

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/9/94

8:00 P.M.

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

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

Supervisor declared the public portion of the meeting open.

Appearance: Mr. Russel Trojan
Nanuet Civic Association
Nanuet, New York

Mr. Trojan spoke regarding July bulk pick up and stated that in the opinion of many residents it was a complete failure. He also spoke regarding yard waste.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein spoke regarding no parking on Main Street, New City.

Appearance: Mr. Mario Banano
Valley Cottage, New York

Mr. Banano spoke regarding the ice skating rink.

RESOLUTION NO. (570

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board Meeting of July 26, 1994 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (571-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Superintendent of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs/5 Towns" with the New York State Division for Youth, in the amount of \$5,624.00 for the period commencing January 1, 1995 through December 31, 1995.

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RESOLUTION NO. (571-1994) Continued

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. (572-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Superintendent of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, in the amount of \$25,577.00 for the period commencing January 1, 1995 through December 31, 1995

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. (573-1994)

Co. Smith offered and Co. Dusanenko Seconded

WHEREAS, a request has been made by ALAN SADOVNICK, SUSAN SADOVNICK, BARBARA LAMBERT and ANNE MEEHAN, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of the right-of-way of New Jersey Avenue, Congers, New York, as shown on a survey entitled, "Survey of a portion of New Jersey Avenue to be abandoned Town of Clarkstown, Rockland County, New York," dated June 2, 1993, and last revised November 19, 1993, prepared by Atzl, Scatassa & Zigler, P.C., and as described in the attached metes and bounds description, has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicants have further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portions of New Jersey Avenue, Congers, New York, as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 13, 1994, at 8:35 P.M., pursuant

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RESOLUTION NO. (573-1994) Continued

to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map of a portion of New Jersey Avenue, Congers, New York, as described above, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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, and be it

FURTHER RESOLVED, that the applicants shall fulfill the additional requirements of Section 106-32(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notices to property owners of record within five hundred (500') feet of the affected property.

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. (574-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various funds require additional funding, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 0 (General-Unexpended Balance) by \$14,545.00 and increase the following Appropriation Account Numbers:

- A 1010 414 (Councilmen-Conferences & Schools).....\$5,305.00
- A 1220 114 (Supervisor-Part-Time)..... 1,665.00
- A 3320 409 (Installation Traffic-Fees for Services 4,430.00
- A 5650 319 (Commuter Parking-Misc. Supplies)..... 285.00
- A 6256 114 (Summer Youth Programs-Part-time)..... 1,860.00
- A 7520 419 (Historical Review-Misc. Services)..... 1,000.00

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. (575-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to decrease Account 7020-313 (Office Supplies) in the amount of \$1,200.00 and increase Account

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RESOLUTION NO. (575-1994) Continued

7020-438 (Maintenance Agreement) in the amount of \$1,200.00

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. (576-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to increase Appropriation Account A-7140-222 (Parks & Recreation) by \$863.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$863.00.

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. (577-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Contingency Account No. A-1990-550 shall be decreased by \$15,000.00 and Account No. A-1420-439-1 (Tax Certiorari/Appraisals) shall be increased by \$15,000.00

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. (578-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Town Board Resolution #370-1993 recommended replacement of burners be made at Street Community Center for \$19,800.00

NOW, THEREFORE, be it

RESOLVED, to amend Town Board Resolution 370-1993 to include playground equipment for Street Community Center and be it further

RESOLVED to decrease project 18-14 by \$4,899.00 and increase project 18-13 by \$4,899.00.

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RESOLUTION NO. (578-1994) Continued

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. (579-1994)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, the Superintendent of Recreation and Parks, Charles F. Connington, recommends that necessary improvements be done at Central Nyack Community Center.

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$25,000.00 from the Money in Lieu of Land Account to the Parklands and Improvements account (18-17).

