

TOWN OF CLARKSTOWN
Town Board Meeting

Town Hall 1/28/97 8:00 PM

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared the Town Board meeting open.

Sergeant Timothy O'Neill introduced Detective Gary McDonald and the Police Honor Guard for the Presentation of Colors. Police Chief William J. Collins led the assemblage in saluting the flag.

Police Promotional Ceremony conducted by Sergeant Timothy O'Neill. Invocation was given by Co. John R. Maloney. Police Commissioners Otto Morch and Ralph Mandia were also present. The following officers then received their shields and took the Oath of Office:

- Capt. Keven Kilduff
- Det. Sgt. Stanley Gorzka
- P.O. Fred Parent
- P.O. Daniel Burke
- P.O. Jacqueline Kelly
- P.O. Christopher Maloney
- P.O. Daniel Chazan
- P.O. James McCormick

Chief Collins congratulated the Officers and their families. The Town Board praised and congratulated the officers and their families. He congratulated Captain Kilduff on being the first to attend the FBI Academy. He thanked the Police Commission and the Town Board. Sgt. Timothy O'Neill introduced P.O. Doherty, President of the Clarkstown P.B.A. P.O. Doherty thanked the Town Board for the resources and tools to perform their jobs and congratulated the officers on their promotions. The Town Board praised and congratulated the officers and their families. They commented on their fine qualities and abilities and wished them well.

Supervisor Holbrook introduced three proclamations.

CATHOLIC SCHOOLS WEEK
January 26 - February 1, 1997

WHEREAS, the Town of Clarkstown has several Catholic schools within its boundaries, and

WHEREAS, these schools and other Catholic schools in Rockland County serve over 3500 students, and

WHEREAS, these schools are dedicated to God, country and the pursuit of excellence, and

WHEREAS, this year the Catholic schools are celebrating the theme, "Catholic Schools - Schools You Can Believe In" and

WHEREAS, we now wish to recognize the contributions of Catholic schools,

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town

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of Clarkstown, on this 28th day of January, 1997, do hereby proclaim the week of January 26th to February 1st as "CATHOLIC SCHOOLS WEEK" in the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE
SEAL OF THE TOWN OF
CLARKSTOWN TO BE AFFIXED THIS
28TH DAY OF JANUARY, 1997

/s/
CHARLES E. HOLBROOK, Supervisor

RANDOM ACTS OF KINDNESS WEEK
TOWN OF CLARKSTOWN
February 10 - 16, 1997

- WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, too often leaving average citizens with feeling of despair and helplessness; and
- WHEREAS, the daily acts of kindness of most of the citizens of Clarkstown often go unrecognized and unattended; and
- WHEREAS, by recognizing these daily acts of kindness during this week, all citizens of Clarkstown can become more aware of the importance of being kind to others throughout the year; and
- WHEREAS, by recognizing these small acts of kindness during this week, everyone can participate in making this Town a kinder, safer and better place to live; and
- WHEREAS, this week is being observed in over 100 other cities and towns across this nation.

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 28th day of January, 1997, do hereby proclaim the week of February 10th to February 16th as "RANDOM ACTS OF KINDNESS WEEK" in the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE
SEAL OF THE TOWN OF
CLARKSTOWN TO BE AFFIXED THIS
28TH DAY OF JANUARY, 1997

/s/
CHARLES E. HOLBROOK, Supervisor

SCHOOL NURSE DAY
January 22, 1997

WHEREAS, January 22, 1997 has been designated as "SCHOOL NURSE DAY" in New York State and recognized as National School Nurse Day throughout the United States, and

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WHEREAS, the Town of Clarkstown would especially like to recognize the school nurses of the Clarkstown School District for providing health care to all students and striving for the safety, good health and optimal learning for all children in their care, and

WHEREAS, in tribute to their dedicaton and excellent service, the Town of Clarkstown would like to thank all school nurses and especially the school nurses in our Clarkstown School District for their significant contribution to the betterment of our community,

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board and all our residents, do hereby proclaim Wednesday, January 22, 1997 as SCHOOL NURSE DAY in the TOWN OF CLARKSTOWN in honor of the SCHOOL NURSES OF THE CLARKSTOWN SCHOOL DISTRICT.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE
SEAL OF THE TOWN OF
CLARKSTOWN TO BE AFFIXED THIS
22ND DAY OF JANUARY, 1997.

