

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

8/5/96

10:55 P.M.

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

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

RESOLUTION NO. (674-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #54-1996
SIDEWALKS - OLD HAVERSTRAW ROAD, CONGERS, NY

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.
on August 29, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (675-1996)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the
Highway & Traffic Engineering Consultant and the Superintendent
of Highways that

BID #44-1996
CONCRETE SIDEWALK & CURB REPLACEMENT

is hereby awarded to:

Rota Do Sol Construction, Inc.
PO Box 8037
1240 Baker Street
Hillside, NJ 07205

as per their low bid proposal of \$113,152.03, and be it

FURTHER RESOLVED, that said award is subject to the
receipt of

- a) Executed Contract
- b) Certificate of Insurance
- c) Performance Bond
- d) Labor & Material Payment Bond

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RESOLUTION NO. (675-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (676-1996)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Traffic & Highway Engineering consultant and the Superintendent of Highways that

BID #45-1996
ASPHALT ROADWAY, SCHOOL DRIVEWAY AND PARKING LOT RESURFACING

is hereby awarded to:

County Asphalt, Inc.
PO Box 96
Tarrytown, NY 10591
Principals: Frank D. Cooney, Jr.
John T. Cooney, Sr.

as per the low bid proposal of \$369,660.00, and be it

FURTHER RESOLVED, that subject award is hereby conditioned to:

- a) Completion of identified drainage matters concerning Bid #40-1995
- b) Receipt by Director of Purchasing of
 - 1) executed contract documents (4 sets)
 - 2) performance bond
 - 3) labor & material payment bond
 - 4) certificate of contractor's public liability, property damage and vehicle liability insurance

On roll call the vote was as follows:

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

RESOLUTION NO. (677-1996)

Co. Mandia offered and Co. Profenna seconded

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

BID #49-1996
TRIP EDGE SNOW PLOWS

is hereby awarded to:

Continued on Next Page

RESOLUTION NO. (677-1996) Continued

Amthor Welding Service, Inc.
1041 Route 52
Walden, NY 12580
Principals: Arnold G. Amthor
Alice M. Amthor

as per their low bid proposal of \$10,101.00 each for eight (8) Viking model PRR 1042 TEPHD Trip Edge Reversible Snow Plows for a total cost of \$80,808.00

On roll call the vote was as follows:

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

RESOLUTION NO. (678-1996)

Co. Mandia offered and Co. Profenna seconded

RESOLVED that based upon the recommendation of the Superintendent of Highways

BID #50-1996
MATERIAL SPREADERS

is hereby awarded to:

Tarrant Manuf. Co. Inc.
225 Excelsior Avenue
Saratoga Springs, NY 12866
Principal: J. Tarrant

as per their lowest proposal which meets form specifications of \$5,826.00 each for eight (8) Tarco Highlander model HL-HY2-10 Material Spreaders.

On roll call the vote was as follows:

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

RESOLUTION NO. (679-1996)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of D.E.C. and the Deputy Town Attorney that

BID #29A-1996
CRANFORD DRIVE IMPROVEMENTS

is hereby awarded to

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RESOLUTION NO. (679-1996) Continued

Cal Mart Construction Corp.
357A Route 59
West Nyack, NY 10994
Principals: Carl V. Wortendyke
 Martin C. Wortendyke
 Paul T. Wortendyke

as per their proposed project cost of \$276,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (680-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, for the purpose of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and K. Luke Kalarickal, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review of the proposed road improvement of Pearl Lane, New City, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (681-1996)

Co. Maloney offered and Co. Smith seconded

BE IT RESOLVED, that the Town Board of the Town of Clarkstown approves and ratifies a certain Side Letter of Agreement between the Town of Clarkstown and the Town of Clarkstown Unit of Local 844 of the CSEA and hereby authorizes the Supervisor to execute same.

On roll call the vote was as follows:

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

RESOLUTION NO. (682-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, BFI has contacted the Town of Clarkstown

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RESOLUTION NO. (682-1996) Continued

concerning the operation of the Clarkstown Transfer Station, and

WHEREAS, BFI is not one of the carters approved by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that BFI is not qualified to operate the Clarkstown Transfer Station and is disqualified from operating same.

On roll call the vote was as follows:

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

RESOLUTION NO. (683-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, MIELE SANITATION CO. has requested the Town of Clarkstown to operate the Clarkstown Transfer Station, and

WHEREAS, during the present operation the Clarkstown Transfer Station has been operating in a quiet and efficient manner;

NOW, THEREFORE, be it

RESOLVED, that MIELE SANITATION CO. would be qualified to operate the Clarkstown Transfer Station.

