

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

11/14/95

8:10 P.M

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney, Mandia & Smith  
Philip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

The Town Board welcomed Boy Scout Pack No. 93 and the Troop Leaders and the Scouts presented themselves to the Town Board.

Rudolph Yacyshyn, Planning Board Chairman presented to the Town Board, on behalf of the Town of Clarkstown, in honor of West Nyack Free Library, the Community Design Award on behalf of the Westchester/Mid-Hudson Chapter of the Westchester/Mid-Hudson Chapter of the American Institute of Architects. President D. Hoeneveld congratulated and thanked the Planning Board, Rudolph Yacyshyn and Michael Esmay. The Town Board also presented Certificates of Appreciation to the West Nyack Free Library, Michael Esmay, Architect, and Montana Contracting.

Supervisor declared public portion of the meeting open and invited anyone who wished to speak to come forward.

No one appeared.

RESOLUTION NO. (781-1995)

Co. Dusanenko offered Co. Maloney Seconded

RESOLVED, that the Town Board Minutes of October 24, 1995 and October 31, 1995 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.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (782-1995)

Co. Maloney offered Co. Smith Seconded

WHEREAS, on October 10, 1995, Resolution No. 726-1995 was adopted by the Town Board with respect to a Chapter 216 Proceeding affecting premises known as 3 Acorn Terrace, New City, New York in the sum of \$261.36, and

WHEREAS, the additional sum of \$190.00 (\$170.00 for an Index Number and \$20.00 for filing of a Lis Pendens with the Rockland County Clerk's Office) has been incurred;

NOW, THEREFOR, be it

RESOLVED, that Resolution No. 726-1995 is hereby amended to increase the costs to be levied against the subject premises to \$451.36, and be it

FURTHER RESOLVED, that the Assessor is hereby authorized and directed to levy against the property the sum of

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RESOLUTION NO. (782-1995) Continued

\$451.36; and the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown the sum of \$451.36.

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. (783-1995)

Co. Dusanenko offered Co. Maloney Seconded

WHEREAS, the 1200 Master Association, Inc. has requested the installation of a traffic control signal at the intersection of Smith Road and Kingsgate Parkway, Nanuet, New York, and

WHEREAS, in order to install such traffic control signal it will be necessary for the installation of vehicle detection equipment on Kingsgate Parkway, and

WHEREAS, the Town of Clarkstown requires an easement on Kingsgate Parkway for the purpose of installing and maintaining such vehicle detection equipment;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to accept said easement on behalf of the Town of Clarkstown, in a form acceptable to the Town Attorney, which shall provide that the Town of Clarkstown install and maintain a traffic control signal and vehicle detection equipment at the intersection of Smith Road and Kingsgate Parkway, Nanuet, New York.

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. (784-1995)

Co. Maloney offered and Co. Smith Seconded

RESOLVED, that the sum of \$522.50 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of a transcript in the matter of Salvaggione v. Amster, et al.

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. (785-1995)

Co. Maloney offered and Co. Dusanenko Seconded

WHEREAS, the New York State Bar Association is conducting a program dealing with SEQRA Regulations, on Friday, December 8, 1995, at the Westchester Marriott Hotel, 670 White Plains Road, Tarrytown, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following persons to attend the New York State Bar Association program, on Friday, December 8, 1995, at the Westchester Marriott Hotel, Tarrytown, New York:

- Rudolph Yacyshyn
- Denise Toriello, Esq.
- Tillie Schwartz
- Dennis Letson

and be it

FURTHER RESOLVED, that the fees for such program shall be charge against Account No. A-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

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RESOLUTION NO. (786-1995)

Co. Maloney offered and Co. Dusanenko Seconded

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend a one day seminar on the Internet in Orangeburg, New York on December 19, 1995, and be it

FURTHER RESOLVED, that necessary expenses related thereto shall be charged to account A1345-414.

