

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, JANUARY 14, 2008**

This Town Board Meeting was opened at 6:35 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Marie Manning
Councilman Michael Maturo
Councilwoman Nancy Low-Hogan

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
John S. Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director, Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Simon, Receiver of Taxes
John Giardiello, P.E., Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings

Charlotte Madigan, Town Clerk, led the Pledge of Allegiance to the Flag.

RESOLUTION NO. 36

ENTER EXECUTIVE SESSION

Councilwoman Manning offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that the Town Board entered Executive Session at 6:30 p.m. to discuss increase in engineering fees for the sewer project, particular contracts and personnel matters.

Ayes: Councilpersons Manning, Maturo, Troy, Maturo
Supervisor Kleiner
Noes: None

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Resolution No(s). 37 - 38 see Executive Session minutes.

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At the January 22nd workshop, there will be presentations by Siemens Corporation Energy Audit regarding environmental issues and the Pearl River Chamber/Shade Tree Committee regarding downtown plantings.

Catherine Dodge of OPDAC thanked Dr. Robert Schelin for being a long-time member of OPDAC and for adding his wisdom and foresight to the committee. She also thanked Marie Manning the Town Board liaison and presented Rich Rose, Superintendent of Parks, Recreation and Buildings with a picture of the committee members

Supervisor Kleiner said according K. Hovnanian the RPC zoning and survey is nearly finished and will go before the Planning Board as soon as possible.

Public Comment

Alex DiMenna, Orangetown, spoke regarding the RPC property and the importance of allowing 80 acres to become part of the community and not just age restricted.

Eileen Larkin, Palisades, spoke regarding the Cablevision contract, the December 19th Notice of Meeting and the Bond Resolution for Wyeth Certiorari settlement.

Ruth Weber, Upper Grandview, spoke regarding taxes for services she believe she doesn't receive and requested a copy of the law allowing the Town to tax residents for sewers and hydrants.

Robert Simon, Receiver of Taxes, explained there was a second page/bill because extra characters were printed offering the option of installment payments. The tax bills will be examined to hopefully simplify them.

RESOLUTION NO. 39**CLOSE PUBLIC PORTION**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the public portion of this meeting is hereby closed.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 40**OPEN PH/AMEND PALISADES
HISTORIC DISTRICT**

Councilman Maturo offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the public hearing to consider a proposal to amend the map for the Palisades Historic District is hereby opened.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 01-A-08 and made a part of these minutes.

Public portion:

Mary Cardenas, Town Historian, agreed with the Notice of Public Hearing.

Alice Gerard, Palisades Historian, said the Century Lane property was originally included because it was originally part of a property in the district.

A discussion took place between Michael Maturo and Suzanne Barclay, Exec Asst. to Supervisor, and it was said two property owners had not responded, therefore public portion should be continued until February 11, 2008.

RESOLUTION NO. 41**ADJOURN PH/AMEND PALISADES
HISTORIC DISTRICT**

Councilman Maturo offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that this public hearing to consider a proposal to amend the map for the Palisades Historic District is hereby adjourned to February 11, 2008 at 8:00 p.m.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 42**APPROVE \$1,180,000/STEARNS &
WHELER ADDITIONAL CAPITAL
IMPRVT WASTEWATER FACILITIES**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and on a roll call was unanimously adopted:

Resolution No. 42 - Continued

RESOLVED, that an increase in fee in the amount of \$1,180,000, to Stearns and Wheler consisting of \$55,150 for additional bidding expenses, \$247,600 for contract administration, \$390,000 for construction administration, \$160,000 for engineering and design services for Town requested modifications, \$310,000 for design services related to unforeseen conditions, and \$17,250 for printing expenses for capital improvements to the Town’s wastewater facilities is hereby approved.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 43

APPOINT PLANNING BOARD MEMBER/ROBERT DELL

Councilwoman Manning offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that Robert Dell is appointed to the Orangetown Planning Board for a seven-year term to expire December 31, 2014.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 44

COMBINED AGENDA ITEMS

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that agenda items seven (7) through twenty-seven (27), except items 9 and 15 are hereby combined

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 45

BLAUVELT VOLUNTEER FIRE COMPANY/APPOINT SAL D’AMICO

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that Sal D’Amico is appointed a firefighter to the Blauvelt Volunteer Fire Company, Inc.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 46

APPROVE AID/ANCIENT ORDER OF HIBERNIANS (AOH)/ST PATRICK’S

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

Resolution No. 46 - Continued

RESOLVED, that the request of the Ancient Order of Hibernians for necessary trash barrels, barricades, painting of the green stripe, sound system and personnel to operate it, the Town Showmobile at \$250.00 not to include labor costs, and 14 portable toilets with costs to be shared, for the annual St. Patrick's Day Parade on Sunday, March 9, 2008 to be charged to Account #A7550/50457 is approved.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 47**NYS ENVIRONMENTAL ASSOC
PERMISSION GRANTED/RON DELO**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that permission is granted to Ron DeLo, Director, Dept. Environmental Mgt. & Eng., to attend the 80th Annual meeting of the New York environmental Association from February 4-6, 2008 in New York City at a cost of \$580.00, to be charged to Account No. G1110/541/480 and allow the use of a Town vehicle.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 48**POLICE APPOINT/SENIOR CLERK
STENOGRAPHER/MARY ANSELM**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that provisional employee, Mary Anselmi, is appointed permanent with a 6-month mandatory probationary period, as Senior Clerk Stenographer in the Police Department, from Eligible List No. 07162, effective January 15, 2008.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 49**DEME APPOINT/CHIEF OPERATOR
JOSEPH RUTKOWSKI**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that provisional employee, Joseph Rutkowski, is appointed permanent with a 6-month mandatory probationary period, as Chief Operator, Grade 4 (Wastewater) in the Department of Environmental Management & Engineering, from Eligible List No. 07137, effective January 15, 2008.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 50**DEME APPOINT/MAINTENANCE
SUPERVISOR/WILLIAM DIZZINE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

Resolution No. 50 - Continued

RESOLVED, that provisional employee, William Dizzine is appointed permanent with a mandatory 6-month probationary period, as Maintenance Supervisor (Sewerage Systems) in the Department of Environmental Management & Engineering, from Eligible List number 07136, effective January 15, 2008.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 51**DECLARATION OF COVENANT/DHS
SYSTEMS/STORM WATER CONTROL
KINGS HIGHWAY/ORANGEBURG
RECEIVE AND FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Declaration of Covenant for the Annual Inspection and Maintenance of Storm Water Control Facilities for the DHS Systems Parking Lot on Kings Highway, Orangeburg (S/B/L 74.11-2-5) is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 52**ACCEPT MINUTES**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Special Town Board Meeting minutes of December 19, 2007 are accepted.

Ayes: Councilpersons Manning, Troy
Supervisor Kleiner
Noes: None
Abstained: Councilpersons Low-Hogan, Maturo

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RESOLUTION NO. 53**ACCEPT MINUTES**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Special Town Board Meeting minutes of January 5, 2008 are accepted.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 54**RPC/DEVELOPER'S AGREEMENT
K. HOVNANIAN/RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

Resolution No. 54 - Continued

RESOLVED, that the Developer's Agreement between K. Hovnanian Companies of New York, Inc. and the Town of Orangetown for the RPC property site is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 55**NOTICE OF BOND SALE, LAND ACQUISITION (SERIAL) BONDS/RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Notice of Bond Sale, Land Acquisition (Serial) Bonds, 2008 in the amount of \$4,860,000 for the RPC site is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 56**FIRE DEPARTS ELECTION RESULTS/RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the following Fire Departments annual election results are received and filed in the Town Clerk's Office:

Pearl River Fire District; Nyack Joint Fire District; Orangeburg Fire District;
Sparkill-Palisades Fire District; Tappan Fire District; Central Nyack Fire District

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 57**EASEMENT AGREEMENT/PBN ASSOCIATES/613 ROUTE 303 RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Easement Agreement between the Town of Orangetown and PBN Associates for property located at 614 Route 303, Blauvelt, NY is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 58**EASEMENT AGREEMENT/VAHID, LLC./ROUTE 304/RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

Resolution No. 58 - Continued

RESOLVED, that the Easement Agreement between the Town of Orangetown and Vahid, LLC for property located Route 304, Pearl River, NY (72.08-1-2) and recorded in the Rockland County Clerk's Office as Instrument No. 2007-00049169 is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 59**EASEMENT AGREEMENT/150
ROUTE 304, LLC /RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Easement Agreement between the Town of Orangetown and 150 Route 304, LLC for property located at 150 Route 304, Pearl River, NY (72.08-1-1) and recorded in the Rockland County Clerk's Office as Instrument No. 2007-00046623 is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 60**EASEMENT AGREEMENT/PHILIP
AND DEBBIE ZANNETTI/KERY
COURT/RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Easement Agreement between the Town of Orangetown and Philip J. and Debbie J. Zannetti for property located at 2 Kerry Court, Pearl River, NY (72.08-3-41) and recorded in the Rockland County Clerk's Office as Instrument No. 2007-00018895 is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 61**EASEMENT AGREEMENT/B. IRIS
ESCHRICH/21 GILBERT AVENUE
RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Easement Agreement between the Town of Orangetown and B. Iris Eschrich for property located at 21 Gilbert Avenue, Pearl River, NY (72.08-2-39) and recorded in the Rockland County Clerk's Office as Instrument No. 2007-00018897 is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 62

**\$4,860,000 LAND ACQUISITION
(SERIAL) BONDS/\$7,145,000 BOND
ANTICIPATION NOTES/RECEIVE &
FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the \$4,860,000 Land Acquisition (Serial) Bonds, 2008 and the \$7145,000 Bond Anticipation Notes, 2008 documents are received and filed in the Town Clerk’s Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 63

**DEME/CHERRY BROOK DRAINAGE
IMPROVEMENT/CHANGE ORDER
NO. 5/RECEIVE & FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Cherry Brook Drainage Improvement Contract Change Order No. 5 is received and filed in the Town Clerk’s Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 64

**CLOSING DOCUMENTS/\$7,145,000
BOND ANTICIPATION NOTE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the closing documents for the \$7,145,000 Bond Anticipation Note, 2008 (Orrick Files: 43339-2-4, 5, 6 &7) are received and filed in the Town Clerk’s Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 65

**CLOSING DOCUMENTS/\$4,860,000
LAND ACQUISITION (SERIAL)
BONDS/RECEIVE AND FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the closing documents for the \$4,860,000 Land Acquisition (Serial) Bonds, 2008 (Orrick Files: 43339-2-8) are received and filed in the Town Clerk’s Office.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 66

ENTER AUDIT

Councilman Maturo offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the Town Board entered the Audit Meeting at 9:40 p.m.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

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Resolution No(s). 67 – 69A see Audit Meeting and Executive Session minutes.

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RESOLUTION NO. 70

**AUTHORIZE INTERMUNICIPAL
AGREEMENT/ROCKLAND
CTY/NARCOTICS TASK FORCE**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the Supervisor is hereby authorized to execute an Intermunicipal agreement with the County of Rockland for reimbursement for participation in the Rockland County Narcotics Task Force in the amount of \$70,000 for the period January 1 - December 31, 2007.

Ayes: Councilpersons Troy, Low-Hogan, Manning, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 71

**AUTHORIZE INTERMUNICIPAL
AGREEMENT/ROCKLAND
CTY/CHEMICAL/BIOLOGICAL
NUCLEAR/RADIOLOGICAL (CBNR)**

Councilman Troy offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that the Supervisor is hereby authorized to execute an Intermunicipal agreement with the County of Rockland for reimbursement for participation in the Rockland County Chemical, Biological, Nuclear and Radiological (CBNR) Training in the amount of \$1,524.28.

Ayes: Councilpersons Troy, Maturo, Manning, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 72

**AUTHORIZE INTERMUNICIPAL
AGREEMENT/ROCKLAND CTY
INTELLIGENCE CENTER (RCIC)**

Councilman Troy offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that the Supervisor is hereby authorized to execute an Intermunicipal agreement with the County of Rockland for reimbursement for participation in the Rockland County Intelligence Center (RCIC) in the amount of \$70,000.00.

Ayes: Councilpersons Troy, Maturo, Manning, Low-Hogan
Supervisor Kleiner
Noes: None

RESOLUTION NO. 73

ADJOURNMENT/MEMORY

Councilman Maturo offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the Town Board adjourned this meeting at 10:20 p.m., in memory of Erminia (Mia) DePasquale, Pearl River; Alan Rowe, Pearl River; and Pauline McCullough, Retired Sparkill Fire Chief McCullough's mother.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

Charlotte Madigan, Town Clerk