/s/
CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown

Supervisor opened the public portion of the meeting. There were no appearances.

RESOLUTION NO. (60-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of January 14, 1997 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Abstained
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (61-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland for the Substance Abuse Services Program through the Department of Mental Health for the period January 1, 1997 through December 31, 1997, for a total consideration of \$112,265.00.

RESOLUTION NO. (61-1997) Continued

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (62-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an Employment Agreement with Captain of Police, Kevin Kilduff, for the period of January 7, 1997 through December 31, 1998, and hereby directs that a copy of such Agreement be filed with the Town Clerk.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (63-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 1997 and terminating on December 31, 1997, with the terms and conditions of the present agreement to remain the same, upon the recommendations of the Town Clerk and the Animal Control Officer, with the exception of a change from \$7.00 to \$8.50 per day for each dog delivered by the Town's Animal Control Officer or Police Department or other duly authorized peace officers to HI-TOR for impoundment and disposition, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to January 1, 1997.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (64-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized

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RESOLUTION NO. (66-1997) Continued

action against the Town of Clarkstown affecting parcel designated as Map 58, Block F, Lot 1 located at 151 North Main Street, New City, New York, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such appraisal at a fee not to exceed \$5,000.00.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (67-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, THE BANK OF NEW YORK has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 13, Block B, Lot 18 for the year(s) 1992, 1993, 1994 and 1995; Map 127, Block Q, Lots 14 and 15 for the year(s) 1992, 1993, 1994 and 1995; Map 89, Block A, Lots 12.1 for the year(s) 1992, 1994 and 1995 and Map 58, Block C, Lot 7 for the year(s) 1994 and 1995, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisals at a fee not to exceed \$5,000.00 per appraisal.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (68-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, CORPORATE PROPERTY INVESTORS v. RUDOLPH YACYSHYN, as Chairman of the Town Planning Board of the Town of Clarkstown, et al;

NOW, THEREFORE, be it

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RESOLUTION NO. (68-1997) Continued

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (69-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, FRANCIS X. FOLEY and ANN FOLEY v. THE ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (70-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, MOBIL OIL CORPORATION v. THE ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSOWN, ET AL;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (71-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a dead tree exists on property located within the Debra Lee Court Drainage Improvement; and

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RESOLUTION NO. (71-1997) Continued

WHEREAS, the Supervisor has directed the Department of Environmental Control to hire a contractor for the removal of the dead tree; and

WHEREAS, the Department of Environmental Control has received a proposal from KJS Hauling & Home Improvements, 95 Maple Avenue, New City to perform said tree work;

NOW, THEREFORE, be it

RESOLVED, that KJS Hauling & Home Improvements is hereby authorized to perform the necessary work for an amount not to exceed \$850.00; and be it

FURTHER RESOLVED, that this amount be a proper charge to Account #H 8735-409-12-16.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (72-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Miele Sanitation Co. to remove three bus shelters from the following locations in the Town of Clarkstown:

- 1. Bradless, UA Cinema, New City
- 2. Congers Road, Maple Avenue, New City
- 3. Lake Road, Maple Avenue, Valley Cottage

and be it

FURTHER RESOLVED, that the fee for such service shall be \$1,000.00, and will be charged to Account No. A-5650-409.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (73-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, existing subsurface conditions on the subject project necessitated additional field visits and design revisions in excess of the original contracted amount; and

WHEREAS, review of alternate materials for use in the subject project made necessary due to agreements between the Town of Clarkstown and adjoining property owners necessitated additional work by the design consultant; and

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RESOLUTION NO. (73-1997) Continued

WHEREAS, at the request of the Director of the Department of Environmental Control a proposal was submitted by the Town's design consultant, M.G. McLaren, P.C. for said additional engineering services; and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board does authorize the additional expenditure of \$5,230.00 to M.G. McLaren, P.C. of 100 Snake Hill Road, West Nyack, New York for said additional engineering services; and be it

FURTHER RESOLVED, that this shall be a proper charge to account #H 1994-400-409-0-14-4.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (74-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Howard Lampert, Traffic Engineering Consultant, is hereby authorized to evaluate the traffic signal located at Germonds Road/Burda Avenue and Middletown Road, New City, to determine the feasibility of installing left turn signals.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (75-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account A-7180-413 (Trees & Shrubs) by \$1,200.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$1,200.00.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (76-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account A-7180-219 (Misc. Equipt.) by \$632.92 and to increase Revenue Account 01-002025 (Beach and Pool) by \$632.92.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (77-1997)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorize to install the following stop signs:

On Pecan Valley Drive at Inverness Drive,
New City and on Augusta Court and Fenway
Court at Inverness Drive, New City, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (78-1997)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "No Parking Here to Corner" sign on the
southside of Rockland Avenue, 30 ft. west
of Middletown Road, Nanuet, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (79-1997)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

Two "No Standing Anytime" signs (Sec. 221.5-Pl-5) on the westside of Main Street, New City. The first, 30 ft. North of the southerly driveway to the Rockland County Court House building. The second, 30 ft. south of the southerly driveway, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (80-1997)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

Two "No Parking Anytime" signs with directional arrows on the northside of East Prospect, Nanuet. The first, approximately 80 ft. east from Main Street. The second, approximately 45 ft. east of the first sign.

Also a "No Parking Here to Corner" sign with the arrow pointing toward Main Street, to be erected on the southside of East Prospect, approximately 98 ft. from Main Street, Nanuet, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (81-1997)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Resolution No. 1130-1996, adopted on December 31, 1996 is hereby amended to read:

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RESOLUTION NO. (81-1997) continued

Based on the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

"No Parking Anytime" signs on the southside of Smith Road from Middletown Road, west for a distance of 550 feet on Smith Road, Nanuet, NY, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to John Mauro, Superintendent of Highways, for implementation.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (82-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance for 1997 to:

Coalition to Reduce Underage Drinking \$1,000.00

FURTHER RESOLVED, that the amount of \$1,000.00 be transferred from Account # A 1990-505 to Account # A 8840 424.

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1997 and are to be charged against Account # A 8840 424.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (83-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #19-1997
GRECO PROPERTY EROSION ELIMINATION

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RESOLUTION NO. (83-1997) continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on February 20, 1997 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 Director of Environmental Control.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (84-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #20-1997
REFUSE PICKUP - TOWN FACILITIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on February 24, 1997 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 Director of Purchasing.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (85-1997)

Co. Smith offered and Co. Maloney seconded

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

BID #8-1997
GROUNDSKEEPING & LANDSCAPE SUPPLIES

is hereby awarded to:

THE TERRE CO.
206 Delawanna Avenue
Clifton, NJ 07014
PRINCIPALS: William A. Feury
William B. Feury
Thomas Feury

LESCO INC.
2005 Lake Road
Rock River, OH 44116
PRINCIPAL:
Naomi Fitzgibbon

RESOLUTION NO. (85-1997) continued

SHEMIN NURSERIES
100 Weyerhaeuser Rd.
Mahwah, NJ 07430
PRINCIPAL: Public Corporation

MANTEK
PO Box 660196
Dallas, Texas 75266-0196
PRINCIPALS: Irvin Levy
Lester Levy
Milton Levy, Jr.

(Price schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (86-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 262 (TAXATION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, the Town Board of the Town of Clarkstown consider that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 25, 1997, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (87-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, the Town Board of the Town of Clarkstown consider that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 25, 1997, at 8:17 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (88-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 254 (SUBDIVISION OF LAND) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, the Town Board of the Town of Clarkstown consider that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 25, 1997, at 8:21 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal

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RESOLUTION NO. (88-1997) Continued

News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (89-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 246 (SITE PLAN REVIEW)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

WHEREAS, the Town Board of the Town of Clarkstown consider that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 25, 1997, at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (90-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96103 Police Captain which contains the name of Kevin A. Kilduff,

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RESOLUTION NO. (90-1997) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Kevin A. Kilduff, 15 Corners Road, Congers, New York, to the position of Police Captain - Town of Clarkstown Police Department - at the current 1997 annual salary of \$123,657.00, effective and retroactive to January 7, 1997.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (91-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Anna Newhouse, 286 Hungry Hollow Road, Spring Valley, New York, is hereby appointed to the position of (temporary) Receptionist - Town Justice Department - at the current 1996 hourly rate of \$12.00 - effective and retroactive to January 27, 1997 - for a period not to exceed 2 months.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (92-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Carol Collura, 16 Southward Avenue, Congers, New York, is hereby appointed to the position of (temporary) Data Entry Operator I - Town Justice Department - at the current 1997 hourly rate of \$12.00 - effective and retroactive to January 27, 1997.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (93-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Ralph A. Lauria, 80 North Middletown Road, Nanuet, New York, is hereby appointed to the position of Engineer II - Department of Environmental Control - at the current 1997 annual salary of \$58,674.00, (Grade 30-F) effective February 18, 1997.

