

# EXHIBIT

5-D-05 5/23/05

## EXTRACT OF MINUTES

Meeting of the Town Board of the  
Town of Orangetown, in the  
County of Rockland, New York

May 23, 2005

\* \* \*

A regular meeting of the Town Board of the Town of Orangetown, in the County of Rockland, New York, was held at the Town Hall, within said Town, on May 23, 2005.

There were present: Hon. Thom Kleiner, Supervisor, and

Board Members: Councilman Denis O'Donnell  
Councilman Denis Troy  
Councilwoman Marie Manning  
Councilman Thomas Morr

There were absent: None

Also present: Charlotte Madigan, Town Clerk

\* \* \*

Councilman O'Donnell offered the following resolution and moved its

adoption:

BOND RESOLUTION OF THE TOWN OF ORANGETOWN,  
NEW YORK, ADOPTED MAY 23, 2005, AUTHORIZING THE  
ACQUISITION OF VARIOUS MACHINERY AND  
APPARATUS, STATING THE ESTIMATED MAXIMUM COST  
THEREOF IS \$1,605,000, APPROPRIATING SAID AMOUNT  
THEREFOR, AND AUTHORIZING THE ISSUANCE OF  
\$1,605,000 SERIAL BONDS OF SAID TOWN TO FINANCE  
SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF ORANGETOWN, 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 Orangetown, in the County of Rockland, New York  
(herein called the "Town"), is hereby authorized to acquire various machinery and apparatus for  
use in and for said Town. The estimated maximum cost thereof, including preliminary costs and  
costs incidental thereto and the financing thereof, is \$1,605,000 and said amount is hereby  
appropriated therefor. The plan of financing includes the issuance of \$1,605,000 serial bonds of  
the Town to finance said appropriation, and the levy and collection of taxes on all the taxable  
real property in the Town to pay the principal of said bonds and the interest thereon as the same  
shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,605,000 are  
hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting  
Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to  
finance said appropriation.

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

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

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

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

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

anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

Section 7. This bond resolution is subject to a permissive referendum and the

Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "*The Journal News*," a newspaper having a

general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town

Law, a Notice in substantially the following form:

TOWN OF ORANGETOWN, NEW YORK

PLEASE TAKE NOTICE that on May 23, 2005, the Town Board of the Town of Orangetown, in the County of Rockland, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Orangetown, New York, adopted May 23, 2005, authorizing the acquisition of various machinery and apparatus, stating the estimated maximum cost thereof is \$1,605,000, appropriating said amount therefor, and authorizing the issuance of \$1,605,000 serial bonds of said Town to finance said appropriation.”

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

FIRST: AUTHORIZING said Town to acquire various machinery and apparatus for use in and for the Town; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,605,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,605,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,605,000 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 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 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: May 23, 2005

Charlotte Madigan  
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.

\* \* \*



The adoption of the foregoing resolution was seconded by  
Councilwoman Manning and duly put to a vote on roll call, which resulted as follows:

AYES: Councilpersons O'Donnell, Manning, Troy, Morr  
Supervisor Kleiner

NOES: None

The resolution was declared adopted.

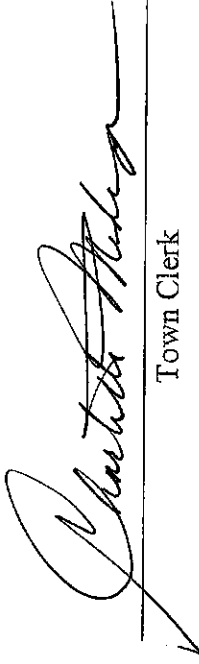
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CERTIFICATE

I, CHARLOTTE MADIGAN, Town Clerk of the Town of Orangetown, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Orangetown duly called and held on May 23, 2005, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Orangetown this 23rd day of May, 2005.

(SEAL)

  
Town Clerk

# EXHIBIT

5-E-05 5/23/05

## EXTRACT OF MINUTES

Meeting of the Town Board of the  
Town of Orangetown, in the  
County of Rockland, New York

May 23, 2005

\* \* \*

A regular meeting of the Town Board of the Town of Orangetown, in the County of Rockland, New York, was held at the Town Hall, Orangeburg, New York, on May 23, 2005 at

7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Thom Kleiner, Supervisor, and

Board Members: Councilman Denis O'Donnell  
Councilman Denis Troy  
Councilwoman Marie Manning  
Councilman Thomas Morr

There were absent: None

Also present: Charlotte Madigan, Town Clerk

\* \* \*

Councilman O'Donnell offered the following resolution and moved its

adoption:

BOND RESOLUTION OF THE TOWN OF ORANGETOWN, NEW YORK,  
ADOPTED MAY 23, 2005, AUTHORIZING THE ACQUISITION OF A  
VEHICLE AND EQUIPMENT AND MACHINERY, STATING THE  
ESTIMATED TOTAL COST THEREOF IS \$115,000, APPROPRIATING SAID  
AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$115,000  
SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF ORANGETOWN, 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 Orangetown, in the County of Rockland, New York  
(herein called the "Town"), is hereby authorized to acquire a vehicle and equipment and  
machinery, including: (a) the acquisition of a utility truck, at the estimated maximum cost of  
\$45,000; and (b) the acquisition of two leaf machines, at the estimated maximum cost of  
\$35,000, each, aggregating \$70,000. The estimated total cost thereof, including preliminary  
costs and costs incidental thereto and to the financing thereof, is \$115,000 and said amount is  
hereby appropriated therefor. The plan of financing includes the issuance of \$115,000 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 \$115,000 are  
hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting  
Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to  
finance said appropriation.

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

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 89 of the Law, is five (5) years.

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

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

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

anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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- (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 each having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

\* \* \*

The adoption of the foregoing resolution was seconded by Councilwoman Manning and duly put to a vote on roll call, which resulted as follows:

AYES: Councilpersons O'Donnell, Manning, Troy, Morr  
Supervisor Kleiner

NOES: None

The resolution was declared adopted.

\*\*\*\*\*

CERTIFICATE

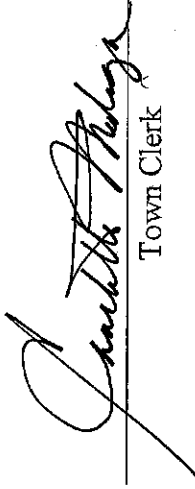
I, CHARLOTTE MADIGAN, Town Clerk of the Town of Orangetown, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Orangetown duly called and held on May 23, 2005, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of said Town of Orangetown this

25th day of May, 2005.

(SEAL)

  
Town Clerk



# EXHIBIT

5-F-05, 5/23/05

STATE OF NEW YORK        }  
COUNTY OF ROCKLAND    }  
TOWN OF ORANGETOWN     }

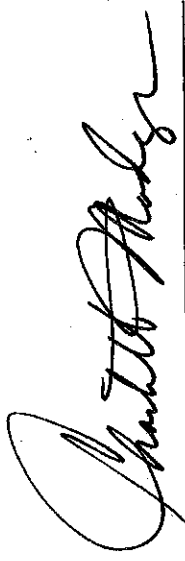
SS.

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the *TOWN of ORANGETOWN*, in the County of Rockland, State of New York.

That, on the 21st day of April 2005, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the *TOWN of ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Charlotte Madigan  
Town Clerk

Subscribed and sworn to before me

This 21st day of April 2005

*Beatrice Troy*  
 BEATRICE TROY  
 NOTARY PUBLIC, STATE OF NEW YORK  
 NO. 01TR6106538  
 QUALIFIED IN ROCKLAND COUNTY  
 COMMISSION EXPIRES MARCH 8, 2008

## NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, No. 26 Orangeburg Road, Orangeburg, New York until 10:30 A.M. on May 4, 2005, and will be publicly opened and read aloud at 11:00 A.M. for furnishing One (1) New Portable Asphalt/ Recycling/ Base Stabilizer/ Trenching Machine in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The Superintendent of Highways will submit a report to the Town Board of all bids received and his recommendation concerning the awarding of a Contract at a meeting of the Town Board of the Town of Orangetown.

The Town Board reserves the right to waive any informalities in the bidding and to reject any and all bids.

No bid will be accepted without a Non-Collusion Statement as required pursuant to Section 103d of the General Municipal Law.

No contract is deemed to have been created until approved by a Town Board Resolution and the Town Attorney, and until after it has been executed by the Supervisor of the Town of Orangetown, at the direction of the Town Board. All contracts are subject to appropriations approved by the Town Board, after having been provided for in the Town Budget.

By order of the Town Board of the Town of Orangetown.

DATED: April 20, 2005

JAMES J. DEAN  
SUPERINTENDENT OF HIGHWAYS

CHARLOTTE MADIGAN  
TOWN CLERK

# ROCKLAND COUNTY TIMES

Rockland's Official Newspaper Since 1888™

PUBLISHED BY CITIZEN PUBLISHING CORPORATION

Offices: 119 Main Street (2nd Floor) • Nanuet, NY 10954-2882 • Tel (845) 627-1414 • Fax (845) 627-1411

Mailing Address: P.O. Box 510 • Pearl River, NY 10965 (For overnight deliveries please use Nanuet address)

Legal notice: Highway: Notice to Bidders, One New Portable Asphalt/Recycling/Base Stabilizer/Trenching Machine

(Ref. No.: 7303)

## AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF ROCKLAND )

MARGE FORMATO of the Town of Orangetown, County of Rockland, State of New York, being duly sworn says that she is the Print Manager of ROCKLAND COUNTY TIMES, a newspaper published in Orangetown, County of Rockland, State of New York, and that the annexed is a copy of the issue of April 21, 2005.



MARGE FORMATO

Sworn to before me this  
21<sup>st</sup> day of April 2005



NOTARY PUBLIC, STATE OF NEW YORK

DONNA LEE NIELE  
Notary Public, State of New York  
No. 02M1659754  
Qualified in Rockland County  
Commission Expires Jan. 4, 2007

### NOTICE TO BIDDERS

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The Superintendent of Highways will submit a report to the Town Board of all bids received and his recommendation concerning the awarding of a Contract at a meeting of the Town Board of the Town of Orangetown.

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No bid will be accepted without a Non-Collusion Statement as required pursuant to Section 103d of the General Municipal Law.

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By order of the Town Board of the Town of Orangetown.

DATED: April 20, 2005

JAMES J. DEAN  
SUPERINTENDENT OF HIGHWAYS

CHARLOTTE MADIGAN  
TOWN CLERK



**JAMES J. DEAN**  
Superintendent of Highways  
Roadmaster II

OrangeTown Representative:  
R. C. Soil & Water Conservation Dist.-Chairman  
R. C. Water Quality Commission  
Member:  
American Public Works Association NY Metro Chapter  
NYS Assoc. of Town Superintendents of Highways  
Hwy. Superintendents' Assoc. of Rockland County



**HIGHWAY DEPARTMENT  
TOWN OF ORANGETOWN**  
119 Route 503 • Orangeburg, NY 10962  
(845) 359-6500 • Fax (845) 359-6062  
E-Mail - [www.highway@townofnhy.org](mailto:www.highway@townofnhy.org)

# Memorandum

**Date:** 5/11/2005  
**To:** Town Board  
**From:** James J. Dean, Superintendent of Highways *James J. Dean*  
**RE:** Bid Award - Asphalt Recycling/Base Stabilizer/Trenching Machine

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It is my recommendation that the above noted bid be awarded to Asphalt Zipper, American Fork, Utah. This will be a 36 month lease/purchase for \$2,502.44 per month to be paid out of fund #D511044 50444 (Equipment Rental Account).

kj  
Attachments