

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

06/24/2003

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Lasker, Maloney & Smith  
Council Member Mandia, absent  
Marsha Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

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On motion of Co. Maloney, seconded by Supervisor Holbrook and unanimously adopted, the Public Hearing re: Proposed Zone Change and Amendment to Zoning Law to Authorize Construction of Housing Restricted to Age 55 or Older in MF-2 District, was opened, time: 8:00 p.m.

On motion of Co. Maloney, seconded by Supervisor Holbrook and unanimously adopted, the Public Hearing re: Proposed Zone Change and Amendment to Zoning Law to Authorize Construction of Housing Restricted to Age 55 or Older in MF-2 District, was closed, time: 8:05 p.m.

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On motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Proposed Local Law: Amend Chapter 263 (Taxicabs), was declared open, time: 8:10 p.m.

On motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Proposed Local Law: Amend Chapter 263 (Taxicabs), was closed, time, 8:12 p.m.

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Supervisor opened the public portion of the meeting.

Appearance: Floyd Lapp  
New City

He spoke on Item #15 saying that he is favor of notification. He said a public hearing should be required.

Appearance: Steven Levine  
Congers

He said that the Building Inspector is not collecting the proper filing fees and square footage indicated on the applications is being understated. He asked for the auditors to come back to review.

He spoke about the waste material on Massachusetts Avenue saying that no real action was taken before Mr. Rocco hired and engineer and an attorney.

Appearance: Karen Eisenberg  
New City

She spoke on the application for the community group home and asked if the residents have any recourse.

Appearance: Donald Tracy, Esq.  
New City

He spoke on Item #14 saying that Section 272 of the Town Law "requires" the Town Board to amend the Master Plan once it has adopted it prior to voting on a zone change.

Appearance: Martin Bernstein  
New City

He spoke on Item #14 saying that the issue is density rather than changing the plan. He spoke on Item #15 saying that the law needs to be tightened up. He said a group home has never been turned down.

He spoke on Item #5 saying that the square foot cost currently being charged is \$65.00 and said that years ago it was \$100.00 per square foot. He said if a study is done now, it would show that the cost is probably \$130.00-\$135.00 per square foot.

Appearance: John Lodico  
New City

He spoke on Item #15 saying he supports group homes and the history of group homes started in Clarkstown.

He also said that June 25, 2003 will be the 53<sup>rd</sup> anniversary of the armistice of the Korean War.

Appearance: Terri Ludlow  
New City

She said that a new home is being built at 47 N. Little Tor Road to be a group home for St. Dominic's. She said that it is in too close proximity to the ARC group home on Hemptor Road.

Appearance: Vince Lombardi  
New City

He said one of the objection to the group home is there is not enough parking at the site. He suggested that St. Dominic's build a fence to help the surrounding neighbors maintain privacy.

Appearance: Gregory Guy  
New City

He said since there are no sidewalks, his children would have to walk on the group home property to walk to school. He also said his driveway is seven-feet away from the home's driveway. He is concerned about the safety of his family.

Appearance: Yuh-Dong Tsai  
New City

He lives at 49 N. Little Tor Rd. next to 47 N. Little Tor Rd. He is concerned about the safety of his girls. He said this is a dangerous situation.

Appearance: Alice Mittelman  
New City

She asked who pays the taxes for the group homes.

Appearance: Marsha Benadi  
New City

She said a child from a group home on Convent Rd. came to her property and was poorly maintained. She said the supervision in that home was not good.

Appearance: Barbara Galley  
New City

She works at St. Agatha's in Nanuet. She said the children there have been court ordered out of their homes. She said St. Agatha's has numerous group homes where the children live. There are problems such as the children roaming at night and the supervision is poor.

Appearance: Karen Londin  
New City

She asked if anyone has volunteered in any of these facilities recently. She said she volunteered for ARC and said there are problems in the group homes.

Appearance: Mr. Perez  
New City

He said buying group homes is a misuse of funds.

Appearance: Shiou-Sung Lee  
New City

She said she lives next door to the proposed group home. She is concerned about her two girls. She said this is a dangerous situation.

Appearance: Pal Nikollaj  
New City

He said he owns a barbershop and the clients from the group homes have come to his business. He said he suggested he go to their home to cut their hair because they have done damage to his business. He is concerned about the safety of his children.

Appearance: Patti Crowley  
New City

She lives around the corner from the site. She said this happened too fast and she found out by accident. She said people are frightened.

Appearance: Dan Lehrfeld  
New City

He said that most people do not dispute the rights of group homes. He said the Padavan Law needs to be modified and the group homes law challenged again. He also said there is an over saturation of group homes in the area.

Appearance: Pat Rocco  
Congers

He said the waste material on the property next to his property has been there for four years. He asked the Board what is being done about this.

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RESOLUTION NO. (471-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by resolution dated March 25, 2003 the Town Board, on its own motion, scheduled a public hearing to consider rezoning premises located on North Main Street, New City, New York (Map 43.7-1-16) which would, if rezoned, authorize the construction of housing restricted to age 55 and over pursuant to density allowed in the MF-2 District, and

WHEREAS, public hearing was held on May 13, 2003 at which time all interested persons were heard, and

WHEREAS, as a result of information provided at said public hearing and submissions from the Rockland County Commissioner of Planning and the Town of Clarkstown Planning Board it appears that the density for this site that could possibly result with such a zone change is in conflict with the Town's Master Plan and would present other development issues;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby withdraws its consideration for the zone change referred to herein and closes this matter without any further action being taken, and to the extent required by law Resolution No. 282, adopted on March 25, 2003, is hereby rescinded.

On roll call the vote was as follows:

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

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RESOLUTION NO. (472-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

**“AMENDMENT TO CHAPTER 263 (TAXICABS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

was introduced by Councilwoman Lasker, at a Town Board meeting held on June 10, 2003, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 10, 2003, directed that a public hearing be held on June 24, 2003, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on June 16, 2003, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 2, 2003, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 24, 2003;

RESOLUTION NO. (472-2003) continued

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4 – 2003 entitled:

**“AMENDMENT TO CHAPTER 263 (TAXICABS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

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The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (473-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown YOUTH COURT program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department’s amended YOUTH COURT grant application in the amount of twenty two thousand three hundred ninety dollars (\$22,390.00) for 50/50% Division for Youth funding for 2004, and

FURTHER BE IT RESOLVED that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

On roll call the vote was as follows:

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

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RESOLUTION NO. (474-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. of Rec. & Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, to apply for funding in the amount of \$25,189.00 for the period commencing January 1, 2004 through December 31, 2004.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (475-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Cathy Conklin, Assessor is hereby authorized to attend a seminar "Introduction to Farm Appraisal" at SUNYIT, Utica from August 4-8, 2003.

