

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

07/22/2003

8:00 P.M.

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

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

A Certificate of Award Presentation was awarded to Joshua Dretchen of Boy Scout Troop 27 for achieving the Rank of Eagle Scout. The members of the Town Board congratulated him and his parents for his achievement.

On motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted the Public Hearing re: Petition of Tutor Time Learning Systems, Inc. for Special Permit conduct a Child Day Care Center at 227 North Main Street, New City, Lot 43.7-1-29 was opened at 8:05 PM.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Petition of Tutor Time Learning Systems, Inc. for Special Permit to Conduct a Child Day Care Center at 227 North Main Street, New City, Lot 43.7-7-1-29 was CLOSED and DECISION RESERVED. Time: 9:00 PM

Supervisor opened the meeting for public comment.

Appearance: Steven Levine
Congers

He requested explanation on Items #10, #11, #12.

Appearance: John Lodico
New City

He expressed concerns of the vandalism, youth skateboarding, roller blading and bicycling at the Veteran's Memorial Park. He also said since 95% of the work is done by volunteers, he would like the Board to give permission to use a backhoe from the Highway Department or the Department of Parks and Recreation.

RESOLUTION NO. (538-2003)

Co. Maloney offered, Co. Mandia seconded

RESOLVED, that the Town Board Minutes of July 15, 2003 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (539-2003)

Co. Maloney offered, Co. Mandia seconded

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

SCAFFIDI'S PAVING & DRAINAGE, INC.
34 Route 9W
West Haverstraw, NY 10993
Eduardo D. Scaffidi, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued: No. 03-18
SCAFFIDI'S PAVING & DRAINAGE, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (540-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, as a result of a resident's concern, Howard Lampert, Traffic Engineering Consultant, has investigated the Clarkstown Commuter Parking Lot at New York State Thruway Exit 14 and has recommended the removal of a handicapped parking sign and a no parking sign from areas which had previously been re-striped for use as regular parking spaces;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to remove a "handicapped parking sign" and a "no parking sign" from parking areas at the Town of Clarkstown Commuter Parking Lot located at New York State Thruway Exit 14, which had been previously re-striped to permit parking in the area described and, as recommended by the Town's Traffic Consultant.

On roll call the vote was as follows:

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

RESOLUTION NO. (541-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 344, adopted by the Town Board on April 29, 2003 and Resolution No. 425, adopted by the Town Board on May 27, 2003, concerning the Town's purchase of property located at West Evergreen Avenue, New City, which

RESOLUTION NO. (541-2003) continued

referred to an incorrect tax map designation, are hereby amended to correct the tax map designation to 43.15-1-36.

On roll call the vote was as follows:

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

RESOLUTION NO. (542-2003)

Co. Maloney offered, Co. Mandia seconded

WHEREAS, as a condition to the final approval of a site plan known as "9W Auto Body," the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Route 9W, and

WHEREAS, the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended acceptance of the conveyance; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, with the concurrence of the Superintendent of Highways, said deed dated May 14, 2003 from Elwin G. Timothy to the Town of Clarkstown, gratuitously conveying a strip of land along Route 9W, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (543-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a Town easement to provide a walking path for students attending the Laurel Plains Elementary School was required in connection with the Frenchmen's Creek subdivision, and is shown on the approved subdivision plat filed in the Rockland County Clerk's office as Map Number 5313, and

WHEREAS, at the request of the Clarkstown Central School District the Clarkstown Planning Board was asked to review and make recommendation as to whether said easement could be eliminated, and

WHEREAS, the Clarkstown Central School District has also requested the installation of a gate at the end of said path, and the Clarkstown Planning Board has advised that this is a matter for determination of the Town Board;

NOW, THEREFORE, be it

RESOLUTION NO. (543-2003) continued

RESOLVED, that the Town Board hereby authorizes the installation of a locking gate at the end of the path that leads from Rochelle Drive to the Laurel Plains Elementary School provided, however, that the School District shall be given permission to open and lock the fence as needed, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to obtain competitive proposals, in consultation with the Clarkstown Central School District, for the installation of said gate subject to further approval by the Town Board as to cost of installation.

On roll call the vote was as follows:

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

RESOLUTION NO. (544-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a request from George B. Dessart Jr., 495 and 503 Mountainview Avenue, Valley Cottage, New York, for the Town Board to consider the acquisition of his property, designated on the Tax Map as 59.15-1-8 and 59.15-1-9, consisting of approximately acres of land, as part of the Town of Clarkstown Open Space Acquisition Program, and

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of premises referred to herein, and for the purpose of determining the purchase fee simple absolute, and be it

FURTHER RESOLVED, that this matter is hereby referred to Robert Geneslaw, Planning Consultant, and the Clarkstown Planning Board for recommendation regarding the inclusion of these properties in Open Space Initiative .

