

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

3/12/02

8:00 P.M.

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

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

Certificate of Award to Fred Stahl for attaining the Rank of Eagle Scout.

Supervisor Holbrook opened the public portion of the meeting.

Appearance: Martin Bernstein
 New City

He spoke regarding Item #18 and inquired as to whether the Town owns the Fitch property. He spoke on Item #9 Watershed Protection District and said the company had pressured the owners of the land to sell the property at a very low price and subsequently sold it at a profit. He had a question on Item #10 asking if the Town owns Middlewood and who manages it. On Item #14, he asked why the Town was interested in purchasing Kury Homes on Mountain Avenue. He referred to Item #39 questioning the Tax Certiorari and to Item #40, the Palisades Center Ring Road.

Appearance: Frank Hackett
 Valley Cottage

He requested that the Town Board add Valley Cottage and West Nyack to the O&R design plans for relocation of the existing overhead utilities to underground in the commercial areas. He spoke regarding Item #9 and he requested an explanation of the Watershed Protection District. In regard to Item #14, he inquired as to where the subdivision is located. He also had a question on Item #40 asking if the Town Board is taking over the Palisades Center Ring Road.

Appearance: Steven Levine
 Congers

He asked why there could not be a cut off by Friday for Town Board Agenda items. He further inquired as to why the taxpayers should have to pay for Fire Lane signs rather than the developers paying for the cost. He also inquired as to the status of the Goldberg property clean-up specifically, were the bids ready and did the Town get the injunction to enter the property.

Appearance: Russell Trojan
 Nanuet

He said the Town has had one and half inches of rain which has already collected behind Jerrys Ave. He hopes the Town will deal with the drainage problem as well as the mosquito problem.

Appearance: Michael Scugoza
West Nyack

He spoke regarding Felix Festa Junior High School's plans to install a swimming pool causing the Soccer and Softball fields being moved closer to the homes. This plan may create a greater risk of flooding.

Appearance: Maria Jansen
Congers

She questioned as to why the Town was doing a search on the Prospect Cemetery on Lake Road in Valley Cottage.

RESOLUTION NO. (222-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of February 26, 2002 are hereby accepted as submitted by the Town Clerk.

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. (223 -2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Chief of Police, Kevin Kilduff, has advised that Section 837-d of the Executive Law authorizes municipalities to apply for partial reimbursement of expenses incurred for the purchase of "soft body ballistic armor vests" for police officers, and

WHEREAS, the Chief of Police has recommended submission of an application for such reimbursement which may result in an award in the amount of \$4,103.20 to reimburse for expenditures previously made by the Police Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an application, pursuant to Section 837-d of the Executive Law, for the partial reimbursement to the Clarkstown Police Department for expenditures incurred for the purchase of "soft body ballistic armor vests" for police officers.

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. (224 -2002)

Co. Lasker offered and Co. Maloney seconded

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

R. R. PLUMBING SERVICES CO.
DBA ROTO ROOTER SERVICES CO.
190 Saw Mill River Road
Hawthorne, NY 10532
Terence O'Shea, Vice President

RESOLVED, that the following Certificate of Registration be issued:

No. 02-3 R.R. PLUMBING SERVICES CO.
DBA ROTO ROOTER SERVICES CO.

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. (225-2002)

Co. Lasker offered and Co. Maloney seconded

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

DANNY CLAPP LANDSCAPING, INC.
59 Schriever Lane
New City, NY 10956
Danny Clapp, President

RESOLVED, that the following Certificate of Registration be issued:

No. 02-18 DANNY CLAPP LANDSCAPING, INC.

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. (226 -2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED to decrease Appropriation Account A-7141-204 (Office Machines) by \$603.00 and to increase A-7020-204 (Office Machines) by \$603.00.

RESOLUTION NO. (226-2002) 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. (227-2002)

Co Maloney offered and Co. Smith seconded

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend the annual forum of the National Institute of Governmental Purchasing in Portland, Oregon from August 10 through August 14, 2002 and be it

FURTHER RESOLVED, that the registration fee of \$500 and all necessary and appropriate expenses be charged to account A-1345-414.

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. (228-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes Jeff Lawrence and Jeff Davidson, employees of the Town Highway Department, to attend two training courses which are being conducted by the University of Wisconsin College of Engineering, on April 15-18, 2002 and April 17-18, 2002, in Philadelphia, Pennsylvania, and be it

FURTHER RESOLVED, that the cost of training \$945.00 per person (total \$1,890), the cost of lodging \$75.00 per night (total \$300), and any reasonable expenses for travel and food will be charged to Account No. A 1010-414.