FURTHER RESOLVED, that there is no registration fee and all reasonable expenses are charged against Account No. 1010-414.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (476-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Charles F. Connington, Supt. of Recreation and Parks and the Clarkstown Parks Board and Recreation Commission recommends the hiring of Alberto and Associates for Architectural Services, to do Option One, (see attached), for the proposed renovation for the newly acquired Warehouse at 65 Burnside Avenue, Congers, New York.

FURTHER RESOLVED, that this agreement provides Site Design Development only and not to exceed \$4,000 plus reimbursable invoice expenses,

AND BE IT FURTHER RESOLVED, that it should be charged to account #H8751-409-0-75-16.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (477-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended the renewal of a Maintenance Agreement with Cummins Metropower, Inc. to provide maintenance service and site inspection for the Onan standby generator system for the computer room, and has advised there is no other company available to provide such service on a cost effective basis;

NOW, THEREFORE, be it

RESOLVED, RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Cummins Metropower, Inc., in a form approved by the Town Attorney, to provide one preventative maintenance service and one semi-annual site inspection on the Onan standby generator system for the computer room, at a cost not to exceed \$895.00, for the period May 1, 2003 through April 30, 2004, and be it

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A 1680-409, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (478-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Charles Del Regno, 455 Storms Road, Valley Cottage, New York, has requested a refund of the \$125.00 fee he paid to the Building Department to perform a violation search since he has decided not to refinance his home and notified the Building Department prior to any work being done;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes full refund of the \$125.00 fee paid for a violation search that was cancelled by the property owner prior to any processing of the request and such amount shall be charged to Account No. B 02-6-2555-0.

On roll call the vote was as follows:

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

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RESOLUTION NO. (479-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, at the request of the Highway Department, Howard Lampert, Traffic Engineering Consultant, has studied the area of West Street at Old Nyack Turnpike, Central Nyack, with respect to traffic safety, and has recommended that a Stop sign be installed at northbound West Street at eastbound Old Nyack Turnpike;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to install a Stop sign as recommended by Howard Lampert, P.E. in his memo dated June 11, 2003.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Absent
  - Councilwoman Smith . . . . . Yes
  - Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (480-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, A ssistant Superintendent of Recreation and Parks, Jo Anne Oldenburger, requested consideration be given for the installation of a second crosswalk on Gilchrest Road at Congers Lake Memorial Park, to connect the lower parking lot to the pavilion walkway at the park, and Howard L. Lampert, P.E., Traffic Engineering Consultant, analyzed the request and has, by memo dated June 12, 2003, advised that such installation be approved;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the installation of a crosswalk, "Pedestrian Crosswalk" signs (W5-2C) at the crosswalk, and the relocation of existing "Pedestrian Crossing Ahead" sign (W5-1C) for eastbound traffic so that it shall be approximately 200 feet west of the new crosswalk, and be it

FURTHER RESOLVED, that the proposed crosswalk shall be included in the 2003 Special Pavement Marking Program being prepared for pubic bid by Howard L. Lampert.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Absent
  - Councilwoman Smith . . . . . Yes
  - Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (481-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

RESOLUTION NO. (481-2003) continued

4 OLD LAKE ASSOCIATES, LLC  
4 OLD LAKE ROAD  
VALLEY COTTAGE, NY 10989  
(109-A-7(59.06-3-71))

By the installation of fire lane designations, and

WHEREAS, PHILIP M. SCALA has requested that the Town of Clarkstown designate said fire lanes:

NOW, THEREFORE, BE IT RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Absent
  - Councilwoman Smith . . . . . Yes
  - Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (482-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief Fire Safety Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

6 OLD LAKE ASSOCIATES, LLC  
6 OLD LAKE ROAD  
VALLEY COTTAGE, NY 10989  
(109-A-7(59.06-3-72))

By the installation of fire lane designations, and

WHEREAS, PHILIP M. SCALA has requested that the Town of Clarkstown designate said fire lanes:

NOW, THEREFORE, BE IT RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Chief Fire Safety Inspector with regard to the installation of conforming fire lane designations be installed by and at the expense of the owner of such property upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Absent
  - Councilwoman Smith . . . . . Yes
  - Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (483-2003)

Co. Lasker offered and Co. Maloney seconded

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

FURTHER RESOLVED, that said library will receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2003.

West Nyack Free Library \$3,000

On roll call the vote was as follows:

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

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RESOLUTION NO. (484-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Village of Nyack Water Department has proposed several improvements to its water distribution system in West Nyack and Central Nyack, which are described in the April 28, 2003 report by Riddick Assoc., P.C., engineers, and the proposal has been reviewed and implementation has been recommended by the Town of Clarkstown Director of Environmental Control and the Chief Fire Safety Inspector,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Village of Nyack Water Department to make improvements to its water distribution system in West Nyack and Central Nyack, as described in the April 28, 2003 report by Riddick Associates, P.C., engineers, subject, however, to obtaining all necessary permits for road opening from the Town of Clarkstown Superintendent of Highways, and compliance with all other applicable laws and regulations, and be it

FURTHER RESOLVED, that the Town Clerk shall transmit a certified copy of this Resolution to the Village of Nyack Water Department.

On roll call the vote was as follows:

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

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RESOLUTION NO. (485-2003)

Co. Smith offered and Co. Maloney seconded

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

BID #43-2003 – COMPUTER AND WORD PROCESSING SUPPLIES

Bids to be returnable to the Purchasing Office, 10 Maple Avenue, New City, New York by 11:00 A.M. on July 10, 2003 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 Purchasing Department.

On roll call the vote was as follows:

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

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RESOLUTION NO. (486-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control and the Consultant Engineer that

BID # 36-2003 – DEMAREST MILL ROAD, W. NYACK SIDEWALK

is hereby awarded to: RAY TYRRELL PAVING  
 10 SKY MEADOW ROAD  
 SUFFERN, NY 10901  
 PRINCIPALS: RAY TYRRELL  
 TIM TYRRELL  
 DIANE TYRRELL

as per their proposed project cost of \$106,350.00 and be it

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

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage,

and also subject to receipt by the Town Attorney's Office of all easement agreements to be obtained, and be it

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

RESOLUTION NO. (486-2003) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (487-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Indian Point Safety Energy Coalition (IPSEC) has requested that elected officials of the Town of Clarkstown contact the Federal Emergency Management Agency (FEMA) requesting that FEMA formally withdraw its approval of the evacuation plan within the fifty mile radius of the Indian Point Nuclear Power Plant Facility because the plan is inadequate for the protection of the public safety, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to reiterate its concern that the existence of the Indian Point Nuclear Power Plant facility in nearby Buchanan, New York, poses an immediate and ever present threat to the safety and welfare of the millions of people who reside in the New York, New Jersey, Connecticut metropolitan area, because it is vulnerable to a terrorist attack, and the Town Board concurs with the IPSEC that the proposed evacuation plan is not adequate;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes Charles E. Holbrook, Supervisor, to communicate on behalf of the Town Board of the Town of Clarkstown its strong support for all efforts which seek rejection by FEMA of the current radiological evacuation for the Indian Point Nuclear Power Plant facility.

On roll call the vote was as follows:

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

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RESOLUTION NO. (488-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placement of a half-page advertisement for the Town Of Clarkstown, in the Rockland Economic Development Corporation Connections 2003 Journal on November 21, 2003, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$500.00, which shall be charged to Account No. A6410-405

RESOLUTION NO. (488-2003) continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Absent  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (489-2003)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown adopted a Comprehensive Plan in 1999, and

WHEREAS, the Comprehensive Plan reviewed the proper and recommended uses of land throughout the Town of Clarkstown, and

WHEREAS, zone change petitions which have been entertained, or may be entertained in the future, typically conflict with the Town's existing Comprehensive Plan, and

WHEREAS, under Town law, a zone change petition which conflicts with the Comprehensive Plan cannot be approved without first amending an existing Comprehensive Plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown shall not entertain any zone change petition on either the Town Board's initiative or a private individual's or entity's initiative which requires an amendment to the Town's Comprehensive Plan without first holding a public hearing and amending the Town's Comprehensive Plan, as required by New York State Law, and be it

FURTHER RESOLVED, that nothing herein shall be construed to require the Town Board to either consider amending the Comprehensive Plan or being required to amend the Comprehensive Plan that already exists.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Absent  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (490-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Section 41.34 of the Mental Hygiene Law, first adopted in 1978, which is commonly known as the "Padavan Law" in recognition of its sponsorship by State Senator Joseph Padavan, has provided for the establishment of group homes for developmentally disabled persons in ordinary community settings by preempting local zoning regulations which may have restricted the establishment of such community group homes, and

RESOLUTION NO. (490-2003) continued

WHEREAS, as a result of Section 41.34 Mental Hygiene Law numerous group homes have been established in suburban communities, and generally the law has had a positive effect in encouraging recognition that such facilities are appropriate and necessary, but in practice the statute has been interpreted so as to allow the Commissioner of the Department of Mental Hygiene to have almost total and unrestrained discretion with respect to siting of such facilities in the absence of any meaningful due process standards, because Section 41.34 Mental Hygiene Law provides little in the way of notice and opportunity to be heard and is also lacking in objective standards by which to measure when a concentration of community residential facilities for developmentally disabled persons in proximity to a proposed new site of such facility would have the result of substantially altering the character of the community, and

WHEREAS, challenges based on the objection of concentration of such community facilities resulting in substantial alteration of the character and nature of the community have been routinely rejected by the Commissioner of Mental Health, and the Courts have not been able to provide, by decision, articulated criteria which can be used to measure the potential impact of such new facilities;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests its local State legislative officials, Senator Thomas P. Morahan and Assemblyman Alex Gromack, to introduce legislation that would amend Section 41.34 of the Mental Hygiene Law to require that the Commissioner of Mental Hygiene give not less than sixty (60) days notice directly to residents within one half mile of any proposed new residential community facility for developmentally disabled persons, and to provide within Section 41.34 for objective criteria within which to measure how a concentration of community facilities within a municipality or adjacent municipality would result in the nature and character of the area being substantially altered and be it

FURTHER RESOLVED, that the Town Board believes that specific distance criteria should be among the provisions included in such amended law, and be it

FURTHER RESOLVED, that the Town Board also believes that the statute should be amended to provide that any aggrieved person may have standing to seek both administrative and judicial review of any facility proposed to be established pursuant to Section 41.43 Mental Hygiene Law, and be it

FURTHER RESOLVED, that the Town Board further believes that the statute should require that the sponsoring agency should designate a contact person to meet with the neighborhood residents.

On roll call the vote was as follows:

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

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RESOLUTION NO. (491-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (491-2003) continued

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING THE ACQUISITION OF HIGHWAY EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$230,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$230,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire highway equipment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$230,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$230,000 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 \$230,000 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 the "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 class of objects or purposes for which \$103,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years. The period of probable usefulness applicable to the class of objects or purposes for which \$127,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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.

## RESOLUTION NO. (491-2003) 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 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 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to 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 June 24, 2003, 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 June 24, 2003, authorizing the acquisition of highway equipment, stating the estimated maximum cost thereof is \$230,000, appropriating said amount therefor, and authorizing the issuance of \$230,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to acquire highway equipment; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$230,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$230,000 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 \$230,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

RESOLUTION NO. (491-2003) continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which \$103,000 of said bonds are authorized to be issued is fifteen (15) years; the period of probable usefulness applicable to the purpose for which \$127,000 of said bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said 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, or the renewals thereof; and

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

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper(s) referred to in Section 7 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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (492-2003)

Co. Maloney offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,705,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,705,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

## RESOLUTION NO. (492-2003) continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various drainage improvements in the Town, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,705,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,705,000 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 \$2,705,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "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, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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 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 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

RESOLUTION NO. (492-2003) continued

- (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 and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to 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 June 24, 2003, 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 June 24, 2003, authorizing the construction of various drainage improvements in the Town, stating the estimated maximum cost thereof is \$2,705,000, appropriating said amount therefor, and authorizing the issuance of \$2,705,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various drainage improvements in the Town, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,705,000, APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$2,705,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$2,705,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

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 \$2,705,000 serial bonds will exceed five (5) years;

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

RESOLUTION NO. (492-2003) continued

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, or the renewals thereof; and

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

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper(s) referred to in Section 7 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.

\* \* \*

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (493-2003)

Co. Maloney offered and Co. Lasker seconded

**BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN BUILDINGS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,775,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,775,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.**

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct improvements to various Town buildings, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,775,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,775,000 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 \$1,775,000 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 the "Law"), to finance said appropriation.

RESOLUTION NO. (493-2003) continued

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

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12. (a)(2) 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, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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 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 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (b) such obligations are authorized in violation of the provisions of the constitution.

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## RESOLUTION NO. (493-2003) continued

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to 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 June 24, 2003, 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 June 24, 2003, authorizing the construction of improvements to various Town buildings, stating the estimated maximum cost thereof is \$1,775,000, appropriating said amount therefor, and authorizing the issuance of \$1,775,000 serial bonds of said Town to finance said appropriation,"

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

**FIRST: AUTHORIZING** said Town to construct improvements to various Town buildings, including any ancillary or related work required in connection therewith; **STATING** the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,775,000; **APPROPRIATING** said amount therefor; and **STATING** the plan of financing includes the issuance of \$1,775,000 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 \$1,775,000 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 \$1,775,000 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, or the renewals thereof; and

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

RESOLUTION NO. (493-2003) continued

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper(s) referred to in Section 7 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.

\* \* \*

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (494-2003)

Co. Maloney offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS SIDEWALKS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$125,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$125,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct improvements to various sidewalks in the Town, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$ 125,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$125,000 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 \$125,000 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 the "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. 24 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which

## RESOLUTION NO. (494-2003) continued

said bonds are authorized, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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 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 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to 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 June 24, 2003, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

RESOLUTION NO. (494-2003) continued

“Bond Resolution of the Town of Clarkstown, New York, adopted June 24, 2003, authorizing the construction of improvements to various sidewalks in the Town, stating the estimated maximum cost thereof is \$125,000, appropriating said amount therefor, and authorizing the issuance of \$125,000 serial bonds of said Town to finance said appropriation,”

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

FIRST: AUTHORIZING said Town to construct improvements to various sidewalks in the Town, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$125,000, APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$125,000 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 \$125,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$125,000 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, or the renewals thereof; and

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

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper(s) referred to in Section 7 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.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
\*\*\*\*\*

## RESOLUTION NO. (495-2003)

Co. Maloney offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,195,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,195,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct improvements to various roads in the Town, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,195,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,195,000 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 \$2,195,000 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 the "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, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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.

## RESOLUTION NO. (495-2003) 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 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 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to 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 June 24, 2003, 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 June 24, 2003, authorizing the construction of improvements to various roads in the Town, stating the estimated maximum cost thereof is \$2,195,000, appropriating said amount therefor, and authorizing the issuance of \$2,195,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: A UTHORIZING said Town construct improvements to various roads in the Town, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,195,000, APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$2,195,000 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. (495-2003) continued

SECOND: AUTHORIZING the issuance of \$2,195,000 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 \$2,195,000 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, or the renewals thereof; and

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

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper(s) referred to in Section 7 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.

\* \* \*

On roll call the vote was as follows:

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

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RESOLUTION NO. (496-2003)

Co. Maloney offered and Co. Lasker seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$415,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$415,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

## RESOLUTION NO. (496-2003) continued

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 the "Town"), is hereby authorized to acquire various equipment, including: (a) network switching equipment, at the estimated maximum cost of \$38,000; (b) voting equipment at the estimated maximum cost of \$74,000; (c) radios at the estimated maximum cost of \$252,000; and (d) card access equipment at the estimated maximum cost of \$51,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$415,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$415,000 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 \$415,000 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 the "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 bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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 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. (496-2003) 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 . . . . . Absent  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (497-2003)

Co. Maloney offered and Co. Lasker seconded

**BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING VARIOUS CAPITAL PROJECTS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$425,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$425,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.**

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to undertake various capital projects, including: (a) street lighting improvements, at the estimated maximum cost of \$31,000; (b) construction of a retaining wall on Old Phillips Hill Road, at the estimated maximum cost of \$155,000; (c) installation of guide rails on Town streets, at the estimated maximum cost of \$219,000; and (d) installation of noise barriers at the estimated maximum cost of \$20,000. The estimated total cost thereof, including

## RESOLUTION NO. (497-2003) continued

preliminary costs and costs incidental thereto and the financing thereof, is \$425,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$425,000 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 \$425,000 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 the "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 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, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

RESOLUTION NO. (497-2003) continued

- (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 . . . . . Absent  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (498-2003)

Co. Maloney offered and Co. Lasker seconded

**BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 24, 2003, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN PARKS AND RECREATIONAL FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,410,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,410,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.**

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct improvements to various Town parks and recreational facilities, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,410,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,410,000 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 \$1,410,000 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 the "Law"), to finance said appropriation.

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

## RESOLUTION NO. (498-2003) continued

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

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. 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 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 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 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to 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. (498-2003) continued

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on June 24, 2003, 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 June 24, 2003, authorizing the construction of improvements to various Town parks and recreational facilities, stating the estimated maximum cost thereof is \$1,410,000, appropriating said amount therefor, and authorizing the issuance of \$1,410,000 serial bonds of said Town to finance said appropriation,"

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

**FIRST:** AUTHORIZING said Town to construct improvements to various Town parks and recreational facilities, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,410,000, APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,410,000 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 \$1,410,000 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 \$1,410,000 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, or the renewals thereof; and

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

**Section 8.** The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper(s) referred to in Section 7 hereof, and hereby designated the official newspaper(s) for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

RESOLUTION NO. (498-2003) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (499-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the parcel of property known as 8 Worthington Court, West Nyack designated on the Clarkstown tax map as parcel 64.19-4-10 has, as a result of tax delinquency, become owned by Rockland County, and

WHEREAS, this parcel is suitable for inclusion in the Town of Clarkstown Open Space Program because the premises is encumbered with a conservation easement and contains a stream;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby formally requests Rockland County give consideration to the gratuitous conveyance of the subject parcel to the Town of Clarkstown for inclusion in the Town of Clarkstown Open Space Program, and be it

FURTHER RESOLVED, should the conveyance be authorized by the Rockland County Legislature and the Rockland County Executive, the Town of Clarkstown intends accepting same as parkland which shall forever protect the property from development and prevent recurrence of tax delinquency, and be it

FURTHER RESOLVED, that the Town Clerk send a certified copy of this resolution to the Chairman of the Rockland County Legislature and the Rockland County Executive.

On roll call the vote was as follows:

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

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RESOLUTION NO. (500-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, an existing storm drain line running across the premises at 30 Freund Drive is in need of repair due to subsurface conditions; and

WHEREAS, the existing asphalt driveway has been damaged as a result of the subsurface condition and must be replaced; and

RESOLUTION NO. (500-2003) continued

WHEREAS, additional remedial work is required to correct a soil settlement condition resulting from the existing storm drain line; and

WHEREAS, the Department of Environmental Control has solicited proposals from six qualified contractors to perform said improvements in accordance with their plan; and

WHEREAS, the Director of the Department of Environmental Control recommends that the remedial work be awarded to Pinebrook Landscaping & Paving, Inc., 49 Rolling Ridge Road, New City, New York 10956 for their low proposal of \$9,845.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of Pinebrook Landscaping & Paving, Inc., to perform this work in accordance with their proposal for an amount not to exceed \$9,845.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #H8743-409-0-68-2

On roll call the vote was as follows:

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

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RESOLUTION NO. (501-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized the Director of the Department of Environmental Control to retain the services of Cal Mart Enterprises, Inc. of West Nyack to perform corrective drainage work within an existing drainage easement located at 1 Nuthatch Lane; and

WHEREAS, it was determined by the Department of Environmental Control that an additional 36" diameter willow tree not included in the original scope of work must be removed to improve the flow of the stream into the culvert beneath Rockford Drive; and

WHEREAS, a proposal for the removal and disposal of said willow tree in the amount of \$920.00 was obtained from the contractor; and

WHEREAS, said proposal was reviewed by the Department of Environmental Control and was found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the allocation for this work be revised to \$10,818.00 due to the increase in the scope of work; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8752 409 0 76-34.

RESOLUTION NO. (501-2003) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (502-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Tutor Time Learning Systems, Inc., has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17(Z) of the Zoning Local Law, to conduct a Child Day Care Center on a portion of premises known as Tax Map 43.7-1-29, for property located at 227 North Main Street, New City, New York, and

WHEREAS, said petitioner has duly applied to the Clarkstown Planning Board for site plan approval;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 290-17(Z) of the Zoning Local Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on July 22, 2003, at 8:00 p.m., or as soon thereafter as possible, to consider the application of TUTOR TIME LEARNING SYSTEMS, INC. relative to said Special Permit, and be it

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

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-L and 239-M of the General Municipal Law for report, the Clarkstown Planning Board, and to the following agencies for comment or study and report as soon as possible:

1. Clarkstown Department of Environmental Control
2. Clarkstown Building Inspector
3. Rockland County Health Department
4. New York State Dept. of Transportation

On roll call the vote was as follows:

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

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RESOLUTION NO. (503-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the County of Rockland Departments of Finance and Budget has advised that premises known and designated on the Clarkstown Tax Map as parcel 64.9-2-40 has been acquired as a result of tax delinquency and that the County wishes to dispose of same at a tax auction, and

WHEREAS, the County of Rockland Departments of Finance and Budget has also advised that the subject premises serves as ingress and egress for several residential parcels fronting on Van Nostrand Avenue, and

WHEREAS, the Town Board believes that a tax sale of the subject parcel encumbered as it is with an access easement would only result in continued tax delinquency and further periodic tax sales, and

WHEREAS, incorporation of the subject parcel into a Town sponsored Road Improvement District would protect the residents from any future tax sales and result in an improved and safer access for the benefited properties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board wishes to consider a Road Improvement District incorporating parcel number 64.9-2-40 into an overall plan for improvement of the subject portion of Van Nostrand Avenue, Nanuet, so as to facilitate its dedication to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of the Department of Environment Control is hereby authorized and directed to prepare a plan and estimate of costs necessary to improve the subject premises for acceptance and dedication by the Town of Clarkstown, and be it

FURTHER RESOLVED, that in the event a Road Improvement District shall result, the Town of Clarkstown intends to acquire the subject parcel from the County of Rockland as part of such road improvement project.

On roll call the vote was as follows:

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

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RESOLUTION NO. (504-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution dated May 13, 2003 a public hearing was scheduled on the petition of O'SULLIVAN TREE CARE, INC. to amend a Special Permit previously issued to operate a recycling facility on premises owned by the applicant, for the purpose of considering reduction of the buffer area required for such Special Permit uses, and

WHEREAS, pubic hearing was commenced May 27, 2003 and continued without decision pending receipt of reports requested by the Town Board from the Rockland County Commissioner of Planning and the Town of Clarkstown Planning Board, and



RESOLUTION NO. (505-2003) continued

2) Mechanical Improvements: THOMAS J. KEMPTON, JR., INC.  
 91 SOUTH MAIN STREET  
 NEW CITY, NY 10956  
 PRINCIPALS: MARK A. KEMPTON  
 THOMAS J. KEMPTON, III  
 THOMAS J. KEMPTON, JR.

as per their proposed project cost of \$96,500.00

3) Plumbing Improvements: THOMAS J. KEMPTON, JR., INC.  
 91 SOUTH MAIN STREET  
 NEW CITY, NY 10956  
 PRINCIPALS: MARK A. KEMPTON  
 THOMAS J. KEMPTON, III  
 THOMAS J. KEMPTON, JR.

as per their proposed project cost of \$34,500.00

4) Electrical Improvements: Fanshawe, d/b/a Rockland Electric  
 58 East Route 59, 2<sup>nd</sup> Floor  
 Nanuet, NY 10954

as per their proposed project cost of \$49,700.00

and be it

FURTHER RESOLVED, that said awards are subject to the receipt by the Purchasing Department from the above-mentioned awardees of the following :

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation Insurance coverage
- g) 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 and be it

FURTHER RESOLVED, that the total cost of this project shall be charged to Account Number H-8752-400-409-0-76-11

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (506-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Project Engineer that

BID #38-2003 – 2003 ROADWAY RESURFACING PROGRAM

is hereby awarded to: TILCON NEW YORK, INC.  
162 OLD MILL ROAD  
WEST NYACK, NY 10994  
PRINCIPALS: A PUBLIC CORPORATION

as per their proposed total project cost for Parts I, II and III of \$1,805,258.60 and be it

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

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation Insurance coverage
- g) 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 . . . . . Absent  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (507-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #40-2003 - DRAINAGE IMPROVEMENTS – STREAM NJ-1-10-03  
BARDONIA, NY

is hereby awarded to: ASCAPE LANDSCAPE & CONSTRUCTION CORP.  
P. O. BOX 679  
NEW CITY, NY 10956  
PRINCIPALS: STUART CHAITIN

as per their proposed project cost of \$45,226.00 and be it

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

RESOLUTION NO. (507-2003) continued

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation Insurance coverage
- g) 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 . . . . . Absent  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (508-2003)

Co. Maloney offered and Co. Smith seconded

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

**BID #44-2003 – DRIVEWAY IMPROVEMENTS – DAVENPORT PRESERVE**

Bids to be returnable to the Purchasing Office, 10 Maple Avenue, New City, New York by a time and date 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 Purchasing Department.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (509-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has recently acquired lands located north of South Mountain Road in New City as part of the Open Space initiative; and

WHEREAS, access to these lands is via the travel way known as High Tor Road; and

RESOLUTION NO. (509-2003) continued

WHEREAS, the existing asphalt surface of High Tor Road is currently in a state of disrepair severely limiting public access to said lands; and

WHEREAS, the Department of Environmental Control is in the process of preparing plans and specifications for asphalt patching and pothole repairs on the portion of High Tor Road from the north side of South Mountain Road to the north limit of lands now or formerly of the Town of Clarkstown;

NOW, THEREFORE, BE IT RESOLVED that the Purchasing Department is hereby authorized to advertise for bids for

Bid #45-2003  
Asphalt Patching and Pothole Repairs –  
High Tor Road, New City

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York at a date and time to be determined.

On roll call the vote was as follows:

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

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RESOLUTION NO. (510-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Town Board Resolution No. 167-2003 authorized improvements to Third Street, New City, New York as part of the Downtown New City Revitalization Project, and

WHEREAS, an unforeseen condition was encountered with the existing sanitary sewer on Park Avenue with respect to the installation of the new storm drainage system along Third Street, and

WHEREAS, approximately 60 linear feet of active sanitary sewer main required replacement in order to eliminate the interference problem, and

WHEREAS, a memorandum from the Deputy Director of Operations, Department of Environmental Control has identified and explained the additional work that was required to complete the installation of the new storm drain system.

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of Ralph Lauria, Deputy Director of Environmental Control, the Town Board hereby authorizes Change Order No. 2 for Bid #57-2001, and

BE IT FURTHER RESOLVED, that the cost for the additional work shall not exceed \$23,393.00, and

BE IT FURTHER RESOLVED, that the total cost for the corrective work shall not exceed \$397,404.47 and shall be a proper charge to account #H 8736 409 0 67 6.

RESOLUTION NO. (510-2003) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (511-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, Traffic Engineering Consultant, has reviewed the bids for the resurfacing of Old Philips Hill Road and recommends that this project be deleted from Bid No. 51-2002. The work has not commenced due to a delay in obtaining an easement, and the project was incorporated into the 2003 Roadway Resurfacing Program under Bid No. 38-2003;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a change order to delete the resurfacing of Old Phillips Hill Road from Bid No. 51-2002, at a reduction of a approximately \$66,400.00, as recommended by the Howard L. Lampert, Traffic Engineering Consultant, in his memo of June 17, 2003.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (512-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$25,000 from New York State Department of Transportation, and \$1,118.38 in donations to the Third St. Reconstruction Project, and \$1,560.45 from D.A.R.E. donations,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account H 15 10 3891 0 (NYS Rt. 303 Trailway Project) and Budget H 8736-409 0 67-19 (Rt. 303 Trailway Project) by \$25,000 and increase Revenue Account H 9 2705 0 (Gifts & Donations) and Budget Account H 8736-409-0-67-6 (Third St., New City-Reconstruction Project) by \$1,118.38 and increase Revenue Account A 01 9 2705 0 (Gifts & Donations) and Budgetary Account A 3230-319 (D.A.R.E.-Misc Supplies) by \$1,560.45 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLUTION NO. (512-2003) continued

RESOLVED, to decrease A 1330-114 (Receiver of Taxes-Part Time) and increase A 1330-204 (Receiver of Taxes-Office Machines) by \$1500 and decrease A 1990-505 (Contingency-Other Costs) by \$12,169 and increase A 3120-204 (Police-Office Machines) by \$11,669 and A 1310-404 (Finance-Travel/Meals) by \$500.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (513-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution No. 300-1998 authorized the Director of the Department of Environmental Control to lease one Extec 5000S Turbo Screening Plant for a period of (5) five years at a cost of \$3,171.41 per month from Organic Recycling, Inc., 117A Route 303, Tappan, New York 10983, and

WHEREAS, the current lease expired on March 25, 2003, and

WHEREAS, the continued use of this equipment is required for the operation of concrete and asphalt recycling until September 30, 2003.

NOW, THEREFORE, BE IT,

RESOLVED, that based upon the recommendation of Ralph Lauria, Deputy Director of Environmental Control, the Town Board hereby authorizes the Director of the Department of Environmental Control to continue the current lease of the Extec 5000S Turbo Screening Plant with Organic Recycling, Inc., 117A Route 303, Tappan, New York 10983 at the current cost of \$3,171.41 per month, and

BE IT FURTHER RESOLVED, that contract extension shall be effective from March 25, 2003 and shall terminate on September 30, 2003.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (514-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Subdivision for Gilchrest Corp, the Planning Board of the Town of Clarkstown required road widening along Gilchrest Road, drainage easements, and a Conservation Easement, and

RESOLUTION NO. (514-2003) continued

WHEREAS, the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended that deeds of Gilcrest Corp. and Congers Realty, Inc. gratuitously conveying two Drainage Easements, road widening, and a Conservation Easement to the Town of Clarkstown, as shown on the final plat of Subdivision for Gilcrest Corp., designated on the Clarkstown Tax Map as 52.11-3-3, be accepted and recorded and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said Road Widening Deed, Conservation Easement and two Drainage Easements on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said Road Widening Deed, two Drainage Easements and Conservation Easement are hereby ordered recorded in the Office of the Rockland County Clerk.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (515-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes renewal of membership for the Town of Clarkstown, in the Rockland Business Association, Inc, One Blue Hill Plaza, Pearl River, New York, for the period of one year at a fee of \$450.00, which fee shall be charged to account No. A 1010-423.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (516-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown (Town), and the Clarkstown Recycling Center, Inc. (Contractor) are parties to a contract dated May 18, 1990, last amended on November 2, 1998, which provides for a site lease and service agreement with respect to the operation of the Solid Waste Disposal Facility in and for the Town by the Contractor, and

RESOLUTION NO. (516-2003) continued

WHEREAS, the Contractor has made claim for the amount of \$356,008.16 for the period ended June 15, 2003 and additional sums will be due from June 16, 2003 to July 4, 2003 claimed to be due and payable pursuant to Section 10.5 of the service agreement which provides "that increases resulting from future disposal of transportation taxes, or charges which may be imposed by local, county, state or federal governments... may be passed directly through to the Town," and

WHEREAS, as a result of discussion and negotiations with respect to such claim the Town and Contractor have tentatively agreed to the amendment to the Solid Waste Disposal Agreement which shall settle the claim for such pass through payments and make other adjustments to the service agreement which are in the best interests of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney is hereby authorized and directed to prepare an amendment to the Solid Waste Disposal Service Agreement and Site Lease Agreement referred to herein which shall provide that the Town shall have the right to establish tipping fees without consent of the Contractor, that the Contractor shall be paid a service fee effective July 5, 2003 of \$63.00 per ton for the first forty thousand (40,000) tons of Municipal Solid Waste (MSW) for the fiscal years beginning July 5, 2003 and 2004, and \$64.00 per ton for any additional tons of MSW processed during the twelve (12) month period ending July 4, 2004, and ten month period ending April 30, 2005, that the Contractor shall guarantee that a minimum of twenty thousand (20,000) tons per year shall be brought to the transfer station by Miele Sanitation Co., a corporation under the control and direction of the Contractor, for the fiscal periods ending July 4, 2004 and April 30, 2005, that the contract provision which restricts the Town from charging more than \$3.00 per ton tipping fee differential over the service fee paid to Contractor shall be eliminated, that the Contractor shall provide contract assurance that additional transportation arrangements shall be made to be able to handle the anticipated increased volume of MSW at the transfer station, and that Section 10.5 of the original agreement shall be amended to clarify that any taxes which are hereafter imposed by local, county, state or federal governments which cause an increase in tipping fees by any landfill utilized by the Contractor shall be deemed an uncontrollable event to be further negotiated by the parties, and that upon execution of the amended contract the sum of \$356,008.16 for the period ended June 15, 2003 and additional sums will be due from June 16, 2003 to July 4, 2003 and shall be paid in full satisfaction of the claim which has been made or any claim that could have been made with respect to alleged pass through charges for the period prior to and ending on July 4, 2003, and be it

FURTHER RESOLVED, that nothing herein is intended to extend the current contract period which terminates on April 30, 2005.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (517-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the tipping fees for the Municipal Solid Waste, Construction and Demolition debris delivered to the Clarkstown Transfer Station are presently \$63.00 per ton, and

RESOLUTION NO. (517-2003) continued

WHEREAS, it has been recommended by K. Luke Kalarickal, P.E., the Director of the Department of Environmental Control, that the tipping fees be increased from \$63.00 per ton to \$71.00 per ton, and

NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control, the tipping fees for the Municipal Solid Waste, Construction and Demolition debris, are hereby increased to \$71.00 per ton, and

BE IT FURTHER RESOLVED, that the increased tipping fees shall become effective July 5, 2003.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (518-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment as follows:

EQUIPMENT

<u>Quantity</u>	<u>Vehicle</u>	<u>Estimated Cost Per Vehicle</u>	<u>Estimated Total Cost</u>
2	Roll off Trucks w/International cab and chassis & American rolloff body.	\$114,000.00	\$228,000.00
3	International Dump Trucks with Plow and the flow and dump body	\$120,000.00	\$360,000.00
2	Ford 550 Mason Dump Trucks with nine foot plow	\$50,000.00	\$100,000.00
1	Trailer, 10,000 pound rated.	\$4,600.00	\$4,600.00
1	Multi-Passenger vehicle.	\$29,000.00	\$29,000.00
2	Pickup Trucks	\$17,300.00	\$34,600.00
1	Sign Truck	\$70,500.00	\$70,500.00
1	Caterpillar 924G Loader	\$80,000.00	\$80,000.00
1	Sweeper, TYMCO Model 600	\$125,000.00	\$125,000.00
3	Machine Lifts	\$25,000.00	\$75,000.00
2	Air Compressors with hammer & drill	\$27,500.00	\$55,000.00
1	Mechanic Shop Diagnostic System	\$13,500.00	\$13,500.00
			\$1,175,200.00

RESOLUTION NO. (518-2003)

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

FURTHER RESOLVED that the amount of \$1,175,200.00 shall be charged to Account No. H 8753-409-0-77-19.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (519-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board did authorize the installation of drainage improvements in the vicinity of Quarry Drive in New City by resolution No. 655-2002 dated 7/23/02 and resolution No. 864-2002 dated 10/8/02; and

WHEREAS, because of severe weather conditions over the Winter 2002/Spring 2003 period, additional work is necessary to repair clogging and restore the proper function of this drainage extension; and

WHEREAS, such work consists of cleaning sediment from certain inlet grates, touching up topsoil and seeding over drainage pipe trenches, and the installation of a stone filter berm to prevent additional sediment intrusion into the drainage system; and

WHEREAS, KJS Hauling & Home Improvement, the Contractor hired by the Town pursuant to the resolution numbers stated above to perform the installation of drainage improvements, has provided an estimate of \$850.00 to perform the additional work required; and

NOW THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the additional work as indicated above to be performed by KJS Hauling and Home Improvement for the estimated cost not to exceed \$850.00, and

BE IT FURTHER RESOLVED that the amount, not to exceed \$850.00 shall be a proper charge to account number H 8752-409-0-76-19.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (520-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown supports proposed amendments to the New York State Vehicle and Traffic Law regarding school speed limits, and

WHEREAS, the proposed amendments will serve to enhance school safety needs;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Howard Lampert, Town of Clarkstown Traffic & Highway Engineering Consultant, the assistance of Assemblyman Alexander Gromack and Senator Thomas Morahan is sought to amend Sections 1620(a), 1622(1), 1630(5), 1643 and 1662(a) of the Vehicle and Traffic Law as follows:

“except that school speed limits may be established at not less than fifteen miles per hour on [any] (that) portion of a highway passing a school building for not more than three hundred feet in either direction from the [building line of a school abutting on the highway.] (school driveways and school crosswalks abutting school property and for the entire distance abutting school property between these driveways and crosswalks.)

[ ] indicates wording to be omitted

( ) indicates wording to be added

On roll call the vote was as follows:

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

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RESOLUTION NO. (521-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an action was commenced in Supreme Court, State of New York, County of Westchester entitled, HUDSON CANYON CONSTRUCTION, INC. V. TOWN OF CLARKSTOWN, HIGHWAY DEPARTMENT OF THE TOWN OF CLARKSTOWN, WAYNE T. BALLARD, P.E., C.S.P., SUPERINTENDENT OF HIGHWAYS, BOARD OF TRUSTEES TOWN OF CLARKSTOWN, CHARLES HOLBROOK, SUPERVISOR, TOWN OF CLARKSTOWN and EDWARD DUER, COMPTROLLER, TOWN OF CLARKSTOWN, Index No. 3115/00, seeking the recovery of Ninety Two Thousand Two Hundred Sixty Nine Dollars (\$92,269.42) and Forty Two Cents for work invoiced under contract in connection with Bid No. 59-1998, entitled “Old Mill Road Safety Improvements”, and for a preliminary injunction seeking, for the most part, to restrain the Town of Clarkstown from engaging a different contractor to complete any remaining work under said contract.

By Court Order dated March 30, 2000, the Hon. John P. D. Blasi, J.S.C., denied Hudson Canyon Construction Inc. all preliminary injunctive relief.

RESOLUTION NO. (521-2003) continued

WHEREAS, said action was transferred to Rockland County Supreme Court under Index No. 4136/2000; and

WHEREAS, a second action was commenced in Supreme Court, State of New York, County of Rockland entitled, HUDSON CANYON CONSTRUCTION, INC. V. TOWN OF CLARKSTOWN, HIGHWAY DEPARTMENT OF THE TOWN OF CLARKSTOWN, WAYNE T. BALLARD, P.E., C.S.P. SUPERINTENDENT OF HIGHWAYS, TOWN OF CLARKSTOWN PURCHASING DEPARTMENT, BOARD OF TRUSTEES TOWN OF CLARKSTOWN, CHARLES HOLBROOK, SUPERVISOR, TOWN OF CLARKSTOWN, AND EDWARD DUER, COMPTROLLER, TOWN OF CLARKSTOWN, and

WHEREAS, the attorneys for the parties have proposed to settle both actions upon the terms and conditions herein set forth , and

WHEREAS, such settlement has been recommended by the Office of the Town Attorney, the Department of Environmental Control, and the Clarkstown Highway Department, who believe the best interests of the Town are being served;

NOW, THEREFORE, be it

RESOLVED, that

1. The Town has retained funds in the amount of \$32,557.18 from Hudson Canyon Construction, Inc. in connection with work completed under Bid No. 59-1998, "Old Mill Road Safety Improvements"; and the Town, pursuant to the terms of this settlement, is forever released of its obligation to remit payment of said \$32,557.18 held as retainage; and

2. The Town is forever released from any and all obligations of remitting payment on any further invoices to Hudson Canyon Construction, Inc., including the invoice in the amount of \$92,269.42, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a settlement stipulation in a form approved by the Town Attorney subject to the terms and conditions as herein stated.

On roll call the vote was as follows:

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

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RESOLUTION NO. (522-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an action was commenced in Supreme Court, State of New York, County of Rockland, entitled "In the Matter of the Application of BRIARWOODS FARM, INC., For a Judgment under Article 78 of the Civil Practice Laws and Rules vs. WAYNE T. BALLARD, AS SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF CLARKSTOWN, and K. LUKE KALARICKAL, AS DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL CONTROL OF THE TOWN OF CLARKSTOWN and THE TOWN OF CLARKSTOWN," Index No. 3567/01, seeking

RESOLUTION NO. (522-2003) continued

(1) the Town of Clarkstown to accept for dedication the streets and public improvements in the Pelham West Subdivision, Nanuet, New York; as shown on the filed Subdivision Map of Pelham West Subdivision dated June 27, 1994, and last revised January 31, 1997, including Blue Heron Road, Bittern Drive, Thorn Lane, and portions of Judith Street and Charles Street; and (2) the release of any performance or maintenance security currently held for the Pelham West Subdivision; and

WHEREAS, the attorneys for the parties have proposed to settle the action on the terms and conditions set forth herein; and

WHEREAS, such settlement has been recommended by the office of the Town Attorney, the Clarkstown Department of Environmental Control and the Clarkstown Highway Department who believe that the best interests of the Town are being served;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown agrees to accept a lump sum payment in the amount of Fifty-Seven Thousand Five Hundred Fifty Dollars [\$57,550.00], for all outstanding punch-list items and snow plowing bills in return for accepting dedication of the said streets and public improvements in the Pelham West Subdivision, Nanuet, New York; and

FURTHER RESOLVED, that the Town of Clarkstown agrees to release any and all performance and maintenance guarantees it is currently holding as security on the Pelham West Subdivision, Nanuet, New York; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Settlement Stipulation in a form approved by the Town Attorney subject to the terms and conditions as herein stated upon the receipt of said payment.

On roll call the vote was as follows:

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

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RESOLUTION NO. (523-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, certain non-for-profit organization that has provided services to individuals and groups in the Town of Clarkstown has submitted a request for economic assistance for the year 2003, and

WHEREAS, the request for funding has been reviewed by the Town Attorney, who has determined that the services provided by the organizations set forth herein are in the public interest and qualifies for expenditure of public funds:

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, subject to completion and submission of the standard application, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

RESOLUTION NO. (523-2003) continued

FURTHER RESOLVED, that based upon the recommendation of Wayne T. Ballard, Superintendent of Highways, Keep Rockland Beautiful shall coordinate its work with the Clarkstown Highway Department to implement the program, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for the Year 2003 to "Keep Rockland Beautiful, Inc.", a non-profit organization, in the amount of \$5,000.00, and be it

FURTHER RESOLVED, that the amount appropriated shall be charged to Account No. A 8840-424.

On roll call the vote was as follows:

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

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There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted the Town Board Meeting was closed, time 10:35 pm.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6-24-2003

8:00 PM

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, Smith  
Councilman Ralph Mandia - Absent  
Marsha Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: (Continuation) SEE RESOLUTION # 1 - Property known as Apfelbaum, 270 North Main Street, New City, Lot 43.7-1-16 (fka 59-A-1): Proposed Zone Change (R-15 to MF-2) and Amendment to Zoning Local Law to Authorize Construction of Housing Restricted to Age 55 or Older in the MF-2 District

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On motion of Co. Maloney, seconded by Supervisor Holbrook and unanimously adopted, the Public Hearing was declared open.

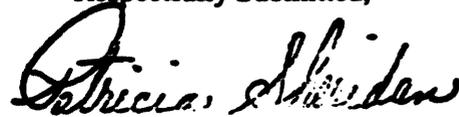
Supervisor Holbrook said that Warren Kossin submitted a 265 Petition and directed it be made part of the record. He said this petition would be evaluated by the Town Attorney's office for sufficiency.

Supervisor opened the meeting for public comment.

Co. Maloney said there is still a need for housing for people 55 years and over. He recommended that the Planning Board investigate what areas would be conducive for this type of housing.

There being no one further wishing to speak, on motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the resolution was WITHDRAWN and the Public Hearing CLOSED. Time: 8:05 PM

Respectfully Submitted,



Patricia Sheridan  
Town Clerk

RESOLUTION NO. 471 ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

06/24/2003

8:10 PM

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, Smith  
Councilman Ralph Mandia - Absent  
Marsha Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Proposed Local Law: Amendment to Chapter 263 of the Clarkstown Town Code  
(Taxicabs)

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On motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the Public Hearing was declared open. The Town Clerk, read the Notice of Hearing and attested to its proper posting.

Supervisor opened the meeting for public comment.

Co. Smith questioned the absence of a non-discriminatory clause in the law. She asked if it is not necessary since it is in the state law. Marsha Coopersmith, Deputy Town Attorney replied that it is correct.

There being no one further wishing to speak, on motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted, the Public Hearing was closed. Time: 8:12 PM

Respectfully Submitted,  


Patricia Sheridan  
Town Clerk

RESOLUTION NO. 472 ADOPTED