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. (787-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, the Town Board of the Town of Clarkstown have completed a Negative Declaration in compliance with New York State's Environmental Quality Review Act (SEQR) Sections 617.10 and 617.21 for the proposed removal of sediment from Lake Lucille, located in New City, in the Town of

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RESOLUTION NO. (787-1995) Continued

Clarkstown, Rockland County, New York. An Environmental Assessment has been prepared in compliance with 6NYCRR - Part 617 (SEQR), under authority of the New York State Environmental Conservation Law, to evaluate potential impacts and mitigation measures (if any) resulting from the proposed dredging;

NOW, THEREFORE, be it

RESOLVED, that the Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

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. (788-1995)

Co. Maloney offered and Co. Smith seconded

WHFREAS, the Rockland County Volunteer Firemen's Association and EMS personnel are conducting a recruitment campaign to aid all volunteer emergency services, and are seeking the Town Board's permission to erect a sign at the intersection of Route 59 and Middletown Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Rockland County Volunteer Firemen's Association and EMS personnel to erect a sign at the intersection of Route 59 and Middletown Road, Nanuet, New York, to aid the recruitment campaign.

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. (789-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, providing for the allocation of 1995 Community Development Program funds to the Town of Clarkstown in the amount of \$90,000.00, and be it

FURTHER RESOLVED, that this Resolution is retroactive to August 1, 1995.

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RESOLUTION NO. (789-1995) Continued

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. (790-1995)

Co. Dusanenko offered and Co. Maloney Seconded

WHEREAS, the New York State Thruway Authority wishes to enter into an agreement with the Town of Clarkstown for use of the Transfer Station for the period beginning January 1, 1996 and terminating on December 31, 1996, and

WHEREAS, the Town Board is willing to enter into an agreement with the provision that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town of Clarkstown, to enter into an agreement with the New York State Thruway Authority to provide for the use of the Transfer Station for the period beginning January 1, 1996 and terminating on December 31, 1996, for disposal of garbage and refuse at a cost of \$73.00 per ton, and be it

FURTHER RESOLVED, that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town.

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. (791-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain easements on property known as Map 125, Block B, Lots 11 and 11.1, which is located adjacent to the Congers Lake Dam, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment to Thomas G. Martin, for appraising property designated on the Clarkstown Tax Map as Map 125, Block B, Lots 11 and 11.1, in the amount of \$1,000.00, and be it

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RESOLUTION NO. (791-1995) Continued

FURTHER RESOLVED, that this fee shall be charged to  
Account No. H 1994-400-409-0-1416.

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. (792-1995)

Co. Smith offered and Co. Mandia Seconded

WHEREAS, Mr. Seyfried, President of the  
Congregation Council of the St. Thomas Lutheran Church, has  
requested the Town Board to waive the permit fee for the  
installation of a lawn sign, which is being erected in honor of  
the Church's 100th Anniversary;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of  
Clarkstown hereby waives the permit fee for the installation of  
a sign at the St. Thomas Lutheran Church.

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. (793-1995)

Co. Maloney offered and Co. Dusanenko 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:

A Stop sign on the northside of Van Nostrand Place  
at College Road, Nanuet, New York 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  
Councilman Mandia.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (794-1995)

Co. Maloney offered and Co. Mandia Seconded

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

BID #1-1996  
STATIONERY AND OFFICE SUPPLIES

is hereby awarded to:

MANHATTAN STATIONERY  
3010 WESTCHESTER AVENUE  
PURCHASE, NY 10577  
PRINCIPAL: HARVEY ARONOFF

CORPORATE EXPRESS  
160 AVON STREET  
STRATFORD CT 06497  
PRINCIPAL: NONE

ROCKLAND OFFICE SUPPLY  
120 SHUART ROAD  
AIRMONT, NY 10954  
PRINCIPALS: DEBBIE TORTORA  
PAUL TORTORA

STAPLES BUSINESS ADVANTAGE  
45 EAST WESLEY STREET  
SO HACKENSACK, NJ 07606  
PRINCIPAL: PUBLIC

as per the attached item/price schedule.

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. (795-1995)

Co. Maloney offered and Co. Mandia Seconded

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

BID #2-1996  
PHOTOCOPIER/FASCIMILE MACHINE SUPPLIES is hereby

awarded to:

BOUTONS BUSINESS MACHINES, INC.  
95 ROUTE 304  
NANUET, NY 10954  
PRINCIPAL: JOHN MAIORANO

PITNEY BOWES, INC.  
100 OAK VIEW DRIVE  
TRUMBELL, CT. 06611  
PRINCIPAL: NONE

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RESOLUTION NO. (795-1995) Continued

SCRIPTEX, INC.  
575 CORPORATE DRIVE  
MAHWAH, NJ 07430  
PRINCIPALS: ANTHONY R. PAVONI

ATLANTIC BUSINESS PRODUCTS  
65 SOUTH BROADWAY  
TARRYTOWN, NY 10591  
PRINCIPALS: DON KELLER, LARRY WEISS

STATELINE BUSINESS MACHINES  
1200 MACARTHUR BOULEVARD  
MAHWAH, NJ 07430  
PRINCIPAL: WILLIAM BRENDER

PROFESSIONAL BUSINESS MACHINES, INC.  
124 EAST 40th STREET, SUITE 1004  
NEW YORK, NY 10016  
PRINCIPAL: ALAN KLUEPFEL

VISTA BUSINESS PRODUCTS, INC.  
565 TAXTER ROAD  
ELMSFORD, NY 10523  
PRINCIPAL: GEORGE FORSTBAUER

as per the attached item/price schedule.

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. (796-1995)

Co. Maloney offered and Co. Mandia Seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Director of Purchasing that

BID #55-1995  
LIQUID CALCIUM CHLORIDE

is hereby awarded to

JAMES REED SALES, INC.  
UNION STREET  
ATHENS, NY 12805  
PRINCIPAL OWNERSHIP: PECKHAM INDUSTRIES  
20 HAARLEM AVENUE  
WHITE PLAINS, NY 10603

as per their low bid cost of \$.74 per gallon.

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. (797-1995)

Co. Maloney offered and Co. Mandia Seconded

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

BID #46-1995  
AMORY DRIVE DRAINAGE PROJECT - PHASE I

is hereby awarded to

HUDSON CANYON CONSTRUCTION, INC.  
115 DEVRIES AVENUE  
NORTH TARREYTOWN, NY 10591  
PRINCIPAL: THEODORE J. MULDOON

as per their low bid proposal of \$248,000.00, and be it

FURTHER RESOLVED, that said award is subject to

- (1) Formal contract document signed
- (2) Receipt of a Performance Bond and a Labor/Material Payment Bond each in the amount of 100% of the award
- (3) Attendance at post award/pre-construction conference scheduled by the Town Engineer.

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. (798-1995)

Co. Dusanenko offered and Co. Maloney Seconded

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

BID #6-1996  
BUS TRANSPORTATION

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: DECEMBER 8, 1995 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  
 Councilman Mandia.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

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RESOLUTION NO. (799-1995)

Co. Dusanenko offered and Co. Maloney Seconded

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

BID #7-1996  
WORK CLOTHING

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on DECEMBER 13, 1995 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  
Councilman Mandia.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (800-1995)

Co. Dusanenko offered and Co. Maloney Seconded

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

BID #8-1996  
PAPER & PLASTIC

bids to be returnable to th Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: DECEMBER 11, 1995 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  
Councilman Mandia.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (801-1995)

Co. Dusanenko offered and Co. Maloney Seconded

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

BID #9-1996  
UNIFORM MAINTENACE SERVICES FOR CLARKSTOWN POLICE

bids to be returnable to the Office of the Director of

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RESOLUTION NO. (801-1995) Continued

Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: DECEMBER 7, 1995 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
  - Councilman Mandia.....Yes
  - Councilwoman Smith.....Yes
  - Supervisor Holbrook.....Yes
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RESOLUTION NO. (802-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, various appropriation accounts require additional funding, BE IT THEREFORE,

RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 (Unexpended Balance) by \$10,100 and increase the following Appropriation Accounts:

- A 1950 503 (Taxes and Assessments) ..... \$8,000
- A 6410 405 (Advertising).....\$1,000
- A 8090 409 (Control of Aquatic Pests).....\$1,000

AND WHEREAS, the Town of Clarkstown has received \$1,128 from the County of Rockland for Summer Youth Programs, BE IT THEREFORE FURTHER

RESOLVED, to increase Estimated Revenue Account No. A 01 10 3839 and Appropriation Account No. A 6256 114 (Summer Youth Programs) by \$1,128 AND BE IT FURTHER

RESOLVED, to make the following transfers:

<u>FROM</u>	<u>TO</u>
A 1640 111 (Town Garage) (overtime)	A 1640 421 (Car Washes)...\$1,100
A 1640 311 (Town Garage) (Gasoline)	A 1640 209 (Otr. Equip)....1,100
A1620 461 (Maintenance) (Gas & Elect.)	A 1620 323 (Chemicals).....1,600
A 1220 438 (Supervisor-Maint. Agrmts)	.....280
	A 1220 301 (Food).....85
	A 1220 313 (Office Sup.)....190
	A 1220 319 (Misc. Sup.).....5
A 1670 438 (Mail & Copy - Maint Agrmts.)	370
	A 1670 114 (Part-time).....225
	A 1670 201 (Furn/Fix).....20
	A 1670 313 (Office Sup.).....125

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. (803-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, various Appropriation Accounts required additional funding, BE IT THEREFORE

RESOLVED, to make the following transfers:

DECREASE

INCREASE

B 8110 409 (Sewer-Fees for Serv.)	B 8110 219(Misc. Equip.)	\$2,000
A 1110 199 (Justice Ct.-Vac. Buy)	A 1110 409(Fees for Serv.)	1,000
A 1110 211(Justice Ct.-Law Books)	A 1110 414(Conf/Schools)	....500

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. (804-1995)

Co. Maloney offered and Co. Smith Seconded

RESOLVED, that Account No. A-1420-409 (Fees for Services) shall be decreased by \$10,000 and Account No. A-1420-211 (Law Books and Supplements) shall be increased by \$10,000

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. (805-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, various funds require additional funding, and be it

THEREFORE RESOLVED, to decrease Appropriation Account No. A 1450 407 (Elections-Equipment Repairs) and increase A 1450 319 (Misc. Supplies) by \$800.00.

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. (806-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, various appropriation accounts require additional funding, BE IT THEREFORE

RESOLVED, to make the following transfers:

<u>DECREASE</u>	<u>INCREASE</u>
A 3120 231 (Police-Photo Equip.)	A 3120 307 (Uniform)...\$5,000
A 3120 211 (Police-Law Books)	A 3120 313 (Office Sup.)1,500
A 3120 417 (Police-In Serv.Train.)	A 3270 409 (Aux.Pol.Fees.)300
A 1110 203 (Justice Ct.-Off. Mach)	A 1110 407 (Equip. Rep.)..115

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. (807-1995)

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

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 14, 1995 AUTHORIZING THE PARTIAL RECONSTRUCTION OF VARIOUS TOWN BUILDINGS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$335,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$335,000 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 that 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 various Town building, to provide improvements to handicapped accessibility. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$335,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$335,000 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 \$335,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

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

Continued on next page

## RESOLUTION NO. (807-1995) Continued

(a) The existing buildings to be partially reconstructed are of at least Class "C" construction as defined by Section 11.00 a. 11 (c) of the Law, and the period of probable usefulness of the specific object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 12. (a) (3) of the Law, is ten (10) 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 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 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, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and 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 any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and 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

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RESOLUTION NO. (807-1995) Continued

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 a permissive referendum.

The adoption of the foregoing resolution was seconded by Councilwoman 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.  
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RESOLUTION NO. (807A-1995)

Councilman Maloney offered the following resolution and moved its adoption:

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 November 14, 1995, 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 November 14, 1995, authorizing the partial reconstruction of various Town buildings, stating the estimated total cost thereof is \$335,000, appropriating said amount therefor, and authorizing the issuance of \$335,000 serial bonds of said Town to finance said appropriation."

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

FIRST: AUTHORIZING said Town to partially reconstruct various Town buildings, to provide improvements to handicapped accessibility; STATING the estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$335,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$335,000 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;

Continued on next page

RESOLUTION NO. (807A-1995) Continued

SECOND: AUTHORIZING the issuance of \$335,000 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 are authorized to be issued is ten (10) 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 \$335,000 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: November 14, 1995

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 Councilwoman Smith and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook  
Councilpersons Dusanenko, Maloney & Mandia

NOES: None

The Resolution was declared adopted.  
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RESOLUTION NO. (808-1995)

TOWN OF CLARKSTOWN, NEW YORK

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 14, 1995. AUTHORIZING THE ACQUISITION OF MUNICIPAL TRANSPORTATION BUSES AND RELATED EQUIPMENT STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,431,032; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$98,339 TOWN FUNDS CURRENTLY AVAILABLE THEREFOR AND \$984,616 TO BE RECEIVED

Continued on next page

RESOLUTION NO. (808-1995) Continued

FROM THE UNITED STATES OF AMERICA AND \$123,077 TO BE RECEIVED FROM THE STATE OF NEW YORK TO PAY A PART OF SAID APPROPRIATION, AND AUTHORIZING THE ISSUANCE OF \$225,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF 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 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 municipal transportation buses and related equipment. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,431,032 and said amount is hereby appropriated therefor. The plan of financing includes the expenditure of \$98,339 Town funds currently available therefor and \$984,616 to be received from the State of New York to pay a part of said appropriation; the issuance of \$225,000 serial bonds of the Town to finance the balance of said appropriation; and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest therein as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$225,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herin called "Law"), to finance a part of said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 29. 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 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 a

Continued on next page

RESOLUTION NO. (808-1995) Continued

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, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Section 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 executing contracts for credit enhancements and 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 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.

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. (809-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, Joseph Bihari v. Rudolph Yacyshyn, William Nest, Richard Paris, John Vain Gilbert Heim, Jr., Frank Fallon and Harold Schweitzer, constituting The Planning Board of The Town of Clarkstown;

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RESOLUTION NO. (809-1995) Continued

NOW, THEREFORE, be it

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

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. (810-1995)

Co. Maloney offered and Co. Smith Seconded

RESOLVED, that employees who request leave pursuant to the Family and Medical Leave Act shall be required to charge accrued leave and/or vacation during said leave.

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. (811-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, in response to request from the local citizenry, the Supervisor of the Town of Clarkstown was desirous of having South Mountain Road open to local traffic at the earliest possible date; and

WHEREAS, the Supervisor directed the Department of Environmental Control to take whatever steps were necessary to facilitate the opening of said road to local traffic; and

WHEREAS, the Department of Environmental Control prepared and implemented a plan to install the safety and traffic control device necessary to open said road; and

WHEREAS, the condition of the existing guiderail on the west end of the new retaining wall was judged to be unsafe, necessitating its removal and replacement with 85 linear feet of new box beam guiderail and related construction; and

WHEREAS, the Department of Environmental Control has directed the contractor to install additional pavement markings and to perform other miscellaneous additional work; and

WHEREAS, the contractor to whom the bid was awarded has furnished proposals and costs for the different aspects of this additional work;

Continued on next page

RESOLUTION NO. (811-1995) Continued

and

WHEREAS, these proposals and costs for said additional work have been reviewed and accepted by the Department of Environmental Control;

NOW, THEREFORE, BE IT RESOLVED that the amount allotted for the South Mountain Road Retaining Wall Project be increased by an amount not to exceed \$15,000.; and

BE IT FURTHER RESOLVED that this amount be a proper charge to Account #H-1994-400-409-0-141.

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. (812-1995)

Co. Maloney offered and Co. Mandia 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., John Kelly, 47 Hall Avenue, New City, New York - Motor Equipment Operator I - Town Highway Department - is hereby granted an extension of his Sick Leave of Absence - at one half pay - effective and retroactive to November 2, 1995 to December 2, 1995.

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. (813-1995)

Co. Maloney offered and Co. Mandia 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., Ann Daino, 233 South Harrison Avenue, Congers, New York - Clerk - Assessor's Office - is hereby granted an extension of her Sick Leave of Absence at - one-half pay - effective and retroactive to November 10, 1995 to December 10, 1995.

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. (814-1995)

Co. Maloney offered and Co. Mandia Seconded

RESOLVED that Robert W. Davies, Jr., 707 Eagle Valley Road, Tuxedo, New York, is hereby appointed to the position of (Provisional) Real Property Appraiser - Assessor's Office - at the current 1995 annual salary of \$44,747., effective November 20, 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. (815-1995)

Co. Dusanenko offered and Co. Smith Seconded

WHEREAS, certain veterans' organizations have requested monetary assistance from the Town, to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 (\$500 for leasing or rental and maintenance of meeting facility and \$250 for patriotic observance) of each of the following veterans' organizations:

- |                                       |           |
|---------------------------------------|-----------|
| Lts. Schwartz & Kerchman              | Post 720  |
| Wm. E. DeBevoise, Jr.                 | Post 1682 |
| Lt. Walter Lipman M/Sgt. Max Erlanger | Post 756  |
| Lt. Raymond B. Jauss                  | Post 2607 |
| Clarkstown Memorial                   | Post 851  |
| New City Memorial                     | Post 8749 |

and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organizations and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 1995 Account No. A-6510-401.  
RESOLUTION NO. (815-1995)

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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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney and seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:10 PM.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk