

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/13/2005

8:00 P.M.

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

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

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The Supervisor opened the public portion of the meeting.

Mr. De Martino and daughter Laura  
Strawtown Road, New City (behind Clarkstown North High School)  
They would like the Town Board to put up "No Parking" signs because Strawtown Road is a heavily traveled road and the students park there because all the other surrounding streets have "No Parking" signs.

Martin Bernstein  
New City  
He inquired about Item 7 (c). He said that there has been an assessment problem for West Clarkstown road. Since Haverstraw and Stony Point seem to be solving their problems, he asked if Clarkstown could reactivate the issue so that the assessment could be completed.

Karen Schmidt  
Valley Cottage  
She inquired as to the bid award for Kill Von Beaste and when it would be completed. She said that there is a roofing company on Old Lake Road which converts into a church on Sundays and asked if any approval is needed to convert into a church.

Mike Reilly  
Nanuet  
He asked about the report on the Elks Road project and when will the meeting be.

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Public Hearing re: Chapter 216 Proceeding (Property Maintenance) for property located at 3 West Clarkstown Road, New City, opened 8:01p.m., closed 8:09 p.m., Resolution No. 884-2005 adopted.

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Public Hearing re: Request of Giachetti for use of Town Law §280-a(2) to obtain access to property located at 3 Brook Road, New City, opened 8:10 p.m., closed 8:12 p.m., Resolution No. 885-2005 adopted.

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Public Hearing re: Proposed local law to amend Chapter 240 (Shopping Center Parking Areas) of the Clarkstown Town Code, opened 8:12 p.m., closed 8:20 p.m., Resolution No. 886-2005 adopted.

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RESOLUTION NO. (884-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 882-2005, dated November 22, 2005, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property located at 3 West Clarkstown Road, New City, New York (Tax Map designation 42.16-3-12 f/k/a 20-C-94.1), to secure the property and remove all debris and junk vehicles and combustibles from the premises which have created a serious fire hazard

RESOLUTION NO. (884-2005) CONT.

risk and have become unsafe and dangerous, and a threat to the health and welfare of the community, and

WHEREAS, a public hearing was scheduled and duly held on the 13<sup>th</sup> day of December 2005, after notice and opportunity to be heard at said hearing was provided to the property owners and all interested parties of record, as provided by law;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown hereby determines that the conditions complained of in the Orders and Notices, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated November 2, 2005, as reported by the Code and Zoning Enforcement Officer and the Fire Inspector in their previous reports which are part of the record, and the updated report dated December 12, 2005 from the Code & Zoning Enforcement Officer have not been corrected, and be it

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

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways the Fire Inspector or the Building Inspector and the Town Attorney with respect to such corrective measures, including the removal of debris and junk vehicles and any other necessary measures to alleviate any open hazard or nuisance at the subject property, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Assessor is hereby directed to assess said sum against the premises set forth above which sum shall be levied and collected in the same manner as provided in Article 15 of Town Law for the levy and collection of a special ad valorem levy, as provided in Section 216-8 of the Town Code, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (885-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, Peter Beary, Building Inspector, has referred premises described on the Clarkstown Tax Map as 33.16-2-38, commonly known as 3 Brook Road, New City, New York, reputedly owned by Vito Giachetti and Nora Giachetti, to the Town Board of the Town of Clarkstown for permission to utilize a portion of a mapped but undedicated street known as BROOK ROAD, to obtain ingress and egress access pursuant to Town Law 280-a(2), with respect to Building Permit No. 05-223 to erect a one-family dwelling on the premises referred to herein, and

WHEREAS, the Town Board has referred said application to the Town of Clarkstown Building Inspector, Director of Environmental Control, and the Rockland County Commissioner of Planning for recommendations and scheduled a public hearing for December 13, 2005, at which time the property owner and all other persons in interest could be heard, and

WHEREAS, the Town Board Members have duly considered the comments of all persons in interest, all correspondence and recommendations placed in the Record so that a determination may now be made, and

WHEREAS, the Record of this matter is now closed;

## RESOLUTION NO. (885-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that under the provisions of 280-a(2) of the Town Law, the Town Board hereby determines, subject to the conditions and other requirements set forth herein, that a building permit for a new one-family residence may be issued by the Building Inspector so as to allow the use of mapped but undedicated BROOK ROAD, New City, New York, as and for ingress and egress from the nearest public street, to wit: Buena Vista Road, provided that all other applicable regulations and Zoning Law provisions are complied with, and said determination is based on the following Findings of Fact by the Town Board:

## FINDINGS OF FACT

1. The proposed ingress and egress over undedicated BROOK ROAD will have a length of approximately 708± feet westerly from the intersection of said travel way with Buena Vista Road, New City, New York, all of which is located within the Town of Clarkstown;
2. Buena Vista Road is the nearest public street maintained by the Town of Clarkstown;
3. Brook Road, including but not limited to that portion which is adjacent to the subject premises, is utilized for access by several existing residences whose owners were notified of the public hearing;
4. The Rockland County Planning Department was requested to make its recommendation regarding applicant's request for permission to access the proposed dwelling pursuant to Town Law 280-a(2), by report dated December 2, 2005 advised the following:  
"A review must be completed by the Town of Ramapo and their comments considered."  
"Since the roadway is not maintained by the Town of Clarkstown a maintenance agreement shall be established and shall be shown on any site plan or shall be a part of the building permit request."
5. Anthony Celentano, P.E., has by memo dated December 7, 2005, certified that the said right of way (Brook Road) has "safe and reasonable access for all anticipated users including emergency vehicles;"
6. That the portion of Brook Road to be utilized for access from Buena Vista Road by the subject premises and other users is not at present maintained pursuant to any private road maintenance or other shared expense maintenance agreement of record in the Rockland County Clerk's Office;
7. That the current residents utilizing the private right-of-way should ideally enter into a road maintenance agreement with the subject property owner to thereby provide an assurance to the Town Board and the Department of Environmental Control that a safe and reasonable access will be available to meet the needs of the residences using Brook Road, but the Town Board lacks jurisdiction to compel such agreement;
8. The Director of the Department of Environmental Control for the Town of Clarkstown has examined the existing travel way and recommended imposition of the following condition:  
"Fill in the potholes during and after the construction of the roadway from Buena Vista Road to this lot to the satisfaction of the Department of Environmental Control"
9. The Director of the Department of Environmental Control did not address the issue of maintenance of this right-of-way with respect to snow removal and repairs that may become necessary, for the time during which the subject access shall remain a private right-of-way;
10. That the access under consideration shall continue to be a private access unless and until a petition for a road improvement district shall be made and accepted by the Town Board, or until such time as the Town Board on its own motion shall determine to create a road improvement district;
11. That the Town Board has no authority to compel the present users of the subject proposed access route to join with the applicant/petitioner in a road maintenance agreement;

## RESOLUTION NO. (885-2005) CONT.

NOW, THEREFORE, be it FURTHER RESOLVED, that in accordance with the provisions of Section 280-a(2) of the Town Law, pursuant to recommendations of the Rockland County Planning Department, the Director of the Department of Environmental Control, and the Record and proceedings had herein, a Building Permit for the erection of a single family residence may be issued to property owner of the premises, provided however, same shall be subject to compliance with all applicable provisions of the Zoning Local Law of the Town of Clarkstown, for premises designated on the Tax Map as 33.16-2-38, provided further that the owner shall, prior to the issuance of said building permit, execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and which shall provide the following:

1. That the property owner shall acknowledge that no Town services consisting of maintenance, paving, or snow removal shall be provided along the relevant portions of Brook Road;
2. That the declarant owner irrevocably agrees to participate in a road improvement district for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown;
3. That the declarant owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the declarant owner in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to fifty feet (50') in width;
4. That the declarant shall obligate the premises upon which any proposed one-family residence shall be constructed to maintain the right-of-way as an individual or as part of a shared maintenance agreement in a form approved by the Town Attorney so that the right-of-way shall be cleared of ice and snow during inclement weather and shall otherwise be repaired and kept free of potholes and other defects at all times, provided however, that nothing herein is intended to prevent the declarant ("applicant") from entering into a shared maintenance agreement, in recordable form with any others using the right-of-way, so as to obligate all such users to pay their fair share of required maintenance and repair costs, but in lieu thereof, the declarant property owner or his successors in interest shall be obliged to perform such services;
5. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein, and shall be subject to same whether or not such recitation is included in the deed;
6. That any Certificate of Occupancy issued for said premises shall be conditioned upon observance and shall recite that it is subject to the Declaration of Covenant provided for herein,

and be it FURTHER RESOLVED, that prior to the issuance of any Certificate of Occupancy the property owner shall provide the Director of the Department of Environmental Control with an acceptable plan for the improvement of Brook Road, so as to meet all of the requirements and the recommendations of the Director of the Department of Environmental Control, and be it

FURTHER RESOLVED, that the petitioner shall comply with all other requirements of the Building Department and the Department of Environmental Control with respect to the construction of the proposed dwelling unit and the improvement of its environs, and be it

FURTHER RESOLVED, that the Town Board hereby determines by a majority plus one vote that this matter did not need to be referred to the Town of Ramapo because there will be no impact as a result of this approval which would affect said Town, and be it

FURTHER RESOLVED, that based on the report of Robert Geneslaw, Planning Consultant, and agent for the Town Board pursuant to SEQRA, the Town Board hereby determines that the action taken herein and approval granted is a Type II action which does not require any further SEQRA review.

RESOLUTION NO. (885-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (886-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW TO AMEND CHAPTER 240 (SHOPPING CENTER PARKING AREAS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilman Ralph F. Mandia, at a Town Board meeting held on November 1, 2005, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 1, 2005, directed that a public hearing be held on December 13, 2005, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on December 1, 2005, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 23, 2005, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 13, 2005, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form prepared pursuant to SEQRA, by its consultant Robert Geneslaw, and which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it RESOLVED, that based upon the report of Robert Geneslaw dated November 30, 2005, acting as staff to the Town Board as lead agency, it is hereby determined that this action is a Type II action, and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 8 – 2005 entitled:

“A LOCAL LAW TO AMEND CHAPTER 240 (SHOPPING CENTER PARKING AREAS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

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

Alexander J. Gromack, Supervisor . . . .	Yes
John R. Maloney, Councilman .....	Yes
Ralph F. Mandia, Councilman .....	Yes
Shirley Lasker, Councilwoman .....	Yes
Catherine M. Nowicki, Councilwoman . .	Yes

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

RESOLUTION NO. (886-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (887-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of November 22, 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. .... Yes
- Co. Nowicki. .... Yes
- Supervisor Gromack. .... Yes

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RESOLUTION NO. (888-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Chief of Police Peter Noonan has recommended that the following school(s) and conference(s) be approved for the training and professional education of members of the Clarkstown Police Department;

NOW, therefore, it is RESOLVED, that the Supervisor is hereby authorized to approve the recommended training schools as follows:

Internal Affairs Investigation	<u>Tuition</u> \$ 605.00
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BE IT FURTHER RESOLVED, that the Chief of Police is hereby authorized to select and recommend those members of the Department who shall be permitted to attend the school(s) and conference(s) as approved hereby.

On roll call the vote was as follows:

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

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RESOLUTION NO. (889-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal lease agreement with KEEP ROCKLAND BEAUTIFUL, INC., in a form approved by the Town Attorney, for rental of two (2) rooms on the first floor of the former Clarkstown Police Station located at 10 Maple Avenue, New City, New York, consisting of 500 sq. ft. of space, for a one (1) year period, with a ninety (90) day termination clause, commencing December 1, 2005 to November 30, 2006, at an annual rental of \$9,000.00, payable in equal monthly installments of \$750.00, in advance of the first day of each month.

RESOLUTION NO. (889-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (890-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., as required by Section 115 of the New York State Agriculture and Markets Law, in a form approved by the Town Attorney, to utilize said facilities as an animal shelter for the Town of Clarkstown for the period commencing January 1, 2006 and terminating on December 31, 2006, provided that Hi-Tor Animal Care Center, Inc., submits appropriate insurance coverage to the Town, and be it

FURTHER RESOLVED, that the Town shall pay to Hi-Tor Animal Care Center, Inc., the sum of \$11,000.00 per quarter, upon presentation of a statement, for the shelter and care of all animals delivered to its shelter in accordance with the contract with the Town, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (891-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, by proposal dated November 1, 2005, American Appraisal Associates has proposed to renew its contract with the Town, to provide fixed asset inventory and insurance appraisal for the Year 2005;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with, American Appraisal Associates, in a form approved by the Town Attorney, to provide fixed assets inventory and insurance appraisal to the Town of Clarkstown for the Year 2005, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$2,200.00 and shall be charged to Account No. A 1315-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (892-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, Chief of Police Peter T. Noonan has recommended renewing an agreement with Frank X. Garigali, M.D., to provide services to the Clarkstown Police Department as the police surgeon for the calendar year 2006, at the same terms and conditions as the prior agreement;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is authorized to enter into an agreement with Frank X. Garigali, M.D., as referred to herein, for the period January 1, 2006 to December 31, 2006, upon the same terms and conditions as the prior agreement, and be it

FURTHER RESOLVED, that compensation for said services shall be at Dr. Garigali's regular rates established for annual physical examinations for sworn personnel plus the sum of \$1,500.00 per month, all of which shall be charged to Account No. A 3120-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (893-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, Chief of Police Peter T. Noonan has recommended renewing an agreement with Michael S. Lippe, M.D., to provide services to the Clarkstown Police Department as the Emergency Health Care Provider pursuant to the Public Health Law Section 3000(B), for the calendar year 2006, at the same terms and conditions as the prior agreement;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is authorized to enter into an agreement with Michael S. Lippe, M.D., as referred to herein, for the period January 1, 2006 to December 31, 2006, upon the same terms and conditions as the prior agreement, which services are provided without charge to the Town as per Section 3000(B) of the Public Health Law.

On roll call the vote was as follows:

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

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RESOLUTION NO. (894-2005)

Co. Lasker offered and Co. Maloney seconded

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

SCHULTZ FORD INC.  
80 Rt. 304  
Nanuet, NY 10954  
33-A-6 (58.18-1-15)

By the installation of fire lane designations, and

RESOLUTION NO. (894-2005) CONT.

WHEREAS, TED SCHULTZ 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 .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack ..	Yes

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RESOLUTION NO. (895-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, as a result of a paving repair and maintenance project on a Town dedicated street known as TERRACE AVENUE, the Highway Department inadvertently changed the pitch of the driveway at 15 Terrace Avenue, Nanuet, New York, which has resulted in a ponding condition during rain storm occurring at the point where the driveway meets the Town right of way, and

WHEREAS, as a result of discussions between Town Officials and the property owner, the damage claim is proposed to be settled by having the owner resurface the 837 square foot driveway by contracting with the lowest bidder, E. R. Gabrielson Blacktop Paving, at a cost of \$2,275.00, to rectify the ponding condition. The owner agrees to pay for the resurfacing of 607 square feet of the private driveway, and the Town agrees to pay for 230 square feet, which represents the driveway area in the Town's right of way;

NOW, THEREFORE, be it RESOLVED, on the recommendation of the Superintendent of Highways and the Town Attorney, the Supervisor is hereby authorized to enter into an agreement with Teresa Morris and Gerald Morris, 15 Terrace Avenue, Nanuet, New York, to provide the property owner with a cash payment of \$625.15 to be used by the property owner for the labor, equipment, and materials for the correction of the existing condition, subject, however, to the property owners or their authorized contractor obtaining the necessary road opening permit from the Clarkstown Highway Department, and the execution of a general release for the benefit of the Town, in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

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

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RESOLUTION NO. (896-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the placement of a half-page advertisement for the Town of Clarkstown in the Rockland Economic Development Corporation Connections 2005 Journal on November 18, 2005, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$550.00 which shall be charged to Account No. A 6410-405, and be it

RESOLUTION NO. (896-2005) CONT.

FURTHER RESOLVED, that this resolution shall be retroactive to November 17, 2005.

On roll call the vote was as follows:

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

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RESOLUTION NO. (897-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#7-2006 – BUS TRANSPORTATION (SENIOR CITIZEN & YOUTH)

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 ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack. . . . . Yes

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RESOLUTION NO. (898-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#8-2006 – UNIFORMS FOR CLARKSTOWN POLICE DEPARTMENT

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 ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack. . . . . Yes

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RESOLUTION NO. (899-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#9-2006 – PHILLIPS HILL RD PRE-FABRICATED PEDESTRIAN BRIDGE

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..... Yes
- Co. Nowicki..... Yes
- Supervisor Gromack. .... Yes

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RESOLUTION NO. (900-2005)

Co. Maloney offered and Co. Lasker seconded

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

BID#10-2006 – 396 PLEASANT HILL 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..... Yes
- Co. Nowicki..... Yes
- Supervisor Gromack. .... Yes

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RESOLUTION NO. (901-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Supt. of Recreation and Parks that the following 2006 part-time salaries be established:

PART-TIME	2006 Proposed MINIMUM	2006 Proposed MAXIMUM
Recreation Aide	\$ 6.75/hr.	\$18.00/hr.
Recreation Assistant	\$ 6/75/hr.	\$18.00/hr.
Recreation Leader	\$10.00/hr.	\$25.00/hr.
Recreation Specialist	\$10.00/session	\$60.00/session
Refreshment Stand Attendant I	\$ 6.75/hr.	\$12.00/hr.

RESOLUTION NO. (901-2005) CONT.

Refreshment Stand Attendant II	\$ 7.50/hr.	\$15.00/hr.
Lifeguard	\$10.00/hr.	\$15.00/hr.
Head Lifeguard	\$13.00/hr.	\$16.00/hr.
Water Safety Instructor	\$12.00/hr.	\$14.00/hr.
Laborer-Student	\$ 8.00/hr.	\$13.00/hr.
Groundswoker	\$10.00/hr.	\$15.00/hr.
Custodial Worker (Seasonal)	\$ 6.75/hr.	\$20.00/hr.

2006 CONTRACT

Senior Citizen's Leader (Part-time) Frank DiMaria	\$34,658.00
Swim Area Supervisor (Seasonal) Nicole Hutter	\$14,061.00
Senior Recreation Leader (Seasonal) (Camps/Playgrounds) - James Nash	\$11,643.00
Senior Recreation Activity Specialist (Seasonal) (Arts & Crafts) - Soledad Nieves	\$ 4,110.00
Senior Recreation Activity Specialist (Seasonal) (Sr. Show) - Ann Slingsby	\$ 9,449.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (902-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #05135 Legal Assistant (Part-Time) which contains the name of John J. Davidson,

Now, therefore, be it RESOLVED, that John J. Davidson, 14 Chauncy Street, Congers, New York, is hereby appointed to the position of (Permanent) Legal Assistant (Part-Time) - Office of the Town Attorney - at the current hourly rate of \$20.47., effective and retroactive to December 12, 2005.

On roll call the vote was as follows:

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

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RESOLUTION NO. (903-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Robert Hannes, 40 Grand Street, New City, New York, is hereby appointed to the position of Member - Historical Review Board - to fill the unexpired term of Carol Donnelly - term effective and retroactive to December 12, 2005 - at the current 2005 annual salary of \$1,700.

RESOLUTION NO. (903-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (904-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Ismene Colin has requested a refund of Building Permit fee (No. 05-1623) paid in the amount of \$926.00 for premises located at 12 Clark Drive, Nanuet, New York, because he had applied previously, and

WHEREAS, the Building Inspector has recommended a full because the fee was accepted by the Town in error;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a total refund of \$926.00, of the Building Permit fee paid, to Ismene Colin, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of Building Permit No. 05-1623.

On roll call the vote was as follows:

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

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RESOLUTION NO. (905-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Anthony Capasso posted security, by assignment of bank deposit in the amount \$7,500.00, pursuant to issuance of the special permit to conduct a landfill operation, and is requesting release of such monies;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of Dennis M. Letson, P.E., Deputy Director of the Department of Environmental Control, Passbook No. MD6870620681, issued by the Bank of New York in the amount of \$7,500.00, which was held by the Town of Clarkstown for security for the completion of landfilling pursuant to Special Permit of the Town Board issued June 9, 1998, is hereby released because the requirements have been met.

On roll call the vote was as follows:

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

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RESOLUTION NO. (906-2005)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 178, adopted by the Town Board on March 8, 2005, is hereby amended as follows:

WHEREAS, Sylvia A. Welch, Ph.D. has provided research and grant application services pursuant to Resolution No. 178-2005, said services have exceeded the maximum authorized contract amount of \$7,500.00, and the Town Board wishes to authorize additional payment for extended services;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes an increase in the maximum amount for payment for services provided by Sylvia A. Welch, Ph.D., to a sum not to exceed \$12,000.00 without further authorization of the Town Board.

On roll call the vote was as follows:

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

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RESOLUTION NO. (907-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, the property adjacent to a town drainage easement located in the vicinity of #144 Old Route 304 floods during periods of heavy rain; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to construct an earthen berm adjacent to the stream channel to ameliorate the existing flooding condition; and

WHEREAS, Department of Environmental Control staff has reviewed the low proposal submitted by Cusack Landscaping, Inc. and has found it to be acceptable;

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Cusack Landscaping, Inc. for their low proposal of \$3,300.00; and

NOW, THEREFORE, BE IT RESOLVED that the director of Environmental Control is hereby authorized to retain the services of Cusack Landscaping, Inc. to perform this work in accordance with their proposal for an amount not to exceed \$3,300.00; 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 39.

On roll call the vote was as follows:

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

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## RESOLUTION NO. (908-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that Alexander J. Gromack, Supervisor, is hereby designated as delegate to the Association of Towns Convention, and be it

FURTHER RESOLVED, that John R. Maloney, Deputy Supervisor, is hereby designated as alternate delegate to the Association of Towns Convention, and be it

FURTHER RESOLVED, that the following persons are hereby authorized to attend the Association of Towns Convention to be held in New York City on February 19, 2006 through February 22, 2006, and reasonable expenses incurred by these persons be made proper Town charges:

Supervisor  
 Council Members  
 Constituent Services Assistant, Council Office  
 Director of Finance  
 Constituent Services Coordinator, Supervisor's Office  
 Confidential Assistant to the Supervisor  
 Town Assessor  
 Town Attorney  
 Building Inspector  
 Town Clerk  
 Deputy Town Clerk  
 Clerk of the Works I  
 Town Comptroller  
 Director of Automated Systems  
 Director of Environmental Control  
 Superintendent of Highways  
 Confidential Assistant to the Highway Superintendent  
 Insurance and Claims Manager  
 Town Justices  
 Superintendent of Recreation and Parks  
 Personnel Administrator  
 Town Planner  
 Receiver of Taxes  
 Safety Manager  
 Zoning & Code Enforcement Officer – Community Liaison

and be it FURTHER RESOLVED, that the following persons are hereby authorized to attend the Association of Towns Convention to be held in New York City, on February 19, 2006 through February 22, 2006, for trips during their regular work hours, and the daily expenses incurred by the aforementioned during these work hours be made proper Town charges:

Town Attorney's designees  
 Building Inspector's designees  
 Town Comptroller's designees  
 Director of Environmental Control's designees  
 Justice Court Clerk  
 Justice Court Clerk's designees  
 Employee Benefits Clerk, Personnel  
 Members of the Planning Board  
 Administrative Aide to Planning  
 Chairman of the Parks Board and Recreation Commission  
 Members of the Zoning Board of Appeals

and be it FURTHER RESOLVED, that all Town officials are encouraged to car pool to reduce mileage expenses, and the respective vouchers submitted for this purpose shall not only reflect miles traveled, but also passengers within the vehicle, and be it

FURTHER RESOLVED, that employees who are eligible for overtime pay will be paid or shall receive compensatory time off for their time spent attending the Association of Towns Convention on Presidents' Day, however, the maximum amount of time shall be that of their regular work hours, either seven or eight hours per day, and be it

RESOLUTION NO. (908-2005) CONT.

FURTHER RESOLVED, that employees who register in advance for the Association of Towns Convention and find that they cannot attend, cancellation of the hotel room and any pre-paid events must be made as soon as the need becomes apparent, and whenever possible, in sufficient time to avoid forfeiting registration fees, and be it

FURTHER RESOLVED, that the Town Clerk is requested to distribute copies of this resolution to all department heads who shall be responsible for distribution to and compliance by all affected personnel.

On roll call the vote was as follows:  
Co. Lasker .....Yes  
Co. Maloney ..... Yes  
Co. Mandia..... Yes  
Co. Nowicki..... Yes  
Supervisor Gromack. .... Yes

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RESOLUTION NO. (909-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, by Resolution No. 850-2001 adopted on October 23, 2001, the Clarkstown Town Board resolved that, for a period of six (6) months, officers and employees of the Town of Clarkstown who are ordered to active military service shall receive from the Town a salary equal to the difference, if any, between such officer's or employee's Town salary and the salary paid to him or her for the performance of the ordered military duty; and

WHEREAS, as a result of Operation Iraqi Freedom and the continued possibility of the activation of military reservists to active military duty, the Town Board has resolved to renew the applicable time period of Resolution No. 850-2001 for a period of one (1) year commencing on December 1, 2005 until December 1, 2006, unless sooner terminated, extended or renewed as the Town Board may determine in its absolute discretion; and

WHEREAS, whether any such period of leave from Town employment while on active military service shall be counted towards an officer's or employee's Town service for retirement purposes shall be determined and governed by the New York State Comptroller in his exclusive authority and discretion;

NOW, therefore, it is RESOLVED, that Town of Clarkstown Resolution No. 850-2001 be and is hereby renewed for a period of one (1) year beginning on December 1, 2005 until December 1, 2006; and be it further

RESOLVED, that an injury or disability suffered by such officer or employee of the Town of Clarkstown during any period of military service shall not constitute an accident arising in the course of Town employment, or in the performance of duty on behalf of the Town; and it is further

RESOLVED, that the renewal of Resolution 850-2001 does not constitute a policy or practice of the Town of Clarkstown, nor shall this Resolution result in an expansion of the terms and conditions of employment of the officers and employees of the Town of Clarkstown and the salary differential hereby granted such officers and employees may be terminated, at any time, in the sole and absolute discretion of the Clarkstown Town Board; and it is further

RESOLVED, that the renewal of Resolution 850-2001 shall take effect immediately and shall be retroactive to December 1, 2005.

On roll call the vote was as follows:  
Co. Lasker .....Yes  
Co. Maloney ..... Yes  
Co. Mandia..... Yes  
Co. Nowicki..... Yes  
Supervisor Gromack. .... Yes

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RESOLUTION NO. (910-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, TILCON NEW YORK, INC. has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation pursuant to the provisions of Section 290-11A, Table 15 of General Use Regulations for an M District, Column 3, Item B-2, and Section 290-17L of the Zoning Local Law of the Town of Clarkstown, for property located at 162 Old Mill Road, West Nyack, New York, and designated on the Clarkstown Tax Map as 59.10-1-65, 66, 67 and 68;

NOW, THEREFORE, be it RESOLVED, that a public hearing pursuant to said Zoning Local Law shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on February 14, 2006 at 8:00 P.M., to consider the application of TILCON NEW YORK, INC., relative to said Special Permit, and be it

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

FURTHER RESOLVED, that the Petitioner shall comply with Section 290-33(C) of the Zoning Local Law with respect to notice of public hearing to abutting property owners of record, and file proof of mailing such notice with the Town Clerk on or before February 14, 2006, and be it

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

FURTHER RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and the following agencies for comment or study and report on or before February 9, 2006:

1. Clarkstown Department of Environmental Control
2. Clarkstown Building Inspector
3. Architecture and Landscape Commission
4. NYS Department of Environmental Conservation
5. Rockland County Environmental Resources
6. Rockland County Soil Conservation
7. Rockland County Health Department
8. Rockland County Drainage Agency
9. Palisades Interstate Park Commission
10. NYS Department of Transportation
11. NYS Thruway Authority
12. Village of Nyack Water Dept.
13. United Water New York
14. U.S. Army Corps of Engineers
15. U.S. Environmental Protection Agency
16. Clarkstown Highway Department

On roll call the vote was as follows:

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

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RESOLUTION NO. (911-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, RONALD I. LEVINE V. THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND, NEW YORK AND THE NYACK UNION FREE SCHOOL DISTRICT, Index No(s). 4815/02, 5050/03, 4715/04 and 5235/05, affecting parcel(s) designated as Map 65.35, Block 1, Lot 17, (f/k/a 134-A-5) and more commonly known as 25 Route 59, for the year(s) 2002/03, 2003/04, 2004/05 and 2005/06, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 17 be reduced for the year(s) 2002/03 from \$277,100.00 to \$262,500.00 at a cost to the Town of \$174.02;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 17 be reduced for the year(s) 2003/04 from \$277,100.00 to \$234,375.00 at a cost to the Town of \$530.36;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 17 be reduced for the year(s) 2004/05 from \$277,100.00 to \$214,062.00 at a cost to the Town of \$903.01;
4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 17 be reduced for the year(s) 2005/06 from \$277,100.00 to \$193,750.00;
5. Reimbursement for the year(s) 2002/03, 2003/04 and 2004/05 on the parcel described as Map 65.35, Block 1, Lot 17, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel and the Assessor for the Town of Clarkstown are authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

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## RESOLUTION NO. (912-2005)

Co. Nowicki 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 prepare plans and specifications in connection with the proposed construction of buildings at the Solid Waste Facility. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$14,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$14,500 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$14,500 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

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

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation 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. (912-2005) CONT.

(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 .....	Yes
Co. Nowicki .....	Yes
Supervisor Gromack .....	Yes

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RESOLUTION NO. (913-2005)

Co. Nowicki 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 undertake additional work relating to the construction of road improvements in connection with the Valley Cottage Downtown Improvement, 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 \$15,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$15,000 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 \$15,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

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

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

## RESOLUTION NO. (913-2005) CONT.

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 December 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 December 13, 2005, authorizing additional work relating to the construction of road improvements in connection with the Valley Cottage downtown improvement, stating the estimated maximum cost thereof is \$15,000, appropriating said amount therefor, and authorizing the issuance of \$15,000 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 undertake additional work relating to the construction of road improvements in connection with the Valley Cottage Downtown Improvement, 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 \$15,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$15,000 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 \$15,000 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 \$15,000 serial bonds will exceed five (5) years;

RESOLUTION NO. (913-2005) CONT.

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: December 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 . . . . . Yes  
Co. Nowicki . . . . . Yes  
Supervisor Gromack . . . . . Yes

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RESOLUTION NO. (914-2005)

Co. Nowicki 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 acquire various equipment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$20,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$20,000 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 \$20,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

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

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

RESOLUTION NO. (914-2005) CONT.

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

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

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

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

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

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

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (915-2005)

Co. Nowicki 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 prepare plans and specifications in connection with the proposed installation of an emergency communications cell tower. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$40,000 and said amount is hereby appropriated therefor. The plan of financing

## RESOLUTION NO. (915-2005) CONT.

includes the issuance of \$40,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$40,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

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

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

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

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

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

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

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

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

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

RESOLUTION NO. (915-2005) CONT.

On roll call the vote was as follows:

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

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RESOLUTION NO. (916-2005)

Co. Nowicki 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 various park 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 \$70,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$70,000 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 \$70,000 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. 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

## RESOLUTION NO. (916-2005) CONT.

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 December 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 December 13, 2005, authorizing the construction of various park improvements, stating the estimated maximum cost thereof is \$70,000, appropriating said amount therefor, and authorizing the issuance of \$70,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various park 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 \$70,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$70,000 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 \$70,000 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 \$70,000 serial bonds will exceed five (5) years;

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

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

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

RESOLUTION NO. (916-2005) CONT.

DATED: December 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..... Yes  
Co. Nowicki..... Yes  
Supervisor Gromack. . . . . Yes

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RESOLUTION NO. (917-2005)

Co. Nowicki 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 acquire and install software for use by the Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$77,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$77,000 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 \$77,000 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.

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

RESOLUTION NO. (917-2005) CONT.

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 ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack. . . . . Yes

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RESOLUTION NO. (918-2005)

Co. Nowicki 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 acquire and install a telecommunications system for Town Hall. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$130,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$130,000 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 \$130,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

RESOLUTION NO. (918-2005) CONT.

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

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 ..... Yes  
 Co. Nowicki ..... Yes  
 Supervisor Gromack. . . . . Yes

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## RESOLUTION NO. (919-2005)

Co. Nowicki 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 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 \$530,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$530,000 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 \$530,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation 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. (919-2005) 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 December 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 December 13, 2005, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$530,000, appropriating said amount therefor, and authorizing the issuance of \$530,000 serial bonds of said Town to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to construct various drainage improvements, including any ancillary or related work required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$530,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$530,000 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 \$530,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$530,000 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: December 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.