On roll call the vote was as follows:

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

RESOLUTION NO. (545-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended the acceptance of a proposal from Rapac Network International (RNI) to provide service and maintenance, as a sole source provider, on the RNI-Fuelomat fuel management system to the Town of Clarkstown, which is located at the police facility;

NOW, THEREFORE, be it

RESOLUTION NO. (545-2003) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Rapac Network International, 100 First Street, Hackensack, New Jersey, in a form approved by the Town Attorney, to provide service and maintenance on the RNI-Fuelomat fuel management system to the Town of Clarkstown, which is located at the police facility, for the period July 1, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the total of \$2,580.00, and shall be charged to Account No. A 1680-409, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to July 1, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (546-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Mountainbrook Estates Corp. furnished to the Town of Clarkstown a Performance Bond in the amount of \$200,000.00, secured by two Letters of Credit No. 1596 and No. 1686 in the amount of \$100,000.00 each from the Bank of New York, to cover the improvements and other facilities as shown on the final plat of Mountainbrook Estates, designated on Tax Map as 59.20-1-12./10+ (formerly 135-H-1+), and

NOW, THEREFORE, be it

RESOLVED, that pursuant to the recommendations of the Director of Environmental Control and the Superintendent of Highways, the Town Board hereby authorizes that Letter of Credit No. 1596 in the amount of \$55,000 to be reduced to \$10,000 and Letter of Credit No. 1686 in the amount of \$100,000 be released, and the Owner's Performance Bond remain in place until all the required work is completed to the satisfaction of the Director of Environmental Control and the Superintendent of Highways.

On roll call the vote was as follows:

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

RESOLUTION NO. (547-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Raimone family has obtained a permit from the Parks Board and Recreation Commission to hold an event at Congers Lake Memorial Park, Congers, New York, on August 13, 2003, and

RESOLUTION NO. (547-2003) continued

WHEREAS, the Permittee has requested permission to dispense alcoholic beverages on the occasion, and

WHEREAS, the Park Board and Recreation Commission has reviewed the request from the Raimone family, pursuant to Section 93-2(A) of the Town Code, and recommends approval of their request;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Raimone family, 128 Route 303, Congers, New York, to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, for an event which shall be held at Congers Lake Memorial Park, Congers, New York, on August 13, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (548-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, SEAN CRONIN has requested a refund of Building Permit fee (No. 02-1429) paid in the amount of \$788.00 for premises located at 32 Morris Drive, New City, New York, because he has decided not to build an addition to his home;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less the cost of \$140.00 for processing, in the amount of \$648.00 to SEAN CRONIN, to 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (549-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, JOSEPH and CHRISTINE TRUIANO have requested a refund of Building Permit fee (No. 02-158) paid in the amount of \$1,652.00 for premises located at 5 Diane Drive, New City, New York, because they have decided not to build an addition to their home;

NOW, THEREFORE, be it

RESOLUTION NO. (549-2003) continued

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less the cost of \$120.00 for processing, in the amount of \$1,532.00 to JOSEPH and CHRISTINE TRUIANO, to 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (550-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, CHARLES and PATTI TOTERO have requested a refund of Building Permit fee (No. 02-883) paid in the amount of \$1,088.00 for premises located at 6 Muller Court, New City, New York, because the work was never commenced;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less the cost of \$130.00 for processing, in the amount of \$958.00 to CHARLES and PATTI TOTERO, to 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (551-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, MITCHELL E. LEVISON has requested a refund of Building Permit fee (No. 03-714) paid in the amount of \$368.00 for premises located at 4 Courtney Drive, New City, New York, because the proposed addition exceeds the allowable floor area ratio;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less the cost of \$120.00 for processing, in the amount of \$248.00 to MITCHELL E. LEVISON, to be charged to Account No. B 02-6-2555-0.

RESOLUTION NO. (551-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (552-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, William Lewis, 18 Richard Drive, West Nyack, New York, has requested a refund of the \$50.00 he paid to the Building Department as a land disturbance fee, which was paid in error;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a refund of \$50.00 to William Lewis, for a land disturbance fee that was paid in error and for which no action was taken, said amount is to 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (553a-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, John Olori has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58.17, Block 1, Lot 36 (formerly known as 33-B-20.5/01), and commonly known as 11 Seeger Drive, Nanuet, New York, for the year(s) 1999/00, 2000/01, 2001/02 and 2002/03, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (553b-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, John Olori has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58.14, Block 2, Lot 44 (formerly known as 33-A-10), and commonly known as 168 Route 304, Bardonia, New York, for the year(s) 1999/00, 2000/01, 2001/02 and 2002/03, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Metropolitan Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (554-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7140-230 (Communication) by \$2,000 and to increase Appropriation Account A-7140-460-4 (Cellular) by \$2,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (555-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, a resident of the Town of Clarkstown has requested that a street light be upgraded to improve the safety and welfare of the community, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal, dated June 17, 2003 from Orange and Rockland Utilities, Inc. for street lighting at the following location:

East Cavalry Drive, New City (Install one (1) 9500 lumen sodium vapor street light – existing utility pole number 59649/42038

RESOLUTION NO. (555-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (556-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Hebrew Academy Ohr Menachem – Chabad has requested the installation of additional street lighting to improve traffic and pedestrian safety conditions in the vicinity of the Academy on Phillips Hill Road, New City

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal dated June 17, 2003 from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Phillips Hill Road, New City
(Pole number 59446/42420 – Install one (1) 22,500 lumen mercury vapor street light on 8 foot bracket)

On roll call the vote was as follows:

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

RESOLUTION NO. (557-2003)

Co. Maloney offered and Co. Lasker seconded

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

WHEREAS, the Chief of Police has recommended submission of an application for such reimbursement which may result in an award in the amount of \$1,643.30 to reimburse for expenditures previously made by the Police Department;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

RESOLUTION NO. (557-2003) continued

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

RESOLUTION NO. (558-2003)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Automated Services and the Purchasing Department that

BID #43-2003 – COMPUTER/WORD PROCESSING SUPPLIES
is hereby awarded to:

GLOBAL GOVERNMENT/EDUCATION SOLUTIONS
 6910 STATE ROUTE 36
 FLETCHER, OH 45326
 PRINCIPALS: A PUBLIC CORPORATION

AMERICAN TONER PRODUCTS
 BOX 597, ROUTE 17M
 HARRIMAN, NY 10926
 PRINCIPALS: GOLDIE ENGELMEN

O.P.G. INDUSTRIES
 P.O. BOX 140
 BROOKLYN, NY 11232
 PRINCIPALS: DON THOMPSON
 DAN SCHWEBE

R & D COMPUTER ESSENTIALS, INC
 5 WINDWARD COURT
 DIX HILLS, NY 11746
 PRINCIPALS: DONNA GLOVER

CUSTOM COMPUTER SPECIALISTS, INC
 70 SUFFOLK COURT
 HAUPPAUGE, NY 11788
 PRINCIPALS: GREGORY GALDI

MANCHESTER TECHNOLOGIES
 FORMS DIVISION
 160 OSER AVENUE
 HAUPPAUGE, NY 11788
 PRINCIPALS: BARRY STEINBERG

OFFICE COMMUNICATIONS
 80 RED SCHOOLHOUSE ROAD
 SUITE 109
 CHESTNUT RIDGE, NY 10977
 PRINCIPALS: THOMAS MURRAY
 CLINTON HART

as per the attached item/price list

On roll call the vote was as follows:

RESOLUTION NO. (558-2003) continued

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

RESOLUTION NO. (559-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2003 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

On roll call the vote was as follows:

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

RESOLUTION NO. (560-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2003 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

On roll call the vote was as follows:

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

RESOLUTION NO. (561-2003)

Co. Lasker offered and Co. Maloney seconded

**BOND RESOLUTION OF THE TOWN OF
 CLARKSTOWN, NEW YORK, ADOPTED JULY 22,
 2003, AUTHORIZING THE CONSTRUCTION OF
 SIDEWALK IMPROVEMENTS ON DEMAREST MILL
 ROAD, STATING THE ESTIMATED MAXIMUM COST
 THEREOF IS \$110,000, APPROPRIATING SAID
 AMOUNT THEREFOR, AND AUTHORIZING THE**

RESOLUTION NO. (561-2003) continued

ISSUANCE OF \$110,000 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 sidewalk improvements on Demarest Mill Road, 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 \$110,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$110,000 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 \$110,000 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: 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. (a) The period of probable usefulness applicable to the object or purpose

a) 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

c) 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.

RESOLUTION NO. (561-2003) 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 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 July 22, 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 July 22, 2003, authorizing the construction of sidewalk improvements on Demarest Mill Road, stating the estimated maximum cost thereof is \$110,000, appropriating said amount therefor, and authorizing the issuance of \$110,000 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 construct sidewalk improvements on Demarest Mill Road, 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 \$110,000, **APPROPRIATING** said amount therefor; and **STATING** the plan of financing includes the issuance of \$110,000 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 \$110,000 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 \$110,000 serial bonds will exceed five (5) years;

RESOLUTION NO. (561-2003) continued

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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (562-2003)

Co. Lasker offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 22, 2003, AUTHORIZING THE ACQUISITION OF HIGHWAY EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,180,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,180,000 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 \$1,180,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,180,000 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 \$1,180,000 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:

RESOLUTON NO. (562-2003) continued

(a) The period of probable usefulness applicable to the class of objects or purposes for which \$965,000 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 \$195,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is ten (10) years. The period of probable usefulness applicable to the class of objects or purposes for which \$20,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 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 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

RESOLUTION NO. 562-2003) continued

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 July 22, 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 July 22, 2003, authorizing the acquisition of highway equipment, stating the estimated maximum cost thereof is \$1,180,000, appropriating said amount therefor, and authorizing the issuance of \$1,180,000 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 \$1,180,000, APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,180,000 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 \$1,180,000 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 \$965,000 of said bonds are authorized to be issued is fifteen (15) years; the period of probable usefulness applicable to the purpose for which \$195,000 of said bonds are authorized to be issued is ten (10) years; the period of probable usefulness applicable to the purpose for which \$20,000 of said bonds are authorized to be issued is five (5) 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;

RESOLUTION NO. (562-2003) 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (563-2003)

Co. Lasker offered and co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 22, 2003, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$740,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$740,000 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 \$740,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$740,000 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 \$740,000 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.

