

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, FEBRUARY 9, 2009**

This Town Board Meeting was opened at 7:37 p.m. Supervisor Kleiner presided and the Town Clerk called the Roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
John S. Edwards, Town Attorney
Teresa M. 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. of Environmental Mgt. & Eng.
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Mark Albert, Acting Superintendent of Parks, Rec & Building Maint

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

Supervisor Kleiner thanked Orangetown Highway, Parks Department and Mike Bettmann, Fire Inspector, for their assistance to the Village of Piermont and the Piermont Fire Department for the reopening of the Piermont skating pond. Mike Yannazzone, General Foreman, accepted a plaque on behalf of the Orangetown Highway Department.

The Golf Course Operations Advisory Committee came back to the Town Board with revised recommendations. At the February 2, 2009 workshop meeting, the committee recommended increasing the rates in a few categories and receive new revenue through Corporate Memberships (Orangetown Businesses) and Associate Memberships (Non-Residents).

John Clifford, Chairman of the Blue Hill Golf Course Advisory Committee, said the committee took the Town Board's concerns and came up with a plan that is going to encourage more play rather than less play. The main goal of the plan is to increase rounds to increase revenue.

Summary of the Public Comments

Michael Mandell, Pearl River, said the agenda item for the Senior Clerk Typist position in Justice should have been available to the public for comments. He believes seven hours a day for part-time elected and appointed employees appears unrealistic and the automated golf system should be implemented.

Ruth Weber, Upper Grandview, said adverse action, lack of accountability and poor oversight is responsible for the current obscene level of taxation. The public sector should be brought in-line with the private sector through give backs and reductions.

Gail Raffaele, Tappan, put in a FOIL for the job description of Executive Assistant and/or Confidential Assistant to the Town Supervisor; and no such job description or title exists. If you really want to save money at the golf course, maybe you should close Broadacres.

RESOLUTION NO. 104

CLOSE PUBLIC PORTION

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

RESOLVED, that the public comment portion is hereby closed.

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

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RESOLUTION NO. 105**OPEN CONTINUANCE PH
AMENDMENT TO PLANNED ADULT
COMMUNITY FLOATING ZONE (PAC)**

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

RESOLVED, that the continuation of the public hearing to consider a proposed local law, amending the Town Code, of the Town of Orangetown, Chapter 43, Section 4.6, relating to the Planned Adult Community Floating Zone, is hereby opened.

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

John Edwards, Town Attorney, discussed age restriction and the comments from Rockland County Planning (Exhibit 02-A-09).

The Town Board had a lengthy discussion to clarify occupancy definitions of this PAC law.

Summary of the Public portion:

Michael Mandell, Pearl River, said the wording has not been changed to Below Market Value or owner occupied. He said in Section 2A, adult handicapped persons must be over age 21 so that they will not be educated in the Pearl River schools by the taxpayers.

Mr. Edwards said "Below Market Value" was agreed to be added to the regulations to be utilized by the Town Board with selection and solicitation criteria. The wording in the law can be changed but since it has to be done in a number of places, it would have to be noticed. The only units that have to be owner-occupied are the affordable units. He recommended the wording, **Provided, however, that persons less than 21 years of age shall not be permanent residents under any circumstances** and he referenced to leave alone, **over the age of 21**, to define handicap adults. Mr. Edwards discussed in length with the Town Board the Rockland County Planning comments, which are labeled Exhibit 02-A-09, and made a part of these minutes. Charlotte Swift, Nanuet, would like to see an official statement by the Town Board that no persons age 21 and younger could be permanent residents. She recommended the Town Board look at statute 42 USC 3607 and the NYS Executive Law Provisions for the language that governs this.

Gail Raffaele, Tappan, asked would the Town Attorney actually read into the record what this amendment is.

RESOLUTION NO. 106**CLOSE PUBLIC PORTION/(PAC)
AMENDMENT TO PLANNED ADULT
COMMUNITY FLOATING ZONE**

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

RESOLVED, that the public comment portion is hereby closed.

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

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RESOLUTION NO. 107**DESIGNATION OF LEAD AGENCY
AMENDMENT TO PLANNED ADULT
COMMUNITY FLOATING ZONE (PAC)**

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

Resolution No. 107 - Continued

RESOLVED, that the Town of Orangetown hereby declares itself Lead Agency in this matter.

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

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RESOLUTION NO. 108

**SEQRA DECLARATION/AMENDMENT
TO PLANNED ADULT COMMUNITY
FLOATING ZONE (PAC)**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 02-B-09, and made a part of these minutes.

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

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RESOLUTION NO. 109

**ADOPT LL/AMENDING/(PAC)PLANNED
ADULT COMMUNITY FLOATING ZONE**

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

RESOLVED, that a local law amending the Town Code of the Town of Orangetown, Chapter 43, Section 4.6, relating to the Planned Adult Community Floating Zone, with changes read into Section 2, Paragraph A and over ruling the three county conditions, is hereby adopted.

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

**LOCAL LAW NO. 1 OF 2009 OF THE TOWN OF ORANGETOWN,
AMENDING CHAPTER 43, ARTICLE IV, § 4.6 OF THE TOWN CODE,
RELATING TO THE PLANNED ADULT COMMUNITY (PAC) FLOATING
ZONE**

Be it enacted, by the Town Board of the Town of Orangetown as follows:

Sect. 1: Chapter 43, § 4.64 shall be amended as follows:

- 4.64. Housing types and minimum sizes. PAC housing may be apartment-style or attached, semi-attached or detached dwellings. Except as otherwise provided herein with respect to “affordable units” Dwelling units may be for sale or rent. At least 75% of the units in the PAC development shall have two bedrooms. The balance may be a combination of one-bedroom and three-bedroom units. However not more than 10% of the total number of units shall be three-bedroom units.

Sect. 2: Chapter 43, § 4.65(A) shall be amended as follows:

- A. Occupancy of dwelling units within a Planned Adult Community shall be restricted to persons 55 years of age or older or couples, one of whose members is 55 years of age or older, provided, however, that persons less than 21 years of age shall not be permanent residents under any circumstances. The foregoing restrictions shall not apply to one on-site

caretaker/administrator, if so proposed as part of the **PAC** application, whose full-time job shall be the maintenance and/or management of the **PAC** development. Additionally, households containing one or more adult handicapped persons (as defined in Section 802 of the Fair Housing Act, 42 U.S.C. 3602)~~over age 21 (as defined in § 8.12 of the Zoning Ordinance)~~ over age 21 shall also be eligible.

Sect. 2: Chapter 43, § 4.66(B) shall be amended as follows:

- B. ~~For owner occupied units, the~~ All affordable units shall be owner occupied and shall be sold at a price not to exceed 3.3 times 80% of the median family income for Rockland County applicable to a family of 4 persons, as established annually by the U.S. Department of Housing and Urban Development. A covenant shall be recorded in the County Clerk's office, which shall provide that resale of any affordable housing units may not sell for a price exceeding 3.3 times 80% of the median family income for Rockland County applicable to 4 persons, as established annually by the U.S. Department of Housing and Urban Development.

Sect. 3: Chapter 43, § 4.66(C) shall be deleted in its entirety.

Sect. 4: Chapter 43, § 4.67 shall be amended as follows:

- 4.67. Selection of occupants of affordable housing units. ~~The Town Board of Orangetown~~ shall develop regulations and procedures relating to, among other things, eligibility criteria, to guide in the solicitation of applications and the selection of potential occupants for the affordable units, with preference given to residents of the Town of Orangetown. The maximum household income for affordable units shall be **80** % of the median family income for Rockland County ~~families~~ applicable to a 4 person family, as established annually by the U.S. Department of Housing and Urban Development. In computing the maximum household income, the incomes of all occupants of the owner occupied affordable unit shall be included.

Sect.5: This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

RESOLUTION NO. 110**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items six (6) through twenty-three (23) are hereby combined.

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

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RESOLUTION NO. 111**AID/LADIES AUXILIARY OF TAPPAN
FIRE/CLASSIC CAR SHOW**

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

RESOLVED, that the request of the Ladies Auxiliary of the Volunteer Fire Association of Tappan for the use of the showmobile for a classic car show to be held on Sunday, July 19, 2009 at a rental charge of \$300 is hereby approved.

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

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RESOLUTION NO. 112**AID/ORANGETOWN FIRE COMPANY
NO. 1/ANNIVERSARY PARADE**

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

RESOLVED, that the request of the Orangetown Fire Company Number 1 for the use of the showmobile for its 175th Anniversary Parade on Saturday, October 3, 2009 at a rental charge of \$300 is hereby approved.

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

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RESOLUTION NO. 113**AID/MARCH OF DIMES/ANNUAL
MARCH FOR BABIES (FORMALLY
WALKAMERICA)**

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

RESOLVED, that the request of the March of Dimes for the use of the showmobile for their 40th Annual March for Babies (formerly WalkAmerica) on May 3, 2009 at Blue Hill Plaza, Pearl River, at a rental charge of \$300 is hereby approved.

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

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RESOLUTION NO. 114**AUTHORIZE/STIPULATION OF
SETTLEMENT/117 ROUTE 303, LLC
TAPPAN (74.19-1-2)**

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

Resolution No. 114 - Continued

RESOLVED, that upon the recommendation of the Town Attorney and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding *117 Route 303, LLC v. The Assessor of the Town of Orangetown, et al...*, Tax Map designation 74.19-1-2 for the tax assessment years 2005 and 2006, for a total refund by the County of \$1,252, and for a total refund by the Town of \$6,403. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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RESOLUTION NO. 115**AUTHORIZE/STIPULATION OF
SETTLEMENT/PAXAR
CORP/ORANGEBURG/70.19-1-44**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding *Paxar Corporation v. The Assessor and the Board of Assessment Review of the Town of Orangetown*, Tax map designation 70.19-1-44 for the tax assessment years 2001 and 2008, for a total refund by the County of \$7,619, and for a total refund by the Town of \$36,778. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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RESOLUTION NO. 116**ESCROW RELEASE/BOYLE
SUBDIVISION/BLAUVELT 70.14-1-24**

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

Whereas pursuant to Town Board Resolution 2008-633, the Town accepted certain easements in reference to the Boyle Subdivision, 55 Terrace Drive, Blauvelt, NY (70.14/1/24), subject to the applicant posting the sum of \$2,500.00 to be held in escrow pending the recording of the easements and the issuance of a title insurance policy insuring title to the Town, and

Whereas, the applicant has provided proof that the easements have been recorded with the Rockland County Clerk (Instrument No. 2008-40699 and Instrument No. 2008-40700) and has provided a title insurance policy insuring title to the Town,

Resolved, that the Director of Finance is authorized to release to the applicant the \$2,500.00 being held in escrow pursuant to Town Board Resolution 2008-633 and the title insurance policy shall be filed with the Town Clerk."

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

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RESOLUTION NO. 117**SET PUBLIC HEARING DATE
CHAPTER 39/FIRE LANES**

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

RESOLVED, that a public hearing is scheduled for March 9, 2009 at 8:00 p.m. to hear comment on a proposed Local Law repealing and replacing in its entirety Chapter 39, Section 5.1, entitled, "Fire Lanes" of the Town Code of the Town of Orangetown.

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

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RESOLUTION NO. 118**BEAVER CREEK SUBDIVISION
DRAINAGE AND ACCESS EASEMENT
SANITARY SEWER AND
MAINTENANCE EASEMENT
ACCEPT/RECEIVE AND FILE**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Director of the Department of Environmental Management and Engineering and the Superintendent of Highways, the Drainage and Access Easement and Sanitary Sewer and Maintenance Easement for the Beaver Creek Subdivision (Tax Lot Section 69.14, Block 3, Lot 13.2 and 13.3), Blauvelt Road, Pearl River, NY are accepted, received and filed in the Rockland County Clerk's Office and the Supervisor is hereby authorized to execute all documents necessary to effectuate the acceptance of these easements. Upon filing with the Rockland County Clerk's Office, the original be filed and maintained in the Town Clerk's Office.

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

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RESOLUTION NO. 119**COLONIAL COURT SUBDIVISION
ROAD WIDENING DEED
ACCEPT/RECEIVE AND FILE**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Director of the Department of Environmental Management and Engineering and the Superintendent of Highways, the Road Widening Deed for Colonial Court Subdivision (Tax Lot Section 69.13, Block 2, Lot2), Blauvelt Road, Pearl River, NY is accepted, received and filed in the Rockland County Clerk's Office and the Supervisor is authorized to execute all documents necessary to effectuate the acceptance of this deed. Upon filing with the Rockland County Clerk's Office, the original be filed and maintained in the Town Clerk's Office.

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

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RESOLUTION NO. 120**REVOKE RESOLUTIONS/ESTABLISH
STANDARD WORK DAY ELECTED AND
APPOINTED OFFICIALS/NYS
RETIREMENT SYSTEM**

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

Resolution No. 120 - Continued

Whereas, an examination of the fiscal affairs of the Town was conducted by examiners from the Office of the New York State Comptroller's Office; and

Whereas, by letters dated May 16, 2008 and July 30, 2008, the Comptroller's Office identified "reporting discrepancies," in that there must be a standard workday established for all positions in the Town, and a review of the Town records revealed that the Town Board had not established a standard work day for ALL positions of the Town; and

Whereas the Comptroller's Office directed the Town Board to review and accept a record of activities maintained by the elected and/or appointed officials who are members of the Retirement System, and to submit adjustment forms for certain identified individuals to correct their service credit from the date that they started being reported by the Town of Orangetown in their elected/appointed positions to present day; Be it

Resolved, that the Town Board hereby establishes the following as a standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees Retirement System:

FULL TIME ELECTED AND APPOINTED OFFICIALS

Town Supervisor
 Town Clerk
 Receiver of Taxes
 Superintendent of Highways
 Assessor
 Administrative Assistant
 Appointed Board Members
 Chief Operator Waste Water 4
 Court Clerk
 Director of Office of Building, Zoning, Planning, Administration & Enforcement
 Director of Environmental Management & Engineering
 Director of Parks & Recreation
 Executive Assistant/Confidential Assistant to Town Supervisor
 Finance Director
 Highway Maintenance Supervisor III
 Legal Stenographer
 Personnel Administrator
 Secretarial Assistant Legal
 Superintendent of Parks and Recreation

Five day work week, seven hour day.

PART TIME ELECTED AND APPOINTED

Animal Control Officer
 Deputy Town Attorney
 Town Attorney
 Town Councilpersons
 Town Justices
 Parking Enforcement Aide
 Supervisor Parking Enforcement
 Town Curator
 Town Historian

Seven hour day.

Be it further Resolved that, the Town Board hereby revokes all Resolutions previously approved by the Town Board setting forth a standard workday or setting forth the number of retirement hours to be reported to the New York State Retirement System, to wit: Resolution No. 59 of 1992, Resolution No. 777 of 1992, Resolution No. 804 of 2004, Resolution No. 609 of 2006 and Resolution No. 554 of 2007.

Resolution No. 120 - Continued

Be it further Resolved that, pursuant to the directive the New York State Comptroller's Office (by letters dated May 16, 2008 and July 30, 2008), adjustments be made to the data reported to the New York State Retirement System for the officials identified in accordance with such directive.

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

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RESOLUTION NO. 121**ACCEPT/HEARING OFFICER
RECOMMENDATIONS/TERMINATE
EMPLOYEE NO. 1424**

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

WHEREAS, pursuant to Section 75 of the New York Civil Service Law, an employee is entitled to a hearing on any disciplinary charges and specifications preferred against him or her; and

WHEREAS, the Town of Orangetown filed charges against a certain employee on July 14, 2008; and

WHEREAS, pursuant to Section 75 of the New York Civil Service Law, a disciplinary hearing was held on October 15, 2008 and continued on October 20, 2008, before the hearing officer designated by the Town Board of the Town of Orangetown to determine the guilt or innocence of such employee; and

WHEREAS, the hearing officer found the employee guilty on all five (5) of the specifications preferred against him and recommended termination from service as the appropriate penalty.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the recommendation of the hearing officer and hereby immediately terminates from service that certain employee of the Town of Orangetown, to wit: Employee No. 1424.

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

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RESOLUTION NO. 122**PERMISSION GRANTED/MICHAEL B.
BETTMANN/INCIDENT RESPONSE
TO TERRORIST BOMBINGS CONFER**

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

RESOLVED, that permission is granted to Michael B. Bettmann to attend the Incident Response to Terrorist Bombings conference on March 10-13, 2009 in Socorro, NM, with all costs to be paid for by FEMA.

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

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RESOLUTION NO. 123**AMEND TOWN BOARD CALENDAR
AUDIT MEETINGS AFTER WORKSHOPS**

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

RESOLVED, that the Town Board calendar is hereby amended to reflect that through June 30, 2009 there may be Audit Meetings after Workshop Meetings.

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

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RESOLUTION NO. 124**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting minutes, the Audit Meeting minutes and Executive Session minutes of January 26, 2009 are hereby accepted.

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

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RESOLUTION NO. 125**CHANGE ORDER NOS. 1 AND 2/
WASTEWATER TREATMENT PLANT
HUNT ROAD PUMPING STATIONS
CONTRACT NO. WWTP-06-1E
RECEIVED AND FILED**

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

RESOLVED, that the fully executed Change Order Nos 1 and 2 with regards to Contract No. WWTP-06-1E, Wastewater Treatment Plant and Hunt Road Pumping Station Improvements are received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 126**APPROVE/CERTIFICATE OF
REGISTRATION FOR 2009 SEWER
WORK**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering and the Town Attorney, the following are approved for a Certificate of Registration for 2009 to perform sewer work:

Monsey Excavating, 71 Montebello Commons Dr., Montebello, NY
J.D. Backhoe, Service, Route 340, Orangeburg, NY
Ronald J. Tariago, 5 Crosscreek Lane, Stony Point, NY

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

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RESOLUTION NO. 127

**RELEASE PERFORMANCE BOND
ORANGETOWN JEWISH CENTER**

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

RESOLVED, that upon the recommendation of the Planning Board (PB# 2009-01), the Town Highway Department, DEME and the Town Attorney’s Office, the release of the Orangetown Jewish Center Performance Bond and collateral in the amount of \$21,156.00 are hereby approved.

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

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RESOLUTION NO. 128

APPROVE 2008 BUDGET TRANSFERS

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

RESOLVED, that the following 2008 Budget Transfers, as recommended by Town Auditors, are hereby approved.

Fund	Account Number			Debit		Credit
Sewer	G8197004	50443	Maint Agree	\$275,000.00		
Sewer	G995009	50900	Transfer Out			\$275,000.00
TOV	B3120161	50011	Perm staff	\$ 2,248.00		
	B3620161	50457	Contracts			\$ 2,248.00
Special Districts	SW 599		Fund Balance	\$ 11,808.00		
	SW832004	50457	Contracts			\$ 11,808.00

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

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RESOLUTION NO. 129

**AUTHORIZE SIGNATURE OF
CONTINGENT FEE RETENTION
AGREEMENT**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

WHEREAS, the State of New York contends that it has causes of action against the Town of Orangetown pursuant to Sections 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and under State statutory and common law, for the recovery of response costs incurred by the State in connection with the Clarkstown Landfill Site;

WHEREAS, the Town of Orangetown is a member of the Clarkstown Landfill Joint Defense Group;

WHEREAS, the Clarkstown Landfill Joint Defense Group has retained Gary Justis, Esq., of Wagstaff & Cartmell, LLP, for the purposes of recovering monies from presently non-cooperating parties;

WHEREAS, according to the agreement, the fee for this matter is based upon a contingency fee basis and will be paid only if settlement is reached with the State of New York;

WHEREAS, Mr. Justis has already signed the retention agreement;

Resolution No. 129 - Continued

WHEREAS, in order for the Town of Orangetown to benefit from the agreement, the Town of Orangetown must authorize the Clarkstown Landfill Joint Defense Group Leader, Irv Freilich, to sign the retention agreement on the Town of Orangetown’s behalf;

WHEREAS, the Town of Orangetown Town Attorney’s Office has reviewed the agreement, finds it legally sufficient, and recommends entering into the agreement;

RESOLVED, that the Clarkstown Landfill Joint Defense Group Leader, Irv Freilich, is hereby authorized to sign the Retention Agreement on the Town of Orangetown’s behalf.

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

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RESOLUTION NO. 130 2009 GOLF COURSE RATES

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

RESOLVED, that upon the recommendation of the Golf Course Operations Advisory Committee, the 2009 Golf Courses rates are approved as follows:

CORP/ASSOCIATE-WEEKDAY	\$36.00
CORP/ASSOCIATE-WEEKDAY-AFTER 3:30	\$23.00
CORP/ASSOCIATE-WEEKEND	\$42.00
CORP/ASSOCIATE-WEEKEND-AFTER 3:30	\$27.00
WEEKDAY NON-RESIDENT	\$44.00
WEEKDAY NON-RESIDENT--AFTER 3:30	\$27.00
WEEKDAY RESIDENT	\$26.00
WEEKDAY RESIDENT--AFTER 3:30	\$19.00
WEEKDAY SENIOR	\$21.00
WEEKDAY SENIOR--AFTER 3:30 (WINTER)	\$15.00
WEEKDAY YOUTH	\$15.00
WEEKDAY YOUTH--AFTER 3:30	\$12.00
WEEKEND NON-RESIDENT	\$53.00
WEEKEND NON-RESIDENT--AFTER 3:30	\$32.00
WEEKEND RESIDENT	\$31.00
WEEKEND RESIDENT--AFTER 3:30	\$21.00
WEEKEND SENIOR- AFTER 3:30	\$19.00
WEEKEND YOUTH -AFTER 3:30	\$16.00
SEASONAL--NON-RESIDENT	\$30.00
WINTER NON-RESIDENT 10/15 and after	\$37.00
WINTER RESIDENT - 10/15 and after	\$21.00
TOURNAMENT RESIDENT	\$31.00
TOURNAMENT NON-RESIDENT	\$50.00
SENIOR CART	\$27.68
SENIOR 9 HOLE CART	\$13.84
18 HOLE CART	\$33.22
9 HOLE CART	\$16.61
PERMITS	
Adult	\$60.00
Senior	\$50.00
Youth	\$30.00
Broadacres	\$85.00

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

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RESOLUTION NO. 131 ENTER AUDIT

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

Resolution No. 131 - Continued

RESOLVED, that the Town Board entered the Audit Meeting at 9:04 p.m.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 132

PAY VOUCHERS

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Trust and Agency, Special District, Special Parking and Capital Projects Funds in the amount of \$1,341,011.46 and \$9,255,102.75 for taxes collected on behalf of Special District to be remitted to them, for a total amount of \$10,596,114.21.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 133

ADJOURNMENT

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

RESOLVED, that the Town Board adjourned this meeting at 9:07 p.m.

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan
Supervisor Kleiner

Noes: None

Charlotte Madigan, Town Clerk