Continued on Next Page

RESOLUTION NO. (93-1997) continued

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (94-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Dawn Massa, 4 Germonds Road, New City, New York, is hereby appointed to the position of Clerk Typist (Seasonal) - Receiver of Taxes Office - at the current 1997 hourly rate of \$11.00 - effective February 3, 1997.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (95-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Guillermo "Bill" J.M. Thorne, Sr., 74 Village Green, Bardonia, New York, is hereby recommended to be appointed to the Civilian Complaint Review Board - to serve without compensation - term effective January 29, 1997 and to expire on December 31, 1997.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (96-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, on October 8, 1996, the Town Board enacted Resolution No. 909-1996 (the "October 8 Resolution") providing in relevant part for the abandonment and transfer to EklecCo of certain roads identified as the "Town Roads," on certain conditions set forth in the October 8 Resolution, and

WHEREAS, on January 23, 1997, EklecCo stated its unconditional acceptance of the terms of the October 8 Resolution, and

Continued on Next Page

RESOLUTION NO. (96-1997) continued

WHEREAS, EklecCo has presented to the Town a Contract of Sale containing all of the necessary terms and conditions for transfer set forth in the October 8 Resolution, a copy of which Contract of Sale is attached to this Resolution as Exhibit "A", and

WHEREAS, EklecCo has agreed that subject to the Resolution proposed herein, EklecCo shall pay the full purchase price for the Town Roads of \$1,500,000.00 upon the closing and funding of the Palisades Center Project Construction loan, but in no event later than 100 days from execution of the Contract of Sale by the Town Supervisor;

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor is directed to sign the contract on behalf of the Town of Clarkstown, and it is

FURTHER RESOLVED, that the Town Supervisor is thereafter directed to execute a quit claim deed transferring title to the Town Roads to EklecCo (the "Deed") upon certification from the Town Highway Superintendent that the requirements of Highway Law § 212-a have been satisfied and payment of money due hereunder.

Contract of Sale

Date _____

Seller and Purchaser agree as follows:

Seller Town of Clarkstown, a New York municipal corporation
address 10 Maple Avenue, New City, New York 10956

Purchaser EklecCo, a New York general partnership
address 4 Clinton Square, Syracuse, New York 13202

1. Seller shall sell and Purchaser shall buy the Property on the terms stated in this Contract.

2. The Property is described as follows:

Those portions of three Town roads (collectively the "Roads") commonly know as (i) Virginia Avenue and (ii) Besso Street (each (i) and (ii) more particularly described on Schedule "A") and (iii) Route 59-A Service Road (more particularly described on Schedule "B") which by Town Board Resolution adopted on October 8, 1996 (Resolution No. 909-1996), pursuant to Highway Law § 171(2) the Seller approved the discontinuance of and pursuant to Highway Law § 212-a, the Seller agreed to abandon and sell to Purchaser on the terms and subject to the conditions stated in Resolution No. 909-1996 and which are those portions of the previously discontinued Roads which are not part of the "Dedicated Public Roads" (as such terms is defined in Resolution No. 909-1996).

Continued on Next Page

RESOLUTION NO. (96-1997) continued

The sale includes: all of the right, title and interest, if any, of Seller in and to the Roads.

Buildings and improvements
Streets, assignment of unpaid awards
 (1) All buildings and improvements on the Property.
 (2) All right, title and interest, if any, of Seller in any land lying to the lot of any street or highway proposed or proposed, in front of or adjoining the Property to the center line thereof. It also includes any right of Seller to any unpaid award to which Seller may be entitled (1) due to taking by condemnation of any right, title or interest of Seller and (2) for any damage to the Property due to change of grade of any street or highway. Seller will deliver to Purchaser at Closing, or thereafter, on demand, proper instruments for the conveyance of this and the assignment and collection of the award and damages.

Furniture, personal property
 (3) All fixtures and articles of personal property attached to or connected in any manner with the Property specifically excluded below. Seller represents that they are paid for and owned by Seller and are not of any lien other than the Existing Mortgage(s). They include but are not limited to plumbing, heating, lighting and cooling fixtures, fire, smoke, and burglar alarms, radio and television sets, blinds, shades, awnings, awnings, storm windows, window boxes, storm doors, mail boxes, weather vane, fountains, pumps, scrubbers, clothes washers, clothes dryers, garbage disposal units, ranges, refrigerators, freezers, air conditioning equipment and installations, and well water pumpings.

Excluded from this sale are:
 Furniture and household furnishings

Price
 3. The purchase price is \$1,500,000 payable as follows:
 On the day of this Closing by check or cash collection: \$
 By allowance for the principal amount still unpaid on the Existing Mortgage(s): \$
 By a Purchase Money Note and Mortgage from Purchaser (assigned) to Seller: \$
BALANCE AMOUNTING *See Below \$1,500,000

The BALANCE AT CLOSING shall be paid in cash or good certified check, or official check of any bank, savings bank, trust company, or savings and loan association having a banking office in the State of New York. A check must be payable to the order of Seller, or to the order of Purchaser and duly endorsed by Purchaser (if other than a corporation) to the order of Seller in the presence of Seller or Seller's attorney.

Existing Mortgage
~~The Property will be conveyed subject to the continuing lien of the following mortgage (including all interest) Mortgage now in the unpaid principal amount of \$ and interest at the rate of % per year, presently payable in installments of \$ which includes principal, interest, and all other charges of principal being deemed payable on~~

Purchase money mortgage
 * Balance to be deposited in escrow with the Town of Clarkstown upon the sooner of the closing and funding of the Palisades Center project construction loan of 100 days from the execution hereof.
 shall pay for the mortgage recording tax, recording fee and the charge for having the 100 day mortgage.
 The purchase money note and mortgage shall provide that it will always be subject to the prior lien of any Existing Mortgage(s) on the Property to be sold, recorded, consolidated or refinanced in any manner.

RESOLUTION NO. (96-1997) continued

subject to	<p>(a) Applicable zoning and governmental regulations that affect the use and maintenance of the Property, provided that they are not violated by buildings and improvements on the Property.</p> <p>(b) Conditions, agreements, restrictions and encumbrances of record.</p> <p>(c) Any state of facts an inspection or survey of the Property may show if it does not make the title to the Property unmarketable.</p> <p>(d) Existing encumbrances</p> <p>(e) Unpaid assessments payable after the date of the transfer of title.</p>
Use of purchase price to pay encumbrances	<p>7. Seller may pay and discharge any liens and encumbrances not provided for in this Contract. Seller may make payment out of the balance of the Purchase Price paid by Purchaser on the transfer of title.</p>
Deed and transfer taxes	<p>8. At the Closing Seller shall deliver to Purchaser a Quit claim deed so as to convey a fee simple title to the Property free and clear of all encumbrances except as stated in this Contract. The deed shall be prepared, signed and acknowledged by Seller and transfer tax stamps in the correct amount shall be affixed to the deed, all at Seller's expense. The deed shall contain a trust fund clause as required by Section 13 of the Lien Law.</p>
Adjustments at closing	<p>9. The following are to be apportioned pro-rata to the date of closing:</p> <p>(a) Rents as and when collected.</p> <p>(b) Interest on the Existing Mortgage.</p> <p>(c) Taxes, water rates and other utility based on the fiscal period for which assessed.</p> <p>(d) Premiums on existing transferable insurance policies and renewals on those expiring prior to closing.</p> <p>(e) Fuel Money.</p> <p>(f) Deposits in escrow held under Existing Mortgage.</p>
Water meter readings	<p>10. Meter readings on the Property, Seller shall furnish to Purchaser at the time herein set for Closing. The meter shall be read at the time of closing, if any, shall be apportioned on the basis of the readings.</p>
Fire, other casualty	<p>11. This Contract does not provide for what happens in the event of fire or casualty loss before the title closing. Unless different provision is made in this Contract, Section 5-1811 of the General Obligations Law will apply.</p>
Condition of Property	<p>12. Purchaser has inspected the buildings and improvements on the Property, and the present condition is included in this contract. Purchaser agrees to take title "as is" and in their present condition subject to reasonable use and normal deterioration between now and the time of closing.</p>
Seller unable to convey, liability	<p>13. If Seller is unable to convey title in accordance with this Contract, Seller's only liability is to refund all money paid on account of this Contract and pay charges made for obtaining title.</p>
Closing date and place	<p>14. The Closing will take place at 10 Maple Avenue, New City, New York, upon acceptance and dedication of the substituted Roads herein.</p>
Broker	<p>15. Purchaser represents that Purchaser has not dealt with any broker in connection with this sale otherwise and Seller agrees to pay broker the commission amount (agreement to execute agreement with broker).</p>
Purchaser's Lien	<p>16. All money paid on account of this Contract, and the reasonable expenses of investigation of the title to the Property and of any survey and inspection charge or liability made hereon on the Property. The Lien shall not constitute a lien on the Property.</p>
Notice	<p>17. Any notice or other communication from one party to the other shall be in writing and sent by registered or certified mail in a postpaid envelope addressed to the party at the address above. The address above may be changed by notice to the other party.</p>
Entire Agreement	<p>18. All prior understandings and agreements between Seller and Purchaser are merged in this Contract. This Contract completely expresses their full agreement and has been entered into after full investigation. Neither party is relying upon statements made by anyone that is not a party to this Contract.</p>
No Oral Change Successors	<p>19. This Contract may not be changed or added orally.</p> <p>20. This Contract shall apply to and bind the distributees, executors, administrators, successors and assigns of the Seller and Purchaser.</p>
Multiple Parties	<p>21. If there are more than one Purchaser or Seller the words "Purchaser" and "Seller" used in this Contract includes them.</p>
Conditions Precedent to Closing	<p>22. See Rider annexed hereto</p>
Temporary Closing of the Roads Signatures	<p>23. See Rider annexed hereto</p> <p>Seller and Purchaser have signed this Contract as of the date at the top of the first page.</p>
WITNESS	<p>SELLER : Town Of Clarkstown</p>
	<p>By: <u>Charles Salbrack, Town Supervisor</u></p> <p>PURCHASER : MileCo</p>
	<p>By: <u>Thomas J. Valenti, a General Partner</u></p>

RESOLUTION NO. (96-1997) continued

STATE OF NEW YORK, COUNTY OF ... On ... 19 before me personally came

STATE OF NEW YORK, COUNTY OF ... On ... 19 before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ... On ... 19 before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

STATE OF NEW YORK, COUNTY OF ... On ... 19 before me personally came to me known and known to me to be a partner in

that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by his order.

a partnership, and known to me to be the person described in and who executed the foregoing instrument in the partnership name, and said duly acknowledged that he executed the foregoing instrument for and on behalf of said partnership.

Adjournment Closing of title under this Contract is adjourned to ... 19 ... at ... o'clock and all adjustments are to be made as of ... 19

Assignment Date: ... 19 For value received, this Contract is assigned to

and Assignee assumes all obligations of the purchaser in the Contract.

Purchaser Assignee of Purchaser

Town Of Clarkstown a Municipal Corporation

Seller and MolecCo a New York General Partnership

Contract of Sale of Real Estate Date ... 19 Deed to pass on

County of ... STATE OF NEW YORK RECORDED ON THE ... of ... M. In Liber ... of Deeds or Page ... and certified

RESOLUTION NO. (96-1997) continued

**Rider to Contract of Sale between
Town of Clarkstown as Seller and
Eldco as Purchaser concerning the
Abandonment and Sale of certain Town Roads**

22. The satisfaction of the following are conditions precedent to the obligations of the Seller and Purchaser to close title under this Contract.
- (a) the Town Highway Superintendent signing and duly filing the Order of Discontinuance of the Roads in accordance with Highway Law §171(2).
 - (b) the Town Clerk causing each executed release from each of the abutting owners on either side of the Roads to be recorded in the office of the Rockland County Clerk in accordance with Highway Law §171(2).
 - (c) the consent of the County Superintendent of Highways to the abandonment of such portions of the Roads to be abandoned and sold to Purchaser pursuant to Highway Law §212-a and Resolution No. 909-1996.
 - (d) the "Dedicated Public Roads" as defined in Resolution No. 909-1996 are completed by Purchaser and accepted by the Town for dedication in accordance with the terms and conditions set forth in Resolution No. 909-1996 and the parties covenant and agree, each to the other to diligently pursue or take such action as may be necessary to perform or satisfy all of the terms and conditions set forth in Resolution No. 909-1996, including any other requirements to assure full compliance with Highway Law §§171(2) and 212-a.
23. In order to permit Purchaser to construct expeditiously and properly complete the "Substitute Roads" (as referred to in Resolution No. 909-1996) which when completed in accordance with the terms and conditions set forth in Resolution No. 909-1996 will become part of the Dedicated Public Roads, immediately after the execution of this Contract and until the Closing, Seller shall diligently pursue, take and cause all action and proceedings necessary to temporarily close the Roads under Highway Law §104 including recommending the prompt issuance of any required requests, consents or approvals from either the Commissioner of Transportation, the County Highway Superintendent or the Town Highway Superintendent and in connection therewith issue any necessary Town highway work permit to Purchaser, and recommend the issuance of any other temporary highway work permit to Purchaser.

Continued on Next Page

RESOLUTION NO. (96-1997) continued

Virginia Avenue and Besso Street

Schedule "A"

All that certain plot, piece or parcel of land situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York. Being more fully bounded and described as follows:

BEGINNING at the point of intersection formed by the westerly right-of-way line of New York State Route 303 with the northerly right-of-way line of Virginia Street, said point also being located at the southeast corner of lands now or formerly of Pyramid Company of Rockland (Tax Lot 106-A-45.0201); running thence

- 1) S42°20'19"W, 42.98 feet along the westerly right-of-way line of New York State Route 303; running thence along the northerly line of lands now or formerly of BMF Realty (Tax Lot 106-A-32.01) and the southerly right-of-way line of Virginia Street the following two (2) courses and distances:
- 2) N82°11'11"W, 137.00 feet;
- 3) N80°18'11"W, 113.06 feet; thence
- 4) N82°11'11"W, 236.00 feet along the northerly line of lands now or formerly of BMF Realty (Tax lot 106-A-32.01) and The Borco Group (Tax Lot 106-A-32.02) and the southerly right-of-way line of Virginia Street; thence
- 5) S87°25'49"W, 20.64 feet along the northerly line of lands now or formerly of The Borco Group (Tax Lot 106-A-32.02) and the southerly right-of-way line of Virginia Street; thence
- 6) N81°56'23"W, 350.08 feet along the northerly line of lands now or formerly of James Wanamaker & Peter Buchan (Tax Lot 106-A-31.01), Henry Horowitz & Harry Adler (Tax Lots 106-A-30.05 & 106-A-30.02) and the southerly right-of-way line of Virginia Street; running thence along the westerly line of lands now or formerly of Henry Horowitz & Harry Adler (Tax Lot 106-a-30.02) and the easterly right-of-way line of Besso Street the following two (2) courses and distances:
- 7) S10°18'42"W, 16.97 feet;
- 8) S32°38'01"W, 136.91 feet; thence
- 9) S22°15'42"W, 50.00 feet along the westerly line of lands now or formerly of the Board of Sewer Commissioners (Tax Lot 106-A-30.03) and the easterly right-of-way line of Besso Street; thence
- 10) S22°58'24"W, 240.80 feet along the westerly line of lands now or formerly of Constance & Philip Bosco (Tax Lot 106-A-41) and Joseph Greco (Tax Lot 106-A-42) and the easterly right-of-way line of Besso Street; thence

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RESOLUTION NO. (96-1997)

- 11) N66°22'25"W, 50.00 feet along the northerly right-of-way line of New York State Route 59; thence
- 12) N22°59'45"E, 263.17 feet along the easterly line of lands now or formerly of Pyramid Company of Rockland (Tax Lots 106-A-28 & 106-A-29) and the westerly right-of-way line of Besso Street; thence
- 13) N18°44'58"W, 5.27 feet along the easterly line of lands now or formerly of Mester & Benda (Tax Lot 106-A-26.02) and the westerly right-of-way line of Besso Street; running thence along the easterly line of lands now or formerly of Pyramid Company of Rockland (Tax Lot 106-A-46) and the westerly right-of-way line of Besso Street the following three (3) courses and distances:
 - 14) N22°59'45"E, 37.92 feet;
 - 15) N33°16'49"E, 131.47 feet;
 - 16) N11°06'00"E, 50.05 feet; thence
- 17) S81°10'00"E, 394.21 feet along the southerly line of lands now or formerly of Ned Besso (Tax Lots 106-A-45 & 106-A-45.0101) and Barvan Corp. (Tax Lot 106-A-45.01) and the northerly right-of-way line of Virginia Street; running thence along the southerly line of lands now or formerly of Barvan Corp. (Tax Lot 106-A-45.01) and the northerly right-of-way line of Virginia Street the following two (2) courses and distances:
 - 18) N88°27'13"E, 20.64 feet;
 - 19) S81°10'00"E, 241.36 feet; thence
- 20) S79°17'00"E, 125.93 feet along the southerly line of lands now or formerly of Barvan Corp. (Tax Lot 106-A-45.01) and Ned Besso (Tax Lot 106-A-45.02) and the northerly right-of-way line of Virginia Street; thence
- 21) S81°10'00"E, 143.58 feet along the southerly line of lands now or formerly of Ned Besso (Tax Lot 106-A-45.02) and Pyramid Company of Rockland (Tax Lot 106-A-45.0201) and the northerly right-of-way line of Virginia Street to the point or place of BEGINNING.

The above description contains Virginia Street and Besso Street

On roll call the vote was as follows:

Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilman Profenna.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	No

RESOLUTION NO. (97-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, KAPRIYEL NISHANIAN v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK, and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index No(s). 4446/96, affecting parcel(s) designated as Map 6, Block B, Lot 4.2, for the year(s) 1996/97, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs, on the following terms and conditions:

- 1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block B, Lot 4.2 be reduced for the year(s) 1996/97 from \$204,400 to \$151,440;
- 2. That reimbursement for the year(s) 1996/97 on the parcel described as Map 6, Block B, Lot 4.2 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and
- 3. That 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.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

Councilman Maloney.....Yes
 Councilman Mandia.....Yes
 Councilman Profenna.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (98-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the renewal of the Mini-Trans Bus Insurance with Lancer Insurance Company for a period of two years beginning on March 1, 1997, and expiring on February 28, 1999, at an annual premium of \$53,206.00 charged to Account CS 1910 420.

On roll call the vote was as follows:

Councilman Maloney.....Yes
 Councilman Mandia.....Yes
 Councilman Profenna.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (99-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, from time to time, Robert Stritmater, Director of Automated Systems, has been called out on off hours to correct problems with the Town computer system, and

WHEREAS, in order to reduce down time, it has been recommended to install a remote dial-in system, that would enable Mr. Stritmater to correct the problems without the need to report to work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the installation of a remote access system at Robert Stritmater's home, and to replace his pager with one that will accept digital alpha numeric messages.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (100-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

H & R PLUMBING & HEATING
53 Massachusetts Ave.
Congers, New York 10920

ELWOOD PETIT
640 Route 306
Suffern, New York 10901

J.D. BACKHOE
D/B/A Joe D'Auria
P. O. Box 342
Sparkill, New York 10976

ROLF GREIBESLAND
200 Brewery Road
New City, New York 10956

J & T INGALLS
RR 4, Box 63
Greenwood Lake, N.Y. 10925

B & Z DEVELOPMENT, INC.
D/B/A Ben-Zvy Enterprises
P. O. Box 658
Monsey, New York 10952

RESOLVED, the the following Certificates of Registration be issued:

No. 97-8 - H & R Plumbing & Heating
No. 97-11- Elwood Petit
No. 97-13- J.D. Backhoe D/B/A Joe D'Auria
No. 97-15- Rolf Greibesland
No. 97-16- J & T Ingalls
No. 97-18- B & Z Development, Inc. D/B/A Ben-Zvy Enterprises

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RESOLUTION NO. (100-97) continued

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (101-1997)

Co. Maloney offered and Co. Profenna seconded

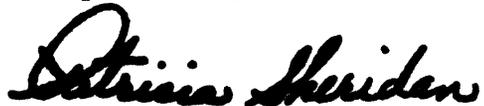
RESOLVED, that William Nest, 3 Hillside Drive, New City, New York, is hereby reappointed to the position of Member and Vice Chairman - Planning Board - at the current 1997 annual salary of \$5,250.00, term effective February 2, 1997 and to expire on February 1, 2004.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Abstained

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk