

TOWN OF CLARKSTOWN  
TOWN BOARDMEETING

Town Hall

04/12/2005

8:00 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, & Nowicki  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

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

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Alcohol Awareness Month  
April 2005

WHEREAS, The Rockland Council on Alcoholism and Drug Dependence, Inc. was founded in 1973 to promote awareness, education and counseling as intervention for alcoholism and drug dependencies; and

WHEREAS, The Rockland County Legislature, in cooperation with RCADD, is responsible for successfully passing the Keg Rule in July 2005 which holds individual keg purchasers legally accountable for alcohol-related accidents; and

WHEREAS, The Rockland Council on Alcoholism and Other Drug Dependence will participate in the awareness event to be held April 24<sup>th</sup> – 30<sup>th</sup>; and

WHEREAS, Alcohol Awareness Month is dedicated to providing resources and information for families in need of prevention and treatment services; and

WHEREAS, During the month of April, special activities and programs will be held nationwide in conjunction with this observance, it is fitting to support this annual celebration in recognition of those participants and providers of prevention and treatment

Now, therefore, be it

RESOLVED, that I, ALEXANDER J. GROMACK, by virtue of the authority vested in me as Supervisor of the Town of Clarkstown, and on behalf of the Town Board, hereby proclaim The Month of April, Alcohol Awareness Month in the Town of Clarkstown.

In witness whereof I hereunto set my hand and cause the seal of the Town of Clarkstown to be affixed this 24th day of April 2005.

Alexander J. Gromack, Supervisor  
Town of Clarkstown

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Supervisor opened the public portion of the meeting.

Karen Schmidt  
Valley Cottage

She spoke regarding Green Avenue which she understood was supposed to be on the agenda and she expects this to be resolved as quickly as possible.

PUBLIC PORTION CONT.

Ed Day  
New City

Item 9 – He spoke regarding the retirement of Police Officers who collectively have 125 years of service and he believes they should be recognized for their outstanding service and he wishes them well

Items 18 and 19 – He said the Town Board exercised good judgment on these resolutions

Jim Cropsey  
New City

Item 22b – He asked if the money is for phase 1 and phase 2 is not included

Joe Schleimer  
New City

He asked when the Town Board will approve a West Nyack Overlay District

Natalie Lask  
Nanuet

She said that Exit 10 on the southbound of the Palisades Interstate Parkway needs a traffic light

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RESOLUTION NO. (288-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 157-2005, dated February 8, 2005, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 111 of the Code of the Town of Clarkstown affecting property located at 69 Route 59, Central Nyack, New York (Tax Map designation 65.7-5-25 f/k/a 120-B-33), to secure the property and remove all structures which have created a serious fire hazard risk and have become unsafe and dangerous, and a threat to the health and welfare of the community, and

WHEREAS, a public hearing was scheduled and duly held on the 8<sup>th</sup> day of March 2005, after notice and opportunity to be heard at said hearing was provided to the property owners and all interested parties of record, as provided by law;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 111 of the Code of the Town of Clarkstown, dated October 8, 2005, as reported by the Fire Inspector in his previous reports which are part of the record, and the updated report dated March 11, 2005 have not been corrected, and be it

FURTHER RESOLVED, the Superintendent of Highways, or the Fire Inspector, or the Building Inspector are hereby authorized and directed to enter the subject property and to take all actions which may be reasonably necessary to remove the conditions set forth herein and to secure the premises in a safe manner on or after April 30, 2005 in the event the structures are not removed, and a demolition permit obtained, and be it

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

FURTHER RESOLVED, that the Assessor is hereby directed to assess said sum against the premises set forth above which sum shall be levied and collected in the same manner as provided in Article 15 of Town Law for the levy and collection of a special ad valorem levy, as provided in Section 111-8 of the Town Code, and be it

RESOLUTION NO. (288-2005) CONT.

FURTHER RESOLVED, that the Town Board hereby retains jurisdiction of this matter on further notice to all interested parties to make whatever further corrective orders as may become necessary to protect the public interest.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (289-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution adopted on August 17, 2004, the Town Board directed that a public hearing be held on September 14, 2004, to consider possible amendment of the Town of Clarkstown Comprehensive Plan to implement a Comprehensive Plan proposal which would be consistent with the development proposal of Tor Valley, Inc. and Davies Farm, Inc., which had petitioned the Town Board to grant a zone change for premises known and described on the Clarkstown Tax Map as 51.9-1-50, 51 by redistricting same from the R-22 District to the LS District, and

WHEREAS, on October 8, 2002 public hearings with respect to possible amendment to the Clarkstown Comprehensive Plan, and the requested zone change were commenced continued to October 26, 2004, subsequently continued to January 18, 2005, further continued to February 8, 2005, and thereafter continued to April 12, 2005, to provide all interested parties, agencies and the Town of Clarkstown Planning Board ample time to study and report upon the advisability of amendment of the Comprehensive Plan, and

WHEREAS, the Town Board has given consideration to all the information presented by Town Officials, the Town's Planning Consultant, the Clarkstown Planning Board, and members of the public, and

WHEREAS, the Clarkstown Planning Board in its report, dated April 7, 2005, to the Town Board has advised with respect to the proposed amendment to the Comprehensive Plan that the existing Comprehensive Plan provides that single family neighborhoods in the vicinity of non-residential development should be protected from encroachment by non-residential development, but that the proposed development sought by the petitioner referred to herein is "unique in that the proposed commercial development is adjacent to 11.83 acres of undeveloped residentially zoned property and as such, during site plan review, a clear demarcation between the residential and commercial development can be established," and

WHEREAS, the Clarkstown Planning Board has recommended that the Comprehensive Plan be amended to authorize expansion of commercial zoning districts into adjacent residentially zone property only when such residential property is undeveloped and can be adequately buffered from the expected commercial development, and that such amendment would be reasonable and not likely to establish any precedent which would be inconsistent with the Comprehensive Plan's intent to protect adjacent residential development with adequate buffering, and

WHEREAS, the Town Board believes that the rationale for the amendment to the Comprehensive Plan as articulated by the Planning Board is sound, well considered, and in the best interests of the community, and be it

RESOLUTION NO. (289-2005) CONT.

FURTHER RESOLVED, Robert Geneslaw, the Town's Planning Consultant, acting as agent for the Town Board for SEQRA review, has by report dated April 5, 2005 advised that the contemplated action, to wit: amendment of the Comprehensive Plan and related zoning map amendment are unlisted actions that shall not have any significant environmental impacting requiring the preparation of a draft environmental impact statement;

NOW, THEREFORE, be it RESOLVED, that based upon the SEQRA report prepared by Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the amendment to the Comprehensive Plan and zoning map amendment will not result in any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board hereby amends the Clarkstown Comprehensive Plan to provide that an existing commercially zoned area may be increased by rezoning adjacent residentially zoned property only when such amendment will not prevent the Planning Board from implementing adequate and reasonable provision for buffering so that adjacent residential property will be adequately protected from any expected commercial development, and be it

FURTHER RESOLVED, that the Town Board hereby finds that the amendment to the Comprehensive Plan set forth herein is consistent with the overall scheme and intent of said plan, and be it

FURTHER RESOLVED, that this Resolution is not to be deemed subject to and conditioned upon the Town Board granting the Zone Change as requested in the application of Tor Valley, Inc. and Davies Farm, Inc., as such amendment on the basis of the Planning Board's report and recommendation is valid without regard to such application.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (290-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board approves the zone change request by TOR VALLEY, INC. and DAVIES FARM, INC., subject to all the recommendations of the Rockland County Planning Board, all the recommendations of the Clarkstown Planning Board, the covenants prescribed by the Clarkstown Planning Board as reported by the Chairperson of the Clarkstown Planning Board, pending preparation of a written resolution to be prepared by the Town Attorney, and that the reference to fast food in the required covenant shall use the definition as provided in the Town's Zoning Local Law.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (291-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of March 22, 2005 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (292-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves an Amendment to the Collective Bargaining Agreement between the Town of Clarkstown and the Civil Service Employees' Association Local 1000 AFSCME, AFL-CIO, for the Town of Clarkstown Unit dated March 18, 2005, relating to release time, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute said Amendment and take all actions consistent therewith.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (293-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Community Development Cooperation Agreement with the County of Rockland and the Town of Clarkstown expires with the 2005 Program Year, and

WHEREAS, in order for the County of Rockland to apply for Community Development Funds as an Urban County, a three year Cooperation Agreement for the Program Years 2006, 2007 and 2008, must be executed;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Cooperation Agreement submitted by the County of Rockland for Community Development Program Years 2006, 2007 and 2008, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown has determined that the Cooperation Agreement complies with State and Town Law, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement and to take all steps to implement this Resolution.

RESOLUTION NO. (293-2005) CONT.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (294-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Denis Malone, Transit Operations Supervisor of the Town of Clarkstown Mini-Trans system, has requested monetary assistance from the County of Rockland in order to maintain the Clarkstown Mini Trans bus fleet and to keep it in safe and workable condition, and

WHEREAS, the County of Rockland has authorized a grant to the Town of Clarkstown in the amount of \$50,000.00 to maintain the Town's bus fleet;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, Department of Public Transportation, to obtain a \$50,000.00 supplemental grant to maintain and keep the Clarkstown Mini Trans system in safe, sanitary, and proper order.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (295-2005)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the extension of a license agreement with the Rockland County Radio Control Club, for limited recreational use at the site of the former site of the Clarkstown Sanitary Landfill, now capped, for a period of one year commencing March 27, 2005 and ending on March 26, 2006, for the nominal fee of \$1.00 per year, provided that all residents of the Town wishing to participate in club activities continue to be eligible for membership, and all the other terms and conditions in the license agreement, including providing the required proof of insurance, shall be observed.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (296-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, two police officers from the Clarkstown Police Department were assigned throughout the calendar year 2005 to work at the Rockland County Intelligence Center, and

WHEREAS, by Resolution No. 104 of 2005, the County of Rockland did resolve on March 15, 2005, to reimburse the Town of Clarkstown in the amount of \$134,622.00, upon execution of an inter-municipal cooperation agreement between the County of Rockland and the Town of Clarkstown, and

WHEREAS, Chief of Police Peter Noonan has recommended that the Town enter into such inter-municipal cooperation agreement;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into the inter-municipal cooperation agreement with the County of Rockland, in a form satisfactory to the Town Attorney, which after execution by the County, will result in the payment to the Town of Clarkstown in the amount of \$134,622.00, as reimbursement for two members of the Clarkstown Police Department having worked and to work at the Rockland County Intelligence Center (Sheriff's Department) for the period January 1, 2005 through December 31, 2005.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (297-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Youth Bureau has created a Rockland Environmental Corps which is staffed with Americorps members to provide a litter patrol program for pickup of litter on Town roads and stream banks and it has proposed to provide Americorps members under the direction of the Superintendent of Highways to participate in a service, educational and environmentally beneficial program which will remove litter from Town roads and stream banks within the Town of Clarkstown, and

WHEREAS, Americorps members receive a minimal stipend while participating in the program which will be funded in part by the Town of Clarkstown, and

WHEREAS, the Superintendent of Highways has recommended this program for adoption in the Town of Clarkstown;

NOW, therefore, be it RESOLVED, that the Supervisor is hereby authorized to enter into a Rockland County Youth Bureau/Rockland Environmental Corps host site agreement for the calendar year ending August 31, 2004, in a form approved by the Town Attorney, to participate in the Rockland County Youth Bureau's litter patrol service program utilizing the service of not more than five (5) Americorps members for a program total not to exceed 250 service hours for each member at a cost not to exceed \$4,775.00 to be charged to Account No. DB 5110-409-0.

RESOLUTION NO. (297-2005) CONT.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (298-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland Jewish Community Center Corp. and the JCC-Y of Rockland, Inc., have agreed to permit Town of Clarkstown's police department to perform tactical police training on their premises located on West Nyack Road and have asked that they be held harmless by the Town in regards to such use,

Now, therefore, it is RESOLVED, that the Supervisor is hereby authorized to sign a Hold Harmless Agreement covering any claims arising from the police department's use of the premises owned by the JCC-Y of Rockland, Inc., located on West Nyack Road.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (299-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the Veteran's Memorial Association of Congers has provided activities for individuals and groups in the Town of Clarkstown in honor of the memory of individuals who have served in the Armed Forces of the United States, and has submitted a request for economic assistance for the year 2005

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the types of services provided by said organization are in the public interest and qualifies for expenditure of public funds;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into agreements, in a form approved by the Town Attorney, with the Veteran's Memorial Association of Congers to assist it to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, which economic assistance for 2005 in the amount of \$500.00, and be it

FURTHER RESOLVED, that the funds are to assist in providing such services for the calendar year 2005, and shall be charged to Account No. A 8840-424.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (300-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that Resolution No. 279, adopted by the Town Board on March 22, 2005, is hereby amended to delete the Volunteer Counseling Service of Rockland County Inc. from said resolution as the organization had previously received economic assistance for 2005.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (301-2005)

Co. Maloney offered and 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:

BELLEVILLE LANDSCAPING, INC.  
866 Belleville Drive  
Valley Cottage, NY 10989  
James Miele, President

NOW, THEREFORE, be it RESOLVED, that the following Certificate of Registration be issued

No. 05-22 BELLEVILLE LANDSCAPING, INC.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (302-2005)

Co. Maloney offered and Co. Nowicki seconded

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

MOUNTAINVIEW AVENUE NORTH & SOUTH  
MOUNTAINVIEW AVENUE  
VALLEY COTTAGE, NY 10989  
(122-A-10)

By the installation of fire lane designations, and

RESOLUTION NO. (302-2005) CONT.

WHEREAS, SHEA OSTREICHER has requested that the Town of Clarkstown designate said fire lanes;

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

On roll call the vote was as follows:

- Co. Lasker . . . . . Absent
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (303-2005)

Co. Maloney offered and Co. Mandia seconded

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

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby grants permission to the Clarkstown Parks Board & Recreation Commission to dispense beer and wine in accordance with and subject to section 93-2A and 2B of the Town Code for:

Annual Senior Citizen Show Cast Party  
Saturday, April 30, 2005  
Congers Community Center – Auditorium  
Gilchrest Road  
Congers, NY 10920

On roll call the vote was as follows:

- Co. Lasker . . . . . Absent
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (304-2005)

Co. Nowicki offered and Co. Mandia seconded

RESOLVED, that Loretta Raimone, Receiver of Taxes and Dolores Daubitz, Deputy Receiver, are hereby authorized to attend a seminar for Tax Collection Officers co-sponsored by the Association of Towns of the State of New York Association of Tax Receivers and Collectors on June 12<sup>th</sup> through June 15<sup>th</sup>, 2005 at The Lodge at Woodcliff, Rochester, New York.

RESOLUTION NO. (304-2005) CONT.

Hotel fees are \$80.00 for registration and \$495.00 per person for rooms and meals provided by the hotel.

FURTHER RESOLVED, that all other charges be charged against 1010-414.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (305-2005)

Co. Nowicki offered and Co. Mandia seconded

RESOLVED THAT K. Luke Kalarickal, P.E., L.S., Director; and Dennis M. Letson, P.E., Deputy Director of the Department of Environmental Control, are hereby authorized to attend the Current Issues in Storm Water Regulation Seminar to be held in White Plains, New York, on April 20, 2005.

BE IT FURTHER RESOLVED that the cost of \$335.00 for each person at said training course, and other reasonable expenses for travel, tolls and meals in accordance with the provisions of Town Board Resolution #133-2002, shall be charged to appropriation Account A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (306-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution adopted on March 8, 2005, the Town Board authorized the solicitation of proposals from appraisers concerning property known as Lot "5" in the Highview Park Subdivision, and

WHEREAS, the Town Attorney has received competitive proposals and recommends the hiring of Strategic Business Services, Inc. to perform said appraisal;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby confirms the recommendation by the Town Attorney that the firm of Strategic Business Services, Inc., Inc. be retained to appraise property designated as Lot "5" as shown on a proposed subdivision map entitled "Highview Park," Nanuet, New York, and be it

FURTHER RESOLVED, that the fee for said appraisal shall not exceed \$1,200.00, which shall be charged to Account No. A 1420-409.

RESOLUTION NO. (306-2005) CONT.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (307-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVE, that, Resolution No. (821-2002) adopted at the September 24, 2002 Town Board meeting, is hereby amended to correct the term of Joanne Trainor -- Member -- Assessment and Review Board -- "term effective and retroactive to October 1, 2002 and to expire on September 30, 2004."

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (308-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that Joanne Trainor, 233 South Harrison Avenue, Congers, New York, is hereby reappointed to the position of Member -- Assessment and Review Board -- term effective and retroactive to October 1, 2004 and to expire on September 30, 2009 -- at the per diem rate of \$140., per attendance, when the Board is in session.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (309-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Vincent A. White, 62 Massachusetts Avenue, Congers, New York -- Police Captain -- Town of Clarkstown Police Department -- is hereby accepted -- effective and retroactive March 31, 2005.

RESOLUTION NO. (309-2005) CONT.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia..... Yes  
 Co. Nowicki..... Yes  
 Supervisor Gromack ..... Yes  
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RESOLUTION NO. (310-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Charles V. Carletto, P.O. Box 476, Cornwall, New York, Police Officer (Detective) – Town of Clarkstown Police Department – is hereby accepted – effective and retroactive to April 1, 2005.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia..... Yes  
 Co. Nowicki..... Yes  
 Supervisor Gromack ..... Yes  
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RESOLUTION NO. (311-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Edward J. Doherty, 55 Yorkshire Terrace, Washingtonville, New York, - Police Officer (Detective) – Town of Clarkstown Police Department – is hereby accepted – effective and retroactive to March 31, 2005.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia..... Yes  
 Co. Nowicki..... Yes  
 Supervisor Gromack ..... Yes  
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RESOLUTION NO. (312-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Robert J. McDermott, 176 Red Hill Rd., New City, New York, Police Officer (Detective) – Town of Clarkstown Police Department – is hereby accepted – effective and retroactive to April 1, 2005.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia..... Yes  
 Co. Nowicki..... Yes  
 Supervisor Gromack ..... Yes  
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RESOLUTION NO. (313-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of David S. Woolley, 155 Third St., New City, New York, Police Officer (Detective) – Town of Clarkstown Police Department – is hereby accepted – effective and retroactive to April 1, 2005.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (314-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that position #500347 – Police Captain – Clarkstown Police Department (previously encumbered by Vincent A. White) is hereby withdrawn – effective and retroactive to April 3, 2005, and be it

FURTHER RESOLVED, that the Personnel Assistant is hereby directed to notify the Rockland County Personnel Office of this action.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (315-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that Norman Peachey, 260 Germonds Road, West Nyack, New York, is hereby reappointed to the position of Member – Traffic and Traffic Fire Safety Advisory Board – at the current annual salary of \$2,450., term effective and retroactive to April 1, 2005 and to expire on March 31, 2010.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (316-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that the services of Patti Moroni, 367 Strawtown Road, New City, New York – Senior Clerk Typist – Office of the Town Supervisor – are hereby terminated, as a probationer, in accordance with Rockland County Civil Service Rule 16-6 – effective April 29, 2005.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (317-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 644-2001, adopted by the Town Board on August 14, 2001, the Town Board accepted the roads and improvements in the Scotland Hill Subdivision, identified as 63.11-1-3+, subject to certain conditions, and

WHEREAS, by Resolution No. 958-2001, adopted by the Town Board on December 11, 2001, the Town Board amended Resolution No. 644-2001 to correct the lineal footage of Stonlea Court, and

WHEREAS, condition #2 regarding the payment for the outstanding bills for snowplowing and salting has been disputed by the developer and has prevented completion of the dedication process, and

WHEREAS, the Town Attorney has advised that on the facts and circumstances pertaining to the subject dedication, such claim should be abandoned;

NOW, THEREFORE, be it RESOLVED, that Resolution Nos. 644-2001 and 958-2001 are hereby amended to delete condition #2 as a requirement for dedication of Stonlea Court.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

\*\*\*\*\*

RESOLUTION NO. (318-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Town Board adopted Resolution No. 843-2004 on October 26, 2004 which authorized the installation of A "Right Lane Must Turn Right Only" sign on Overlook Drive at Smith Road, and

RESOLUTION NO. (318-2005) CONT.

WHEREAS, by memo dated March 31, 2005, the Traffic and Traffic Fire Safety Advisory Board has revised its recommendation and requested that Resolution No. 843-2004 be amended to indicate that the sign to be installed on Overlook Boulevard at Smith Road read "Right Lane Must Turn Right"

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 843-2004 is hereby amended to reflect that the sign to be installed on Overlook Boulevard at Smith Road shall read "Right Lane Must Turn Right," and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne Ballard, Superintendent of Highways for implementation.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (319-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 211-2005, adopted by the Town Board of the Town of Clarkstown on March 8, 2005 is hereby amended as follows:

WHEREAS, by Resolution No. 110-2005 adopted January 25, 2005, the Town Board has supported the introduction of Home Rule legislation to be sponsored by Senator Thomas P. Morahan and Assemblyman Kenneth P. Zebrowski, which would grant the Town of Clarkstown permission to discontinue the use as parkland of the lands more particularly described in Assembly Bill No. A.5219-A and Senate Bill No. S.2044-A attached hereto, as to permit said lands to become a site for an Emergency Services Telecommunication Tower with related facilities on a portion of the property commonly known as 400 Christian Herald Road, together with an access road to said facilities, and WHEREAS, the Town Board has been notified by Senator Thomas P. Morahan and Assemblyman Kenneth P. Zebrowski that Senate Bill No. S. 2044-A and Assembly Bill No. A. 5219-A have been introduced in the Senate and Assembly respectively to provide for the needed Home Rule legislation;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby confirms support of the legislation referred to herein and encourages Senator Morahan and Assemblyman Zebrowski to sponsor said legislation for adoption by the State Legislature in the form reviewed, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the Home Rule Request for Senate Bill No. S. 2044-A and Assembly Bill No. A. 5219-A.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (320-2005)

Co. Maloney offered and Co. Mandia seconded

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

BID#7-2005 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

is hereby awarded to:

LESCO, INC.  
1301 EAST 9<sup>TH</sup> STREET, SUITE 1300  
CLEVELAND, OH 44114-1849  
PRINCIPALS: A PUBLIC CORPORATION

LOFTS/PENNINGTON SEED  
9327 US ROUTE 1, SUITE J  
LAUREL, MD 20723  
PRINCIPALS: A PUBLIC CORPORATION

THE TERRE COMPANY OF NJ INC.  
206 DELLAWANNA AVENUE  
CLIFTON, NJ 07014  
PRINCIPALS: WILLIAM B. FEURY  
THOMAS FEURY

MANTEK, DIV. OF NCH CORP  
P.O. BOX 660196  
DALLAS, TX 75266  
PRINCIPALS: A PUBLIC CORPORATION

CARSO, INC.  
404 S. VINE STREET  
P.O. BOX 139  
CAMARGO, IL 61919  
PRINCIPALS: JIM CARSO  
CHERYL CARSO

POLLACK PAINT INDUSTRIES, INC.  
119 WOODWORTH AVENUE  
YONKERS, NY 10701  
PRINCIPALS: ROBERT M. POLLACK

as per the attached item/price list (on file with the Office of the Town Clerk).

On roll call the vote was as follows:

Co. Lasker .....Absent  
Co. Maloney ..... Yes  
Co. Mandia..... Yes  
Co. Nowicki..... Yes  
Supervisor Gromack ..... Yes

\*\*\*\*\*

RESOLUTION NO. (321-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-  
Purchasing and Superintendent of Highways that

RESOLUTION NO. (321-2005) CONT.

BID#21-2005 - CONCRETE CURB & SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to:

BELLAVISTA CONSTRUCTION
P.O. BOX 753
ARDSLEY, NY 10502
PRINCIPALS: YOLANDA DE SANTIS
JOSEPH DE SANTIS

as per their low bid proposal of \$179,703.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Highway Department.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent
Co. Maloney . . . . . Yes
Co. Mandia . . . . . Yes
Co. Nowicki . . . . . Yes
Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (322-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, QUEER EYE LLC, a production company, has requested permission to film at a private residence in Clarkstown, on April 12th, April 13th, and April 14th, 2005.

NOW, THEREFORE, be it RESOLVED, that QUEER EYE LLC, of 100 Avenue of the Americas, 12th Floor, New York, NY 10013, is hereby authorized to film "Queer Eye for the Straight Guy", in the Town of Clarkstown, at a private residence located at Amber Fields Condominium, 45 Meadow Lane, Nanuet, New York 10954, as follows: Tuesday, April 12th 2005, 7:00 am to 12 Midnight; Wednesday, April 13th 2005, 7:00 am to 10:00 pm; and April 14th, 2005, 7:00 am to 9:00 pm, upon the following conditions:

- (1) Permittee obtains permission from the property owner or tenant to film at the above mentioned site;
(2) A permit fee of \$250.00 shall be paid to the Town of Clarkstown by Permittee;

RESOLUTION NO. (322-2005) CONT.

(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 shall provide proof of Workers' Compensation and Disability Insurance as required by New York law;

(5) 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 the permit granted by this resolution shall be retroactive to 7:00 am on April 12<sup>th</sup>, 2005.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (323-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Appropriation Account A-7210-402 (Rent/Equip.) by \$2400.00 and to increase Appropriation Account A-7140-222 (Parks/Rec Equip.) by \$2400.00.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (324-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Appropriation Account A-7141-424 (Cont. Exp) by \$5,000.00 and to increase Appropriation Account A-7141-306 (Maint. Sup.) by \$5,000.00.

RESOLUTION NO. (324-2005) CONT.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack ..... Yes

\*\*\*\*\*

RESOLUTION NO. (325-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways has determined that additional work is necessary on the Fieldstone Farm Subdivision Rehabilitation Project, and recommend that a change order be approved by the Town Board;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to prepare Change Orders No. 1, 2, 3, 4 & 5 to Bid #42-2004 for the Fieldstone Farm Subdivision Rehabilitation project, which change orders shall be charged to capital account number H-8754-409-0-78-3.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack ..... Yes

\*\*\*\*\*

RESOLUTION NO. (326-2005)

Co. Maloney offered and Co. Mandia seconded

Whereas, Town Board resolution #379-2003 awarded Bid #35-2003 – Yale Drive Reconstruction Project to 58A JVD Industries, Ltd. of Mount Vernon, New York; and

Whereas, the allowance for this project has, via change orders on contract approved by the Town Board, increased from the original amount of \$670,000.00 to \$818,064.02; and

Whereas, in accordance with the contract specifications the Town of Clarkstown has accepted the project as being substantially complete; and

Whereas, the cost of the Maintenance Bond for the subject project has increased due to the increase in the allowance for this project; and

Whereas, the Contractor is entitled to be compensated for the increase in the cost of premium for said Maintenance Bond; and

Whereas, Knightsbridge Surety Brokerage, LLC of New York, New York, the surety for 58A JVD Industries, Ltd. has provided documentation stating that said increase in premium is equal to \$3,365.00;

Now, Therefore, Be It Resolved that the allowance for this project be increased by said amount to a total of \$821,429.02 to reflect the cost of this change order on contract; and

RESOLUTION NO. (326-2005) CONT.

Be It Further Resolved that this shall be a proper charge to account # H 8751 409 0 75-11.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

\*\*\*\*\*

RESOLUTION NO. (327-2005)

Co. Maloney offered and Co. Mandia seconded

Whereas, the Town Board of the Town of Clarkstown has previously approved change orders on contract for Bid #35-2003 – Yale Drive Reconstruction Project for plantings to be installed at the residence located at 96 Susan Drive, New City; and

Whereas, the owners of said residence requested that said plantings be installed by their landscaper, Danny Clapp Landscaping, Inc. of New City, New York rather than 58A JVD Industries, Ltd., the Town's contractor for this project; and

Whereas, 58A JVD Industries, Ltd. had no objections to this work being done by Danny Clapp Landscaping, Inc.; and

Whereas, Danny Clapp Landscaping, Inc. agreed to install the plantings in accordance with the price approved by Town Board resolutions and the applicable contract specifications for said work;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to make payment to Danny Clapp Landscaping, Inc., 59 Schriever Lane, New City, New York in the previously approved amount of \$2,650.00 for said landscaping work; and

Be It Further Resolved that this does not represent an increase in the budget allowance for this project.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (328-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, pursuant to Resolution No. 991-2004 the Town Board awarded Bid No. 62-2004 – Design and Installation of Patriot Gardens at West Nyack Hamlet Green – to Danny Clapp Landscaping, Inc. at a total cost not to exceed \$48,200.00; and

WHEREAS, it has been determined that additional plantings are needed to carry out the design plan, resulting in an additional cost of \$5,890.00; and

RESOLUTION NO. (328-2005) CONT.

WHEREAS, it has further been determined that additional structural changes are required to the proposed fountain/pool area in order to ensure the integrity of the structure, resulting in an additional cost of \$9,900.00; and

WHEREAS, the proposed changes are within the scope of the original project and could not have reasonably been foreseen; and

WHEREAS, the Superintendent of Recreation and Parks recommends that said change order be accepted;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to approve Change Order #1 to Bid No. 62-2004, totaling \$15,790.00; and be it

FURTHER RESOLVED, that the total cost of said project is hereby increased to \$63,990.00.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (329-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Superintendent of Highways that

BID#20-2005 -- 2005 ROADWAY RESURFACING PROGRAM

is hereby awarded to:

INTERCOUNTY PAVING ASSOCIATES LLC  
 859 WILLOW GROVE STREET  
 HACKETTSTOWN, NJ 07840  
 PRINCIPALS: CARL LIZZA  
 JOHN LIZZA  
 KEITH LIZZA  
 JOHN PERRUCCI JR

as per their low bid proposal of \$1,750,103.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

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

RESOLUTION NO. (329-2005) CONT.

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

FURTHER RESOLVED, that this project shall be under the supervision of the Superintendent of Highways.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

\*\*\*\*\*

RESOLUTION NO. (330-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Director of the Department of Environmental Control that

BID#25-2005 – 2005 SITE MAINTENANCE PROJECT

is hereby awarded to:

ASCAPE LANDSCAPE & CONSTRUCTION  
 634 ROUTE 303  
 BLAUVELT, NY 10913  
 PRINCIPALS: STUART CHAITIN

as per their low bid proposal of \$24,000.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

\*\*\*\*\*

RESOLUTION NO. (331-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing and the Director of the Department of Environmental Control that

BID#26-2005 – 2005 COMMUTER PARKING LOT MAINTENANCE

is hereby awarded to:

ASCAPE LANDSCAPE & CONSTRUCTION  
634 ROUTE 303  
BLAUVELT, NY 10913  
PRINCIPALS: STUART CHAITIN

as per their low bid proposal of \$26,000.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

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

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

FURTHER RESOLVED, that this project shall be under the supervision of the Department of Environmental Control.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (332-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland County Personnel Office has certified on April 11, 2005 that one (1) position of Police Sergeant – can be created,

NOW, therefore, be it RESOLVED, that the position of Police Sergeant – Clarkstown Police Department – is hereby created – effective April 13, 2005.

RESOLUTION NO. (332-2005) CONT.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack ..... Yes

\*\*\*\*\*

RESOLUTION NO. (333-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01121F Contingent Permanent Police Sergeant (Prom) which contains the name of Jeffrey Wanamaker,

Now, therefore, be it RESOLVED, that Jeffrey M. Wanamaker, 650 Andover Road, Valley Cottage, New York, is hereby appointed to the position of Contingent Permanent Police Sergeant (Prom) – Police Department – at the current annual salary of \$112,985., effective and retroactive to April 11, 2005.

On roll call the vote was as follows:

Co. Lasker .....Absent  
 Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack ..... Yes

\*\*\*\*\*

RESOLUTION NO. (334-2005)

Co. Mandia offered and Co. Nowicki seconded

WHEREAS, by resolution dated April 2, 2002, the Town Board of Clarkstown declared Town owned property designated on the Clarkstown Tax Map as Map 43.15-1-26 to be surplus municipal property, and

WHEREAS, the Town Attorney periodically advertised the availability of the property for sale and erected "for sale" signs, and

WHEREAS, the 1107 Building Corp., a New York business corporation having an office at 19 Squadron Boulevard, New City, New York, has offered to purchase the premises for a cash price of \$470,000.00, which is consistent with the reasonable worth of same, and which offer has been recommended for acceptance by the Town Attorney;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby accepts the offer of 1107 Building Corp., to purchase the former Clarkstown Counseling Center building located at 3 East Evergreen Road, New City, New York, for the sum of \$470,000.00, as described and subject to the contract of sale dated March 31, 2005, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute said contract of sale and to deliver a bargain and sale deed at closing, in a form satisfactory to the Town Attorney, in accordance with the terms of said contract, and be it

RESOLUTION NO. (334-2005) CONT.

FURTHER RESOLVED, that this sale of real property is subject to Permissive Referendum, pursuant to Town Law Section 64(2).

On roll call the vote was as follows:

Co. Lasker	Absent
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

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RESOLUTION NO. (335-2005)

Co. Nowicki offered and Co. Maloney seconded

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

On roll call the vote was as follows:

Co. Lasker	Absent
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

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RESOLUTION NO. (336-2005)

Co. Nowicki offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the placing of a full page advertisement in the Rockland Business Association Pinnacle Awards Program on April 20, 2005, for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$200.00, which shall be charged to Account No. A 6410-405.

On roll call the vote was as follows:

Co. Lasker	Absent
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

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RESOLUTION NO. (337-2005)

Co. Maloney offered and Co. Mandia seconded

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

“A Local Law to Amend Chapter 254 “SUBDIVISION OF LAND” of the Town Code of the Town of Clarkstown,”

and WHEREAS, the proposed local law is to amend Section 254-24, “Alternative to Reservation of Land,” to increase rates for payment in lieu of a reservation of land for park or recreational purposes with respect to the subdivision of land;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on May 31, 2005, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (338-2005)

Co. Mandia offered and Co. Nowicki seconded

WHEREAS, Chief of Police, Peter Noonan, advised that the Rockland County Police Academy obtained a lease for the use of property owned by Tilcon for the development of a new site for the Rockland County Police Range, and

WHEREAS, the Clarkstown Police Department donated police seizure funds which were used to assist in the development of the new range site, which resulted in the Town of Clarkstown receiving 45 days per calendar year of preferential range time for the term of said lease, and

WHEREAS, the Town must enter into an inter-municipal agreement (Memorandum of Understanding), with the County of Rockland that will give Clarkstown police officers the right to utilize the new County firing range and take advantage of the preferential range time, and

WHEREAS, each participating Town and Village in the County shall be required to reimburse the County for \$285,000.00, which sum shall be paid on a per police officer basis in the amount of \$492.00, pursuant to this Memorandum of Understanding;

NOW, THERERFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an inter-municipal agreement (Memorandum of Understanding), with the County of Rockland to provide preferential use of the Rockland County Police Range for 45 days per calendar year, at the option of the Clarkstown Police Department.

RESOLUTION NO. (338-2005) CONT.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (339-2005)

Co. Mandia offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown (the "Town") and the Clarkstown Recycling Center, Inc. (the "Contractor") are parties to a contract dated May 18, 1990, last amended on September 11, 2003 (the "Agreement"), which provides for a service agreement with respect to the operation of the Solid Waste Disposal Facility in and for the Town of Clarkstown by the Contractor; and

WHEREAS, the Agreement expires by its terms on April 30, 2005; and

WHEREAS, the Town of Clarkstown is in the process of preparing a Request for Proposal for the operation of the Solid Waste Disposal Facility; and

WHEREAS, the Town anticipates that the Request for Proposal process will be complete no later than April 30, 2006; and

WHEREAS, in order to ensure the continued and uninterrupted operation of the Solid Waste Disposal Facility and to protect the health and safety of Town residents living in close proximity to the facility, the Town wishes to amend the Agreement to provide for a twelve month extension;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney is hereby authorized and directed to prepare an amendment to the Agreement which shall take effect on May 1, 2005 and shall terminate on April 30, 2006 (the "Extension Period"), and which shall further provide that the Contractor shall be paid a service fee, effective May 1, 2005, of \$67.00 per ton of municipal solid waste processed during the Extension Period, and that the Contractor shall execute any and all documents necessary to transfer the operating permit issued by the New York State Department of Environmental Control from Contractor to the Town; and be it

FURTHER RESOLVED, that all other provisions of the Agreement shall remain in full force and effect.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (340-2005)

Co. Mandia offered and Co. Nowicki seconded

WHEREAS, the Town requires certain graphic design services with respect to its mailings and brochures, and

WHEREAS, the Town has received a proposal from Byne Graphics to provide such services;

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to enter into an agreement, in a form acceptable to the Town Attorney, to retain Byne Graphics, 75 Montebello Road, Montebello, NY, to provide professional design services as per their April 3, 2005 proposal; and be it

FURTHER RESOLVED, that the cost of said services shall not exceed \$10,000, and shall constitute a proper charge to account no. 6410-405.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia. . . . .	Yes
Co. Nowicki. . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (341-2005)

Co. Mandia offered and Co. Nowicki seconded

WHEREAS, the Rockland County Industrial Development Agency ("RCIDA") is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

WHEREAS, the "RCIDA" has undertaken a project consisting of the acquisition of an existing building and renovations thereof, all to be used for a manufacturing facility and administrative offices located at 77 Brenner Drive, Congers, New York, and

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a "payment in lieu of taxes agreement" (a pilot agreement) to be executed by all parties;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with IVAX PHARMACEUTICALS NEW YORK, LLC, THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 44.7-2-12, and located at 77 Brenner Drive, Congers, New York.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia. . . . .	Yes
Co. Nowicki. . . . .	Yes
Supervisor Gromack . . . . .	Yes

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## RESOLUTION NO. (342-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare plans in connection with Congers Lake North End Boardwalk. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$61,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$61,500 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 \$61,500 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 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 on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation

RESOLUTION NO. (342-2005) CONT.

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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (343-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare plans in connection with New City downtown improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$51,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$51,000 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 \$51,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

## RESOLUTION NO. (343-2005) CONT.

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 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 on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

RESOLUTION NO. (343-2005) CONT.

On roll call the vote was as follows:

Co. Lasker .....	Absent
Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (344-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire various equipment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$ 40,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$40,000 serial bonds of the Town to finance said appropriation, 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 \$40,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

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

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

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

RESOLUTION NO. (344-2005) CONT.

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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

On roll call the vote was as follows:

Co. Lasker ..... Absent  
 Co. Maloney ..... Yes  
 Co. Mandia ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack ..... Yes

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RESOLUTION NO. (345-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various road improvements in the Town, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$ 401,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$401,000

## RESOLUTION NO. (345-2005) CONT.

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 \$401,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

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

## RESOLUTION NO. (345-2005) CONT.

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," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2005, 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 April 12, 2005, authorizing the construction of various road improvements in the Town, stating the estimated maximum cost thereof is \$401,000, appropriating said amount therefor, and authorizing the issuance of \$401,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various road improvements in the Town, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$401,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$401,000 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 \$401,000 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 \$401,000 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

RESOLUTION NO. (345-2005) CONT.

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

DATED: April 12, 2005  
Patricia Sheridan  
Town Clerk

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 referred to in Section 7 hereof, and hereby designated the official newspaper 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:

Co. Lasker ..... Absent  
Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Nowicki ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (346-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct improvements to the Congers Railroad Station, 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 \$470,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$470,000 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 \$470,000 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) (3) of the Law, is ten (10) years.

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

## RESOLUTION NO. (346-2005) CONT.

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," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2005, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

RESOLUTION NO. (346-2005) CONT.

“Bond Resolution of the Town of Clarkstown, New York, adopted April 12, 2005, authorizing the construction of improvements to the Congers Railroad Station, stating the estimated maximum cost thereof is \$470,000, appropriating said amount therefor, and authorizing the issuance of \$470,000 serial bonds of said Town to finance said appropriation,”

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

FIRST: AUTHORIZING said Town to construct improvements to the Congers Railroad Station, 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 \$470,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$470,000 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 \$470,000 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 \$470,000 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.

DATED: April 12, 2005  
Patricia Sheridan  
Town Clerk

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 referred to in Section 7 hereof, and hereby designated the official newspaper 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:  
Co. Lasker . . . . . Absent  
Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Nowicki . . . . . Yes  
Supervisor Gromack . . . . . Yes  
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## RESOLUTION NO. (347-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various drainage improvements, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,512,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,512,000 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 \$1,512,000 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 on or 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

## RESOLUTION NO. (347-2005) CONT.

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," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2005, 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 April 12, 2005, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$1,512,000, appropriating said amount therefor, and authorizing the issuance of \$1,512,000 serial bonds of said Town to finance said appropriation," an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct various drainage improvements, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,512,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,512,000 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 \$1,512,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,512,000 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

RESOLUTION NO. (347-2005) CONT.

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.

DATED: April 12, 2005  
Patricia Sheridan  
Town Clerk

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 referred to in Section 7 hereof, and hereby designated the official newspaper 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:

Co. Lasker ..... Absent  
Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Nowicki ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (348-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct sidewalk improvements in the Town, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$22,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$22,000 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 \$22,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

## RESOLUTION NO. (348-2005) CONT.

(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 on or 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," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

RESOLUTION NO. (348-2005) CONT.

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2005, 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 April 12, 2005, authorizing the construction of sidewalk improvements in the Town, stating the estimated maximum cost thereof is \$22,000, appropriating said amount therefor, and authorizing the issuance of \$22,000 serial bonds of said Town to finance said appropriation," an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct sidewalk improvements in the Town, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$22,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$22,000 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 \$22,000 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 \$22,000 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.

DATED: April 12, 2005  
Patricia Sheridan  
Town Clerk

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 referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

RESOLUTION NO. (348-2005) CONT.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (349-2005)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct various improvements to Town Hall, 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 \$36,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$36,000 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 \$36,000 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)(3) of the Law, is ten (10) years.

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

## RESOLUTION NO. (349-2005) CONT.

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," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2005, 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 April 12, 2005, authorizing the construction of various improvements to Town Hall, stating the estimated maximum cost thereof is \$36,000, appropriating said amount therefor, and authorizing the issuance of \$36,000 serial bonds of said Town to finance said appropriation," an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct various improvements to Town Hall, 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 \$36,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$36,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

RESOLUTION NO. (349-2005) CONT.

SECOND: AUTHORIZING the issuance of \$36,000 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 \$36,000 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.

DATED: April 12, 2005  
Patricia Sheridan  
Town Clerk

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 referred to in Section 7 hereof, and hereby designated the official newspaper 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:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

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RESOLUTION NO. (350-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that Lawrence Stevenson, Purchaser II, is hereby authorized to attend the New York State Association of Municipal Purchasing Officials, Spring Training Conference From May 10, 2005 through May 13, 2005 in Lake George, New York, and

BE IT FURTHER RESOLVED, that the total cost of \$350.00 per person for such conference, and other reasonable expenses for tolls, travel, lodging and meals shall be charges to Appropriation Account A 1010-414 (Schools and Conferences).

RESOLUTION NO. (350-2005) CONT.

On roll call the vote was as follows:

- Co. Lasker . . . . . Absent
- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (351-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown operates a facility for the disposal and processing of various types of waste, including residential and bulk waste, at its Solid Waste Facility, Route 303, West Nyack, New York; and

WHEREAS, pursuant to Section 248-6 of the Clarkstown Town Code, the Town Board by resolution may set fees for disposal of acceptable waste at Town operated disposal facilities; and

WHEREAS, the Deputy Director – Operations of the Department of Environmental Control has recommended revised tipping fees be approved to reflect the increased costs of processing such materials;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby establishes revised tipping fees for disposal of the following commodities at the Town's Solid Waste Facility as follows:

- 1101 Residential Garbage – Clarkstown/Orangetown - \$75.00 per ton
- 1102 Commercial Garbage Roll Off – Clarkstown/Orangetown- \$75.00 per ton
- 1103 Commercial Garbage Other – Clarkstown/Orangetown - \$75.00 per ton
- 1111 Residential Garbage – Ramapo/Other- \$75.00 per ton
- 1112 Commercial Garbage Roll Off – Ramapo/Other - \$75.00 per ton
- 1113 Commercial Garbage Other – Ramapo/Other - \$75.00 per ton
- 1121 Debris Contractor – Clarkstown/Orangetown - \$75.00 per ton
- 1122 Debris Roll Off – Clarkstown/Orangetown - \$75.00 per ton
- 1131 Debris Contractor – Ramapo/Other - \$75.00 per ton
- 1132 Debris Roll Off – Ramapo/Other - \$75.00 per ton
- 1133 Resident Debris – Clarkstown Only - \$75.00 per ton
- 1134 Non-Resident Debris – Ramapo/Orangetown/Other - \$75.00 per ton

and be it FURTHER RESOLVED, that the above fees shall become effective as of May 1, 2005.

On roll call the vote was as follows:

- Co. Lasker . . . . . Absent
- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (352-2005)

Co. Nowicki offered and Co. Maloney seconded

Whereas, the Town Board of the Town of Clarkstown is desirous of having drainage conditions in the area of Greenbush Road, Route 59 and Route 303 and the Town operated composting facility in the vicinity of West Nyack evaluated for the purpose of determining existing conditions and making conceptual recommendations for improvements; and

Whereas, the Department of Environmental Control has solicited proposals from five (6) qualified engineering/surveying firms to provide the engineering, surveying, drainage analysis and conceptual design services necessary for the Town to discuss potential improvements with other involved agencies, including the NYS Department of Transportation, the NYS Thruway Authority, and the County of Rockland, and

Whereas, the Department of Environmental Control has received five (5) proposals in response to its solicitation; and

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

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of the

Lawler, Matusky, and Skelly Engineers, LLP  
One Blue Hill Plaza  
Pearl River, New York 10965

to perform said work in accordance with their proposal in the amount of \$85,000.00, said amount not to be increased without additional Town Board resolution; and

Be It Further Resolved that this shall be a proper charge to account number H 8755 - 409 - 0 - 79 - 13.

On roll call the vote was as follows:

Co. Lasker .....Absent  
Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Nowicki ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (353-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS the Town of Clarkstown currently holds a sewer easement on property at 23 Carrie Lane, Nanuet; and

WHEREAS the Department of Environmental Control has inspected the easement area and found that surface drainage and groundwater levels are saturating the ground in the vicinity of said sewer easement; and

WHEREAS the Department of Environmental Control has recommended the modification of said easement to a combined sewer and drainage easement; and

WHEREAS the Department of Environmental Control further recommends the installation of drainage pipe and two catch basins within the combined easement,

RESOLUTION NO. (353-2005) CONT.

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes modification of existing drainage easement to a sewer and drainage easement, and

BE IT FURTHER RESOLVED that the Department of Environmental Control is authorized to prepare designs for the installation of drainage in the modified easement, and

BE IT FURTHER RESOLVED that the Director of the Department of Environment Control is authorized to solicit proposals from qualified contractors for installation of said drainage improvements.

On roll call the vote was as follows:

- Co. Lasker . . . . . Absent
- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (354-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, a petition dated March 17, 2005, was received by the Town of Clarkstown from Head Start of Rockland, Inc., as owner with rights to the use of a portion of Second Avenue, Spring Valley, New York, (described on attached Schedule "A" as parcel "1"), abutting its property, seeking annexation of said property to the Village of Spring Valley, and

WHEREAS, the subject portion of Second Avenue is a mapped but unopened street shown on the Official Map of the Town of Clarkstown, which is located at the terminus of the dedicated portion of Second Avenue, and

WHEREAS, the petition of Head Start has also been presented to the Village Board of the Village of Spring Valley, and

WHEREAS, the Superintendent of Highways has indicated that the portion of Second Avenue, which is the subject of this resolution, is not needed for any purpose related to the maintenance of the dedicated portion of Second Avenue, provided a portion of Ben Wild Road, located within the Village of Spring Valley, could be annexed to the Town of Clarkstown to provide snow clearance storage, and

WHEREAS, the Town Board has determined to consider the petition for reciprocal annexation of the subject portion of Second Avenue and a similarly sized portion of Ben Wild Road (described on attached Schedule "A" as Parcel "2"), at a joint public hearing of the Town Board of the Town of Clarkstown and the Village of Spring Valley Trustees, as hereinafter scheduled, and

WHEREAS, the portion of Second Avenue to be considered for annexation to the Village of Spring Valley appears on the Town of Clarkstown Official Map which, if the relief requested is granted, should be removed therefrom, because such roadway would no longer be required for any public purpose;

NOW, THEREFORE, be it RESOLVED, that pursuant to Article 17, Section 704 of the General Municipal Law, the Town Board of the Town of Clarkstown shall hold a joint public hearing with the Village Board of the Village of Spring Valley, in Room 311, at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on May 10, 2005, at 7:00 p.m., or soon thereafter as possible, and be it

RESOLUTION NO. (354-2005) CONT.

FURTHER RESOLVED, that the Town Attorney shall prepare a notice indicating the time, place and purpose of such hearing, and that the Town Clerk shall cause same to be published in the official newspaper and posted in the manner provided by law and shall file proof thereof in the Office of the Town Clerk, and be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board, Building Inspector, Superintendent of Highways, Tax Assessor, Receiver of Taxes, Police Department, Chief Fire Safety Inspector, Zoning Administrator, Director of Environmental Control, and the Rockland County Commissioner of Planning for review and report, 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 Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to said SEQRA review, and be it

FURTHER RESOLVED, that simultaneously with the public hearing herein scheduled, the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to Town Law 273, to consider amendment of the Town's Official Map to delete the subject portion of Second Avenue.

On roll call the vote was as follows:

- Co. Lasker . . . . . Absent
- Co. Maloney . . . . . Yes
- Co. Mandia. . . . . Yes
- Co. Nowicki. . . . . Yes
- Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (355-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, the Superintendent of Highways of the Town of Clarkstown, and the Office of the Town Attorney, the road known as TILLIE COURT, New City, New York, together with the public improvements on a subdivision map entitled "Tillie Court" Subdivision, filed in the Rockland County Clerk's Office on November 23, 1998, is hereby accepted by the Town of Clarkstown for dedication, and the deed thereto is ordered recorded in the Rockland County Clerk's Office, subject to the approval of the Town Attorney, and the receipt of security as further provided herein, and be it

FURTHER RESOLVED, that in consideration of the fact that the infrastructure construction was completed over five years ago, and that there are no visible signs of work which would normally be performed under a maintenance guarantee typical to such a project, the Town will accept a payment in the amount of \$13,000 in lieu of a maintenance security which would otherwise be required prior to acceptance of dedication. Said amount is in full settlement for any and all minor defects in workmanship, and be it

FURTHER RESOLVED, that upon receipt of all necessary paperwork and full payment of \$13,000.00, all escrow funds will be released and the deed will be recorded.

RESOLUTION NO. (355-2005) CONT.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (356-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, the Superintendent of Highways of the Town of Clarkstown, and the Office of the Town Attorney, the road known as PENNY LANE, West Nyack, New York, together with the public improvements on a subdivision map entitled "Cricklewood Green Subdivision," filed in the Rockland County Clerk's Office on July 27, 1997, is hereby accepted by the Town of Clarkstown for dedication, and the deed thereto is ordered recorded in the Rockland County Clerk's Office, subject to the approval of the Town Attorney, and the receipt of security as further provided herein, and be it

FURTHER RESOLVED, that in consideration of the fact that the infrastructure construction was completed approximately five years ago, the Town will accept a payment in the amount of \$10,000 in lieu of a maintenance security which would otherwise be required prior to acceptance of dedication. Said amount is in full settlement for any and all claims for minor defects in workmanship, and be it

FURTHER RESOLVED, that upon receipt of all necessary paperwork and full payment of \$10,000.00, all escrow funds will be released and the deed will be recorded.

On roll call the vote was as follows:

Co. Lasker . . . . . Absent  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (357-2005)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, the Superintendent of Highways of the Town of Clarkstown, and the Office of the Town Attorney, the road known as FAYVA COURT, Nanuet, New York, together with the public improvements on a subdivision map entitled "Clarkstown West Subdivision," filed in the Rockland County Clerk's Office on October 15, 1996, is hereby accepted by the Town of Clarkstown for dedication, and the deed thereto is ordered recorded in the Rockland County Clerk's Office, subject to the approval of the Town Attorney, and the receipt of security as further provided herein, and be it

FURTHER RESOLVED, that in consideration of the fact that the infrastructure construction was completed over five years ago, and that there are no visible signs of work which would normally be performed under a maintenance guarantee typical to such a project, the Town will accept a payment in the amount of \$12,000 in lieu of a maintenance security which would otherwise be required prior to acceptance of

RESOLUTION NO. (357-2005) CONT.

dedication. Said amount is in full settlement for any and all claims for snowplowing charges.

On roll call the vote was as follows:

Co. Lasker . . . . .	Absent
Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Nowicki . . . . .	Yes
Supervisor Gromack . . . . .	Yes

\*\*\*\*\*

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

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

04/12/2005

8:10 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, & Nowicki  
Marcia Coopersmith, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Chapter 111 Proceeding (Unsafe Buildings) for premises located at 69 Route 59, Central Nyack

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On motion of Co. Mandia and seconded by Co. Maloney the public hearing was continued.

Building Inspector Mark Papenmeyer said that the building was not yet removed and the Town might have to remove it. He said that the current owner, Mr. Fazio, is selling the property and did not live up with the agreement regarding the survey or asbestos abatement.

The Deputy Town Attorney asked Mr. Papenmeyer whether this presents a clear and present danger and if he could get the cooperation of the new owner, and he said yes and the contract purchaser is Robert Naraine of 139 3<sup>rd</sup> St, New City, NY.

The Deputy Town Attorney asked if Mr. Naraine would immediately move for the demolition and asbestos permits because the building is a danger to the public and he said he would remove the building as soon as he gets all the permits.

Mr. Papenmeyer, in response to Co. Mandia's question of how long it should take, said that it should be done by the end of the week

The Deputy Town Attorney asked Mr. Naraine how long it will take to resolve the problem if there is no problem with the closing on the sale of the property.

Mr. Naraine said that he will move immediately after the closing and should be able to resolve the problem in two weeks.

Mr. Papenmeyer said that someone had already entered the property, and while he doesn't have a problem with two weeks, no further delays can be allowed.

The Deputy Town Attorney said the Town Board wants the building down and removed and the Town has a survey that she would graciously share with the new owner if it would expedite the project.

Co. Mandia asked if a resolution allowing for 2 weeks and 2 days (April 29) within which the building should have been taken down and removed from the premises and the demolition permit should be obtained within a week

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the Public Hearing was closed, time 8:25 p.m.

Respectfully submitted,

*Patricia Sheridan*  
Patricia Sheridan  
Town Clerk

RESOLUTION NO. (288-2005) ADOPTED

ABF810

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

04/12/2005

8:25 P.M.

Present: Supervisor Alexander J. Gromack  
Council Members Maloney, Mandia, & Nowicki  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

Proposed Amendment to the Comprehensive Plan with regard to petition of Tor Valley Inc./Davies Farm Inc. and Proposed Zone Change (R-22 to LS) for property located at Little Tor Road and New Valley Road

On motion of Co. Mandia and seconded by Co. Maloney the public hearing was continued.

The Town Attorney explained that the public hearings to amend the comprehensive plan and on the petition for the zone change are being held simultaneously.

Don Tracy  
Counsel for Petitioner

He said that this is a continuation for the purpose of receiving information (the traffic study, drainage study, and the economic analysis that were already received) and he has previously presented his case and that the Town and County Planning Boards are both in favor of the proposed change and the SEQOR negative declaration was already given.

Cora Bodkin  
President, South Little Tor Civic Association

She read a statement which provided the following covenant restrictions: "Types of business that would be generally considered out of keeping with an adjacent single-family residential neighborhood and/or inappropriate to the purpose of LS (local shopping) zone, because of the nature of their products, services, or tendency to be sources of litter, such as, but not necessarily limited to: tattoo parlors, massage parlors, bar, bar and grill, supermarkets, department stores, 'fast-food' restaurants. The building would be limited to a one story building, with no future expansion in total square feet, footprint, or floor area ratio."

Martin Bernstein  
New City

He said that the public hearings on the amendment to the comprehensive plan and petition for a zone change should be done separately, not on different dates but on different hearings. There will now be 6 acres of commercial use, from the existing 2 acres, and he thinks that the public does not realize that it will become a major commercial area.

Town Planner Joe Simoes explained that there would be 4 acres from R-22 that will now be LS so the existing 2.5 LS will become 6 acres. He also said that the issues are not combined and the two different issues are discussed separately.

Co. Mandia said that it would be unfair to the people to hold different hearings at two different dates.

Ed Day  
New City

He said that he was on the committee for the comprehensive plan and people are looking for changes. The people in the area were opposed to condominiums and senior housing, and most wanted property developed as they were zoned. The Town Board listened to the people and the concern in that area is drainage. When the hospice was brought in the area, the applicant was involved in the community and received approval of the community.

Town Attorney - The second part of this public hearing on the zone change, the report that came in from the Planning Board just got to my eyes on Monday and there is a number of conditions and requirements and I was not able, in advance of the public hearing tonight, to draft any detailed findings of fact for the Board's consideration so I do not have a resolution for the Board to act on in that respect.

Co. Mandia - Mr. Supervisor, I am prepared to offer a motion to approve the zone change with consideration within that resolution to adopt all recommendations of the County Planning Board, all recommendations of the Town Planning Board, and all covenants as prescribed by the Town Planning Board and all the notifications and all the processes contained within the planning process have been done according to the Chair of the Planning Board and the Town Planner, so pending a written resolution by Mr. Costa and to move this project along, I will make that motion. I am also going to say that we listened to a lot of great ideas, a lot of great work is being done, a lot of great hope is out there to upgrade all of our downtowns particularly New City which is the County seat. The plans that I have seen offered by this applicant, shown to the residents as Mr. Day said, if that can be a catalyst for other people to make their commercial properties look that attractive, I hope it catches on like the measles, so I offer that motion served for the Board's consideration.

Co. Maloney - I will second that motion.

Town Attorney - I need to ask a question just to clarify my direction in terms of drafting. In the resolution that you just adopted, there was a SEQR determination, that will also have to be a part of the zone change resolution as well, but for my clarification there were certain covenants that were recommended by Mrs. Bodkin that may not be totally consistent with the report of the Planning Board and I think that that would need to be clarified as to the intent of the Town Board before I draft that resolution for the Town Board's consideration. I am not sure if the recommendations made by the Planning Board included all ...

Supervisor - Mr. Simoes, why don't you let us know what you recommended to the Town Board?

Joe Simoes - The only modification that the Planning Board had in terms of the covenant, there was a prohibition against take-out except for Chinese restaurants. The Planning Board felt that was arbitrary. If there is going to be any type of prohibition, it should be on all take-out, and not except Chinese restaurants in particular.

Town Attorney - You are including a fast-food type restaurant

Joe Simoes - Fast-food and take-out fast-food

Co. Maloney - So you will be happy with the recommendation just made by Mr. Co. Mandia which I seconded that would cover what you had in mind in terms of the covenants and everything else?

Joe Simoes - The covenants I guess will have to be modified.

Co. Maloney - All right.

Supervisor - Let me ask the applicant, does that create something different than what you understood?

This really goes into the definition of "fast-food." We don't want to be so overly restrictive where perhaps a pizza parlor ... paper plates ... a slice of pizza...

Co. Mandia - I understood the Planning Board's concern because I read it and I have used that shopping center as many as people in this room have. There is a deli that does take-out, there is an Italian restaurant that does deli, that does take-out, there is a recently re-opened luncheonette, my wife and I have taken out sandwiches from there, so to just obliterate take-out really does not sound like it makes a whole lot of sense, and I worded

my proposed resolution to say that the body kept faith that the Planning Board in dealing with the covenants that Mrs. Bodkin would like to see are worked together favorably as they go for site plan approval to get it done correctly in a way that it is going to make sense. That is the purpose of what I said.

Town Attorney -- It is going to pose a little bit of a drafting burden on the resolution for the Town Board because it is to be conditioned upon the filing of a covenant in the Rockland County Clerk's Office so before it gets to the Planning Board we have to have that covenant in a form that is acceptable to the Town Board and a recordable form to record it and of course Mrs. Bodkin's comment that it be enforceable is certainly relevant, if you are going to do it you want it to be enforceable as well. So we need to be clear on what the contents of the covenant are going to be.

Co. Mandia - The only place that there is a difference is the fact of the take-out restaurants, am I right?

Joe Simoes - It specifically references fast-food restaurants. We had looked that up in the Town Code. The definition of fast-food restaurants, if it is a sit-down establishment, it is not considered a fast-food restaurant necessarily, if there is a menu and you sit down even if you might take-out some food and have it at home, but if there is seating available and a menu, it is not necessarily a fast-food restaurant.

Town Attorney -- So we will use the definition in the Zoning Local Law to clarify the intent of the covenant.

Supervisor -- Mr. Tracy, do you concur to use that definition in the Zoning Code?

Mr. Tracy -- Absolutely.

Co. Mandia - Since the two attorneys agree, my motion stands.

There being no further business and no one further wishing to be heard, on motion of Co. Nowicki, seconded by Co. Maloney and unanimously adopted the Public Hearing was closed, time 8:45 p.m.

Respectfully submitted,

*Patricia Sheridan*

Patricia Sheridan  
Town Clerk

RESOLUTION NO. (289-2005) ADOPTED

ABF810

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

04/12/2005

8:25 P.M.

Present:                   Supervisor Alexander J. Gromack  
                                Council Members Maloney, Mandia, & Nowicki  
                                John Costa, Town Attorney  
                                Patricia Sheridan, Town Clerk

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The Town Attorney explained that the public hearings to amend the comprehensive plan and on the petition for the zone change are being held simultaneously.

Don Tracy  
Counsel for Petitioner

He said that this is a continuation for the purpose of receiving information (the traffic study, drainage study, and the economic analysis that were already received) and he has previously presented his case and that the Town and County Planning Boards are both in favor of the proposed change and the SEQR negative declaration was already given.

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Co. Mandia – Mr. Supervisor, I am prepared to offer a motion to approve the zone change with consideration within that resolution to adopt all recommendations of the County Planning Board, all recommendations of the Town Planning Board, and all covenants as prescribed by the Town Planning Board and all the notifications and all the processes contained within the planning process have been done according to the Chair of the Planning Board and the Town Planner, so pending a written resolution by Mr. Costa and to move this project along, I will make that motion. I am also going to say that we listened to a lot of great ideas, a lot of great work is being done, a lot of great hope is out there to upgrade all of our downtowns particularly New City which is the County seat. The plans that I have seen offered by this applicant, shown to the residents as Mr. Day said, if that can be a catalyst for other people to make their commercial properties look that attractive, I hope it catches on like the measles, so I offer that motion served for the Board's consideration.

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Town Attorney – So we will use the definition in the Zoning Local Law to clarify the intent of the covenant.

Supervisor – Mr. Tracy, do you concur to use that definition in the Zoning Code?

Mr. Tracy – Absolutely.

Co. Mandia - Since the two attorneys agree, my motion stands.

There being no further business and no one further wishing to be heard, on motion of Co. Nowicki, seconded by Co. Maloney and unanimously adopted the Public Hearing was closed, time 8:45 p.m.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

RESOLUTION NO. (290-2005) ADOPTED