

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/12/00

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Certificate of award was presented to Frank Auriemma for achieving the rank of Eagle Scout.

On motion of Co. Maloney; seconded by Co. Lasker and unanimously adopted the Public Hearing re: Chapter 216 Proceeding (Property Maintenance): Marshall, 16 Jerry's Avenue, Nanuet was declared open, time: 8 PM

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the Public Hearing re: Chapter 216 Proceeding (Property Maintenance): Marshall, 16 Jerry's Avenue, Nanuet was declared closed, time: 8:04 PM

On motion of Co. Maloney; seconded by Co. Lasker and unanimously adopted the Public Hearing re: Chapter 111 Proceeding (Unsafe Building): Bernaschina, 10 Parliament Drive, New City was declared open, time: 8:05 PM

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the Public Hearing re: Chapter 111 Proceeding (Unsafe Building): Bernaschina, 10 Parliament Drive, New City, was declared closed, time: 8:17 PM

On motion of Co. Smith; seconded by Co. Maloney and unanimously adopted the Public Hearing re: Proposed Road Improvement: Portion of Pierce Street, Nanuet was declared open, time: 8:20 PM

On motion of Co. Maloney; seconded by Co. Smith and unanimously adopted the public hearing re: Proposed Road Improvement: Portion of Pierce Street, Nanuet was declared closed, time: 8:25 PM

Supervisor declared the public portion of the meeting opened.

Appearance: Martin Bernstein
New City

Spoke regarding agenda item #5, trees on Fulton Street, asked about appraisal fee referred to in item #9D and asked about the code enforcement officer appointment in item 13C. He questioned the status of Lady Godiva Road and also asked about the building permit for the demolition of a building in Davies Lake.

Appearance: Mr. Pritz
Nanuet

Spoke about Scotland Hill cemetery being used as a dumping ground. Stones are being overturned and broken.

Appearance: Joel Epstein

Thanked the Board for their support in appointing him.

RESOLUTION NO. (680-2000)

Co Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 560-2000, dated July 11, 2000, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 162, Block B, Lot 4, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 8th day of August, 2000, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated July 12, 2000, exist and have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector and the Superintendent of Highways of the Town of Clarkstown are hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such conditions continue to be uncorrected on or after the 22nd day of September, 2000, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector, the Highway Superintendent and the Town Attorney with respect to such corrective measure, including the removal of debris and the costs of this proceeding and all other necessary action, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (681-2000)

Co Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 561-2000, dated July 11, 2000, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 111 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 98, Block A, Lot 9.68 (43.13-2-12), to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

RESOLUTION NO. (681-2000) continued

WHEREAS, a public hearing was duly held on the 8th day of August, 2000, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law, and

WHEREAS, the Town Board of the Town of Clarkstown, on the basis of the information adduced at the hearing, was unable to determine the structural stability of the subject premises;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Building Inspector and the Town Attorney to obtain the services of a licensed architect to investigate and determine the structural stability of the dwelling referred to above and report to the Town Board by September 26, 2000, and be it

FURTHER RESOLVED, that the fee for such services shall be assessed as a lien against the property, if unpaid by the owner, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (682-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution adopted on June 13, 2000, on Motion of the Town Board of the Town of Clarkstown, the Director of Environmental Control was authorized to make an estimate of expenses to establish a road improvement district for premises fronting on Pierce Street, Nanuet, New York, for a frontage distance of approximately 160 lineal feet, as indicated on the attached Schedule "A," and

WHEREAS, by report dated June 26, 2000, the Director of Environmental Control duly presented to the Town Board an estimate of cost of the proposed project, and

WHEREAS, by resolution/Order adopted on August 8, 2000, the Town Board ordered that a public hearing be held on September 12, 2000, at 8:00 P.M., or as soon thereafter as possible, to consider the creation of such road improvement district, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town did, at the time and place specified in said Order, duly meet and consider the matter of construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place concerning same, and

WHEREAS, at the Town Board Meeting of September 12, 2000, the Town Board did consider the creation of such road improvement district, and

RESOLUTION NO. (682-2000) continued

WHEREAS, the maximum amount proposed to be expended for the improvement as described in the estimate of the Director of Environmental Control is \$20,000.00, and

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment For pursuant to SEQRA, from our consultant K. Luke Kalarickal, Director of Environmental Control, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines from the evidence offered at the public hearing and all documents made part of the record that it is in the public interest to make the said improvement, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown, does hereby authorize and approve the improvement of a portion of Pierce Street Nanuet, for a frontage distance of approximately 160 lineal feet, as indicated on the attached Schedule "A," and be it

FURTHER RESOLVED, that the maximum amount to be expended for the said improvement is \$20,000.00, and be it

FURTHER RESOLVED, that the Director of Environmental Control shall survey, and cause to be surveyed, the above described portion of Pierce Street, Nanuet, New York, and establish the lines and grades thereof, and file copies of such survey and a profile of the grade in the office of the Town Clarkstown of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of Environmental Control is authorized and directed, after completion of the survey work described herein, to prepare the project plans for completion by the Department of Highway personnel, and thereafter to oversee the work required for such improvement, and be it

FURTHER RESOLVED, that the Director of Environmental Control is authorized and directed to apportion the cost of the project for assessment against the benefited parcels using a per front foot formula so that all parcels having primary access to the improved road being constructed on Pierce Street, and be it

FURTHER RESOLVED, that primary access be defined as the use of the said improved road for ingress and egress to property or to parking areas on property, and be it

FURTHER RESOLVED, that based upon the report of Director of Environmental Control, dated September 12, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed road improvement project referred to herein shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that pursuant to Section 200 (10) of the Town Law, this resolution shall be subject to Permissive Referendum, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause a Notice to be published in full in the Journal News, a newspaper published in West Nyack, New York, having a general circulation within said Town and hereby 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.

RESOLUTION NO. (682-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (683-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the conditions complained of in the Order of the Fire Inspector dated June 12, 2000 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 59, Block A, Lot 16.04 have been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (684-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Building Inspector has posted and notified the last owner of record of premises known as 59.10-1-12.11 (108-B-14.13), commonly known as 20 Mayfield Street, Valley Cottage, New York, that a violation of Town Code Chapter 216 exists at said location in that the property is overgrown with weeds and sheets of plywood are scattered on the front lawn, and

WHEREAS, the Violation Notices of the Building Inspector dated August 10, 2000 have not been complied with;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Attorney is hereby authorized to institute proceedings as provided in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify the unsafe conditions on premises reputedly owned by Windham Properties, Inc. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 108, Block B, Lot 14.13, and also known as 20 Mayfield Street, Valley Cottage, New York, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 26th day of September, 2000, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 216, is made on before the 14th day of September, 2000.

RESOLUTION NO. (684-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (685-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendations of the Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Maintenance Bonds in the amounts of \$7,163.00 for Section III and \$21,386.00 for Section V, in connection with the dedication of the road(s) and improvements on October 27, 1998 in a subdivision known as Long Meadow West, Sections III and V, are hereby terminated; and the Maintenance Bonds, secured by Letters of Credit Nos. 98-1026 and 98-1027 in the amounts of \$7,163.00 and \$21,386.00, respectively, may be released to the guarantor.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (686-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highway's to plant five small trees, caliber 3 to 4 inches in diameter, on Town property along Fulton Street, between Wesel Road and Etna Place, Nanuet, New York, and be it

FURTHER RESOLVED, that the cost for said trees shall be charged against Account No. A 8511-409.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (687-2000)

Co. Smith offered and Co. Maloney seconded

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

A "Stop" sign on Norwood Place at Church Street, 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, Wayne Ballard, for implementation.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (688-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated September 11, 2000, the Superintendent of Highways is hereby authorized to:

Remove the following signs in the vicinity of the sharp curve near 10 Badger Street, New City:

For northbound traffic, the right curve warning sign located 100 feet south of the curve, and

For westbound traffic, the left curve warning sign located 80 feet east of the curve, and

Replace these signs with the following:

For northbound traffic, a Right Turn sign (W1-2C) with a 15 MPH Advisory Speed panel (W9-1X) underneath it with both located 250 feet south of the beginning of the turn, and

For westbound traffic, a Left Turn sign (W1-1C) with a 15 MPH Advisory Speed panel (W9-1X) underneath it with both 170 feet east of the beginning of the turn.

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board, to Howard L. Lampert, and to the Chief of Police, for their information and for enforcement purposes.

RESOLUTION NO. (688-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (689-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, B & B REALTY COMPANY v. THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 5538/94, 4286/95, 4574/96, 4594/97 and 4682/98, affecting parcel(s) designated as Map 32, Block A, Lot 34.1, for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 32, Block A, Lot 34.1 be reduced for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99 from \$1,636,100 to \$1,200,000 at a cost to the Town of \$32,611.92;

2. Reimbursement for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99 on the parcel described as Map 32, Block A, Lot 34.1, as stated above, be made without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

3. 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, and be it

FURTHER 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:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (690-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Assessor of the Town of Clarkstown, the sum of \$514.61 be refunded to Hector and Frances Tavares for taxes erroneously assessed, levied and paid.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (691-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Assessor of the Town of Clarkstown, the sum of \$1,225.37 be refunded to Rosembert Alourdes for taxes erroneously assessed, levied and paid.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (692-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control received a complaint regarding the condition of a drainage channel within a Town drainage easement in the vicinity of lots 30-A-27, 27.01, 27.02, and 27.03, Blauvelt Road, Nanuet, New York, and

WHEREAS, an inspection performed by the Department of Environmental Control revealed that significant brush and debris accumulated within the limits of the channel has the potential to cause flooding to adjacent properties, and

WHEREAS, the Department of Environmental Control recommended the immediate removal of all brush and debris from the limits of the channel, and

WHEREAS, the Town Board authorized the Director of Environmental Control to hire Danny Clapp Landscaping, 59 Schriever Lane, New City, New York to perform the required work in accordance with his proposal dated August 2, 2000 for a sum not to exceed \$4,500.00, and

WHEREAS, during the course of performing the work, additional debris was encountered and required removal, and

RESOLUTION NO. (692-2000) continued

WHEREAS, the additional cost for the removal of the debris shall be \$800.00.

NOW, THEREFORE, BE IT,

RESOLVED, that Town Board Resolution No. 640-2000 is hereby amended to reflect the \$800.00 cost for the removal and disposal of additional debris, and

BE IT FURTHER RESOLVED, that the cost of the corrective work shall not exceed \$5,300.00, and shall be a proper charge to account H 8749 409 0 73 16.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (693-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby amends Resolution (No. 585), adopted by the Board on August 8, 2000, as follows:

WHEREAS, the Police Chief and the Police Commission of the Town of Clarkstown have requested establishment of a Cash Investigative Fund for the use by the Clarkstown Police Department;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the establishment of a \$2,000.00 Cash Investigative Fund for use by the Clarkstown Police Department Detective Bureau for investigative matters, subject to establishment of Department procedures securing accountability for the use of such funds, and be it

FURTHER RESOLVED, that the Cash Investigative Fund shall be charged to Account No. 3260-4150, and be it

FURTHER RESOLVED, that based on the recommendation of Edward J. Duer, Comptroller, the fund established may be replenished at the direction of the Police Chief, from said account, when available funds have been diminished sufficiently to require replenishment in the discretion of the Police Chief.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (694-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition existed within the right-of-way at #127 Third Street in New City; and

WHEREAS, the Department of Environmental Control recommended a plan to relieve said condition; and

WHEREAS, the Town Board Resolution No. 546-2000 authorized Director of the Department of Environmental Control to retain the services of Cal Mart Construction, 357A Rt.59, West Nyack, New York to perform the corrective work, and

WHEREAS, unforeseen difficulties with existing utilities and rock excavation were encountered during construction causing delays, and

WHEREAS, the extra costs associated with the unforeseen difficulties totaled \$4,792.28.

NOW, THEREFORE, BE IT,

RESOLVED that Town Board Resolution No. 546-2000 is hereby amended to reflect the additional cost \$4,792.28, and

BE IT FURTHER RESOLVED that the amended cost shall not exceed \$10,650.28 and shall be a proper charge to account # H 8749 409 0 73 10.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (695-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the New York State Division of Criminal Justice Services (DCJS #LG0000-8431) has appropriated funds for the purpose of financing the purchase of equipment for the Clarkstown Police Department, and

WHEREAS, the State shall provide \$4,000 to the Town of Clarkstown Police Department for said equipment, for the period covering April 1, 2000 through March 31, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York Division of Criminal Justice Services to accept a grant award of \$4,000 to cover the purchase of equipment for the Clarkstown Police Department, for the period to April 1, 2000 through March 31, 2002.

RESOLUTION NO. (695-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (696-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, ROCHELLE S. BERGER, Executive Director of the Meals on Wheels program, has requested that the Town Board allow this organization to purchase fuel for vehicles which directly assist Clarkstown residents, as follows:

- 1. Gasoline for one (1) bus and one (1) van.
- 2. Diesel Fuel for two (2) trucks.

WHEREAS, the savings realized from the reduced cost of the fuel will allow Meals on Wheels to provide more benefits to Town residents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Meals on Wheels organization, in a form approved by the Town Attorney, to purchase fuel from the Town of Clarkstown for one (1) bus, one (1) van, and two (2) trucks.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (697-2000)

Co. Smith offered and Co. Lasker seconded

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

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 for the calendar year 2000.

West Nyack Free Library

RESOLUTION NO. (697-2000) continued

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (698-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Chamber of Commerce of the Nyacks has requested use of the Town of Clarkstown showmobile on Saturday, October 28, 2000 from 4:30 PM – 9:00 PM for the closing ceremony of Nyack’s Halloween Parade,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Chamber of Commerce of the Nyacks to use the Town of Clarkstown showmobile on Saturday, October 28, 2000 for the above purpose and subject to the provision of the necessary insurance policies.

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown showmobile on Saturday, October 28, 2000.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (699-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown has received a petition for the construction of sewers on Mountainview Avenue for approximately 1,500 feet from Astri Terrace to approximately Sierra Vista Lane, Valley Cottage, New York, and

WHEREAS, the Town Board concurs that sewers will serve the public interest;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the provisions of Article 12C of the Town Law, that Roy F. Weston be retained to perform professional survey, engineering and design services at a fee not to exceed \$19,000 and that the cost incurred for such professional services be deemed part of the sewer improvement for which the Town shall be reimbursed, and be it

FURTHER RESOLVED, that pending final approval, the expense shall be a proper charge to Account No. H-8111-409-0-8-11.

RESOLUTION NO. (699-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (700-2000)

Supervisor Holbrook offered and Co. Lasker seconded

RESOLVED, that the resignation of John F. Webster, 2 Normandy Village, Unit 6, Nanuet, New York – Part-time Bus Driver – Mini Trans Department – is hereby accepted – effective and retroactive to September 6, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (701-2000)

Supervisor Holbrook offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 29, 2000 that the position of Clerk Typist (part-time) – Personnel Office – can be created,

Now, therefore, be it

RESOLVED, that the position of Clerk Typist (part-time) – Personnel Office – is hereby created – effective September 25, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (702-2000)

Supervisor. Holbrook offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby directs the Personnel Assistant to prepare the necessary personnel for (P.O. 27) to reclassify the position of Code Enforcement Officer II – to the position of Code Enforcement Officer I and be it,

RESOLUTION NO. (702-2000) continued

FURTHER RESOLVED, that the Personnel Assistant forward to the C.S.E.A. Union Executive Board notice that the Town will establish the position of Code Enforcement Officer I and proposes a Grade 23, and

RESOLVED, that Joel J. Epstein, 99 Bardonia Road, Bardonia, New York – is hereby appointed to the position of (Provisional) Code Enforcement Officer I – Town Attorney’s Office – at the current annual salary of \$36,409., (23 AA) pending Rockland County Personnel Office approval of P.O. 27 and application.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney . . . Abstained
Councilman Mandia Yes
Councilwoman Smith No
Supervisor Holbrook Yes

On item 13C Councilwoman Smith stated that it is obvious that there is an intent to deny a ten year female employee of a promotion that is due her. It is also very obvious that we are creating a Building Department A and a Building Department B. Mr. Millman has been in there doing a good job. If he feels that he can do a better job with a little bit of help, then the creation of the position probably will pay for itself many times over. I am very upset to think that this Town Board would take such action regarding a person who has been with us for ten years and I vote No. This should be in the record also that for the Town Board to be effective there has to be communication. Joel Epstein called her on Friday to tell her that he was on the agenda for this position and hoped that I would support him. He knew the information three days before I got my packet. He sat with the Supervisor and prepared the job description. Stuff like that can only add trouble for the Town Board. We are all reasonable people and all five should be heard.

RESOLUTION NO. (703-2000)

Supervisor Holbrook offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Administrative Secretary #00269 NCP/T&E which contains the name of Geraldine Kelly,

Now, therefore, be it

RESOLVED, that Geraldine Kelly, 39 Twin Elms Lane, New City, New York is hereby appointed to the (Permanent) position of Administrative Secretary – Department of Environmental Control – at the current annual salary of \$48,851., effective and retroactive to August 21, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (704-2000)

Supervisor Holbrook offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Principal Clerk Stenographer #00271 NCP/T&E which contains the name of Rita Maklin,

Now, therefore, be it

RESOLVED, THAT Rita Maklin, 4 Maplewood Lane, New City, New York, is hereby appointed to the (Permanent) position of Principal Clerk Stenographer – Department of Environmental Control – at the current annual salary of \$41,406., effective and retroactive to August 23, 2000.

On roll call the vote was as follows:

- Councilwoman Lasker Yes**
- Councilman Maloney Yes**
- Councilman Mandia Yes**
- Councilwoman Smith Yes**
- Supervisor Holbrook Yes**

RESOLUTION NO. (705-2000)

Supervisor Holbrook offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00074 Counselor (Municipal Counseling Services) which contains the name Melinda L. Parziale,

Now, therefore, be it

RESOLVED, that Melinda L. Parziale, 9 Summit Drive , New City, New York, is hereby appointed to the (permanent) position of Counselor (Municipal Counseling Services) – Clarkstown Counseling Center – at the current annual salary of \$34,157., effective September 18, 2000.

On roll call the vote was as follows:

- Councilwoman Lasker Yes**
- Councilman Maloney Yes**
- Councilman Mandia Yes**
- Councilwoman Smith Yes**
- Supervisor Holbrook Yes**

RESOLUTION NO. (706-2000)

Supervisor Holbrook offered and Co. Lasker seconded

RESOLVED, that Patricia Battles, 5 Woodland Road, New City, New York, is hereby reappointed to the position of Member – Assessment and Review Board – term effective October 1, 2000 and to expire on September 30, 2005 – at the per diem rate of \$100., per meeting, when the Board is in session.

RESOLUTION NO. (706-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (707-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby directs the Personnel Assistant to forward to the Rockland County Personnel Office the request for the Certification of Eligibles, Building Plans Examiner, and be it

FURTHER RESOLVED, that Charles Maneri, Jr., 8 Stratford Place, New City, New York, presently on the promotional list for Building Plans Examiner, will be granted a permanent appointment – effective upon the completion of the (civil service) paperwork – which will be completed by the Clarkstown Personnel Office.

On roll call the vote was as follows:

Councilwoman Lasker No
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook No

RESOLUTION NO. (708-2000)

Co. Mandia offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 12, 2000, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN RECREATIONAL AREAS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$705,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$705,000 SERIAL BONDS 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 I. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct improvements to various Town recreational areas and all work ancillary thereto. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$705,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$705,000 serial bonds of the Town to finance said appropriation,

RESOLUTION NO. (708-2000) continued

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 II. Serial bonds of the Town in the principal amount of \$705,000 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 III. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 19 (c) of the Law, is fifteen (15) years.

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

(c) 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 as to 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, 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, or a summary thereof, 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.

RESOLUTION NO. (708-2000) continued

Section 7. This bond resolution is subject to permissive referendum.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (708B-2000)

Co. Mandia offered and Co. Maloney 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 Westchester County, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, 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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 12, 2000, 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 September 12, 2000, authorizing the construction of improvements to various Town recreational areas, stating the estimated maximum cost thereof is \$705,000, appropriating said amount therefor, and authorizing the issuance of \$705,000 serial bonds to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct improvements to various Town recreational areas and all work ancillary thereto; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$705,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$705,000 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;

SECOND: AUTHORIZING the issuance of \$705,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

RESOLUTION NO. (708B-2000) continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued 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 \$705,000 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 permissive referendum.

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper(s) referred to in Section 1 hereof, and hereby designated the official newspaper(s) 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:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (709-2000)

Co. Mandia offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 12, 2000, AUTHORIZING THE ACQUISITION OF LAND FOR USE BY THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,005,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,005,000 SERIAL BONDS 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 I. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to acquire land for use by the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental

RESOLUTION NO. (709-2000) continued

thereto and the financing thereof, is \$1,005,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,005,000 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 II. Serial bonds of the Town in the principal amount of \$1,005,000 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 III. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) 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 as to 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, 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, or a summary thereof, 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.

RESOLUTION NO. (709-2000) continued

Section 7. This bond resolution is subject to permissive referendum.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (709B-2000)

Co. Mandia offered and Co.Maloney 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 Westchester County, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, 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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 12, 2000, 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 September 12, 2000, authorizing the acquisition of land for use by the Town, stating the estimated maximum cost thereof is \$1,005,000, appropriating said amount therefor, and authorizing the issuance of \$1,005,000 serial bonds to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to acquire land for use by the Town; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,005,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,005,000 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;

SECOND: AUTHORIZING the issuance of \$1,005,000 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 thirty (30) years; the proceeds of said bonds and any bond anticipation notes

RESOLUTION NO. (709B-2000) continued

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 \$1,005,000 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 permissive referendum.

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper(s) referred to in Section 1 hereof, and hereby designated the official newspaper(s) 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (710-2000)

Co. Mandia offered and Co.Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 12, 2000, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO CONGERS LAKE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$40,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$40,000 SERIAL BONDS 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 I. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct improvements to Congers Lake, including control of aquatic growth vegetation. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$40,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$40,000 serial bonds of the Town to finance said appropriation,

RESOLUTION NO. (710-2000) continued

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 II. Serial bonds of the Town in the principal amount of \$40,000 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 III. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 3. of the Law, is thirty (30) 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 as to 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, 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, or a summary thereof, 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.

RESOLUTION NO. (710-2000) continued

Section 7. This bond resolution is subject to permissive referendum.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (710B-2000)

Co. Mandia offered and Co. Maloney 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 Westchester County, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, 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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 12, 2000, 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 September 12, 2000, authorizing the construction of improvements to Congers Lake, stating the estimated maximum cost thereof is \$40,000, appropriating said amount therefor, and authorizing the issuance of \$40,000 serial bonds to finance said appropriation."

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

FIRST: AUTHORIZING said Town to construct improvements to Congers Lake, including control of aquatic growth vegetation; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$40,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$40,000 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;

SECOND: AUTHORIZING the issuance of \$40,000 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

RESOLUTION NO. (710B-2000) continued

usefulness applicable to the purpose for which said serial bonds are authorized to be issued is thirty (30) 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 \$40,000 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 permissive referendum.

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper(s) referred to in Section 1 hereof, and hereby designated the official newspaper(s) 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (711-2000)

Co. Mandia offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 12, 2000, AUTHORIZING ACQUISITION OF EQUIPMENT FOR USE BY THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$235,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$235,000 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 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

RESOLUTION NO. (711-2000) continued

York (herein called "Town"), hereby authorized to acquire equipment for use by the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof is \$235,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$235,000 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 \$235,000 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 the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 32. of the Law, is five (5) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 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, 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, or a summary thereof, 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.

RESOLUTION NO. (711-2000) 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 summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law the "THE JOURNAL-NEWS," a newspaper published in Westchester County, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, New York, each having a general circulation within said Town for such publication.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (712-2000)

Co.Mandia offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 12, 2000, AUTHORIZING THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS, IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$80,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$80,000 SERIAL BONDS 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 I. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct sidewalk improvements in the Town, and all work ancillary thereto. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$80,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$80,000 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 II. Serial bonds of the Town in the principal amount of \$80,000 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 III. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 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

RESOLUTION NO. (712-2000) continued

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 as to 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, 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, or a summary thereof, 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.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (712B-2000)

Co. Mandia offered and Co. Maloney 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 Westchester County, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, 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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 12, 2000, 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 September 12, 2000, authorizing the construction of sidewalk improvements, in the Town, stating the estimated maximum cost thereof is \$80,000, appropriating said amount therefor, and authorizing the issuance of \$80,000 serial bonds to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct sidewalk improvements in the Town, and all work ancillary thereto; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$80,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$80,000 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;

SECOND: AUTHORIZING the issuance of \$80,000 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 \$80,000 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

RESOLUTION NO. (712B-2000) continued

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

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (713-2000)

Co. Mandia offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 12, 2000, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$295,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$295,000 SERIAL BONDS 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 I. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct improvements to various roads in the Town, including ancillary work related thereto. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$295,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$295,000 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 II. Serial bonds of the Town in the principal amount of \$295,000 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 III. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized 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.

RESOLUTION NO. (713-2000) continued

Section IV. 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 as to 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 V. 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 VI. 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, or a summary thereof, 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 VII. This bond resolution is subject to permissive referendum.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (713B-2000)

Co. Mandia offered and Co. Maloney 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 Westchester County, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, New York, each having a general circulation within said Town and hereby designated the

RESOLUTION NO. (713B-2000) continued

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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 12, 2000, 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 September 12, 2000, authorizing the construction of improvements to various roads in the Town, stating the estimated maximum cost thereof is \$295,000, appropriating said amount therefor, and authorizing the issuance of \$295,000 serial bonds to finance said appropriation."

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

FIRST: AUTHORIZING said Town to construct improvements to various roads in the Town, including ancillary work related thereto; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$295,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$295,000 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;

SECOND: AUTHORIZING the issuance of \$295,000 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 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 \$295,000 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 permissive referendum.

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

RESOLUTION NO. (713B-2000) continued

Section 3. This resolution shall take effect immediately.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (714-2000)

Co. Mandia offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 12, 2000, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,170,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,170,000 SERIAL BONDS 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 I. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct various drainage improvements in the Town and all work ancillary thereto. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,170,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,170,000 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 II. Serial bonds of the Town in the principal amount of \$1,170,000 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 III. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized 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.

RESOLUTION NO. (714-2000) continued

(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 as to 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, 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, or a summary thereof, 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.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (714B-2000)

Co. Mandia offered and Co. Maloney seconded

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

RESOLUTION NO. (714B-2000) continued

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "THE JOURNAL-NEWS," a newspaper published in Westchester County, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, 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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 12, 2000, 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 September 12, 2000, authorizing the construction of various drainage improvements in the Town, stating the estimated maximum cost thereof is \$1,170,000, appropriating said amount therefor, and authorizing the issuance of \$1,170,000 serial bonds to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various drainage improvements in the Town and all work ancillary thereto; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,170,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,170,000 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;

SECOND: AUTHORIZING the issuance of \$1,170,000 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 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 \$1,170,000 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

RESOLUTION NO. (714B-2000) continued

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

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper(s) referred to in Section 1 hereof, and hereby designated the official newspaper(s) 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:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (715-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the condition of the existing storm drain culvert running beneath Old Lake Road in Valley Cottage in the vicinity of Locke's Hardware Store has deteriorated to the point that pavement failures have occurred adjacent to the culvert; and

WHEREAS, this represents a potential hazard to both vehicular and pedestrian traffic; and

WHEREAS, the Department of Environmental Control has inspected the culvert and formulated a plan to effect temporary repairs to said culvert; and

WHEREAS, the Department of Environmental Control has solicited proposals from three qualified contractors to implement said repairs; and

WHEREAS, the Department of Environmental Control has reviewed said proposals and found them to be acceptable;

NOW, THEREFORE BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Environmental Construction, Inc.
P.O. Box 563
Stony Point, New York 10980

to perform said repairs as directed by the Department of Environmental Control in accordance with their proposal for an amount not to exceed \$7,647.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account #H 8749-409-0 73-17.

RESOLUTION NO. (715-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (716-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills Stable, Inc. and \$743.99 from Clarkstown Central School District,

THEREFORE BE IT,

RESOLVED, based upon the recommendation of the Comptroller, to increase estimated revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills) and budgetary account No. H 1942-409 58-2 (Golf Course-Bids & Specs) by \$2,000 and increase estimated revenue Account No. A 01 9 2705 0 (Gifts & Donations) and budgetary account No. A 3120-111 (Police-Overtime) by \$743.99 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease account No. SR 8160-409 (Sanitation-fees for services) and increase account No. SR 8160-378 (Sanitation-culverts/catch basins) by \$71,066 and decrease account No. SR 8160-409 4 (Sanitation-Transfer Station Fees) by \$33,512.58 and increase account No. SR 8160-219 (Sanitation-Misc Equip.) by \$8,512.58 and SR 8160-311 (Sanitation-Gasoline) by \$25,000 and decrease A 1990-505 (Contingency-Other Costs) by \$27,697.64 and increase A 6410-405 (Advertising) by \$3,082.64 and increase A 8090-409 (Control of Aquatic Pests-fees for services) by \$21,875 and increase A 8511-409 (Comm. Beautification-fees for services) by \$2,740.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (717-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an application has been made by FB Nanuet, LLC and Rocco Route 59 Realty, LLC, that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 207 of the Highway Law to declare that a certain portion of the right-of-way known as KEMMER AVENUE, Nanuet, New York, as described in the metes and bounds description attached as Schedule "A," upon the ground that same has been found to be unnecessary for highway purposes, and, therefore, may be deemed abandoned and discontinued, and

RESOLUTION NO. (717-2000) continued

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said road shall be deleted from same, and

WHEREAS, by Resolution adopted on July 11, 2000, provided for a public hearing on August 8, 2000, at 8:00 P.M., or as soon thereafter as possible, to consider the discontinuance and abandonment pursuant to Section 207 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of the road known as KEMMER AVENUE, Nanuet, New York, as described in Schedule "A" attached, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, the Planning Board of the Town of Clarkstown has given its approval on July 31, 2000;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated August 7, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the discontinuance and abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that a portion of KEMMER AVENUE, Nanuet, New York, as described in the attached Schedule "A" is hereby declared discontinued and abandoned by the Town of Clarkstown pursuant to Section 207 of the Highway Law, subject to the Permissive Referendum provisions of Article 7 of the Town Law, Section 90, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of the road known as KEMMER AVENUE, Nanuet, New York, as described in the Exhibit "A" attached, provided that no objections to this matter are received by the Town of Clarkstown within the Permissive Referendum period, and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown that a highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (718-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes attendance at a seminar dealing with construction claims, to be held by the Saddle Island Institute, on October 2-3, 2000, in Secaucus, New Jersey, for the following persons: John A. Costa, Town

RESOLUTION NO. (718-2000) continued

Attorney; Wayne T. Ballard, Superintendent of Highways; Dennis Letson, Deputy Director of Environmental Control, and Ralph A. Lauria, Engineer II;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes attendance at the construction claims seminar, be held by the Saddle Island Institute, on October 2-3, 2000, in Secaucus, New Jersey, for the following persons: John A. Costa, Town Attorney; Wayne T. Ballard, Superintendent of Highways; Dennis Letson, Deputy Director of Environmental Control, and Ralph A. Lauria, Engineer II, and be it

FURTHER RESOLVED, that the that the cost for such course shall not exceed the total amount of \$2,835.00, and shall be charged to Account No. A 1010-414, plus other reasonable expenses for lodging and travel to be charged to Account No. A 1010-404.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (719-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, James and Janice Griffin have requested a refund of Building Permit fees paid for premises located at 88 Tennyson Drive, Nanuet, since they have cancelled construction plans;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less \$50.00 review fee, to James and Janice Griffin in the amount of \$668.00.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (720-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control that

BID #51-2000
STREAM CLEANING-KILL VON BEAST- CONGERS LAKE DAM TO
LAKE DEFOREST @ OLD MILL ROAD

RESOLUTION NO. (720-2000) continued

is hereby awarded to:

ASCAPE LANDSCAPE AND CONSRUCTION CORP
1047 ROUTE 45
POMONA, NY 10970
PRINCIPAL: STUART CHAITIN

as per their proposed lowest bid project cost of \$35,000 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following items:

- a) Signed Contract Documents-2 sets
- b) Performance Bond-100% of proposed project cost
- c) Labor and Materials payment Bond-100% of proposed project cost
- d) Certificate of Contractors Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Workers Compensation
- f) Certificate of Workers Disability Coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (721-2000)

Co. Mandia offered and Co. Lasker

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

BID #54-2000
 FOUR (4) LEAF MACHINES FOR HIGHWAY DEPARTMENT

hereby awarded to:

W.E. TIMMERMAN CO. INC
P.O. BOX 71, WHITEHOUSE, NJ 08888
PRINCIPALS: JOSEPH R. BILOTTA

as per their lowest responsible bid meeting specifications of \$32,000 each for TARRANT MODEL WINDY 4000 LEAF VACUUMS.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (722-2000)

Co. Smith offered and Co. Lasker seconded

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

BID #57-2000
DIGITAL RECORDING SYSTEM
FOR CLARKSTOWN POLICE DEPARTMENT

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and place to be determined 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:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (723-2000)

Co. Smith offered and Co. Lasker seconded

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

BID #58-2000
ROUTE 303 TRAILWAY

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and place to be determined 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 per set.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (724-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (724-2000) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a Lease Agreement, with KEEP ROCKLAND BEAUTIFUL, INC. in a form approved by the Town Attorney, for rental of three (3) rooms on the first floor of the former Clarkstown Police Station located at 10 Maple Avenue, New City, New York, consisting of 795 sq. ft. at \$17.07 a sq. ft., for a two (2) year period, with a ninety (90) day termination clause, commencing April 1, 2000 to March 31, 2001 at an annual rental of \$13,920.00 and for the period April 1, 2001 to March 31, 2002 at an annual rental of \$14,340.00, all payable in equal monthly installments in advance on the first day of each month.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (725-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board wishes to conduct a refresher course on sexual harassment training, and

WHEREAS, SUNY/Rockland Community College has submitted a proposal dated May 1, 2000, at the Town Board's request;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with SUNY/Rockland Community College, Suffern, new York, for the purpose of conducting Sexual Harassment Training for the Town of Clarkstown employees, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the amount of \$5,442.12 and shall be charged to Account No. A 1010-409, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (726-2000)

Co. Maloney offered and Co. Smith seconded

RESOLUTION NO. (726-2000) continued

WHEREAS, Windham Development Corp. obtained approval for the subdivision known as the MacKenzie Glen Subdivision, filed in the Rockland County Clerk's office on November 5, 1996, as Map No. 7010, and

WHEREAS, as condition of subdivision approval, Windham Development Corp., as principal, provided the Town of Clarkstown with Bond No. LO3005 of the Colonia Insurance Company, now AXA Global Risks United States Insurance Company, together with its performance bond to secure completion of the public and other required improvements, and

WHEREAS, by memoranda dated September 6, 2000 and September 12, 2000, the Director of the Department of Environmental Control has recommended that the developer be declared in default of its performance agreement and that all reasonable steps be taken to secure performance from the surety;

NOW, THEREFORE, be it

RESOLVED, that the Windham Development Corp., as principal, is hereby declared in default in its performance agreement to complete the public improvements and other required installation in the MacKenzie Glen Subdivision, (Map No. 7010, filed November 5, 1996), and the Town Attorney is hereby authorized and directed to take all necessary steps to obtain performance from the surety or otherwise obtain funds to complete the unfinished items which are described in the September 12, 2000 memorandum from the Director of the Department of Environmental Control, and be it

FURTHER RESOLVED, that all expenses incurred in connection with securing compliance be made an additional charge against said performance bond, and be it

FURTHER RESOLVED, that this Resolution shall become effective September 26, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (727-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the House of Representatives has voted overwhelmingly in favor of H.R. 701, the Conservation and Reinvestment Act (CARA), and

WHEREAS, CARA would provide \$450 Million a year to states and their municipalities for open space protection, and

WHEREAS, this money would derive from the depletion of offshore oil resources but would be used to preserve natural resources onshore, and

WHEREAS, the Town of Clarkstown has undertaken a Town-wide Open Space Initiative, and

WHEREAS, the Town is seeking voter approval for funding of open space in the form of a \$22 million bond referendum, and

RESOLUTION NO. (727-2000) continued

WHEREAS, CARA would provide matching grants for such funding, and

WHEREAS, the matter of CARA is now before the Senate;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby asks Senator Daniel Moynihan and Senator Charles Schumer to join with their fellow Senators in a letter being circulated by Senators Mike DeWine (R-OH) and Mary Landrieu (D-LA) to Senate Majority Leader Trent Lott (R-MS) and Minority Leader Tom Daschle (D-SD) asking them to schedule this bill for priority action by the full Senate in this month of September, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (728-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized work to be performed on the stream running between Rockland Lake Road and Ridge Road in the vicinity of Woodvue Court in Valley Cottage as part of its Tropical Storm Floyd Rebuilding Program; and

WHEREAS, the Town of Clarkstown is currently in the process of obtaining permanent drainage easements for the purpose of maintaining this stream; and

WHEREAS, the Department of Environmental Control was able to obtain additional stone for use in stabilizing the stream banks and streambed from the project being performed on the New York State Thruway at no additional cost to the Town; and

WHEREAS, this additional material allowed the Department of Environmental Control to expand the original scope of work for this project; and

WHEREAS, Danny Clapp Landscaping, the contractor from which the labor and equipment for this project is being rented, is able to provide labor and equipment for 16 additional days at the rate of \$1,775.00 per day as per its original proposal;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby amends Resolution 486-2000, increasing the working period from 16 days to 32 days; and

BE IT FURTHER RESOLVED that the cost for additional labor and equipment shall be a proper charge to account # H 8748-409-0 72-1.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (729-2000)

Co. Maloney offered and Co.Mandia seconded

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control, Performance Bond dated July 28, 1999 secured by Letter of Credit No. 1753 in the amount of \$65,000, which was furnished to the Town by Triple G Construction to secure the public improvements in the Elizabeth Jordan Subdivision, may be released and in its place, Performance Bond dated September 8, 2000, secured by an Assignment of Certificate of Deposit No. 250928 in the amount of \$65,000, furnished to the Town by Old Mill Home Builders, Inc. is hereby accepted.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was closed, time: 9:05 PM

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/12/2000

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: Chapter 216 Proceeding (Property maintenance): Marshall, 16 Jerry's Avenue,
Nanuet (162-B-4)

On motion of Councilman Maloney, seconded by Councilwoman Lasker and
unanimously adopted, the public hearing was declared open.

Supervisor asked Mr. Milich, Building Inspector, to give his report.

Mr. Milich stated most of the items were rectified. Mr. Marshall is going to re-
support the shed. He has the metal in his trailer. There is no major problem. Supervisor
asked if anyone was here from Jerry's Avenue. No one appeared. Supervisor asked Mr.
Milich, "how is it relative to what it was a month ago?"

Mr. Milich replied, "Mr. Marshall was making a debris pile to throw away".
Supervisor suggested that he be given ten days to clean it up. If it is not done in ten days,
we will order the Highway Department to clean it up.

There being no one further wishing to be heard, on motion of Co. Maloney
seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared
closed, RESOLUTION ADOPTED, time: 8:04 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (680-2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/12/2000

8:05 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: Chapter 111 Proceeding & Unsafe Buildings): Bernaschina, 10 Parliament Drive,
New City (98-A-9.68)

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared open.

Mr. Milich, Building Inspector received the Fire Inspector's report. Both Mr. Milich and the Fire Inspector concur that the structure is not safe. It is still boarded up. Mr. Milich spoke with an architect, but he needs a key to get in there to do a thorough job. Supervisor asked Mr. Costa if we could get the architect in. Mr. Costa replied, if we had sufficient cause to get a search warrant, we could. We will need to have probable cause to establish that there was a good reason to investigate the premises. That would be based on observations that could be made from the exterior of the premises including observations of the Building and Fire Inspectors. Co. Lasker asked if we were able to find out who the owner is? Co. Mandia had the police try to find out. They found the son although he has no access or ownership to the property. They are still trying to locate the mother. Mr. Costa stated that at this point, we do not know where the owner is.

'Supervisor asked if there were any questions or comments from the public.

Appearance: Rebecca McCabe
12 Parliament Drive

That house has been like this for five years. She called once last year and found out nothing. She called four times this year and is still finding out very little of what is going on. If it was habitable, why is she not there or not sold it to someone else. The deck fell off years ago even before the fire. The leaders and gutters are down. The grass was three feet high. Why can't we get anything done?

Supervisor stated that the course of action is to get a subpoena to get in the building with an architect. The only way to see if the structure is sound is to get inside and look at it from the bottom up. The fee for such services will be assessed as a lien against the property. If we determine that the building is unsound, then we can take the next measures to ultimately address removal.

Co. Lasker asked the Supervisor if we find it structural unsound, could we demolish it. Mr. Costa, Town Attorney, stated that if it poses a hazard to the community, it can be taken down by order of the Town Board. Supervisor said that we will have to establish a record if we were to get a legal challenge to this. Co. Mandia asked if we could do a title search on the property. Supervisor stated that we know who owns it. Mr. Costa said that we did a last owner and lien search on the property and it disclosed that there are three lien holders. We notified them of this proceeding by certified mail, return receipt which was mailed from this office on August 30th or 31st. The lien holders are Bank United in Huston, Texas; Kantowitz and Goldhammer, Attorneys in Chesternut Ridge, NY; and Sunbelt Nation Mortgage Corporation in Dallas, Texas. Most mortgage instruments contain clauses which obligate the property owner to maintain the premises for the security value. It could be declared a default by the mortgage holder if the premises are allowed to decline into disrepair. It does not appear from anything on the public record that any of these lien holders have taken any steps against this property.

RE: Chapter 111 Proceeding & Unsafe Buildings): Bernaschina, 10 Parliament Drive,
New City (98-A-9.68)

Page 2

9/12/2000

Appearance: Jeff Wextler
New City

The area has a lot more children. There is a lot of patch work done to keep the building closed. He is concerned when he wakes up in the morning and sees fourteen children getting on the bus for the elementary school and six getting on the bus for the Middle School. This is three houses away from the bus stop. There is a serious issue here. Somebody is going to get hurt. He is looking for safety and beautification.

Supervisor stated that he would authorize in the resolution that the Building Inspector and the Town Attorney obtain the services of a license architect to investigate and determine the structural stability of the dwelling and to gain entrance with subpoena power if necessary, and for this report to be given to the Town Board by September 26th.

Co. Mandia said that this needs to be done and he hopes the police can find the owner. The property is worth a lot of money. Supervisor Holbrook said that hopefully by the time of the taxable status date of March 1, 2001, it will either be fixed up or removed.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was declared closed, RESOLUTION ADOPTED, time: 8:17 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (681-2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/12/2000

8:20 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: Proposed Road Improvement: Portion of Pierce Street, Nanuet

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

Supervisor Holbrook stated that this is for a proposed road improvement for a portion of Pierce Street in Nanuet which is unimproved. In order for it to be brought up to Town specs, it needs to be improved by the adjacent property owners. We have a report from Mr. Kalarickal indicating that in order to bring this to Town specs, the sum of approximately \$20,000.00 would be necessary. We are talking here of roughly 160 linear feet.

Supervisor asked if there was anyone present wishing to make a comment.

Appearance: Tom Buzzell
Pierce Street, Nanuet

Our area of concern is to make sure that the cost is born entirely by the three people involved on that end of the street and not transferred to any of the rest of the residents by taxes. Supervisor said if we proceed with it, it will be.

Appearance: Theresa Borozna
Pierce Street

This has been going on for several years. We had half a street when we moved in. She spoke to Supervisor Holbrook to have it put in her taxes. The end of the road is collapsing. She is in favor of the road improvement

Appearance: James DeGraw
Pierce Street

He is one of the property owners that have paid for thirteen years to have Pierce Street improved from that point down to College Avenue. He is of the opinion that he should not be assessed again. Supervisor had Mr. DeGraw point out his property on the map. His property is not part of the improvement and will not be assessed..

Supervisor asked if there was any present in opposition. No one appeared.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Smith and unanimously adopted, the Town Board Meeting was closed, RESOLUTION ADOPTED, time: 8:25 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (682-2000) ADOPTED