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. (580-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, on April 12, 1994, the Town Board adopted Resolution No. 269-1994, authorizing the Director of Environmental Control to obtain the services of a qualified drainage contractor to perform the required corrective work necessary to ameliorate the adverse condition in the vicinity of Lot 111-A-28.41, Valley Cottage; and

WHEREAS, during construction of said drainage project, additional work was required;

NOW, THEREFORE, be it

RESOLVED, that the total cost for Resolution No. 269-1994 be increased by \$300.00; and be it

FURTHER RESOLVED, that the total cost shall not exceed \$5,300.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (581-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists on Lots 113-A-2.29, 113-A-2.30 and 113-A-2.31 caused by the accumulation of debris and overgrown vegetation on the Town's easement; and

WHEREAS, the Department of Environmental Control has been directed by the Supervisor to have the necessary repairs performed; and

WHEREAS, the Department of Environmental Control has obtained a proposal to perform the necessary repairs;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to hire Danny Clapp Landscaping, 55 Schriever Lane, New City, New York, to perform said repairs in accordance with his proposal dated August 1, 1994; and be it

FURTHER RESOLVED, that the cost should not exceed \$750.00 and be a proper charge to H-1989-409-3-35.

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. (582-1994)

Co. Smith offered and Co. Mandia seconded

WHEREAS, that Resolution No. 568-1994, adopted by the Town Board on July 26, 1994, referring Petition of Ronald and Rebecca Salvaggione for a change of the Zoning Ordinance of the Town of Clarkstown to the County and Town Planning Boards is hereby RESCINDED.

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. (583-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Chief of Police of the Town of Clarkstown and the Police Commission, the Supervisor of the Town of Clarkstown is hereby authorized to enter into a lease with Elias Green, for the purpose of storing police equipment and supplies on a month to month tenancy and at a monthly rental of \$300.00, retroactive to December 7, 1992.

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RESOLUTION NO. (583-1994) Continued

On roll call the vote was as follows:

Councilman Dusanenko.....	No
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (584-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Town Comptroller, the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form satisfactory to the Town Attorney, with Korn, Rosenbaum, Phillips & Jauntig, Certified Public Accountants, with offices at Palisades Office Park, 26 Firemens Memorial Drive, Suite 110, Pomona, New York, for independent audits for the years 1994 and 1995, at a sum of \$29,500.00 for each year, and be it

FURTHER RESOLVED, that such fees shall be charged to Account No. A 1320-409.

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. (585-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, West Clarkstown Professional Center has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 166, Block A, Lot 11.1, 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 \$3,500.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (586-1994)

Co. Smith offered and Co. Dusanenko seconded

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 Luke Kalarickal, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review in pursuing the necessary permits from the New York State Department of Environmental Conservation and the Army Corps of Engineers, in order to perform the necessary work in the Lake Lucille Aquatic Plant Growth Control District.

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. (587-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, for the period April 1, 1994 to March 31, 1995, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

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. (588-1994)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that Gregory Barra, 14 Chauncy Street, Congers, New York, is hereby appointed to the position of Assistant Automotive Mechanic - Town Garage - at the current 1994 annual salary of \$25,895.00, effective August 15, 1994.

On roll call the vote was as follows:

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RESOLUTION NO. (588-1994) Continued

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

RESOLUTION NO. (589-1994)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that Brian Tesseyman, 6 Kelvin Court, Nanuet, New York, is hereby reappointed to the position of Member - Parks Board and Recreation Commission - to serve without compensation - term effective August 16, 1994 and to expire on August 15, 1999.

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. (590-1994)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that Rudy Damonti, 897 Stockton Road, Valley Cottage, New York, is hereby reappointed to the position of Member - Parks Board and Recreation Commission - to serve without compensation - term effective August 16, 1994 and to expire on August 15, 1999.

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. (591-1994)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Engineering Technician #94004 which contains the name of David Secor,

NOW, THEREFORE, be it

RESOLVED, that David Secor, 6 New Lake Road, Valley Cottage, New York is hereby appointed to the position of (permanent) Senior Engineering Technician - Department of Environmental Control - at the 1994 annual salary of \$41,852.00, effective August 10, 1994.