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. (229-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Karl Gerlach, 27 Germonds Road, New City, New York – Highway Maintenance Supervisor II – Highway Department – is hereby accepted – effective February 16, 2002.

RESOLUTION NO. (229-2002) 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. (230-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Anne Houlihan, 14 Ardsley Drive, New City, New York – Senior Clerk Stenographer –Town Clerk’s office – is hereby accepted – effective and retroactive to February 24, 2002.

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. (231-2002)

RESOLVED, that John F. Killian, 360 Convent Road, Blauvelt, New York, is hereby appointed to the position of (Part-time) Bus Driver – Clarkstown Mini Trans – at the current 2002 hourly rate of \$14.19 – effective March 18, 2002.

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. (232-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Arthur Smith, 31 Pondview Drive, Congers, New York, is hereby reappointed to the position of Member – Fire Board of Appeals – to serve without compensation – term effective March 12, 2002 and to expire on March 11, 2005.

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. (233-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Charles Caselli, 67 Highway Avenue, Congers, New York, is hereby reappointed to the position of Member – Fire Board of Appeals – to serve without compensation – term effective March 12, 2002 to expire on March 11, 2005.

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. (234 -2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that James J. Comer, 11 Forest Brook Rd., Nanuet, New York, is hereby reappointed to the position of Member – Traffic & Traffic Fire Safety Advisory Board – term effective and retroactive to March 2, 2002 annual salary of \$2,266.

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. (235 -2002)

Co Maloney offered and Co. Mandia seconded

RESOLVED, that Louis J. Profenna, 10 White Birch Court, New City, New York, is hereby reappointed to the position of Member – Traffic & Traffic Fire Safety Advisory Board – term effective and retroactive to March 2, 2002 and to expire on March 1, 2007 – at the current 2002 annual salary of \$2,266.

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. (236 -2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01124 Clerk Typist which contains the name of Pasqualina Rausa, NOW, THEREFORE, be it

RESOLUTON NO. (236-2002) continued

RESOLVED, that Pasqualina Rausa, 7 Worthington Court, West Nyack, New York, is hereby appointed to the position of Clerk Typist – Assessor’s Office – at the current annual salary of \$24,943, effective and retroactive to February 25, 2002.

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. (237 -2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Phyllis J. Feder, 61 Kings Highway, Congers, New York, is hereby appointed to the position of (temporary) Data Entry Operator I – Receiver of Taxes Office – at the current 2002 annual salary of \$26,029, effective March 18, 2002.

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. (238-2002)

Co. Smith offered and Co. Mandia seconded

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

BID #12-2002
HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to:

HIGHWAY TRAFFIC SUPPLY
28 WEST WASHINGTON AVE
PEARL RIVER, NY 10965
PRINCIPALS: LANCE ROBBINS

CHEMUNG SUPPLY CORP
P.O. BOX 527
ELMIRA, NY 14902
PRINCIPALS: HERMAN WARSHAW
MYRA S. STEMERMAN

GARDEN STATE HIGHWAY PRODUCTS
1740 E. OAK ROAD
VINELAND, NJ 08361
PRINCIPALS: SHARON L. GREEN
ROBERT A. GREEN

RESOLUTION NO. (238-2002) continued

ALLMAC SIGNS
10 CAPTAIN SCOTT ROAD
HARWICH, MA 02645
PRINCIPALS: GARY S. MC MAHON

CAPITOL HIGHWAY MATERIALS
ROUTE 6
BALDWIN PLACE, NY 10505
PRINCIPALS: TOM MINA, SR
TOM MINA, JR

VULCAN SIGNS
P.O. BOX 1850
FOLEY, AL 36536
PRINCIPALS: EMPLOYEE OWNED CO.

3M
3M CENTER, BLDG 225-5S-08
P.O. BOX 33225
ST PAUL, MN 55133-3225
PRINCIPALS: A PUBLIC CORPORATION

CUSTOM PRODUCTS CORP
P.O. BOX 54091
JACKSON, MS 39228
PRINCIPALS: DENNIS PERKINS
HAL PERKINS
MAY PERKINS
GARY PENDERGRASS

SELECTO FLASH SAFETY, INC
14 VILLAGE PARK ROAD
CEDAR GROVE, NJ 07009
PRINCIPALS: SULKOUS L. JONES
LOLA B. JONES
JENNIFER C. JONES
SONYA L. JONES

AMERICAN TRAFFIC SAFETY MATERIALS, INC
P.O. BOX 1449
ORANGE PARK, FL 32067-1449
PRINCIPALS: ARTHUR C. WAGNER

ROCAL, INC
P.O. BOX 640
FRANKFORT, OH 45628
PRINCIPALS: LEO M. LIGHTLE TRUST
VIOLA H. LIGHTLE
ROBERT D. LIGHTLE
REBECCA L. ATER
DAVID R. LIGHTLE
MARY BETH LIGHTLE

as per the price/item schedule on file in the Town Clerk's Office.

RESOLUTION NO. (238 - 2002) 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. (239-2002)

Co. Smith offered and Co. Mandia seconded

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

BID #17-2002
CRUSHED STONE

is hereby awarded to:

TILCON NEW YORK INC
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPALS: A PUBLIC CORPORATION

PLAZA MATERIALS COMPANY
969 MIDLAND AVENUE
YONKERS, NY 10704
PRINCIPAL: CARL E. PETRILLO

as per the item/price schedule on file 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. (240-2002)

Co. Smith offered and Co. Mandia seconded

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

BID #18-2002
BITUMINOUS CONCRETE

is hereby awarded to:

PLAZA MATERIALS CO.
969 MIDLAND AVENUE
YONKERS, NY 10704
PRINCIPALS: CARL E. PETRILLO

RESOLUTION NO. (240-2002) continued

TILCON NEW YORK, INC
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPALS: A PUBLIC CORPORATION

as per the item/price schedule on file 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. (241-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the State of New York, acting pursuant to the authority contained in ("CERCLA"), 42 U.S.C. §9601 et seq., by Attorney General Eliot Spitzer, has proposed an agreement with the Town of Clarkstown to limit the Town's potential liability in connection with the closure of the Clarkstown Landfill in exchange for the Town's cooperation with respect to cost recovery efforts against third parties, and

WHEREAS, the agreement has been reviewed by the Town Attorney and recommended for execution;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, Office of the Attorney General, regarding cost recovery under "CERCLA" with respect to the Clarkstown Landfill.

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. (242-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Councilwoman Ann Marie Smith has proposed that a Watershed Protection District be considered for possible adoption in the Town of Clarkstown which will have as its purpose the enhancement and storage of water supply;

NOW, THEREFORE, be it

FURTHER RESOLVED, that the Town Attorney's Office shall work with the Planning Board to provide legal services as necessary including, but not limited to, consideration to regulations which may lead to tax abatement for properties placed in a Watershed Protection District.

RESOLUTION NO. (243-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (243 -2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown, as Board of Directors of the Clarkstown Middlewood Housing Development Fund Co., Inc., hereby authorizes the signing of the 2001 Financial Statement for the Middlewood Senior Citizens' Complex - HUD Project No. 012-44136-NP-WAH.

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. (244-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the franchise agreement between the Town of Clarkstown and Cablevision of Rockland/Ramapo, Inc. will expire shortly, and the Town Board wishes to schedule a public hearing to afford all interested parties the opportunity to comment regarding cable services provided by Cablevision of Rockland/ Ramapo, Inc. in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby schedules a public hearing on May 14, 2002, at 8:00 p.m., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, to solicit the public's comments to be considered with respect to the renewal application of Cablevision of Rockland/Ramapo, Inc. for a franchise agreement, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of said hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the same manner provided by law and file proof thereof in the Office of the Town Clerk.

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. (245 -2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board adopted Resolution No. 158-2002 on February 12, 2002, indicating its intent to consider the purchase of premises known as Tax Map No. 44.07-2-9, as part of the Open Space Initiative in the Hamlet of Congers, in accordance with the recommendations of the Citizens Advisory Committee for Clarkstown, and

WHEREAS, Robert Geneslaw, Planning Consultant, was authorized to act as agent for the Town with respect to SEQRA review of the property referred to herein, and

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report dated February 25, 2002, pursuant to SEQRA, from Robert Geneslaw, Planning Consultant, indicating that the action under consideration is an unlisted item, that due consideration has been given to environmental consequences of purchasing said land and that same shall not result in a negative environmental impact;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that there will be no significant environmental impact with respect to the Acquisition of the property known and described on the Clarkstown Tax Map as 44.07-2-9 and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

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. (246-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, P.E., Highway and Traffic Engineering Consultant, has advised the Town of the need to install stop signs at certain side street locations which connect to major streets in the Town of Clarkstown to meet the proper requirements for control;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Highway Department to install stop signs at the following locations in the Town of Clarkstown :

- West bound - Second Street at South Congers Avenue
- East bound - Waldberg Avenue at South Congers Avenue
- East bound - Butler Street at Massachusetts Avenue
- East bound - West bound - Sunrise Avenue at Oak Street
- North bound - Bliss Lane at Sedge Road
- South bound - Medway Avenue at Highway Avenue
- West bound - Gateway at Russet Road
- East bound - West Street at West Broadway

and be it

RESOLUTON NO. (246-2002) continued

FURTHER RESOLVED, that the installation shall be made a part of this year's Special Pavement Markings Installation Contract.

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. (247 -2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, SEQRA review of the pending KURY HOMES SUBDIVISION, Valley Cottage, New York, more particularly known as Tax Map 59.20-13, 4, and 5, will require an environmental impact statement which is beyond the scope of the Robert Geneslaw Co. contract with the Town of Clarkstown, and

WHEREAS, the Town Board wishes to hire the Robert Geneslaw Co., to perform the additional services required;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a supplemental agreement with the Robert Geneslaw Co. to provide environmental impact services for the Kury Homes Subdivision project involving premises known as Tax Map 59.20-1-3, 4, and 5, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that said services will be paid on a per diem basis in accordance with the fee schedule previously provided to the Town, but are expected to be reimbursed from funds of the applicant, and be it

FURTHER RESOLVED, that all expenditures for such services shall be charged to Account No. H 8749-409-0-73-6.

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. (248-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, that the Department of Environmental Control has advised the Town that Kozma Associates Consulting Engineers, P.C. has failed to complete the professional Services needed for a project known as the Demarest Mill Creek Flood Reduction and Dam Rehabilitation, in a timely manner;

NOW, THEREFORE, be it

RESOLUTION (248-2002) continued

RESOLVED, that the Town Board hereby terminates the contract with Kozma Associates Consulting Engineers, P.C. because it has failed to provide professional services sufficient to commence construction of a project known as the Demarest Mill Creek Flood Reduction and Dam Rehabilitation Project, in a timely manner, and be it

FURTHER RESOLVED, that the termination of the contract referred to herein is stayed for thirty (30) days from the date of receipt by Kozma Associates Consulting Engineers, P.C. of a copy of this resolution so as to afford one last opportunity to complete required work and cure the default.

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. (249-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Parks Board and Recreation Commission, and the Project Engineer, have recommended a change order for Bid No. 56-2000 to increase the contract award by \$295,000 to cover the cost for additional required electrical work to provide additional parking areas;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a change order for Bid No. 56-2000 to increase the contract award by \$295,000 for additional required electrical work, as recommend by the Parks Board and Recreation Commission and the Project Engineer, to provide additional parking areas.

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. (250-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, to decrease A 3010-414 (Safety-Schools& Conferences) and increase A 3010-328 (Safety-Books & Publications) by \$750.

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. (251-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Department of Environmental Control and the Building Department are hereby authorized and directed to solicit proposals from qualified contractors to study the feasibility and likely cost of relocating the historic house known as The Fitch House presently located at 16 Phillips Hill Road, New City, New York, to a permanent location on the site of the Historical Society of Rockland County, 20 Zukor Road, New City, New York, subject to obtaining permission for access from the current owner to make such study.

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. (252-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #32-2002
SECURITY GUARD SERVICES FOR TOWN PARKS

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a date and time to be announced 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 Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (253-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #33-2002
WASHED SAND AND GRAVEL

RESOLUTION NO. (253-2002) continued

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a date and time to be announced 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 Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (254-2002)

Co. Lasker offered and Co. Maloney seconded

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

**BID #34-2002
INTERSECTION WIDENING AND TRAFFIC SIGNAL INSTALLATION BUENA VISTA ROAD AT NEW HEMPSTEAD ROAD NEW CITY, NEW YORK**

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a date and time to be announced 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 Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (255-2002)

Co. Lasker offered and Co. Maloney seconded

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

**BID #35-2002
2002 SPECIAL PAVEMENT MARKINGS**

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a date an time to be announced at which time bids will be opened and read, and be it

FUTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Director Of Purchasing.

RESOLUTION NO. (255-2002) 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. (256-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #36-2002
 ASPHALT SIDEWALK IMPROVEMENT STRAWTOWN ROAD FROM WEST
 NYACK ROAD TO GERMONDS ROAD

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue,

New City, New York by a date and time to be announced 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 Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (257-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilperson Smith, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

"A LOCAL LAW AMENDING CHAPTER 5 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'ARCHITECTURE & LANDSCAPE COMMISSION' and

WHEREAS, the proposed local law is intended to amend Chapter 5, Section 4(D) of the Code of the Town of Clarkstown, to authorize issuance of Certificates of Occupancy with escrows where landscaping is prevented due to water shortage emergency;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to sec. 920 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on April 2, 2002, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

RESOLUTION NO. (257-2002)

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

On roll call the vote was as follows:

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

RESOLUTION NO. (258A-2002)

Co. Smith offered and Co. Maloney seconded

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

Section 1) The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct various drainage improvements in the Town, including any ancillary or related work in connection therewith . The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,520,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,520,000 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 \$1,520,000 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. 4 of the Law, is forty (40) years.

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

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

RESOLUTON NO. (258A – 2002) continued

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 a 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. (258B-2002)

Co. Smith 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 JOURNAL NEWS," and/or in the "ROCKLAND COUNTY TIMES." 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:

RESOLUTION NO. (258B – 2002) continued

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on March 12, 2002, 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 March 12, 2002, authorizing the construction of various drainage improvements in the Town, stating the estimated maximum cost thereof is \$1,520,000, appropriating said amount therefore, and authorizing the issuance of \$1,520,000 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, including any ancillary or related work in connection therewith; **STATING** the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,520,000; **APPROPRIATING** said amount therefore; and **STATING** the plan of financing includes the issuance of \$1,520,000 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 \$1,520,000 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 \$1,520,000 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 for the Town; and **PLEDGING** to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

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

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.

RESOLUTION NO. (258B – 2002) 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. (259A-2002)

Co. Smith offered and Co. Maloney seconded

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

Section 1) 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. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$82,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$82,000 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 \$82,000 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. 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 (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 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.

RESOLUTION NO. (259A – 2002) continued

Section 5). Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6) The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, 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 a 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. (259B-2002)

Co. Smith 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 JOURNAL-NEWS," and/or in the "ROCKLAND COUNTY TIMES," 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 March 12, 2002, 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 March 12, 2002, authorizing the construction of

RESOLUTION (259B – 2002) continued

improvements to various roads in the Town, stating the estimated maximum cost thereof is \$82,000, appropriating said amount therefor, and authorizing the issuance of \$82,000 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; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$82,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$82,000 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 \$82,000 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 \$82,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

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

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. (260-2002)

Co. Smith offered and Co. Maloney seconded

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

Section 1) The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to acquire computer equipment for use at the Town Hall and police headquarters. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof is \$98,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$98,000 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 \$98,000 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. 35. of the Law, is five (5) years.

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

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

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

Section 5). Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 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.

RESOLUTION NO. (260 - 2002) continued

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 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 in "THE JOURNAL-NEWS," and/or in the "ROCKLAND COUNTY TIMES," each having a general circulation within said Town and hereby designated as the official newspapers of the 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. (261A-2002)

Co. Smith offered and Co. Maloney seconded

Section 1) 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, including any ancillary or related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$710,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$710,000 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 \$710,000 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. 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

RESOLUTION NO. (261A – 2002) continued

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 (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 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 a 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. (261B-2002)

Co. Smith offered and Co. Maloney seconded

RESOLUTION NO. (261B 2002) continued

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

Section 1). The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL-NEWS," and/or in the "ROCKLAND COUNTY TIMES," 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 March 12, 2002, 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 March 12, 2002, authorizing the construction of improvements to various Town recreational areas, stating the estimated maximum cost thereof is \$710,000, appropriating said amount therefor, and authorizing the issuance of \$710,000 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, including any ancillary or related work in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$710,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$710,000 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 \$710,000 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 \$710,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

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

RESOLUTION NO. (261B-2002) continued

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. (262 -2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, on February 12, 2002 the Town Board adopted Resolution No. 198-2002 authorizing an agreement with Robert Geneslaw, to act as agent for the Town with respect to SEQRA review of the Pascack Community Center, Nanuet, New York, known as Tax Map 57.11- 2-12, and

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report dated March 7, 2002, pursuant to SEQRA, from Robert Geneslaw, Planning Consultant, indicating that the action under consideration is an unlisted item, that due consideration has been given to environmental consequences of constructing the Center, and that same shall not result in a negative environmental impact;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that there will be no significant environmental impact with respect to the construction of the Pascack Community Center, Nanuet, New York, known as Tax Map as 57.11-2-12, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

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. (263A-2002)

Co. Smith offered and Co. Mandia seconded

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

Section 1) The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct the Pascack Community Center within the Town, including grading and/or improvement of the site, original

RESOLUTION NO. (263A-2002) continued

furnishings, equipment, machinery, apparatus and all work ancillary thereto. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,720,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,720,000 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 \$3,720,000 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. 11 (b) of the Law, is twenty (20) years.

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

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

RESOLUTION NO. (263A-2002) continued

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. (263B-2002)

Co. Smith offered and Co. Mandia seconded

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

Section 1). The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, 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 March 12, 2002, 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 March 12, 2002, authorizing the construction of a community center within the Town, stating the estimated maximum cost thereof is \$3,720,000, appropriating said amount therefor, and authorizing the issuance of \$3,720,000 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 the Pascack Community Center within the Town, including grading and/or improvement of the site, original furnishings, equipment, machinery, apparatus and all work ancillary thereto; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,720,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$3,720,000 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;

RESOLUTION NO. (263B-2002) continued

SECOND: AUTHORIZING the issuance of \$3,720,000 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 twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$3,720,000 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. (264-2002)

Co. Maloney offered and Co. Lasker seconded

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

"AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, TO AUTHORIZE THE BUILDING INSPECTOR TO ISSUE AN EXTENDED PERMIT TO THE BIG APPLE CIRCUS"

and

WHEREAS, the proposed local law is intended to provide authorization to the Building Inspector to issue an extended permit to the BIG APPLE CIRCUS for premises

RESOLUTION NO. (264-2002) continued

shown on the approved site plan of the Palisades Center Mall, commuter lot (Lot J), West Nyack, New York, for the period June 8, 2002 through July 2, 2002;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on April 23, 2002, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

RESOLVED, that the proposed local law is hereby referred to the Rockland County Commissioner of Planning for review and recommendation.

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. (265-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the clerical staff of the Assessor's Office, Susan Longo, Kathleen Goodyear, Susan Sicherman and Pat Rausa are hereby authorized to attend a One-Day Seminar on Exemption Administration on 4/5/02 held at the Holiday Inn, Fishkill, N-Y.

FURTHER RESOLVED, that the registration fee of \$80 per person and all reasonable expenses shall be proper charges against Account No. 1010-414.

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. (266-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID # 13-2002
MAINTENANCE AND REPAIR OF TRAFFIC SIGNAL AND
PEDESTRIAN CONTROL DEVICES

RESOLUTION NO. (266-2002) continued

is hereby awarded to: VERDE ELECTRIC
89 EDISON AVENUE
MOUNT VERNON, NY 10555
PRINCIPAL: GIULIO C. MONACO, JR.

as per their low bid proposal for parts I + II + III of \$156,890, and be it

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

- a) Performance Bond - 100% of project cost
- b) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
- c) Certificate of Automobile Liability Insurance
- d) Certificate of Worker's Compensation insurance coverage
- e) Certificate of Worker's Disability Insurance 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. (267-2002)

Co. Smith offered and Co. Maloney seconded

Whereas, Town Board resolution #648-2001 awarded Bid #39-2001; Stream NJ 1-12-3- 1 Improvements to Danny Clapp Landscaping, Inc.; and

Whereas, Town Board Resolution #947-2001 amended the original cost of this project to reflect the seven change orders on contract approved by the Department of Environmental Control up to that point in time; and

Whereas, two additional change orders on contract have been approved by the Department of Environmental Control as follows:

C.O. #8: Remove the existing 38" x 60" CMPA storm drain line located within the existing drainage easement on lands n/f of Pike and replace it by extending the new twin 34" x 53" HERCA storm drain lines approximately 165 linear feet each. This work is necessitated by the poor condition of the existing storm drainpipe and is being performed to alleviate the flooding conditions experienced in the Vicinity of the lands n/f of Pike. **Cost - \$62,000.00**

C.O. #9: Abandon the existing 18" CMP storm drain line located within the right-of-way on the south side of Third Street running from Fernwood Drive to the existing Culvert. Replace this storm drain line with approximately 200 linear feet of 18" HDPE corrugated plastic storm drain line to be located within the right-of-way on the north side of Third Street. **Cost - \$13,300.00**

Now, Therefore, Be It Resolved

that the total approved costs of these change orders on contract is \$75,300.00; and

RESOLUTION NO. (267-2002) continued

Be It Further Resolved

that the current allowance for this project be increased to \$374,560.00 to reflect the additional costs of these change orders on contract; and

Be It Further Resolved that this shall be, a proper charge to account #H 8751 409 0 7515.

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. (268-2002)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that the Town Board authorizes payment to 170 North Main LLC, in the amount of \$1,287.00, for the plowing and salting of the commuter parking lot located at UA Cinema, New City, New York, for the period January 7, 2002 through January 20, 2002.

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. (269-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID#37
2002 DRAINAGE IMPROVEMENTS IN THE VICINITY
OF PARK AVE., KARL COURT, AND MERIWETHER TRAIL, CONGERS, NY

Bids to be returnable to the office of the Director of Purchasing, IO Maple Avenue, New City, New York by a date and time 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 Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (270-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Charles E. Holbrook, Supervisor, has recommended, and the members of the Town Board wish to consider, the possible relocation of existing overhead utilities underground in the business areas of Nanuet, New City, and Congers, and

WHEREAS, the areas to be evaluated are as follows:

- 1. Nanuet - Along Main Street from Church Street to First Street
- 2. New City - Along South Main Street from NYS Rt. 304 to New City Congers Road
- 3. Congers - Along Lake Road from Kings Highway to NYS Rt. 303, and
- 4. Valley Cottage - Maple Avenue to New Lake Road to Route 303
- 5. West Nyack - From Clarkstown Corners to Western Highway

WHEREAS, Orange and Rockland Utilities, Inc, One Blue Hill Plaza, Pearl River, New York will conduct a preliminary walk through to determine the scope of services required for the design of underground utilities, and

WHEREAS, based upon the results of the walk through, Orange and Rockland Utilities will submit a cost proposal to the Town Board for the preparation of design plans and specifications in connection with the relocation of the overhead utilities underground, and

WHEREAS, the Town must hire a licensed electrician to accompany Orange and Rockland during the walk through for the purpose of determining the extent of work and cost for the modification of individual meter pans, service entrance wiring and any internal wiring required for individual buildings.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to make application to Orange and Rockland Utilities for the purpose of performing a project walk through and proposal for the relocation of existing overhead utilities underground.

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. (271-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the volume of yard waste accepted at the Solid Waste Facility has significantly increased in fiscal year 2001 and the first three months of 2002, and

WHEREAS, in an effort to reduce the volume accepted from outside the Town of Clarkstown, the Director of the Department of Environmental Control has proposed increasing the tipping fees for certain yard waste commodities as follows:

- 1. Commodity 1202 (Leaves) Increase from \$25.00/Ton to \$30.00/-Ton
- 2. Commodity 1212 (Brush) Increase from \$40.00/Ton to \$50.00/Ton
- 3. Commodity 1213(Chipped Brush) Increase from \$25.00/Ton to \$30.00/Ton
- 4. Commodity 1222 (Grass) Increase from \$40.00Ton to \$50.00/Ton

RESOLUTION NO. (271-2002) continued

- 5. Commodity 1432(Stumps) Increase from \$50.00/Ton to \$60.00/Ton
- 6. New Commodity 1223 (Mixed Yard Waste) Establish the rate at \$60.00/Ton

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control, the tipping fees for various yard waste commodities are hereby increased as stated, and

BE IT FURTHER RESOLVED, that the increased tipping fees shall become effective March 15, 2002.

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. (272-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that upon the recommendations of the Deputy Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Maintenance Guaranty, secured by Letter of Credit No. 1646 in the amount of \$12,315.00, furnished to the Town in connection with the dedication of the road(s) and improvements on June 22, 1999 in a subdivision known as Clarksville Corners, is hereby terminated; and the sum of \$12,315.00 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. (273-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Board of Education of the Nyack School District and the Clarkstown Police Department desire to provide law enforcement services of one police officer to be assigned to the school district on a full time basis, and

WHEREAS, a School Resource Officer Program has been proposed for the Nyack School District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Nyack School District, in a form satisfactory to the Town Attorney, for the Clarkstown Police Department to provide law enforcement services of one police officer to the Nyack School District on a full time basis, for the period commencing upon execution of the agreement by all the parties through June 30, 2002, and be it

RESOLUTION NO. (273-2002) continued

FURTHER RESOLVED, that the agreement shall provide, along 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, be it

FURTHER RESOLVED that this Resolution is subject to the financial contribution to the Town from the Nyack School District of \$25,000.00.

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. (274-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, it is necessary to obtain electrical service to the property known as Map 57.11-2-12, for the proposed Pascack Community Center, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an easement agreement with Orange and Rockland Utilities, Inc., in a form satisfactory to the Town Attorney, to provide an easement to obtain service for the Pascack Community Center.

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. (275-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Town is in contract to purchase property known as 47 Burnside Avenue, Congers, New York, comprising the Congers Railroad Station property, for municipal purposes, and

WHEREAS, the Town Board may be seeking funding for the restoration of the apparent historic train station located at said site;

NOW, THEREFORE, be it

RESOLVED, that Sylvia A. Welch, who has been previously retained as a grant writer for the Town, is hereby authorized to search out funding sources and to prepare grant applications for the restoration of such railroad station, for compensation in accordance with her regular hourly rate.

RESOLUTION NO. (275-2002) 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. (276-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an updated appraisal of property known as 59.8-1-31 and 59.8-1-19, Valley Cottage, New York, as potential open space acquisition, pursuant to a proposal of Lawrence & Shedler Appraisal dated March 9, 2002, and be it

FURTHER RESOLVED, that the cost of said updated appraisal shall not exceed the sum of \$1,000.00, and shall be charged to Account No. H 8750-409-0-74-1.

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. (277-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, residents of the area of Leona Avenue and Winfield Avenue, New City, have advised the Town Board of traffic problems at the intersection of these roads and requested the installation of a three way stop sign, and

WHEREAS, the Town Board has discussed this matter at a Workshop Meeting and have recommended the installation of a three-way stop sign, and will evaluate the effectiveness of the sign following a three month period;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to install a three-way stop sign at the intersection of Leona Avenue at Winfield Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Board shall evaluate the effectiveness of the stop sign after a three-month period.

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. (278-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes funding in the amount of \$2,500.00 to the Citizens' Advisory Board on Housing, to cover the cost for the preparation of a survey, plus additional funds for the cost of mailing, with regard to housing needs in the Town of Clarkstown, and be it

FURTHER RESOLVED, that said costs shall be charged to Account No. A-1670-411.

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. (279-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain a last owner search of the Quaspeck Cemetery, located at 128-A Lake Road, Valley Cottage, New York, more particularly known as Map 52.16-3-23 (formerly 138-F-24), and be it

FURTHER RESOLVED, that the fee for said research shall be charged to Account No. A 1420-409.

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. (280-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, SUNSHINE ASSOCIATES, LLC v. TOWN OF CLARKSTOWN, Index No(s). 4922/96, 5532/97, 4250/98, 4085/99, 4098/00 and 4071/01, affecting parcel(s) designated as Map 43.15, Block 1, Lot 16 (f/k/a 58-F-1), for the year(s) 1996/97, 1997/98, 1998/99, 1999/00, 2000/01 and 2001/02, and

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

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

RESOLUTION NO. (280-2002) continued

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 43.1 5, Block 1, Lot 1 6 (f/k/a 58-F-1) be reduced for the year(s) 1996/97 from \$911,900 to \$729,500 at a cost to the Town of \$2,777.77;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 43.15, Block 1, Lot 16 (f/k/a 58-F-1) be reduced for the year(s) 1997/98 from S 1,330,000 to \$1,064,0000 at a cost to the Town of \$4,042.79;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 43.1 5, Block 1, Lot 16 (F/k/a 58-F-1) be reduced for the year(s) 2000/01 and 2001/02 from \$1,330,000 to \$1,130,500 at a cost to the Town of \$5,760.20;
4. The assessment on the promises owned by the petitioner(s) described on the assessment roll as Map 43.15, Block 1, Lot 16 (f/k/a 58-F-1) shall remain unchanged for the years 1998/99 and 1999/00;
5. Reimbursement for the year(s) 1996/97, 1997/98, 2000/01 and 2001/02 on the parcel described as Map 43.15, Block 1, Lot 16 (f/k/a 58-F- 1), as stated above, be made within (60) days, 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;
6. 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 HolbrookYes

RESOLUTION NO. (281-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Coregis Insurance Company has proposed to extend Policy No. 651007843, which provides liability insurance for the Palisades Mall Ring Road, from its current expiration date of February 5, 2002 to April 1, 2002, which policy is funded by Eklecco, in accordance with an agreement dated March 11, 1997 with Eklecco, the New York State Thruway Authority, the Town of Clarkstown, and others;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposal of Coregis Insurance Company to provide interim liability coverage for the Palisades Mall Ring Road through April 1, 2002 for the additional premium of \$3,231.00.

RESOLUTION NO. (281-2002) 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. (282-2002)

Co. Smith offered and Co. Maloney seconded

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

BID # 22-2002
 COMMUTER PARKING LOT MAINTENANCE PROJECT

is hereby awarded to:

ASCAPE LANDSCAPE & CONSTRUCTION CORP
 P.O. BOX 679
 NEW CITY, NY 10956
 PRINCIPAL: STUART CHAITIN

as per their lowest bid proposal of \$28,000, and be it

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

- 1 - Save Harmless Agreement
- 2 - Performance Security Irrevocable Letter of Credit
- 3 - Certificate of Contractor's Liability Insurance and Automobile Liability Insurance
- 4 - Certificate of Worker's Compensation Insurance
- 5 - Certificate of Worker's Disability Insurance

The Town of Clarkstown must be named as a 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

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

Respectfully submitted,

Patricia Sheridan
 PATRICIA SHERIDAN,
 Town Clerk