RESOLUTION NO. (563-2003) continued

(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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 22, 2003, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

RESOLUTION NO. (563-2003) continued

“Bond Resolution of the Town of Clarkstown, New York, adopted July 22, 2003, authorizing the construction of improvements to various roads in the Town, stating the estimated maximum cost thereof is \$740,000, appropriating said amount therefor, and authorizing the issuance of \$740,000 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 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 \$740,000, APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$740,000 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 \$740,000 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 \$740,000 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (564-2003)

Co. Lasker offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 22, 2003, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO TOWN BUILDINGS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$680,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$680,000 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 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 \$680,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$680,000 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 \$680,000 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. 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.

RESOLUTION NO. (564-2003) 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 July 22, 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 July 22, 2003, authorizing the construction of improvements to Town buildings, stating the estimated maximum cost thereof is \$680,000, appropriating said amount therefor, and authorizing the issuance of \$680,000 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 construct improvements to 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 \$680,000, APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$680,000 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 \$680,000 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. (564-2003) continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$680,000 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (565-2003)

Co. Lasker offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 22, 2003, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON ALICIA COURT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$100,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$100,000 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 drainage improvements on Alicia Court, 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 \$100,000 and said amount is

RESOLUTION NO. (565-2003) continued

hereby appropriated Therefore. The plan of financing includes the issuance of \$100,000 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 \$100,000 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 Therefore. 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,

RESOLUTION NO. (565-2003) continued

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

- a) resolution 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 July 22, 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 July 22, 2003, authorizing the construction of drainage improvements on Alicia Court, stating the estimated maximum cost thereof is \$100,000, appropriating said amount therefore, and authorizing the issuance of \$100,000 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 construct drainage improvements on Alicia Court, 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 \$100,000, APPROPRIATING said amount herefore; and STATING the plan of financing includes the issuance of \$100,000 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 \$100,000 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 \$100,000 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

ABE740

RESOLUTION NO. (565-2003) continued

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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (566-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, PARADISE ON THE ONE, LLC, a production company, has requested permission to film in Clarkstown on Wednesday, July 9, 2003;

NOW, THEREFORE, be it

RESOLVED, that PARADISE ON THE ONE, LLC, of 450 West 15th Street, Suite 602, New York, New York 10011, is hereby authorized to film in the Town of Clarkstown, at Gethsemane Cemetery, in Congers, New York 10920, between 1:00 P.M. and 8:00 P.M., on one day, Wednesday, July 9, 2003, upon the following conditions:

- (1) Permittee obtains permission from St. Paul's Church, Lake Road, Congers
- (2) A permit fee of \$250.00 shall be paid by Permittee;
- (3) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (4) Permittee to provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (5) The Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (6) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (7) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town, and
- (8) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day, and be it

FURTHER RESOLVED, that this resolution is effective and shall be retroactive as of July 9, 2003, and shall be deemed the filming permit.

RESOLUTION NO. (566-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (567-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning July 1, 2003 to July 1, 2005, as follows:

New City Ambulance Corps and Rescue Squad: .5 mile segment of Cairnsmuir Lane, New City, from Congers Road to Strawtown Road, New City,

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning July 1, 2003 to July 1, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (568-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

RESOLUTION NO. (568-2003) continued

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning July 1, 2003 to July 1, 2005, as follows:

Sid Cohen Lawn Service: .8 mile segment of Phillips Hill Road, New City, from North Main Street to North Little Tor Road, New City

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning July 1, 2003 to July 1, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (569-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning July 1, 2003 to July 1, 2005, as follows:

Arthur J. Donohue, MS, AF: .6 mile segment of West Nyack Road, West Nyack, from Strawtown Road to Western Highway, and West Nyack Way from Route 59 to West Nyack Road, West Nyack

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said group will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes

RESOLUTION NO. (569-2003) continued

the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning July 1, 2003 to July 1, 2005, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (570-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 1002-2002 adopted on November 26, 2002, the Department of Environmental Control recommended accepting the proposal from KJS Home Improvements, 95 Maple Avenue, New City, New York, for \$2,650 for the removal of silt from Stream NJ1-13-1 in the vicinity of Gateway Avenue, Valley Cottage, New York; and

WHEREAS, the resolution adopted by the Town Board reflected the amount to be \$2,600 instead of \$2,650;

NOW THEREFORE BE IT

RESOLVED, that Resolution No. 1002-2002 is hereby amended to correct the cost of the work to be \$2650.00 instead of the previously approved amount of \$2600.00

On roll call the vote was as follows:

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

RESOLUTION NO. (571-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, an existing stream embankment located within a town drainage easement on the premises of 3 & 5 Nuthatch Lane has eroded and is creating an unstable channel in that area; and

WHEREAS, the Department of Environmental Control investigated and prepared a plan for the repair of the eroded streambank; and

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

WHEREAS, four contractors provided proposals in response to said solicitation, and after review by Department of Environmental Control staff, it was found that the

RESOLUTION NO. (571-2003) continued

lowest responsible proposal was by KJS Hauling & Home Improvements in the amount of \$17,350.00; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to KJS Hauling & Home Improvements, 95 Maple Avenue, New City, New York 10956 for their low proposal of \$17,350.00; and

NOW, THEREFORE,

BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of KJS Hauling & Home Improvements to perform this work from an amount not to exceed \$17,350.00; and

NOW, THEREFORE,

BE IT RESOLVED that this amount shall be a proper charge to account #H8752-409-0-68-2

On roll call the vote was as follows:

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

RESOLUTION NO. (572-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

BID #39-2003 – 2003 CONCRETE CURB & SIDEWALK PROJECT
is hereby awarded to: BELLAVISTA CONSTRUCTION CORP.

P.O. BOX 753
ARDSLEY, NY 10502
YOLANDA DE SANTIS
JOSEPH DE SANTIS

PRINCIPALS:

as per their proposed project cost of \$126,050.00 and be it

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

1. Signed Contract Documents - two sets
2. Performance Bond - 100% of project cost
3. Labor and Materials Payment Bond - 100% of proposed project cost
4. Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
5. Certificate of Automobile Liability Coverage
6. Certificate of Worker's Compensation Insurance coverage
7. 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

RESOLUTION NO. (572-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (573-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Town Board authorized Martus Granirer, Esq., as Special Counsel, to handle certain matters dealing with the Open Space Initiative;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment to Martus Granirer, Esq. for work performed under the direction of the Town Board and the Town Attorney, concerning the Open Space Initiative, for the period of January 1, 2003 to May 31, 2003, at the hourly rate of \$230.00, for a total amount of \$13,414.02 to be charged to Account No. H 8750-409-074-1, subject to receipt of a signed contract and required insurance certificates naming the Town as an additional insured where appropriate, which documents shall be in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (574-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7020-201 (Furniture) by \$280.00 and to increase Appropriation Account A7020-438 (Maintenance Agreement) by \$280.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (575-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on June 18, 2003 that the position of Clerk Stenographer #0569 can be reclassified to the position of Senior Clerk Typist – Parks Board and Recreation Commission,

RESOLUTION NO. (575-2003) continued

NOW, THEREFORE, BE IT

RESOLVED, that the position of Clerk Stenographer is hereby reclassified to the position of Senior Clerk Typist – effective and retroactive to July 21, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (576-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Angela T. Cleary, 19 Mein Drive, New City, New York, to the position of (provisional) Senior Clerk Typist – Parks Board and Recreation Commission – at the current annual salary of \$40,847., effective and retroactive to July 21, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (577-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Richard Davidson, 408 North Liberty Drive, Tomkins Cove, New York – Transfer Station Monitor – Solid Waste Facility – is hereby accepted – effective and retroactive to July 5, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (578-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the resignation of Vincent Moreno, 12 Massachusetts Avenue, Congers, New York – Solid Waste Facility Attendant – Solid Waste Facility – is hereby accepted – effective and retroactive to June 25, 2003.

RESOLUTION NO. (578-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (579-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Stephen Spadaccini, 32 Foxcroft Drive, Nanuet, New York, is hereby appointed to the position of Solid Waste Facility Attendant - Solid Waste Facility- at the current annual salary of \$29, 602., effective and retroactive to July 14, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (580-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Ronald T. Reck, Jr., 19 Esther Avenue, Congers, New York, is hereby appointed to the position of Solid Waste Facility Attendant - Solid Waste Facility- at the current annual salary of \$29,602., effective July 28, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (581-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Michael L. D'Elia, 134 Church Street, Nanuet, New York, is hereby appointed to the position of Assistant Automotive Mechanic - Solid Waste Facility - at the current annual salary of \$33,698., effective July 28, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (582-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Catherine M. Bender, 40 Oak Road, New City, New York, is hereby appointed to the (temporary) position of Clerk Typist – Supervisor’s Office – at the current hourly rate of \$13.67., effective and retroactive to June 16, 2003 – for a period not to exceed 3 months.

On roll call the vote was as follows:

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

RESOLUTION NO. (583-2003)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Rosemary Sanfratello, 3 Cygnet Lane, Valley Cottage, New York – Paralegal Specialist I – office of the Town Attorney – is hereby granted a Sick Leave of Absence – at one-half pay – effective and retroactive to July 15, 2003 to August 15, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (584-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Shivaun M. Fiumara has requested an extension of her leave of absence, without pay, and

WHEREAS, Shivaun M. Fiumary has supplied a satisfactory reason for her request, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

NOW, THEREFORE, BE IT

RESOLVED, that Shivaun M. Fiumara, 54 Basswood Court, Bardonia, New York – Data Entry Operator I (part-time) – Town Justice Department – is hereby granted a three (3) month extension of her leave of absence, without pay, effective August 11, 2003 to November 10, 2003, and be it

FURTHER RESOLVED, that consistent with prior and pending decisions of the Town Board, should Shivaun M. Fiumara hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded without further action of the Town Board.

RESOLUTION NO. (584) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (585-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is desirous of having improvements made to the existing warehouse located on the Congers Station property in Congers to enhance its use as the sewer department offices and garage; and

WHEREAS, the Department of Environmental Control has solicited a proposal from a qualified architectural firm to prepare design and construction documents for the proposed renovations; and

WHEREAS the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

NOW, THEREFORE, BE IT

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Alberto & Associates
 101 Kings Highway East
 Haddonfield, New Jersey 08033

to perform said work in accordance with the scope of services outlined in their proposal for an amount not to exceed \$11,400.00 without further resolution of the Town Board; and

BE IT FURTHER RESOLVED

that this shall be a proper charge to account # H 8751 409 0 75-16.

On roll call the vote was as follows:

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

RESOLUTION NO. (586-2003)

WHEREAS, the Department of Environmental Control is proposing modifications to the existing ingress and egress locations for parcels 51.07-1-9,10,11, and 34 to improve traffic flow and safety in the vicinity of Schriever Lane and South Main Street, New City, and

WHEREAS, the Department of Environmental Control has requested the additional cost for the necessary mapping from Atzl, Scatassa, and Zigler, PC, 234 North Main Street, New City, New York 10956, the surveyor of record for the project, and

WHEREAS, the cost for the additional mapping is \$3,650.00.

NOW, THEREFORE, BE IT

RESOLUTION NO. (586-2003) continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Atzl, Scatassa and Zigler, 234 North Main Street, New City, New York 10956 to prepare the necessary additional topographic mapping, and

BE IT FURTHER RESOLVED, that the cost for the additional mapping shall not exceed \$3,650.00 and shall be a proper charge to account H5111-409-0-4-16.

RESOLUTION NO. (586-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (587-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has accumulated surplus vehicles, equipment, and other personal property which are no longer needed for municipal purposes, and

WHEREAS, Robert Berdy, Insurance and Claims Manager has investigated various auction companies and has recommended that the Town Board enter into an agreement with Scherrer Auctions, 808 Borden Road, Cheektowaga, New York, for the purpose of holding an auction to dispose of said surplus municipal property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Scherrer Auctions, in a form approved by the Town Attorney, subject to obtaining a performance or fidelity bond sufficient to guarantee payment of the estimated proceeds of the sale for an auction to be held at 10 Maple Avenue, New City, New York, on August 17, 2003, and be it

FURTHER RESOLVED, that the cost of said auction shall be the sum of \$500.00 plus premium for the fidelity bond, and that the bidders shall pay a bid premium not less than 10%, which shall be the compensation for the auctioneer, and be it

FURTHER RESOLVED, that said services shall be charged to Account No. A 1420-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (588-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, responding to a request from the Department of Environmental Control, Fellenzer Engineering L.L.P. submitted a proposal dated July 18, 2003 to

RESOLUTION NO. (588-2003) continued

provide engineering services for the street lighting electrical distribution system for the New City Downtown Improvements; and

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

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to enter into an agreement with

FELLENZER ENGINEERING, LLP
22 Mulberry Street Suite 24
Middletown, NY 10940

in a form satisfactory to the Town Attorney, to provide engineering services for the street lighting electrical distribution system for the New City Downtown Improvements in accordance with their proposal; and

BE IT FURTHER RESOLVED that the fee for said services shall not exceed \$17,600.00 without further resolution of the Town Board; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account number H 5111-409-0-4-16.

On roll call the vote was as follows:

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

RESOLUTION NO. (589-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Denker Cackovic Architects PC has submitted a proposal, dated July 14, 2003, to provide design, construction and administration services for the construction of a proposed vehicle storage facility and parking deck, and a police vehicle maintenance garage which is needed by the Town of Clarkstown Police Department; and

WHEREAS, other design professionals have submitted proposals for said project, all of which have been reviewed by a committee approved by the Town Board who have recommended awarding the design contract to Denker Cackovic Architects PC.

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into a contract with Denker Cackovic Architects PC for the design of the vehicle storage facility and parking deck for fees to be calculated at 7.4% of construction costs; and to design a police vehicle maintenance garage for fees to be calculated at 8.4% of construction costs plus reimbursable costs and excluded fees, for both projects, all of which are described in the proposal dated July 14, 2003; and be it

FURTHER RESOLVED, that the cost of the services described herein shall be charged to Account No. H 8753-409-0-77-24.

On roll call the vote was as follows:

RESOLUTION NO. (589-2003) continued

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

RESOLUTION NO. (590-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, DIMITRIOS VANGAS and MARY VANGAS have petitioned the Town Board for permission to apply Town Law 280-a(2) to obtain access to premises known as 59.07-1-20, for which the property owner is seeking Planning Board approval for a two lot subdivision, and

WHEREAS, the Town Board has determined to schedule a public hearing on notice to adjacent property owners;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on September 9, 2003, at 8:00 p.m., or as soon thereafter as possible, and be it

FURTHER RESOLVED, that the applicant shall adhere to the notice requirements pursuant to Section 290-33 (C) of the Zoning Local Law of the Town Code, and provide proof of mailing said notice to property owners within five hundred feet of affected property on or before the date of the public hearing, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning, the Clarkstown Planning Board, for review and recommendation, and be it

FURTHER RESOLVED, 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 K. Luke Kalarickal, Director of the Department of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

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

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was closed 9:20 PM.

Respectfully Submitted
Patricia Sheridan

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

07-22-2003

8:05 PM

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

Re: Petition of Tutor Time Learning Systems, Inc. for Special Permit to Conduct a Child Day Care Center at 227 North Main Street, New City, Lot 43.7-1-29

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

Supervisor asked Donald S. Tracy, attorney for the applicant to make his presentation. Mr. Tracy identified the location of the Day Care Center and that it is in a Professional Office Zone which permits child day care centers by Special Permit.

He said the matter was previously been before the Planning Board, who is designated at Lead Agent and issued a Negative Declaration under the provisions of the SEQRA.

Mr. Tracy introduced John Scurti to testify as to the ability of the applicant to meet the requirements of the zoning code.

Mr. Tracy asked Mr. Scurti the following questions:

Is he aware that Sec. 290-15 and Sec. 290-17Z of the Zoning Code prescribe certain requirements for a Special Permit of this type; is he completely familiar with the property and does he live in the vicinity of the site; in his opinion, will the property be appropriately located with respect to public services and facilities; in his opinion, will the property not cause undue traffic congestion or create a traffic hazard or any more dangerous elements; will it not create any point of determination set forth in Sec.290-13 F G and H which have to do with performance standards any more dangerous and objectionable elements referred to therein as characteristic of the uses expressly permitted as of right in the same district; will the site not adversely affect the character of or the property values of the area; in his opinion will it not otherwise impair the public health, safety, morals, convenience comfort prosperity and other aspects of the general welfare of the Town; will it comply with all other regulations applicable to set use to the best of your knowledge. Mr. Scurti replied yes to all of the above questions.

Mr. Tracy also asked Mr. Scurti in regard to the Special Findings required for Day Care Centers which were implemented in February 8, 2000, will this Child Day Care Center proposal be licensed under the provision of the New York State Social Services Law or a successive agency; do thy hold many licenses throughout the state of New York; in connection with this petition, did he file a narrative which described the occupancy of the facility by age group, the hours of operation, the staffing, the food service and the sanitary provisions; did he also submit as required the preliminary floor plan of the child day care center; is he aware whether the site plan recommended for approval by the Planning Board shows the correct number of parking spaces and provide one space for every 350 sq. ft. of gross floor area exclusive of exterior play areas; does it also show the most appropriate location for drop-off parking which includes consideration for emergency access as was determined by the Planning Board during site plan review; will the drop-off location be clearly posted with appropriate signage for pavement markings and fire lanes not used for play areas; does it provide the outdoor play area required for licensing purposes; are outdoor play areas directly accessible from principle structure and do not require the crossing of a street, driveway or parking areas; is the minimum indoor play area required for licensing purposes provided; and is there consideration for noise and visual screening; in addition does this facility provide a minimum of two exits; will the vicinity meet the uniform state fire prevention code of the state of New York; is this a single story building; are there no hallways with a length of 20 ft. or greater between the

building exterior and the child care center; was it determined that no traffic study was required for this area; is there a specific security system which prevents entry to the facility by no one other than employees; pursuant to the additional use regulations, does he request this Board to grant a waiver required from the 75 ft. buffer to 25 ft.; did the Planning Board review and recommend favorably by a specific resolution referred to this Town Board; is the basis for that waiver related the surrounding properties. Mr. Scurti replied yes to all of the above questions.

Mr. Tracy asked Mr. Scurti how long he has been in the day care center business? Mr. Scurti replied that he has owned Tutor Time in Congers for the past two and one-half years. Mr. Tracy asked Mr. Scurti if any of his customers in Congers expressed any interests in this particular site in New City. Mr. Scurti said he has a handful of parents who live in New City. Mr. Tracy asked Mr. Scurti if he had any violations at his Congers facility to which Mr. Scurti replied no.

Mr. Tracy asked Mr. Scurti if he is aware that the Planning Board held a public hearing and thereafter adopted a Negative Declaration indicating there are no environmental concerns. Mr. Scurti replied yes.

Mr. Tracy continued to give a review of the recommendations for the proposals.

Supervisor asked if any member of the Board had questions in regard to this matter.

Co. Mandia raised the question whether or not this matter is ready for a vote this evening based on information John Costa, Town Attorney, may have.

Mr. Costa stated that in the Town Board's resolution establishing this hearing, declared itself the lead agency and asked Robert Geneslaw, Planning Consultant, to act as its agent with respect to SEQRA review. He said there seems to be some conflict in the record as to who is the lead agency which he discussed with Mr. Geneslaw. He said they both agree that on the issue of the issuance of the Special Permit, the Town Board makes the determination and therefore, should be the lead agency in respect to that determination.

Supervisor asked Mr. Geneslaw to clarify the Planning Board's Negative Declaration. Mr. Geneslaw said he treated the Negative Declaration as applying to the subdivision and to the site plan. He also said he considered the Town Board's acting on the Special Permit as an uncoordinated action meaning each agency would make its own SEQRA findings.

Supervisor opened the meeting for public comment.

Appearance: Alan Goldstein, Esq. Representing
New City Condominiums - 340 Units

He addressed the traffic issues. He said there will be approximately 170 children at the proposed center with peak times at 8:50 am and 5:30 pm as well as some traffic flow in midday for the half-time sessions. He said there is already heavy traffic flow due to the Post Office and the Senior Complex. He asks the Board to take a careful look at the traffic flow.

Supervisor said the Town Board could have a Traffic Consultant look at the traffic design.

Appearance: Stu Fliesser
39 Yale Drive
New City, NY

He asked what could happen to this property in the future if Tutor Time no longer exists years down the road.

PH: Re: Petition of Tutor Time Learning Systems, Inc. for Special Permit to Conduct a Child Day Care Center at 227 North Main Street, New City, Lot 43.7-1-29
07/22/2003

Page 3

Mr. Costa replied that the Special Permit would run with the land and that type of facility. If there is no such facility there, the structure would have to conform to the zoning which is Professional Office zoning.

Mr. Fliesser referred to the request for the buffer zone being reduced from 75 ft to 25 ft. He asked what the purpose of having a buffer zone requirement if it is not being followed. He also asked if the two subdivisions on the property on Yale Drive will be developed as R-15's.

Supervisor replied they would be.

Appearance: Debbie Pritzker
New City

She said her daughter attends Tutor Time in Congers and there is a huge shortage of quality day care. She said Tutor Time is an excellent facility and a quality operation.

Appearance: John Lodico
New City

He said the facility is needed. Two people have to work and the taxes are high.

Appearance: Arlene Rothman
New City

She has run two day care centers for 11 years and knows what the needs are and that this is a young community. The major concern, however, is the traffic flow.

Co. Smith said that she lives in Congers near Tutor Time and has a neighbor who uses the facility for her two little boys. She said she sometimes picks up the boys and finds there are set hours of operation and the parents pick the children up at their particular time. She said she has not had a problem with parking or traffic.

Co. Lasker said she has been to Mr. Scurti's facility and it's a very well run facility. She does have traffic concerns and would like to see a traffic study done to see if there are any potential problems.

Appearance: Maria Jansen
Congers

She expressed traffic concerns at the Post Office. She goes to a doctor across the street and finds it very difficult to exit. She suggested a light there.

Co. Mandia read a section from the Rockland County Planning Board's recommendation into the record as follows:

"It is unclear whether the applicant intends to provide after-school care at this location. The site plan does not show any provision for the loading and unloading of school buses. We therefore recommend that the prohibition of school buses on the site be a condition of the special permit. If an after-school component is added in the future, a revised site plan indicating a bus loading area shall be submitted for review."

Appearance: David Brand
New City

He said he is the parent of two-year and four and one-half year old children. He said quality day care is needed and Tutor Time is an excellent program for children. He is in favor.

Appearance: Ingrid Cobbs
New City

PH: Re: Petition of Tutor Time Learning Systems, Inc. for Special Permit to Conduct a Child Day Care Center at 227 North Main Street, New City, Lot 43.7-1-29
07/22/2003

Page 4

Rockland County is growing and there is heavy traffic. She said adding Tutor Time will not have any more impact on traffic. Tutor Time is a quality day care center. She is in favor.

Appearance: Donald Tracy, Esq.
Attorney for Applicant

He said that according to Mr. Malimoto, Rockland County Highway engineer, and Dennis Letson, Deputy Director of Environmental Control, there is no problem with North Main Street. He said there is nothing expert to rebut. He asked Mr. Scurti to speak on the times of pick-up.

Appearance: John Scurti
Tutor Time

He lives in the area. He said his facility opens at 6:30 am and close at 6:30 pm on Monday through Friday. He said some of the parents travel to different areas to work therefore, there is no set schedule as parents drop off at different times. There is not any traffic. There are never more than ten families at one time in the school. He said the schedule is flexible and cited the 12:30 pick up as having no more than five parents picking up children.

He said he is president of the New City Chamber of Commerce and the area will be improved.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia, the Public Hearing was CLOSED and DECISION RESERVED. Time: 9:00 pm

Respectfully Submitted



Patricia Sheridan
Town Clerk