On roll call the vote was as follows:

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RESOLUTION NO. (591-1994) Continued

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

RESOLUTION NO. (592-1994)

Co. Smith offered and Co. Dusanenko seconded

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

BID #47-1994
SANITARY SEWER CONSTRUCTION - MBSIA #2
POLLY LANE AND DR. DAVIES ROAD

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 September 8, 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.

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. (593-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

BID #37-1994
ASPHALT CONCRETE ROADWAY AND SIDEWALK RESURFACING

is hereby awarded to:

Argenio Bros., Inc.
PO Box 2068
Newburgh, N.Y. 12550
PRINCIPALS: Genaro J. Argenio
Genaro A. Argenio
Albert Argenio
Andrew Argenio

as per their lowest bid of \$278,900.00, and be it

FURTHER RESOLVED, that said award is subject to:

- a) Delivery of executed contract forms by successful bidder

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RESOLUTION NO. (593-1994) Continued

- b) Delivery of Performance Bond and a Labor/ Material Payment Bond, and
- c) Delivery of a Certificate(s) of Insurance indicating compliance with bid specification pages I-11 - I-12

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. (594-1994)

Co. Maloney offered and Co. Smith seconded

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

BID #43-1994
 CENTRAL NYACK COMMUNITY CENTER IMPROVEMENTS

is hereby awarded to

ASCAPE LANDSCAPE & CONSTRUCTION CORP.
 1047 ROUTE 45
 POMONA, N.Y. 10970
 PRINCIPAL: STUART CHAITIN

as per their low bid of \$34,241.00, and be it

FURTHER RESOLVED, that said award is subject to

- a) Delivery of executed contract forms by the successful bidder
- b) Delivery of a Performance and a Labor/Material Payment Bond
- c) Delivery of a Certificate of Contractors Liability and Workers Compensation Insurance coverage.

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. (595-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board had by resolution authorized the joint competitive bidding with the Town of Ramapo for the acquisition of biodegradable, recyclable, paper bags for the Clarkstown leaf pick-up program, and

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RESOLUTION NO. (595-1994) Continued

WHEREAS, the Directors of Purchasing of the Towns of Ramapo and Clarkstown have collaborated with each other to solicit formal competitive bids for same,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Clarkstown Director of DEC and the Clarkstown Director of Purchasing that the competitive bid for 76,000 biodegradable, recyclable, 30 gallon paper leaf bags is hereby awarded to

DANO ENTERPRISES, INC.
75 COMMERCIAL STREET
PLAINVIEW, N.Y. 11803
PRINCIPAL: MORDY EPHRAIM
 JOEL EPHRAIM

as per their low bid proposal of \$223.75 per thousand bags.

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. (596-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Geraldine Kelly, Principal Clerk Steno, Department of Environmental Control, is hereby authorized to attend the seminar "How to Supervise People" in Orangeburg, New York on October 19, 1994, at a cost of \$99.00 plus other necessary expenses, and be it

FURTHER RESOLVED, that the expenses for the above should be charged to Account No. 1010-414.

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. (597-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Section 22-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Clarkstown Police Auxiliary has requested permission to dispense alcoholic beverages at its picnic at Lake Nanuet, on September 11, 1994;

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RESOLUTION NO. (597-1994) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Police Auxiliary to dispense alcoholic beverages, in accordance with and subject to Section 22-2(A) of the Code of the Town of Clarkstown, which shall be held at Lake Nanuet, Nanuet, New York, on September 11, 1994, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to September 12, 1993.

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. (598-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to install "DEADEND" signs (W3-17) for Pine Street in New City.

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. (599-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated August 2, 1994 has recommended the installation of traffic signs on Phillips Hill Road, New City

NOW, THEREFORE, be it

RESOLVED, that John F. Mauro, Superintendent of Highways is hereby authorized to install the following:

SIGNS

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
Phillips Hill Road, New City (between westerly end New Hempstead Road and northerly end Little Tor Road, New City)	"Weight Limit 3 Tons" "Except Local Delivery"	(R5-1C) (R7-3W)

On roll call the vote was as follows:

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RESOLUTION NO. (599-1994) Continued

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

RESOLUTION NO. (600-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown entered into a contract with Clarkstown Recycling Center, Inc. dated May 18, 1990 for the construction and operation of the Transfer Station on Route 303, West Nyack, New York, and

WHEREAS, such contract contains a requirement obligating the Town of Clarkstown to provide 120,000 tons of solid waste per year during the term of the contract and lesser amounts during the contract extension periods, and

WHEREAS, it is believed to be in the best interest of the Town of Clarkstown that such yearly requirement for 120,000 tons or less be eliminated; and Clarkstown Recycling Center, Inc. is agreeable to the elimination of such requirement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an amendment to the agreement with Clarkstown Recycling Center, Inc., in a form satisfactory to the Town Attorney, which amendment shall provide (1) for the immediate total elimination of any requirement for the furnishing of 120,000 tons of solid waste per year, or any lesser annual amount, and (2) for the extension of the period within which to transfer title of the Transfer Station to the Town of Clarkstown for \$1.00 from December 31, 1995 until April 30, 1996, during which period the per tonnage charge shall continue at the present rate.

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. (601-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled JEAN MARIE Associates v. THE TOWN OF CLARKSTOWN, Index Nos. 6024/91, 3372/92 and 5000/93 for the years 1991/92, 1992/93 and 1993/94, affecting parcels designated as Map 33, Block B, Lots. 22.5 and 22.6, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with

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RESOLUTION NO. (601-1994) Continued

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 33, Block B, Lot 22.5 be reduced for the year 1991 from \$2,910,600 to \$2,532,200;
2. That the premises owned by the petitioner described on the assessment roll as Map 33, Block B, Lot 22.6 be reduced for the year 1991 from \$2,144,700 to \$1,865,900;
3. That the premises owned by the petitioner described on the assessment roll as Map 33, Block B, Lot 22.5 be reduced for the year 1992 from \$2,910,600 to \$2,561,300;
4. That the premises owned by the petitioner described on the assessment roll as Map 33, Block B, Lot 22.6 be reduced for the year 1992 from \$2,144,700 to \$1,887,300;
5. That the premises owned by the petitioner described on the assessment roll as Map 33, Block B, Lot 22.5 be reduced for the year 1993 from \$2,910,600 to \$2,706,900;
6. That the premises owned by the petitioner described on the assessment roll as Map 33, Block B, Lot 22.6 be reduced for the year 1993 from \$2,144,700 to \$1,994,600;
7. That the proceeding commenced by the petitioner respecting Map 33, Block B, Lots 22.5 and 22.6 be discontinued for the year 1994;
8. That reimbursement for the years 1991/92, 1992/93 and 1993/94 on the parcels designated as Map 33, Block B, Lots 22.5 and 22.6 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
9. 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;

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

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RESOLUTION NO. (602-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board, on its own motion, shall consider Amending the Zoning Ordinance of the Town by redistricting property known as Clarkstown Executive Park, Lot 4, which is designated on the Clarkstown Tax Map as Map 124, Block C, Lot 42, from an LIO District to an MF-2 District, and

WHEREAS, Lot 4, Subdivision of Clarkstown Executive Park Section 2 and 3, was filed in the Rockland County Clerk's office on March 21, 1986, in Book 105, at Page 18, as Map No. 5861;

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 LIO District to an MF-2 District on property designated on the Clarkstown Tax Map as Map 124, Block C, Lot 42, 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, 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. (603-1994)

Co. Smith offered and Co Maloney seconded

WHEREAS, Bharati PE, P.C. has made a claim against the Town of Clarkstown for services rendered, and