On roll call the vote was as follows:

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

RESOLUTION NO. (684-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that for the health, safety, and welfare of the Town of Clarkstown, the application of New York SMSA Limited Partnership for a variance from Local Law No. 8 of 1996, is hereby DENIED.

Representatives of SMSA Limited appeared regarding granting of their waiver stating that they had submitted an application prior to the adoption of Local Law No. 8. If the waiver was not granted, the moratorium would not be extended. Supervisor Holbrook said that the moratorium would not be extended.

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RESOLUTION NO. (684-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (685-1996)

Co. Smith offered and Co. Profenna seconded

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

Section 1. The Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), hereby DETERMINES AND STATES that it is the intention of said Town Board to adopt a resolution authorizing the acquisition of a parcel of land located in the Town of Ramapo and the construction of a Town golf course facility thereon (such acquisition of land and such construction of a Town golf course facility being collectively referred to herein as the "Project"). The estimated total cost of the Project is expected to be \$10,000,000 and the plan of financing is expected to include the issuance of serial bonds of the Town to finance the Project.

Section 2. It is hereby FURTHER DETERMINED AND STATED that the adoption of any such resolution, as described in Section 1 hereof, shall be subject to full compliance with all requirements of the New York State Environmental Quality Review Act ("SEQRA"), constituting Article 8 of the Environmental Conservation Law, and no resolution shall be adopted nor shall any other official act of the Town Board be taken with respect to the authorization of such Project or the financing thereof prior to the completion of all applicable requirements of SEQRA.

Section 3. In connection with the Project, it is the intention of the Board to adopt a Bond Resolution in form substantially as appearing in Schedule A, annexed hereto, following completion of the requirements of SEQRA.

Section 4. This resolution shall take effect immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (686A-1996)

Co. Smith offered and Co. Profenna seconded

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:

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RESOLUTION NO. (686A-1996) Continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to (a) acquire a parcel of land located in the Town of Ramapo, consisting of approximately 190.37 acres and identified as Section 3, Lots 12A1, 13A2A, 13A2B and 13A2C on the Town tax map, at the estimated maximum cost of \$4,500,000 and (b) construct a Town golf course facility thereon, at the estimated maximum cost of \$5,500,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$10,000,000 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 \$10,000,000 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:

(a) The period of probable usefulness applicable to \$4,500,000 of the serial bonds authorized to be issued pursuant to this resolution, for the purpose referred to in Section 1 (a) hereof, within the limitations of Section 11.00 a. 21 of the Law is thirty (30) years.

(b) The period of probable usefulness applicable to the \$5,500,000 balance of the serial bonds authorized to be issued pursuant to this resolution, for the purpose referred to in Section 1 (b) hereof, within the limitations of Section 11.00 a. 19 of the Law, is twenty (20) years.

(c) 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.

(d) 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. (686A-1996) 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, 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 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 is subject to a permissive referendum.

On roll call the vote was as follows:

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

RESOLUTION NO. (686B-1996)

Co. Smith offered and Co. Profenna seconded

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, and in "THE CLARKSTOWN COURIER," a newspaper published in Pearl River, New York, each having a general circulation within said Town and hereby designated the official newspapers 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:

(Notice on file in Town Clerk's Office)

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RESOLUTION NO. (686B-1996) Continued

Section 2. The Town Clerk is hereby directed to cause said bond resolution to be published, in full, after said bond resolution shall take effect, in the newspapers referred to in Section 1 hereof, and hereby designated the official newspapers 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (687-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a fire hazard condition has been created on property located at 45 Tamar Street, Valley Cottage, New York, and designated on the Clarkstown Tax Map as Map 108, Block B, Lot 74, due to the owner's failure to maintain his property in a safe manner by not cutting and removing tall grass which has dried thereby creating a fire hazard as aforesaid, at 45 Tamar Street, Valley Cottage, New York, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to protect the health, safety and welfare of the community, so as to protect it from fire hazards;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares an emergency due to the fire hazard condition which exists at 45 Tamar Street, Valley Cottage, New York, and be it

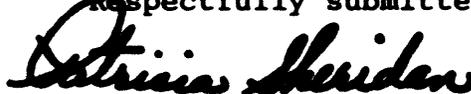
FURTHER RESOLVED, that the Town Board hereby authorizes the Building Inspector to hire a contractor to cut and remove the grass immediately to avoid a potential fire that could effect this property and adjacent properties in the area, and be it

FURTHER RESOLVED, that the cost for such work shall be charged and assessed as a lien against the property.

On roll call the vote was as follows:

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

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk