

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

09/13/2005

8:00 P.M.

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

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

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Stepfamily Day  
September 16, 2005

WHEREAS, Stepfamily Day is enhanced by our strong commitment to support the stepfamilies of our nation in their mission to raise their children, create strong family structures to support the individual members of the family, instill in them a sense of responsibility to all extended family members.

WHEREAS, approximately half of all Americans are involved in some form of stepfamily relationship and it is the vision of Founder, Michigan's Christy Borgeld and the Stepfamily Association of America that all stepfamilies in the United States be accepted, supported and successful.

WHEREAS, our nation has been blessed by thousands upon thousands of loving stepparents and stepchildren who are daily reminders of the joy trials, and triumphs of the stepfamily experience and of the boundless love contained in the bond between all types of parents and children.

WHEREAS, Stepfamily Day is a day to celebrate the many invaluable contributions stepfamilies have made to enriching the lives and life experience of the children and parents of America and to strengthening the fabric of American families and society.

Now, therefore, be it resolved, that I, Alexander J. Gromack, by virtue of the authority vested in me as Supervisor of the Town, and on behalf of the Town Board, do hereby proclaim this day, September 16, 2005 as Stepfamily Day 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 16<sup>th</sup> DAY OF SEPTEMBER 2005.

ALEXANDER J. GROMACK  
Supervisor, Town of Clarkstown

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Supervisor opened the public portion of the meeting.

Martin Bernstein  
New City

Items 2a & 2b - Asked what these items are. Item 5 - Inquired if there are certain areas in Clarkstown that would be an empire zone and what could be done in these areas. Item 7 - He inquired about what legal proceedings the Town Board was talking about. Item 12 - He asked what the special permit applications meant and what the property was and what can be done there? Item 22 - He inquired as to what property this was on 64 Maple Avenue. He spoke regarding business advertising signs. He said that some are terrible and ugly and nothing is being done to control them. There is one big sign on South Main Street and there are 2 big signs on North Main Street and they were not approved. If the signs are illegal, they must be stopped immediately.

Joe Fanelli  
West Nyack

Item 20g - He asked where the drainage improvements were going to start on Foxwood Road, upper or lower.

Rina Ricucci  
New City

Item 13 - Asked where the installation of the street lighting will be.

PUBLIC PORTION CONT.

Karen Schmidt  
Valley Cottage

She saw work being done on Green Avenue but she was more interested on the bid for Kill Von Beaste. Inquired as to whether Sequoia Drive is in Valley Cottage. Item 20t - Inquired as to what part of Downtown is covered.

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RESOLUTION NO. (665-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of August 23, 2005 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (666-2005)

Co. Lasker offered and Co. Nowicki seconded

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

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning September 1, 2005 to September 1, 2007, as follows:

Sponsor: Aldan Press  
57 Bardonia Road  
Bardonia, NY 10954

Roads: .9 mile segment of Ludvigh Road, from  
Route 304 to Middletown Road  
Bardonia, NY 10954

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

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning September 1, 2005 to September 1, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (667-2005)

Co. Lasker offered and Co. Nowicki seconded

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

WHEREAS, the following group wishes to continue to adopt a segment of various town roads for a period of two (2) years, beginning August 15, 2005 to August 15, 2007, as follows:

Sponsor: American Legion Wm. E. DeBevoise, Jr.,  
Post No. 1682  
65 American Legion Way  
New City, NY 10956

Roads: .1 mile segment of American Legion Way from  
Congers Road to Route 304  
New City, NY 10956

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

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a renewal agreement, for a period of two (2) years beginning August 15, 2005 to August 15, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segment, and to provide and coordinate services by the above named group, to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (668-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Department of Justice, Office of Justice Programs, has approved the application from the Town of Clarkstown for funding under the FY 2005 Edward Byrne Memorial Justice Assistance Grant Program (Project No. 2005-DJ-BX-1681) in the amount of \$44,172.00, for use by the Clarkstown Police Department in its "Operation Safe Shopper V" project, for the period October 1, 2004 to September 30, 2008;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Department of Justice, Office of Justice Programs, in a form approved by the Town Attorney, to accept a grant award of \$44,172.00, in accordance with the grant award requirements for the Town of Clarkstown "Operation Safety Shopper V" project, for the period October 1, 2004 to September 30, 2008.

On roll call the vote was as follows:

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

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RESOLUTION NO. (669-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2005 Community Development Block Grant Program funds to the Town of Clarkstown in an amount not to exceed \$250,000.00, for the purpose of improving Lawrence Street, Valley Road/Drayton Road, and for the Senior Citizen Transportation Bus.

On roll call the vote was as follows:

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

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RESOLUTION NO. (670-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Town of Clarkstown, pursuant to an intermunicipal agreement with the County of Rockland, has been allocated Federal Transit Administration Grant funds to install closed-circuit cameras in certain commuter parking lots; and

WHEREAS, the Town of Clarkstown solicited bids for the purchase and installation of the camera equipment, the responses to which are currently under review; and

WHEREAS, in order for the successful bidder to install the cameras at the specified locations, the Town of Clarkstown must enter into a Pole Attachment License Agreement with Orange and Rockland Utilities;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarkstown is hereby authorized to enter into a Pole License Agreement, in a form acceptable to the Town Attorney, with Orange and Rockland Utilities; and be it

FURTHER RESOLVED, that the application fee in the amount of \$350.00, walk fees and monthly charges of approximately \$33 per month shall constitute a proper charge to account no. H-8755-409-0-79-31.

On roll call the vote was as follows:

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

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RESOLUTION NO. (671-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, in the aftermath of the horrific attacks perpetrated on the people of the United States on September 11, 2001, officials at all levels of government have now realized that nuclear power plants located within or near major metropolitan areas present a grave threat of loss of human life on a scale heretofore unimaginable and that such facilities are vulnerable to terrorist attack because of their inherent design deficiency, having not been built to withstand the type of attack which brought down the World Trade Center buildings, and

WHEREAS, the Clarkstown Town Board has by its resolutions adopted on January 15, 2002, June 25, 2002, January 14, 2003 and June 24, 2003, requested that the following common sense steps be taken:

RESOLUTION NO. (671-2005) CONT.

1. The development of a comprehensive plan to secure and defend the Indian Point Nuclear Power Plants located within ten miles of the Town of Clarkstown;

2. The taking of all necessary steps to lead to the decommissioning of Indian Point 1 and Indian Point 2 Power Plants by the State of New York and the United States, and the removal of all radioactive materials to a safe containment facility located away from any population center;

3. The withdrawal by the Federal Emergency Management Agency (FEMA) of its approval of the Indian Point Emergency Preparedness Plan upon the grounds, among others, that the plan does not meet all legal requirements and it cannot under any circumstances adequately protect the public health and safety;

4. That the Rockland County Executive refrain from signing off on or otherwise approving an evacuation plan for the residents of Rockland County who might be threatened by any event which could lead to the release of radioactive materials from Indian Point within the Town of Clarkstown, or Rockland County, and requesting instead that the Office of County Executive press State and Federal authorities to immediately begin the process of decommissioning and securing of said facility; and

5. Joining with and urging other communities located within the danger zone created by the existence of the Indian Point Nuclear Powers Plants to become active members of the Indian Point Safety Energy Coalition, and

WHEREAS, the Clarkstown Town Board is aware that very little, if anything, has been done at the State or Federal level to reduce or remove the menace of radiological disaster posed to the millions of people who reside within the proximity of Indian Point, and

WHEREAS, the Clarkstown Town Board is aware that this problem will only be addressed if citizens and local governments maintain their steadfast opposition to the re-licensing of these two power plants which are functionally obsolete from a public safety point of view and should not be permitted to continue to operate or to exist as a threat to public health and safety;

NOW THEREFORE, be it RESOLVED, the Town Board of the Town of Clarkstown reiterates its position, on behalf of the millions of residents of the tri-state metropolitan area who live under the cloud of nuclear disaster posed by the Indian Point Nuclear Power Plants as a result of possible international terrorism, that such facilities should not be allowed to operate, and be it

FURTHER RESOLVED, that all communities located within a fifty mile radius of Indian Point are urged to support all governmental and individual efforts to oppose re-licensing of Indian Point 1 and 2 by the Nuclear Regulatory Commission, and to urge the plant owner, Entergy Corp. to abandon its efforts to seek re-licensing, and be it

FURTHER RESOLVED, that the Clarkstown Town Board urges the Nuclear Regulatory Commission to revise or modify its environmental impact regulations to reflect the level of hazard posed by the mere existence of nuclear power plants in the midst of heavily populated regions, and be it

FURTHER RESOLVED, that the Town Clerk distribute copies of this resolution to the Governor George Pataki and to all members of the New York State Senate and Assembly, U.S. Senators Charles Schumer and Hillary Rodham Clinton, and to all members of the House of Representatives serving any constituents living with one hundred miles of Indian Point.

On roll call the vote was as follows:

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

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RESOLUTION NO. (672-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Chapter 143-11 (D) and (E) of the Town Code of the Town of Clarkstown provides that the Town Board may by resolution establish annual fees for certificates of compliance issued by the Building Department upon the approval of the Chief Fire Safety Inspector, and

WHEREAS, the Building Inspector has made recommendation to the Town Board for increase in certain certificate of compliance inspection fees to be effective January 1, 2006;

NOW, THEREFORE, be it RESOLVED, that pursuant to Section 143-11 (D) and (E) of the Town Code, the fees for inspection and issuance of a certificate of compliance for the various occupancies and uses regulated by Chapter 143 (Fire Prevention) shall be amended effective on and after January 1, 2006 in accordance with the recommendation of the Building Inspector as set forth on the attached Schedule "A," and be it

FURTHER RESOLVED, that the fee schedule established herein shall be posted and made available for inspection by the public no later than November 1, 2005, and be it

FURTHER RESOLVED, that the fees established pursuant to this resolution shall be increased as stated on Schedule "A" by \$25.00 if payment is not made on or before January 31<sup>st</sup>, and an additional sum of \$25.00 if payment is not received on or before the last day in February, after which proceedings may be commenced pursuant to Section 143-6 of the Town Code to recover such inspection fees, and be it

FURTHER RESOLVED, that nothing herein shall affect the exemption from such fees provided to senior citizen housing projects a provided in Section 143-11 (F).

On roll call the vote was as follows:

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

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RESOLUTION NO. (673-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Section 961 of Article 18-B of the General Municipal Law authorizes application by the County of Rockland for designation of certain areas as an Empire Zone within the meaning of said statute, and

WHEREAS, such designation could greatly benefit the County of Rockland in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area, and new and expanded businesses would generate new jobs for the County of Rockland residents, and

WHEREAS, the Town of Clarkstown intends to authorize the submission of an application for the designation of areas within the Town of Clarkstown as an Empire Zone, and

WHEREAS, the County of Rockland wishes to designate certain areas with the Town of Clarkstown as part of the Empire Zone, and

WHEREAS, the Town of Clarkstown is desirous of working with the County of Rockland through the Empire Zone Program to provide enhanced job opportunities for its residents;

NOW, THEREFORE, be it RESOLVED, by the Town Board of the TOWN OF CLARKSTOWN, New York, that it fully supports and concurs in the submission of an application by the COUNTY OF ROCKLAND for the designation of certain areas as an EMPIRE ZONE.

RESOLUTION NO. (673-2005) CONT.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Absent  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (674-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the residential properties located at #783, #785 and #786 Sequoia Drive, Valley Cottage, New York experience back flow of raw sewage into the residence under certain uncontrollable circumstances caused by the surcharging of municipal sewer mains, and

WHEREAS, the installation of check valves on the sanitary sewer house connection was necessary to prevent the backflow of raw sewage into the residence, and

WHEREAS, the Director of the Department of Environmental Control was authorized BY Town Board Resolution No. 285-2005 to hire Environmental Construction, Inc, P.O. Box 563, Stony Point, New York 10980 for the installation of the check valves for #783, #785 and #786 Sequoia Drive, Valley Cottage, New York, and

WHEREAS, the contractor was directed in the field to complete the work on Sequoia Drive without stopping in anticipation of an approaching storm, and

WHEREAS, this additional overtime was not part of the original proposal, and

WHEREAS, all work was completed without any further sewage damage to the affected residences on Sequoia Drive.

NOW, THEREFORE, BE IT RESOLVED, Town Board Resolution No. 285-2005 is hereby amended to reflect the additional cost \$1,907.77 for the overtime necessary to complete the installation of check valves to the affected residences on Sequoia Drive, and

BE IT FURTHER RESOLVED, that the total cost for the check valve installations shall not exceed \$15,307.77 and shall be a proper charge to capital account H 8755 409 0 79 12.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Absent  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (675-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board hereby authorizes Deputy Town Attorney, Paul K. Schofield, to take all necessary steps, including commencing litigation, to recover from 18 SQ Associates, AKW Holdings, LLC and Squadron Land, LLC interest due and owing as a result of a covenant for the benefit of the Town of Clarkstown affecting premises owned by said entities.

On roll call the vote was as follows:

Co. Lasker . . . . . Yes  
 Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Absent  
 Co. Nowicki . . . . . Yes  
 Supervisor Gromack . . . . . Yes  
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RESOLUTION NO. (676-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the existing maintenance building located at the Town's Solid Waste Facility, West Nyack, New York is a serious state of deterioration and requires replacement, and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from a qualified architectural firm to perform a feasibility study to determine the most efficient type and layout of the new building, and

WHEREAS, the cost of the feasibility will be credited in its entirety towards the architectural/engineering fees for the new building.

NOW THEREFORE BE IT RESOLVED, THAT THE Director of the Department of Environmental Control is hereby authorized to hire DCAK Architecture, 10 South Broadway, Nyack, New York 10960 to perform the feasibility in accordance with their proposal dated September 7, 2005, and

BE IT FURTHER RESOLVED, that the cost for the feasibility study shall not exceed \$14,500.00 and shall be a proper charge to SR 8160 409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (677-2005)

Co. Maloney offered and Co. Lasker 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

M.V.E. Development Corp.  
 300 N. Rt. 303  
 Congers, NY 10920  
 35.19-2-5, 35.20-1-12  
 (F/N/A 129-A-9.1, 129-A-9.2)

By the installation of fire lane designations, and

WHEREAS, Elliot Kracko 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 .....	Yes
Co. Maloney .....	Yes
Co. Mandia .....	Absent
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (678-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the New York State Supreme Court has ordered that the Town provide John Callanan with back pay and all benefits from the time of his termination from employment as a Clarkstown police officer to the date of his reinstatement,

NOW, therefore, it is RESOLVED, that the Comptroller is hereby authorized to pay the amounts owed to police officer John Callanan for back pay and all employee benefits from the date of his termination from employment as a Clarkstown police officer to the date of his reinstatement and to reimburse Officer Callanan for COBRA payments and his verifiable expenditures necessitated by the cessation of employee health care benefits, all such payments to be in accordance with applicable Federal and New York State law.

On roll call the vote was as follows:

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

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RESOLUTION NO. (679-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Lake DeForest Dev. Corp. has submitted three applications for three different special permits for adjacent properties known as Map 58.13-1-49, 58.13-1-50, 58.13-1-51, 58.13-1-52 (Trailer Camp), Map 58.13-1-22 (Auto Laundry), and Map 58.13-1-47, 58.13-1-48, 58.13-1-23 (Mini Warehouse), which are permitted uses in the M Zone, and

WHEREAS, the Town Board may be the appropriate lead agency for SEQRA purposes with respect to said applications but would like an analysis and report with recommendation from Jose Simoes, Town Planner, prior to taking any steps to declare itself lead agency;

NOW, THEREFORE, be it RESOLVED, that Jose Simoes, Town Planner, is hereby directed to act as agent for the Town Board, to review the environmental assessment information and other materials provided by the applicant, and to report back with his recommendation as to whether or not the Town Board should seek lead agency status with respect to the special permit applications referred to herein.

On roll call the vote was as follows:

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

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RESOLUTION NO. (680-2005)

Co. Maloney offered and Co. Lasker seconded

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

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator,

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

RESOLUTION NO. (680-2005) CONT.

Scarlett Court, New City  
(Install one (1) 5800 lumen sodium vapor street light on a fiberglass pole to be installed at pad #59575/41684 located between house number 14 Scarlett Court and 54 Second Street, New City)

And be it FURTHER RESOLVED, that the installation of this municipal street light shall be at a cost to the Town of Clarkstown of \$2,175.00, and that an annual charge for basic fuel delivery; which charge shall include maintenance of this street lighting equipment, will be at \$6.96 per month for the 5800 lumen sodium vapor fixture, plus the applicable market supply charge, and fuel which shall be charged to Account No. SL 5182 461.

On roll call the vote was as follows:

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

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RESOLUTION NO. (681-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Building Inspector and the Deputy Director of the Department of Environmental Control have approved release of escrow funds which were furnished to the Town to secure completion of site plan requirements by AOR Developers, Inc. in connection with Clarkstown Executive Park Subdivision (Building #8) in the form of an Assignment of Certificate of Deposit No. 628522690 in the amount of \$4,000.00 as security for a Performance Agreement for Incomplete Items concerning the wearing course along side Building #8 as the required work has been completed;

NOW, THEREFORE, be it RESOLVED, that the Comptroller is authorized to release the security described herein.

On roll call the vote was as follows:

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

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RESOLUTION NO. (682-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the Clarkstown Planning Board has determined that the services of a traffic engineer is needed to review the traffic data submitted by the applicant of the proposed Davies Farm LLC Subdivision, Phase II, and

WHEREAS, Davies Farm LLC has agreed to establish such escrow account with an initial deposit of \$5,000 to be used to pay for the services of such traffic engineer;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Clarkstown Planning Board, the Town Board hereby authorizes the Comptroller to create an escrow account funded by Davies Farm LLC, to secure and to pay for the costs for the services of a traffic engineer, as required by the Clarkstown Planning Board, to review the applicant's traffic analysis for the proposed Davies Farm LLC Subdivision, Phase II.

RESOLUTION NO. (682-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (683-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the attorney for the Amici Family Restaurant Inc., d/b/a Amici Family Restaurant/Pizzeria, Route 303 Route 59, Nyack, New York, has advised that his client intends to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

WHEREAS, the Clarkstown Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Amici Family Restaurant Inc., d/b/a Amici Family Restaurant/Pizzeria, Route 303 Route 59, Nyack, New York, for a liquor license at the premises referred to herein.

On roll call the vote was as follows:

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

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RESOLUTION NO. (684-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No.116-2004 adopted January 2004, the Town Board awarded Bid No. 58-2003 to Crushtek, LLC; and

WHEREAS, by Resolution No. 910-2004, adopted November 23, 2004, the Town Board amended Resolution No.116-2004 and authorized the Town to enter into an agreement with Crushtek, extending the delivery date of the machine and in which Crushtek agreed to indemnify and defend the Town of Clarkstown for any and all claims by American Capital Financial Services for lease payments allegedly due from February 1, 2004; and

WHEREAS, American Capital Financial Services filed suit against the Town and Crushtek (Index No. 1770/05, Supreme Court, Rockland County); and

WHEREAS, Crushtek assumed the defense of the action on behalf of the Town; and

WHEREAS, Crushtek has negotiated a settlement with American Capital whereby Crushtek has agreed to pay American Capital the sum of \$63,000 as full settlement of American Capital's claims against Crushtek and the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town is hereby authorized to execute any and all documents, as approved by the Town Attorney, necessary to effectuate the settlement, which shall be at no cost to the Town; and be it

RESOLUTION NO. (684-2005) CONT.

FURTHER RESOLVED, that the Town is hereby authorized to purchase the solid waste impact Crusher awarded pursuant to Bid 58-2003 at a total cost of \$338,000 (which reflects a \$10,000 deduction for liquidated damages), and be it

FURTHER RESOLVED, that the cost of the machine shall be funded through the issuance of serial bonds, and shall constitute a proper charge to Account No. H-8755-409-0-79-33.

On roll call the vote was as follows:

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

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RESOLUTION NO. (685-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists within a Town easement on the property located at #23 Carrie Lane in Nanuet; and

WHEREAS, the Department of Environmental Control has prepared a plan to ameliorate the existing adverse condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from six (6) qualified contractors to perform said improvements in accordance with their plan; and

WHEREAS, the Department of Environmental Control has received four (4) proposals in response to its solicitation; and

WHEREAS, The Department of Environmental Control has reviewed the low proposal submitted by MRJ Excavating, Inc. and has found it to be acceptable; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to MRJ Excavating, Inc. for their low proposal of \$10,725.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of MRJ Excavating, Inc. 7 Beaver Court, New City, New York 10956 to perform this work in accordance with their proposal for an amount not to exceed \$10,725.00; and

BE IT FURTHER RESOLVED that it is the intent of the Town Board that this project shall be funded by serial bonds; and

FURTHER RESOLVED that this amount shall be a proper charge to account # H 8755 409 0 79 32.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (686-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown solicited competitive proposals for the replacement of the telecommunications systems at Town Hall; and

WHEREAS, the Town received several responses to its request; and

WHEREAS, the Director of Automated Systems has conducted a thorough review of the proposals, attended numerous demonstrations of the systems proposed, and conferred with the Town's telecommunications consultant;

NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Director of Automated Systems and the Deputy Town Attorney, Purchasing, RFP 03-2005 is hereby awarded to ShoreGroup, 460 West 35<sup>th</sup> Street, New York, NY 10001, as per their low bid price of \$83,345 for the installation of the Cisco Call Manager IP Phone System, plus \$38,864 for the purchase of end point hardware and associated licenses, plus \$5,000 for shipping, handling, and minor contingencies, for a total cost not to exceed \$127,209; and be it

FURTHER RESOLVED, that all phones and associated hardware shall be procured via ShoreGroup's New York State Contract No. PT590009; and be it

FURTHER RESOLVED, that said project shall be funded through the issuance of serial bonds, and shall constitute a proper charge to Account No. H8755-409-0-79-28.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (687-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#53-2005 – NEW VALLEY ROAD DRAINAGE EXTENSION PHASE II**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and place to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (688-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#54-2005 – INSTALLATION OF HIGH SPEED FIBER OPTIC TRANSMISSION NETWORK

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (689-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#55-2005 – BUENA VISTA ROAD DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (690-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#56-2005 – BURGUNDY GARDENS DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

RESOLUTION NO. (690-2005) CONT.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (691-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#57-2005 – CRANFORD DRIVE – DEMAREST KILL DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (692-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#58-2005 – DEMAREST MILL CREEK DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (693-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#59-2005 – FOXWOOD ROAD DRAINAGE IMPROVEMENTS**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (694-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#60-2005 – JERRY'S AVENUE DRAINAGE IMPROVEMENTS**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (695-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#61-2005 – LAWRENCE STREET DRAINAGE IMPROVEMENTS**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

RESOLUTION NO. (695-2005) CONT.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (696-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#62-2005 – MITCHELL DRIVE DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (697-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#63-2005 – MULBERRY DRIVE DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (698-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#64-2005 - PHILLIPS HILL ROAD CULVERT REPLACEMENT

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (699-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#65-2005 - PHILLIPS HILL ROAD SIDEWALK REPLACEMENT

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (700-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#66-2005 - NANUET HAMLET DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

RESOLUTION NO. (700-2005) CONT.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (701-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#67-2005 – PRE-CAST CONCRETE CULVERTS FOR NANUET DRAINAGE IMPROVEMENTS**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (702-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#68-2005 – QUASPECK PARK DRAINAGE IMPROVEMENTS**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (703-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#69-2005 – SOUTH MOUNTAIN ROAD CULVERT REPLACEMENT

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (704-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#70-2005 – STILL POND TERRACE – GERMONDS PARK DRAINAGE IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (705-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#71-2005 – TULIP DRIVE INLET MODIFICATIONS AND RELATED IMPROVEMENTS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

RESOLUTION NO. (705-2005) CONT.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (706-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#72-2005 – VALLEY COTTAGE DOWNTOWN IMPROVEMENTS PHASE II**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (707-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

**BID#73-2005 – OLD MILL ROAD/BRANCHVILLE ROAD  
SIGHT DISTANCE IMPROVEMENTS**

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (708-2005)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that the Deputy Town Attorney- Purchasing is hereby authorized to advertise for bids for:

BID#74-2005 – TWO BUSES FOR CLARKSTOWN MINI TRANS

Bids to be returnable to the office of the Deputy Town Attorney-Purchasing, 10 Maple Avenue, New City, New York (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney-Purchasing.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (709-2005)

Co. Maloney offered and Co. Nowicki seconded

Whereas, the Town Board of the Town of Clarkstown, by Resolution dated July 26, 2005, authorized the Director of the Department of Environmental Control to retain the services of Danny Clapp Landscaping, Inc. of New City, New York to perform emergency repairs at the subject location at the rate of \$1,450.00 per day; and

Whereas, the amount for this work was not to exceed a total of \$14,500.00 without further Town Board resolution; and

Whereas, the Department of Environmental Control modified the original scope of work to include the installation of rock check dams to aid in controlling surface erosion within the existing Town drainage easements; and

Whereas, said changes required an additional 3-1/4 days of work on the part of the contractor;

Now, Therefore, Be It Resolved that the allowance for this work be increased by \$4,712.50 to cover the costs associated with the increase in the scope of work; and

Be It Further Resolved that this increase represents a proper charge to account # H 8749 409 0 73-27.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (710-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, it has been recommended that the Town Board consider acquisition of property owned by Verizon New York, Inc., located at 64 Maple Avenue, New City, New York and designated on the Tax Map as 43.19-2-36, to be used for parking for the Town Police and Justice Court building;

NOW, THEREFORE, be it RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of property referred to herein, and for the purpose of determining the

RESOLUTION NO. (710-2005) CONT.

current market value of a fee simple absolute interest, or as otherwise directed, and the Town Attorney is hereby authorized to accept on behalf of the Town the lowest proposal which shall meet all the appraisal proposal criteria.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (711-2005)

Co. Lasker offered and Co. Maloney seconded

Whereas, an adverse drainage condition exists in a Town drainage easement located at 47 Sedge Road, in Valley Cottage; and

Whereas, the Department of Environmental Control has inspected this location and determined that the condition is due to age and deterioration of existing drainage structures and piping; and

Whereas, the Department of Environmental Control has formulated a plan to relieve said condition; and

Whereas, the Department of Environmental Control has solicited proposals from six (6) qualified contractors to implement said improvements in accordance with their plan; and

Whereas, the Department of Environmental Control has received 4 responses to their request for proposals; 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

MRJ Excavating, Inc.  
7 Beaver Court  
New City, N.Y. 10956

to perform this work in accordance with their proposal for an amount of \$12,945.00; and

Be It Further Resolved that this shall be a proper charge to account #H 8755-409-0-79-26.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (712-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, that the Town Board hereby authorizes Rudolph J. Yacyshyn, Vice Chairman of the Clarkstown Planning Board, Gilbert J. Heim and George A. Hoehmann, Members, Clarkstown Planning Board, to attend a New York Planning Federation Conference for October 9<sup>th</sup> to October 11<sup>th</sup>, 2005, which is to be held in Saratoga Springs, New York, and be it

RESOLUTION NO. (712-2005) CONT.

FURTHER RESOLVED, that all reimbursable and reasonable expenses in accordance with the Town's Conference Attendance Policy, including registration fee of \$95.00 each and hotel registration fee of \$450.25 for a single room, and \$320.47 each for a double room, shall be charged to Account No. B 8020-404 & 414.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (713-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, various accounts require additional funding,

NOW THEREFORE BE IT, RESOLVED, to decrease A-1330-114-0 (Receiver of Taxes-Part/Time) by \$3,300 and increase A-1330-409-0 (Receiver of Taxes-Fees for Services) by \$300 and A-1330-204-0 (Receiver of Taxes-Office Machines) by \$3,000 and be it,

FURTHER RESOLVED, to decrease A-1330-110-0 (Receiver of Taxes-Salaries) and increase A-1330-438-0 (Receiver of Taxes-Maintenance Agreements) by \$2,070 and be it,

FURTHER RESOLVED, to decrease A-1670-313-0 (Mail & Copy-Office Supplies) and increase A-1670-114-0 (Mail & Copy-Part/Time) by \$5,000 and be it,

FURTHER RESOLVED, to decrease A-7180-329-0 (Recreation-Supplies) and increase A-7180-219-0 (Recreation-Misc Equipment) by \$1,550.

On roll call the vote was as follows:

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

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RESOLUTION NO. (714-2005)

Co. Lasker offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire a solid waste impact crusher. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$338,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$338,000 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 \$338,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

RESOLUTION NO. (714-2005) CONT.

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. 28 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,

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 September 13, 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 September 13, 2005, authorizing the acquisition of a solid waste impact crusher, stating the estimated maximum cost thereof is \$338,000, appropriating said amount therefor, and authorizing the issuance of \$338,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (714-2005) CONT.

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

FIRST: AUTHORIZING said Town to acquire a solid waste impact crusher; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$338,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$338,000 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 \$338,000 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 \$338,000 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: September 13, 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 ..... Yes  
Co. Maloney ..... Yes  
Co. Mandia ..... Absent  
Co. Nowicki ..... Yes  
Supervisor Gromack ..... Yes

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RESOLUTION NO. (715-2005)

Co. Lasker offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to construct improvements to the West Nyack Hamlet Green, 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 \$63,990 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$63,990 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes

## RESOLUTION NO. (715-2005) CONT.

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 \$63,990 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. 19 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made 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. (715-2005) CONT.

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on September 13, 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 September 13, 2005, authorizing the construction of improvements to the West Nyack Hamlet Green, stating the estimated maximum cost thereof is \$63,990, appropriating said amount therefor, and authorizing the issuance of \$63,990 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 West Nyack Hamlet Green, 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 \$63,990; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$63,990 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 \$63,990 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 \$63,990 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: September 13, 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 ..... Yes  
Co. Maloney ..... Yes  
Co. Mandia ..... Absent  
Co. Nowicki ..... Yes  
Supervisor Gromack ..... Yes

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## RESOLUTION NO. (716-2005)

Co. Lasker offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called 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 \$143,410 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$143,410 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 \$143,410 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,

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

## RESOLUTION NO. (716-2005) CONT.

- (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 September 13, 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 September 13, 2005, authorizing the construction of various road improvements in the Town, stating the estimated maximum cost thereof is \$143,410, appropriating said amount therefor, and authorizing the issuance of \$143,410 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 \$143,410; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$143,410 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 \$143,410 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 \$143,410 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: September 13, 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. (716-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (717-2005)

Co. Lasker offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare plans and specifications in connection with the installation of an Emergency Services Communications Tower. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$11,270 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$11,270 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 \$11,270 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 notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

RESOLUTION NO. (717-2005) CONT.

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

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RESOLUTION NO. (718-2005)

Co. Lasker offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire computer software. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$90,000 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 \$90,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

- (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made 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.

RESOLUTION NO. (718-2005) CONT.

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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (719-2005)

Co. Lasker offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to prepare plans and specifications in connection with the proposed construction of a police garage. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$479,485 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$479,485 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.

RESOLUTION NO. (719-2005) CONT.

Section 2. Serial bonds of the Town in the principal amount of \$479,485 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 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.

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 ..... Yes  
 Co. Maloney ..... Yes  
 Co. Mandia ..... Absent  
 Co. Nowicki ..... Yes  
 Supervisor Gromack ..... Yes  
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## RESOLUTION NO. (720-2005)

Co. Lasker offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called 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 \$198,558 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$198,558 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 \$198,558 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 notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

## RESOLUTION NO. (720-2005) CONT.

- (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 September 13, 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 September 13, 2005, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$198,558, appropriating said amount therefor, and authorizing the issuance of \$198,558 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 \$198,558; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$198,558 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 \$198,558 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 \$198,558 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: September 13, 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. (720-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (721-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED that the resignation of Lucy DiDomenico-Gelman, 59 Green Road, West Nyack, New York – (part-time) Senior Account Clerk Typist – Building Department - is hereby accepted – effective September 14, 2005.

On roll call the vote was as follows:

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

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RESOLUTION NO. (722-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02089 Senior Clerk Typist which contains the name of Joan M. Murphy,

Now, therefore, be it RESOLVED, that Joan M. Murphy, 12 Shore Road, New City, New York, is hereby appointed to the position of (Contingent-Permanent) Senior Clerk Typist – Police Department – at the current annual salary of \$30,553., effective and retroactive to September 5, 2005.

On roll call the vote was as follows:

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

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RESOLUTION NO. (723-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Andrew J. Lawrence, 16 Waters Edge, Congers, New York, to the position of (Provisional) Highway Maintenance Supervisor III – Highway Department – at the current 2005 annual salary of \$81,196., effective and retroactive to September 12, 2005.

On roll call the vote was as follows:

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

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ABE667

RESOLUTION NO. (724-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, the New York State Office of Homeland Security has tendered a contract award to the Town of Clarkstown Police Department for the Buffer Zone Protection Grant Program for fiscal 2005, at the Palisades Center Mall (CFDA#97.078), in the amount of \$50,000.00;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security, in a form approved by the Town Attorney, to obtain funding in the amount of \$50,000.00, for the purpose of the Buffer Zone Protection Program by the Clarkstown Police Department at the Palisades Center Mall, for the period April 1, 2005 through March 31, 2006.

On roll call the vote was as follows:

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

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RESOLUTION NO. (725-2005)

Co. Lasker offered and Co. Maloney seconded

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

BID #51-2005 - 355 OLD MILL ROAD EASEMENT REPAIRS

is hereby awarded to: CAL-MART ENTERPRISES, INC.  
357A ROUTE 59  
WEST NYACK, NY 10994  
PRINCIPALS: CARL V. WORTENDYKE  
MARTIN C. WORTENDYKE  
PETER T. WORTENDYKE

as per their proposed project cost of \$68,686.00 and be it

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

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (726-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously appointed Peter Noonan to the position of Chief of Police to serve a probationary period not to exceed one hundred two (102) weeks pursuant to the Rockland County Civil Service Rules; and

WHEREAS, the Town Board has reviewed the performance of Chief Noonan who has served beyond the minimum probationary period as provided for in the aforementioned Rules;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clarkstown hereby shortens the previously designated probationary period pursuant to Rule XVI, Subdivision 2 of the Rockland County Civil Service Rules effective September 13, 2005 and hereby declares that Chief Noonan's appointment shall become and is permanent effective September 14, 2005.

On roll call the vote was as follows:

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

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RESOLUTION NO. (727-2005)

Co. Maloney offered and Co. Lasker 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 culvert and stream channel 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 \$1,288,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,288,000 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 \$1,288,000 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

## RESOLUTION NO. (727-2005) CONT.

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 September 13, 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 September 13, 2005, authorizing the construction of culvert and stream channel improvements, stating the estimated maximum cost thereof is \$1,288,000, appropriating said amount therefor, and authorizing the issuance of \$1,288,000 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 culvert and stream channel 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 \$1,288,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,288,000 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 \$1,288,000 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

RESOLUTION NO. (727-2005) CONT.

purpose for which said bonds are authorized; and the proposed maturity of said \$1,288,000 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: September 13, 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 . . . . . Yes
- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Absent
- Co. Nowicki . . . . . Yes
- Supervisor Gromack . . . . . Yes

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There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted the meeting was closed, time 8:40 p.m.

Respectfully submitted,

*Patricia Sheridan*  
Patricia Sheridan  
Town Clerk