WHEREAS, negotiations have been had to settle such claim in the sum of \$2,800.00, and

WHEREAS, it is in the best interest of the Town of Clarkstown to settle such claim in the sum of \$2,800.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approves such settlement of claim of Bharati PE, P.C. in the amount of \$2,800.00 and authorizes the Supervisor and the Town Attorney to execute any documents necessary to effectuate such settlement, and be it

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RESOLUTION NO. (603-1994) Continued

FURTHER RESOLVED, that the sum of \$2,800.00 shall be taken from Account No. A-1930-505.

On roll call the vote was as follows:

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

RESOLUTION NO. (604-1994)

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 9, 1994, AUTHORIZING THE ISSUANCE OF SERIAL BONDS TO FINANCE EXTRAORDINARY SNOW AND ICE REMOVAL EXPENSES, PURSUANT TO SECTION 26.00 OF THE LOCAL FINANCE LAW, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$800,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$800.00.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, pursuant to certain amendments to Section 26.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), which amendments comprise Chapter 585 of the New York Laws of 1994, the Town is authorized to issue serial bonds to provide for the payment of all or a part of the extraordinary expenses of snow and ice removal incurred during 1994;

NOW, THEREFOR,

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 issue serial bonds to finance extraordinary snow and ice removal expenses, pursuant to Section 26.00 of the Law. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$800,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$800,000.00 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 \$800,000.00 are hereby authorized to be issued pursuant to the provisions of the Law, to finance said appropriation.

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

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RESOLUTION NO. (604-1994) Continued

(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 26.00 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 for the purpose for which said bonds are authorized.

(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 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, and 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 and 168.00 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, and relative to providing for substantially level or declining annual debt service, 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.

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RESOLUTION NO. (604-1994) Continued

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper published in 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, Mandia & Smith

NOES: None

The resolution was declared adopted

RESOLUTION NO. (605-1994)

Co. Smith offered the following resolution:

BOND RESOLUTION OF THE TOWN OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 9, 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 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:

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RESOLUTION NO. (605-1994) Continued

(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

(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.

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RESOLUTION NO. (605-1994) Continued

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 Maloney, Mandia & Smith

NOES: Councilman Dusanenko

The resolution was declared adopted.

RESOLUTION NO. (606-1994)

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 August 9, 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 August 9, 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,"

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

FIRST: AUTHORIZING said Town 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; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$482,130.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$482,130.00 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;

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RESOLUTION NO. (606-1994) Continued

SECOND: AUTHORIZING the issuance of \$482,130.00 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 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 \$482,130.00 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: August 9, 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 Maloney, Mandia & Smith

NOES: Councilman Dusanenko

The resolution was declared adopted.

RESOLUTION NO. (607-1994)

Co. Smith offered the following resolution

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 9, 1994, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST

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RESOLUTION NO. (607-1994) Continued

THEREOF IS \$755,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$755,000.00 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 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 \$755,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$755,000.00 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 \$755,000.00 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. 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 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.

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RESOLUTION NO. (607-1994) Continued

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, and 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 and 168.00 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, and relative to providing for substantially level or declining annual debt service, 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, Mandia & Smith

NOES: None

The resolution was declared adopted

RESOLUTION NO. (608-1994)

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 "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

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RESOLUTION NO. (608-1994) Continued

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 August 9, 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 August 9, 1994, authorizing the construction of various drainage improvements in said Town, stating the estimated maximum cost thereof is \$755,000.00, appropriating said amount therefor, and authorizing the issuance of \$755,000.00 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 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 \$755,000.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$755,000.00 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 \$755,000.00 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 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 \$755,000.00 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: August 9, 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

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RESOLUTION NO. (608-1994) Continued

to in Section 1 thereof, 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, Mandia & Smith

NOES: None

The resolution was declared adopted.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board meeting was declared closed, time: 8:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk