on the assessment roll as Map 127, Block A, Lot 1 be reduced for the year 1991/92 from \$964,200 to \$713,500;
2. That the premises owned by the petitioner described on the assessment roll as Map 127, Block A, Lot 1 be reduced for the year 1992/93 from \$760,200 to \$608,200;

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RESOLUTION NO. (528-1994) Continued

3. That the premises owned by the petitioner described on the assessment roll as Map 127, Block A, Lot 1 be reduced for the year 1993/94 from \$760,200 to \$638,600;

4. That reimbursement for the years 1991/92, 1992/93 and 1993/94 on the parcel described as Map 127, Block A, Lot 1 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and

5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown; and the attorney the Clarkstown Central School District has consented to such settlement.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (529-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the existing traffic signal at the Route 59 Caldors/Rockland Center intersection was removed under emergency conditions to insure the safety and well-being of the general public; and

WHEREAS, John Collins Engineers, P.C. have recommended a plan for the reinstallation of the traffic signal;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire R.I.K. Electric, Inc., P.O. Box 1176, Carmel, New York, to reinstall the traffic signal in accordance with the plan prepared by John Collins Engineers, P.C. as per their proposal dated July 7, 1994; and be it

FURTHER RESOLVED, that the cost for such improvement shall not exceed \$17,000.00 and shall be a proper charge of H 5110 409 411.

On roll call the vote was as follows:

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RESOLUTION NO. (529-1994) Continued

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

RESOLUTION NO. (530-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, a subsurface condition has caused the apparent failure of a foundation for a traffic signal pole at the Route 59 traffic signal at Caldors/Rockland Center; and

WHEREAS, the Supervisor of the Town of Clarkstown directed the Department of Environmental Control to take the steps necessary to insure the safety and well-being of the general public by removing the signal; and

WHEREAS, extensive investigation work in the area of the foundation could not definitively state the cause of the failure; and

WHEREAS, the original signal installation was constructed and installed according to plan;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire R.I.K. Electric, Inc., P.O. Box 1176, Carmel, New York, to perform all the necessary emergency work and underground excavation; and be it

FURTHER RESOLVED, that the cost of such work shall not exceed \$9,826.00 and shall be a proper charge of H 5110 409 412.

On roll call the vote was as follows:

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

RESOLUTION NO. (531-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, it has been proposed that the County of Rockland apply the County Recycling Law to commercial and industrial properties within the Town of Clarkstown, and

WHEREAS, such County Recycling Law covers the bulk of the items covered by the Clarkstown Recycling Law, and

WHEREAS, it would be in the public interest to the residents of the Town of Clarkstown to have such commercial and industrial recycling performed by the County of Rockland;

NOW, THEREFORE, be it

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RESOLUTION NO. (531-1994) Continued

RESOLVED, that the Town of Clarkstown hereby consents to the administration of the County Recycling Law with regard to commercial and industrial properties in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to sign a Memorandum of Understanding with the County of Rockland to effectuate such recycling of commercial and industrial waste in the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (532-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

ROCKLAND COUNTY EXCAVATING, INC.
& ROCKLAND COUNTY EXCAVATING, INC.
DBA ROCKLAND WRECKING & DEMOLITION
Thiells Mt. Ivy Road
Pomona, New York 10970

RESOLVED, that the following Certificate of Registration be issued:

No. 94-25 Rockland County Excavating, Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (533-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed dated February 23, 1994, from DePaulis Enterprises IV, Ltd. and Giuseppe De Paulis to the Town of Clarkstown conveying the following road:

MEOLA ROAD 265 FEET

and other improvements to the Town of Clarkstown in a site plan approved by the Planning Board on March 17, 1993, known as CONGERS COLONIAL PLAZA, filed in the Town Clerk's Office on March 24, 1993, is hereby accepted by the Town of Clarkstown

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RESOLUTION NO. (533-1994) Continued

and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that the agreement guaranteeing the roads and public improvements for a period of one (1) year with security posted by the developer in the amount of \$2,780.00, is hereby accepted.

On roll call the vote was as follows:

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

RESOLUTION NO. (534-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarktown is holding certain escrow sums to secure the installation of the streets and other public improvements in a subdivision known as Twin Pond Park, which improvements have not been completed, and

WHEREAS, the Director of the Department of Environmental Control has recommended that said escrows, in the amount of \$31,520, be declared in default, and said sums be applied towards the cost of completion of the wearing course, shade trees, sidewalks and related public improvements, and

WHEREAS, a successor developer has offered to complete said improvements;

NOW, THEREFORE, be it

RESOLVED, that said sums to complete the streets and other public improvements are hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Department of Environmental Control is hereby authorized to pay the aforesaid escrow funds to the contractor or contractors selected by the current developer to complete all public improvements in said subdivision.

On roll call the vote was as follows:

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

RESOLUTION O. (535-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Cornell Cooperative Extension of Rockland County has requested use of the Town of Clarkstown showmobile on Friday, July 29, 1994 through Monday, August 1,

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RESOLUTION NO. (535-1994) Continued

1994 for the Rockland Fest to be held at Letchworth Center,
Stony Point, New York

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the
Cornell Cooperative Extension of Rockland to use the Town of
Clarkstown showmobile on Friday, July 29, 1994 through Monday,
August 1, 1994 for the above purposes and subject to the
provision of the necessary insurance policies.

On roll call the vote was as follows:

- Councilman Dusanenko.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (536-1994)

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW
YORK, ADOPTED JULY 26, 1994, AUTHORIZING THE
ACQUISITION OF A PORTABLE STAGE FOR USE BY THE TOWN
RECREATION DEPARTMENT, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$70,000.00 APPROPRIATING
SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE
OF \$70,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE
SAID APPROPRIATION

Recital

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 a portable stage for use by the Town
Recreation Department. The estimated maximum cost thereof,
including preliminary costs and costs incidental thereto and
to the financing thereof, is \$70,000.00 and said amount is
hereby appropriated therefor. The plan of financing includes
the issuance of \$70,000.00 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

Section 2. Serial bonds of the Town in the
principal amount of \$70,000.00 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 applicable
to the purpose for which said serial bonds authorized pursuant

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RESOLUTION NO. (536-1994) Continued

to this resolution are to be issued, within the limitations of Section 11.00 a. 35. of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(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 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 shall take effect immediately, and the Town Clerk is hereby authorized and

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RESOLUTION NO. (536-1994) Continued

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 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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (537-1994)

Co. Maloney offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 26, 1994, AUTHORIZING THE ACQUISITION OF A COMPUTER SYSTEM FOR USE BY THE POLICE DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$125,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

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 and install a computer system for use by the Police Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$125,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$125,000.00 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.

Section 2. Serial bonds of the Town in the principal amount of \$125,000.00 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 applicable to the purpose for which said serial bonds authorized pursuant

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RESOLUTION NO. (537-1994) Continued

to this resolution are to be issued, within the limitation of Section 11.00 a. 32. of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(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 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 shall take effect immediately, and the Town Clerk is hereby authorized and

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RESOLUTION NO. (537-1994) Continued

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 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 Co. Dusanenko and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (538-1994)

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 26, 1994, AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE SWIMMING POOL AT CONGERS LAKE PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$60,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$60,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE 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 partially reconstruct the swimming pool at Congers Lake Park. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$60,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$60,000.00 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.

Section 2. Serial bonds of the Town in the principal amount of \$60,000.00 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 applicable to the purpose for which said serial bonds authorized pursuant

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RESOLUTION NO. (538-1994) Continued

to this resolution are to be issued, within the limitations of Section 11.00 a. 61. of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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RESOLUTION NO. (538-1994) Continued

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

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (539-1994)

Co. Smith 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 July 26, 1994, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 26, 1994, authorizing the partial reconstruction of the swimming pool at Congers Lake Park, stating the estimated maximum cost thereof is \$60,000.00, appropriating said amount therefor, and authorizing the issuance of \$60,000.00 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to partially reconstruct the swimming pool at Congers Lake Park; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$60,000.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$60,000.00 serial bonds of the Town to finance 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 \$60,000.00 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds authorized to be issued pursuant to this resolution is fifteen (15) years; the proceeds of said bonds

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RESOLUTION NO. (539-1994) Continued

and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$60,000.00 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, and the renewals thereof; and

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

DATED: July 26, 1994

Patricia Sheridan,
Town Clerk

Section 2. After said bond resolution shall take effect the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (540-1994)

Co. Smith offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 26, 1994, FURTHER AMENDING THE BOND RESOLUTION ADOPTED AUGUST 12, 1985, AMENDED FEBRUARY 24, 1987 AND FURTHER AMENDED MARCH 13, 1990.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized the original improvement and embellishment of recreational facilities at Congers Lake Park, at the estimated

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RESOLUTION NO. (540-1994) Continued

maximum cost of \$2,325,000.00 which amount was appropriated therefor pursuant to the bond resolution adopted by said Town on August 12, 1985, amended February 24, 1987 and further amended March 13, 1990, and hereinafter referred to, and it now has been determined that due to increased costs of labor and materials for dam reconstruction the estimated maximum cost of such recreational facilities improvements is now estimated to be \$3,075,000.00 and it is necessary to increase the appropriation therefor by \$750,000.00;

NOW, THEREFORE, be it

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

Section (A) The bond resolution of said Town duly adopted by the Town Board on August 12, 1985, amended February 24, 1987 and further amended March 13, 1990, entitled:

Bond Resolution of the Town of Clarkstown, New York, adopted August 12, 1985, amended February 23, 1987 and further amended March 13, 1990, authorizing the original improvement and embellishment of recreational facilities at Congers Lake Park, stating the estimated maximum cost thereof is \$2,325,000.00 appropriating said amount therefor, including the appropriation of \$117,000.00 current funds to provide the required down payment, and authorizing the issuance of \$2,208,000.00 serial bonds of said Town to finance the balance of said appropriation,"

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 12, 1985, AMENDED FEBRUARY 24, 1987 AND MARCH 13, 1990 AND FURTHER AMENDED JULY 26, 1994, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF RECREATIONAL FACILITIES AT CONGERS LAKE PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,075,000.00 APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF \$117,000.00 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$2,958,000.00 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 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

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RESOLUTION NO. (540-1994) Continued

hereby approved. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,075,000.00 and said amount is hereby appropriated therefor, including the appropriation of \$117,000.00 current funds to provide a down payment therefor. The plan of financing includes the expenditure of said current funds and the issuance of \$2,958,000.00 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.

Section 2. Serial bonds of the Town in the principal amount of \$2,958,000.00 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 \$2,958,000.00 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) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) Current funds were required by the Law to be provided prior to the issuance of \$2,325,000.00 of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$117,000.00 have been provided from moneys available therefor.

(d) 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

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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 content 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, 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 Nyack, New York, having a general circulation within said Town and thereby 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 July 26, 1994, 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, amended February 24, 1987 and further amended March 13, 1990, which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 12, 1985, amended February 24, 1987 and March 13, 1990 and further amended July 26, 1994, authorizing the original improvement and embellishment of recreational facilities at Congers Lake Park, stating the estimated maximum cost thereof is \$3,075,000,.00 appropriating said amount

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RESOLUTION NO. (540-1994) Continued

therefor, including the appropriation of \$117,000.00.00 current funds to provide the required down payment, and authorizing the issuance of \$2,958,000.00 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 thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,075,000.00; APPROPRIATING said amount therefor, including the appropriation of \$117,000.00 current funds to provide a down payment therefor; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$2,958,000.00 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 \$2,958,000.00 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 specific object or purpose is Fifteen (15) years; current funds were required by the Law to be provided prior to the issuance of \$2,325,000.00 of the bonds or any notes in anticipation thereof and such current funds in the amount of \$117,000.00 have been provided from moneys available therefor; the proceeds of the bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of the bond resolution for the purpose for which the bonds are authorized; and the proposed maturity of said \$2,958,000.00 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds any bond anticipation notes issued in anticipation of said bonds and 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, as amended, is subject to a permissive referendum.

DATED: July 26, 1994

Patricia Sheridan
Town Clerk

Section (D) Said bond resolution, as herein amended, is subject to a permissive referendum as therein

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RESOLUTION NO. (540-1994) Continued

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 and amended on February 24, 1987 and further amended on March 13, 1990, 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 Co. Dusanenko and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (541-1994) (FAILED)

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 26, 1994, AUTHORIZING THE REPAVING OF VARIOUS TOWN STREETS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$482,130.00 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$482,130.00 SERIAL BONDS OF SAID TOWN TO FINANCE 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 repave various Town streets, including: Bardonia Road, Christian Herald Road, Hazen Lane, Roslyn Drive, Schyler Road, West Street, Flitt Street, West Clarkstown Road, Buena Vista, Shetland Drive, Shady Lane, Frank Street, Crambrook Road, Clearview and Overlook Roads, and Long Clove Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$482,130.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$482,130.00 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property

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RESOLUTION NO. (541-1994) Continued

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 \$482,130.00 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 applicable to the purpose for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20. (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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RESOLUTION NO. (541-1994) Continued

- (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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

(Councilman Dusanenko said he did not like borrowing for Highway and blacktop. There was no new highway equipment to speak of for the past two years. There was very little amount for blacktop. Those are things just like groceries for a normal family that should be in an operating budget not on bonding.)

AYES: Supervisor Holbrook
Council Members Maloney and Smith

NOES: Councilman Dusanenko

The resolution failed

RESOLUTION NO. (542-1994)

Co. Dusanenko offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 26, 1994, AUTHORIZING THE ACQUISITION AND INSTALLATION OF TRAFFIC SIGNALS ON ROUTE 59 NEAR SMITH ROAD, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$75,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$75,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE 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 and install traffic signals on Route 59 near Smith Road, in said Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$75,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$75,000.00 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.

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RESOLUTION NO. (542-1994) Continued

Section 2. Serial bonds of the Town in the principal amount of \$75,000.00 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 applicable to the purpose for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 72. (a) of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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RESOLUTION NO. (542-1994) Continued

- (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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (543-1994)

Co. Dusanenko 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 the Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "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 July 26, 1994, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted July 26, 1994, authorizing the acquisition and installation of traffic signals on Route 59 near Smith Road, in said Town, stating the estimated maximum cost thereof is \$75,000.00, appropriating said amount therefor, and authorizing the issuance of \$75,000.00 serial bonds of said Town to finance said appropriation.

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

FIRST: AUTHORIZING said Town to acquire and install traffic signals on Route 59 near Smith Road, in said

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RESOLUTION NO. (543-1994) Continued

Town; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$75,000.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$75,000.00 serial bonds of the Town to finance 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 \$75,000.00 serial bonds of the Town, pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds authorized to be issued pursuant to this resolution is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution and for the purpose for which said bonds are authorized; and the proposed maturity of said \$75,000.00 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, and the renewals thereof; and

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

DATED: July 26, 1994

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 I 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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

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RESOLUTION NO. (544-1994)

Co. Dusanenko offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 26, 1994, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$238,545.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$238,545.00 SERIAL BONDS OF SAID TOWN TO FINANCE 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 in said Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$238,545.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$238,545.00 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.

Section 2. Serial bonds of the Town in the principal amount of \$238,545.00 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 applicable to the purpose for which said 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.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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RESOLUTION NO. (544-1994) Continued

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 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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (545-1994)

Co. Dusanenko offered the following resolution:

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

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RESOLUTION NO. (545-1994) Continued

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 July 26, 1994, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

Bond Resolution of the Town of Clarkstown, New York, adopted July 26, 1994, authorizing the construction of various drainage improvements in said Town, stating the estimated maximum cost thereof is \$238,545.00, appropriating said amount therefor, and authorizing the issuance of \$238,545.00 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various drainage improvements in said Town; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$238,545.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$238,545.00 serial bonds of the Town to finance 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 \$238,545.00 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds authorized to be issued pursuant to this resolution is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$238,545.00 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, and the renewals thereof; and

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

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RESOLUTION NO. (545-1994) Continued

DATED: July 26, 1994

Patricia Sheridan,
Town Clerk

Section 2. After said bond resolution shall take effect the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (546-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an emergency situation exists in the vicinity of Adele Road, West Nyack, New York, because of a severe storm which resulted in extensive damage on July 22, 1994, and

WHEREAS, many trees which were downed by the storm are located in drainage easements owned by the Town of Clarkstown, and

WHEREAS, it has been proposed to rectify such damage at a cost not to exceed \$9,900.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares that an emergency threatening the safety of the community exists because of downed trees in the vicinity of Adele Road, West Nyack, New York, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Ira Wickes, Arborist, in a form satisfactory to the Town Attorney, to perform tree removal, cutting and stump removal in the vicinity of Adele Road, West Nyack, New York, at a cost not to exceed \$9,900.00, and be it

FURTHER RESOLVED, that the cost of such work shall be charged to Account No. DB 5110-409.

On roll call the vote was as follows:

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RESOLUTION NO. (546-1994) Continued

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

RESOLUTION NO. (547-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of William Collins, Chief of Police, the Supervisor is hereby authorized to enter into an agreement with HTE PUBLIC SAFETY-ILLINOIS, INC., in a form satisfactory to the Town Attorney, to provide licensed data programs, maintenance and any related services to the Town of Clarkstown Police Department, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed \$19,100.00 and shall be charged to Account No. A-3120-422.

On roll call the vote was as follows:

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

RESOLUTION NO. (548-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on July 12, 1994 that the position of Data Entry Operator I (#0682) can be reclassified to the position of Senior Clerk Typist,

NOW, THEREFORE, be it

RESOLVED, that the position of Data Entry Operator I - Police Department - is hereby reclassified to the position of Senior Clerk Typist - effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (549-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commissioner of Helena R. Nejman, 8

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RESOLUTION NO. (549-1994) Continued

Banta Place, New City, New York, to the position of (provisional) Senior Clerk Typist - Police Department - at the current 1994 annual salary of \$27,575.00, effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (550-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on July 12, 1994 that the position of Senior Clerk Typist - Police Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Clerk Typist - Police Department - is hereby created - effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (551-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Margaret Rascoll, 7 Ludvigh Road, Nanuet, New York, to the position of (Provisional) Senior Clerk Typist - Police Department - at the current 1984 annual salary of \$27,575.00, effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (552-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Richard A. Sullinger, 27 Glen Drive, Bardonia, New York, is hereby appointed to the position of (provisional) Fire Safety Inspector - Building Department - at the current 1994 annual salary of \$47,739.00, effective August 1, 1994.

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RESOLUTION NO. (552-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (553-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Vincent Narciso, 954 Stark Lane, Valley Cottage, New York, is hereby appointed to the position of (temporary) Assistant Fire Safety Inspector - Building Department - at the current 1994 annual salary of \$37,558.00, effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (554-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the resignation of Madeline Weigold, 7 Aspen Lane, New City, New York - (part-time) Account Clerk Typist - Town Clerk's Office - is hereby accepted - with regret - effective and retroactive to July 7, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (555-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the resignation of John J. Weigold, 7 Aspen Lane, New City, New York - Member - Fire Board of Appeals - is hereby accepted - with regret - effective and retroactive to July 7, 1994.

On roll call the vote was as follows:

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

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RESOLUTION NO. (556-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on June 10, 1994 that the position of Deputy Town Attorney (#0119) can be reclassified to the position of Assistant Town Attorney,

NOW, THEREFORE, be it

RESOLVED, that the position of Deputy Town Attorney is hereby reclassified to the position of Assistant Town Attorney - effective and retroactive to July 25, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (557-1994)

Co. Dusanenko offered and Co. Malony seconded

RESOLVED, that Ronald A. Longo, 160 Ralph Avenue, White Plains, New York, is hereby appointed to the position of Assistant Town Attorney - at the current 1994 annual salary of \$35,000.00, effective and retroactive to July 25, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (558-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Harold McCoy, 298 Old Haverstraw Road, Congers, New York, Bus Driver - Mini Trans Department - is hereby granted an extension of his Sick Leave of Absence - at one half pay - effective and retroactive to July 12, 1994 to August 12, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (559-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Rocco Flamino, 4 Bellwood Drive, New City, New York - Assistant

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RESOLUTION NO. (559-1994) Continued

Maintenance Mechanic - Parks Board and Recreation Commission -
is hereby accepted - effective and retroactive to July 15, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (560-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on June 23, 1994 that the position of Real Property Data Collector (#0186) can be reclassified to the Position of Real Property Data Collector II,

NOW, THEREFORE, be it

RESOLVED, that the position of Real Property Data Collector is hereby reclassified to the position of Real Property Data Collector II - Assessor's Office - effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (561-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Margaret M. Whelan, 6 Acorn Terrace, New City, New York, is hereby appointed to the position of (provisional) Real Property Data Collector II - Assessor's Office - at the current 1994 annual salary of \$27,575.00, effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (562-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on June 30, 1994 that the position of Landfill Equipment Servicer (#0160) can be reclassified to the position of Automotive Mechanic I,

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RESOLUTION NO. (562-1994) Continued

NOW, THEREFORE, be it

RESOLVED, that the position of Landfill Equipment Servicer - Solid Waste Facility - is hereby reclassified to the position of Automotive Mechanic I - effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (563-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Vincent A. DeCarlo, Jr., 8 Bluebird Trailer Park, Pomona, New York, is hereby appointed to the position of Automotive Mechanic I - Solid Waste Facility - at the current 1994 annual salary of \$42,116.00, effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (564-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that John Carson, 24 Gleason Drive, Thiells, New York, is hereby appointed to the position of (temporary) (part-time) Bus Driver - Mini Trans Department - at the current 1994 hourly rate of \$10.90 - effective August 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (565-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows, R & R CARTING, INC., and DUKE'S CARTING, INC. v. Town of Clarkstown;

NOW, THEREFORE, be it

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

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RESOLUTION NO. (565-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (566-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Town's Highway and Traffic Engineering consultant that

BID #38-1994
CONCRETE SIDEWALK AND CURB REPLACEMENT

is hereby awarded to

A & S CONTRACTORS INC.
9 WEST PARK AVENUE
PARK RIDGE NJ 07656
PRINCIPAL: SILVINO PINTO

as per their low bid proposal of \$97,445.00, and be it

FURTHER RESOLVED, that said award is subject to the receipt of the following items as detailed in the bid specification:

- a) Performance Bond
- b) Labor and Material Payment Bond
both of the above for 100% of bid award amount
- c) Contract Document - as included with bid specifications - signed by successful bidder and the Town Supervisor

On roll call the vote was as follows:

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

RESOLUTION NO. (567-1994)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown, on its own motion, shall consider amending the Zoning Ordinance of the Town of Clarkstown, by redistricting properties designated on the Clarkstown Tax Map as Map 88, Block A, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 21 and 22, from an R-15 District to an LIO District;

NOW, THEREFORE, be it

RESOLVED, that on the Motion of the Town Board of the Town of Clarkstown this Resolution proposing a change of zone from an R-15 District to an LIO District on property

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RESOLUTION NO. (567-1994)

designated on the Clarkstown Tax Map as Map 88, Block A, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 21 and 22 is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, 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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

- Councilman Dusanenko.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (568-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, RONALD and REBECCA SALVAGGIONE have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioners described from an R-22 District to a PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 34, Block A, Lot 25;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

On roll call the vote was as follows:

- Councilman Dusanenko.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (569-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization,

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RESOLUTION NO. (569-1994) Continued

to provide services and programs for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board hereby allocates the following sum in economic assistance to:

ROCKLAND ASSOCIATION FOR RETARDED CITIZENS (ARC)

\$200.00

and be it

FURTHER RESOLVED, that the funds shall be charged to Account No. A 8840 424.

On roll call the vote was as follows:

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

On motion of Councilman Smith seconded by Councilman Maloney and unanimously adopted the public hearing re: Requiring Certification of Members of the Board of Appeals and Planning Board was opened, time: 8:55 P.M.

On motion of Councilwoman Smith seconded by Councilman Maloney and unanimously adopted the public hearing re: Requiring Certification of Members of the Board of Appeals and Planning Board was closed, RESOLUTION ADOPTED, time: 9:00 P.M.

RESOLUTION NO. (570-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled:

"A LOCAL LAW REQUIRING CERTIFICATION OF THE TOWN OF CLARKSTOWN BOARD OF APPEALS AND PLANNING BOARD MEMBERS"

was introduced by Councilman Dusanenko at a Town Board meeting held on June 28, 1994, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 28, 1994 directed that a public hearing be held on July 26, 1994, at 8:45 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 15, 1994, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 29, 1994, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 26, 1994;

NOW, THEREFORE, be it

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RESOLUTION NO. (570-1994) Continued

RESOLVED, that Local Law No. 2 - 1994, entitled:

"A LOCAL LAW REQUIRING CERTIFICATION OF THE TOWN OF
CLARKSTOWN BOARD OF APPEALS AND PLANNING BOARD MEMBERS"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Theodore R. Dusanenko, Councilman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

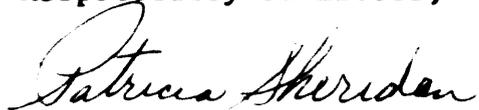
On roll call the vote was as follows:

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

Councilman Dusanenko mentioned the long service of Ed Kempton, a resident of Nanuet and Anthony D'Antoni, a resident of Congers both of whom recently passed away and asked that we recognize them with a moment of silence and adjourn this Town Board Meeting in their honor.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board meeting was declared closed in their honor, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/26/94

8:55 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney & Smith
Councilman Mandia was absent
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: Requiring Certification of Members of the Board of Appeals and Planning Board

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Councilman Dusanenko asked if this required all members to be certified before their appointment? He was told no but it should be during their first two years.

Supervisor asked if there was anyone present wishing to ask questions or make comments?

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff said in regard to the certification program now in effect he felt it really didn't offer too much as far as a workshop session goes. There wasn't that much discussion of zoning or planning matters. It was all what happened in the past. He said he did not think any of the audience was that interested in the program as it was presented the last time. He said it was a great idea to have a program and he could honestly say that the Clarkstown Members who attended the seminars and the discussions which were held after the seminars shut down, he thinks, showed very clearly that the Clarkstown ZBA members are a cut above the rest of Rockland County.

He went on to state that he found out that at a lot of the formal ZBA hearings, in other municipalities, at times there isn't even an attorney in attendance at the meetings; there isn't a member of the Building Department in attendance. They just have a round table discussion. He noted that he enjoyed his time on the ZBA. It was very rewarding for him. He enjoyed people. He said when he first joined the ZBA they had a reputation for being a slow moving operation. Under the leadership of Dr. Amster it has improved dramatically. Everyone who has come before the ZBA has been treated fair and square. It is a very professional atmosphere. Peggy Ries oversees the whole thing and does a fantastic job not only on nights of the hearings but also on follow-up and taking care of business during the week to make sure that the ZBA is prepared the next time around. Peter Beary, who attends each and every meeting representing the Building Department, does a fantastic job and if we had any questions he gave us the answers and if he didn't have the answers at that time we had the answers in time for the next meeting so you can rest assured and be very proud that the ZBA here in Clarkstown does a fantastic job.

Councilwoman Smith said she thinks it is Clarkstown's leadership over all the years that has really brought the Planning Federation into actuality. She thinks more time and growth will make that very effective because she knows that over the years we attended Pace University and found the courses for both the Planning Board and the ZBA always very helpful to us and very enlightening and prepared us for things

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PH - Requiring Certification of Members of the Board of
Appeals and Planning Board 7/26/94
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that did come down the road. Any avenue of learning and assistance is certainly beneficial so she enthusiastically would adopt this.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk