

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, FEBRUARY 13, 2007**

This Regular Town Board Meeting was opened at 7:43 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis O'Donnell
Councilman Denis Troy
Councilwoman Marie Manning
Councilman Thomas A. Morr

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
Teresa Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
Robert Magrino, Deputy Town Attorney
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Zimmerman, Police Captain
Robert Simon, Receiver of Taxes

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

Supervisor Kleiner announced, there will be a presentation regarding "Rain Gardens and Water Resource Protection" in Rockland County on February 20th, 7:00 p.m., at the Nanuet Public Library and printed in the Journal News will be the options for the TZ Bridge.

RESOLUTION NO. 103

**APPOINT POLICE OFFICER
RICHARD HOLIHAN**

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

RESOLVED, that upon the recommendation of the Chief of Police, Richard Holihan from the Rockland County Civil Service List # (OC) 04200 to the position of Police Officer/Permanent effective retroactively to February 5, 2007, at a salary of \$32,993.

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

Noes: None

Charlotte Madigan, Town Clerk, administered the Oath of Office and congratulated Richard Holihan and his family.

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Public Comment (RTBM)

Hector A. May, Orangeburg, made a statement for Mike Greco, President of the Rockland County Police Hispanic Society, to encourage the hiring of Spanish speaking police officers. Genevieve Coffey, Pearl River, spoke about the Planning Board, the direction of water flow from the new construction, which is causing flooding and that her tree was cut down.

Kate Raffa, Pearl River Chamber, thanked the Town Board for the removal of unused utility poles near Ringer's Furniture.

Andrew Wiley, Pearl River, spoke regarding the Spanish speaking Police Officers advertisements and he is against the fairness of the applications for Sparkill and full time benefits for the Town Board.

Ennio Munro, Pearl River, spoke of a rain date for the 4th of July celebration.

RESOLUTION NO. 104**CLOSED PUBLIC COMMENT**

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

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

Ayes: Councilpersons Troy, Manning, O'Donnell, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 105**OPEN PH/CONSERVATION
EASEMENTS/SECTION 21-7.1**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the public hearing to consider a proposed local law amending Section 21-7.1 of the Town Code entitled "Conservation Easements" is hereby opened.

Ayes: Councilpersons O'Donnell, Morr, Troy, Manning
Supervisor Kleiner
Noes: None

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The Town Clerk presented the affidavit of publication and the notice of posting, copies are labeled Exhibit 2-A-07 and made a part of these minutes.

The public portion was opened and the following people spoke:

Robert Magrino, Deputy Town Attorney, explained that the drafted new law would allow the Planning Board authorization to protect the environmentally sensitive land, the environment, land with special characteristics or character of the neighborhood. He also referred to the letter from Rockland County Planning, dated February 8, 2007.

Janet Hoffman, Blauvelt, spoke regarding the countries' and the nation's borders.

Joy Macy, Blauvelt, is in favor of this because it is important to preserve trees for health care.

Robert Dell, Tappan, is in favor but believes there needs to be enforcement.

Fran Oldenburger, Blauvelt, is in favor and appreciates the need for open space.

Andrew Wiley, Pearl River, asked the easement ratio to each lot and clarification of soil disturbance?

Watson Morgan, Blauvelt, spoke about the change in character of the community and the need to address issues for the loss of open space.

RESOLUTION NO. 106**CLOSE PH/CONSERVATION
EASEMENTS/SECTION 21-7.1**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the public hearing to consider a proposed local law amending Section 21-7.1 of the Town Code entitled "Conservation Easements" is hereby closed.

Ayes: Councilpersons O'Donnell, Morr, Troy, Manning
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 107**DESIGNATION OF LEAD AGENCY
CONSERVATION EASEMENTS
SECTION 21-7.1**

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

Resolution No. 107

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

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

Noes: None

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RESOLUTION NO. 108

**NEGATIVE SEQRA DECLARATION
CONSERVATION EASEMENTS
SECTION 21-7.1**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted.

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

Noes: None

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RESOLUTION NO. 109

**TOWN BOARD DECISION
AMENDMENT TO CONSERVATION
EASEMENTS SECTION 21-7.1**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the Town Board hereby adopts a proposed local law amending Section 21-7.1 of the Town Code entitled "Conservation Easements".

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

Noes: None

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RESOLUTION NO. 110

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items six (6) through thirty-nine (39) are hereby combined.

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

Noes: None

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RESOLUTION NO. 111

**WORKSHOP/REGULAR TOWN
BOARD MEETING/CANCELLED**

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

RESOLVED, that Town Board workshop scheduled for Tuesday, February 20th and the Regular Town Board Meeting scheduled for Wednesday, February 28th are hereby cancelled.

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

Noes: None

RESOLUTION NO. 112**APPOINT/ORANGETOWN HOUSING
AUTHORITY/PETER BYRNE**

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

RESOLVED, that Peter Byrne is hereby appointed to the Orangetown Housing Authority for a 5-yr term effective February 13, 2007 through December 31, 2011.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 113**APPOINT/BUREAU OF FIRE
PREVENTION/THOMAS LORENZ**

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

RESOLVED, that Thomas Lorenz is hereby appointed to the Bureau of Fire Prevention.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 114**AID/PALISADES-SPARKILL
BASEBALL LEAGUE/SHOWMOBILE**

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

RESOLVED, that the request of the Palisades-Sparkill Baseball League, Inc. for the use of the Showmobile for a benefit concert at the Masonic Lodge in Tappan on Sunday, May 20, 2007 to be charged to Acct. # A7550/50011/50457 is hereby approved.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 115**AMEND RESOLUTION NO. 27/2007
PR PARKS/ACTIVITY/FIREWORKS**

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

RESOLVED, that Resolution No. 27/2007 is hereby amended as follows:

RESOLVED, that the request of the Pearl River Parks & Activity Committee Inc. for three yards of sand, trash receptacles, clean up of field, barricades, and four portable toilets (two handicapped accessible) and to waive all permit fees for the 4th of July Fireworks Display and Celebration on Wednesday, July 4, 2007 (rain date of July 5, 2007) to be charged to Account No. A7550/50011/50457 is hereby approved.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 116

**AMEND CODE/SECTION 37- 9
UNSAFE BUILDING/SET PH**

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

RESOLVED, that a public hearing date of March 12, 2007, 8:00 p.m. is set to consider amending the Town Code for the Town of Orangetown, Section 37-9, to permit the Director of OBZPAE to repair, secure and/or demolish unsafe buildings in emergency situations without a Town Board Resolution.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 117

**APPROVE/2007 CERTIFICATE OF
REGISTRATION FOR SEWER WORK**

Councilman Morr 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 Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2007 Sewer work is hereby approved to the following:

Kevin Stokes Excavating, Inc.
P O Box 812
Pearl River, NY 10965

Ronald J. Tarigo
5 Cross Creek Lane
Stony Point, NY 10989

Ronald Filera Landscape Contractors, LLC
P O Box 377
Tappan, NY 10983

Phoenix Excavators Corp.
62 Rose Road
West Nyack, NY 10994

M P Olson Excavation
57 N. Airmont Road
Suffern, NY 10901

Rino Paving & Construction Inc.
3 Hillside Avenue
Suffern, NY 10901

Cal Mart Enterprises, Inc.
357 Route 59
West Nyack, NY 10994

Monsey Excavating, Inc.
71 Montebello Commons Drive
Montebello, NY 10901

J.D. Backhoe
3 Route 340
Orangeburg, NY 10962

Pearl River Plumbing, Heating & Electric, Inc.
60-70 Dexter Plaza
Pearl River, NY 10965

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 118

**DEME/VEHICLES & EQUIPMENT
DECLARED SURPLUS**

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

RESOLVED, that following DEME vehicles and equipment are hereby declared surplus.

Vehicle #	Vehicle	Condition
117	Green 1991 Chevrolet C-3500 Utility	Old, needs front end, brake, tire

	Body, 94,774 Miles	& exhaust work.
115	Green 1998 Chevrolet C-3500 Utility Body, 78,291 Miles	Old, needs front end, exhaust & engine control work.
111	Green 1999 Chevrolet C-3500 Rack 57,386 Miles	Rack body & rear frame rusted.
118	Green 1966(?) Intl. 1700 Loadstar Flatbed, 68,666 Miles	Old, needs alternator & brake work.
121	White 1997 Ford Expedition 107,168 Miles	Old, dirty but in fair running condition.
129	Green 1979 Intl. 1710B Cab Over Pressure Truck, 81,757 Miles	
130	Orange 1987 Ford L-8000 Pressure Truck, 148,445 Miles	Old, water tank body is rusted.
152	White 1998 Jeep Cherokee 79,557 Miles	Old, fair condition.
162	Grey 1989 Chevrolet Caprice Station Wagon, 40,444 Miles	Old, rusted, new exhaust system.
109	Green 1997 Ford F-150 Ext. Cab 4X4 Pick Up Truck, 83,431 Miles	Old, needs tires.
101/108	Green 1996 Dodge Ram 1500 Ext. Cab 4X4 Pick Up, 156,725 Miles	Old, needs transmission & tires.
103	Green 1988 GMC-6000 Dump Truck 27,767 Miles,	Old, PTO hydraulics.
	Blue 1996 Ford Crown Victoria 105,285 Miles	Old Fire Inspector's car.
	Black 1997 Ford Crown Victoria 166,415 Miles	Old Assessor's car. Needs brake line work.
	Grey 1994 Chevrolet Caprice 162,089 Miles	Old Assessor's car.
	Grey 1993 Ford Taurus 132,686 Miles	Old mail car.
	Waukesha 6-Cylinder Engine (Taken from right line drive Application.)	Running condition Feb. '06.
	Crane Truck (?) on the hill	Old.
	Trailer (?) on the hill	Old.
	Magnamax Genset 450 KW, Natural Gas Cummins V-12	Needs overhaul & turbos, generator worked.
	1988 Harder Stainless Steel 1¼ Yard Capacity Spreader	Body, no electric motor, needs gear train work.
	Coats 20/20 Super Star Tire Changer	
	Pulsar 960 Diagnostic Scope Tire Balancer Automatic 3 Phase Electric Metal Cutting Band Saw	
	Century Kleen King Antifreeze Recycler	
	Snap On MT 3500 Emissions Analyzer	
	Air Compressor	Old.
	Brake Lathe	Old.
	145 Gen Set (?) on the hill	Old.
	1994 "Ozonite" Ozone System	
	Ozone Generator, Model #GTC-7W	Works, air compressor needs work.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
 Supervisor Kleiner
 Noes: None

RESOLUTION NO. 119

**DEME/JAMES O'CONNELL
 PERMISSION GRANTED WASTEWATER
 TREATMENT PLANT OPERATORS
 TRAINING**

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

Resolution No. 119 - Continued

RESOLVED, that permission is hereby granted to James O'Connell, Assistant Operator, to attend Certification Training for Wastewater Treatment Plant Operators consisting of three courses at SUNY Morrisville, at a cost of \$5,000.00 to be charged to Acct. No. G8130-50441-50480.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 120**DEME/AWARD BID/INDUSTRIAL
VACUUM MOUNTED ON A HEAVY
DUTY TRUCK CHASSIS**

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

WHEREAS, the Director of the Dept. Environmental Mgt. & Eng. duly advertised for sealed bids for an Industrial Vacuum Mounted on a Heavy Duty Truck Chassis, which were received and publicly opened on January 17, 2007. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 2-B-07, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Jet-Vac, Inc., the sole bidder, in the amount of \$163,000 less an optional trade-in of \$5,000 for a net purchase price of \$158,090 to be charged to Acct. No. H8130032-50200.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 121**POLICE REGULATION/TEMPORARY
PARKING MUNICIPAL PARKING NO 1
E CENTRAL AVENUE/PEARL
RIVER/DEME**

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

RESOLVED, that temporary and exclusive use of twenty parking spaces in the Town's Municipal Parking Lot No. 1 off of East Central Avenue by Pearl River Auto Center, LLC, McNamera Fireplace and Stove, LLC and Rotjan during the two month construction of the Cherry Brook Storm Drain and allow overnight parking of five spaces is hereby authorized.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 122**AUTHORIZE ORANGE & ROCKLAND
UTILITIES/REMOVE UTILITY POLES**

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

RESOLVED, that Orange & Rockland is hereby authorized to remove thirteen redundant utility poles on Central Avenue, Pearl River at a cost of \$10,322 to be charged to Acct. No. H8989743/50200.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

RESOLUTION NO. 123**FINANCE/AUTHORIZE CONTRACTS
TOWN RISK MANAGEMENT
INSURANCE**

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

RESOLVED, that contracts for the provision of the Town's risk management insurance with the following companies are hereby authorized:

Princeton Excess and Surplus Insurance for the period 1/20/07-4/1/08 in the amount of \$720,578
 American International Excess Liability for the period 1/20/07-4/1/08 in the amount of \$103,482
 Travelers Excess Property for the period 1/20/07-4/1/08 in the amount of \$52,884
 Safety national Excess Workers Compensation for the period 1/20/07-4/1/08 in the amount of \$83,456
 Gallagher Bassett Third party Administration for the period 1/20/07-4/1/08 in the amount of \$75,937

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

Noes: None

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RESOLUTION NO. 124**FINANCE/AUTHORIZE/CLOSE SEWER
RECONSTRUCTION CAPITAL PROJECT**

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

RESOLVED, that the Sewer Reconstruction capital project (1990s) is closed and the transfer any proceeds to debt service is hereby authorized.

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

Noes: None

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RESOLUTION NO. 125**FINANCE/AUTHORIZE TRANSFER
SEWER FUND TO SEWER FACILITY
REPAIR/CLOSE CAPITAL PROJECT**

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

RESOLVED, that the transfer of \$74,733 from Sewer Fund to Sewer Facility Repair and closure of the capital project is hereby authorized.

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

Noes: None

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RESOLUTION NO. 126**FINANCE/AUTHORIZE TRANSFER
SIDEWALKS/CLOSE CAPITAL PROJECT**

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

RESOLVED, that the transfer of \$18,685 from the General Fund to Sidewalks and closure of the capital project is hereby authorized.

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

Noes: None

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RESOLUTION NO. 127

**HIGHWAY/APPROVE/EXTEND
INDEXED LUMP SUM MUNICIPAL
SNOW/ICE AGREEMENT/NYS DOT**

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

RESOLVED, that the proposed Agreement to Extend Indexed Lump Sum Municipal Snow and Ice Agreement between the Town of Orangetown and the New York State Department of Transportation is hereby approved.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 128

**HIGHWAY/AWARD BID/SIGN POSTS
GARDEN STATE HIGHWAY PRODS**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for signposts, which were received and publicly opened on January 25, 2007. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 2-C-07, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Garden State Highway Products, Vineland, New Jersey, the lowest qualified bidder, for an amount which will vary based on materials to be ordered during the contract period and to be charged to Acct. No. D5140/50457.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 129

**PARKS/VEHICLES & EQUIPMENT
DECLARED SURPLUS**

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

RESOLVED, that the following Parks, Recreation and Building vehicles and equipment are hereby declared surplus.

<u>Model</u>	<u>Year</u>	<u>VIN/Serial #</u>	<u>Dept.</u>
Jacobsen LF-100	1994	67785 2070	BH
Toro Greensmaster 105		04128-00196	BH
GMC Dump Truck	1988	1CDHV34K5JJ5113	BH
Howard Price Mower F-45H	1972	67-0233	BH
16HP Giant Vacuum/Blower		94242050	BH
Core Harvester 890009A		A97043139	BH
Greens Saver A002541		884716	BH
Greens Saver A005023		884580	BH
Steiner Reel Units RM684		F1106	BH
Smithco Spray Star 16-130		SSWA-306	BH
Kwik Trencher, Model KT1200		2322	BH
Olathe Stump Grinder, Model 8		816	BH
Jacobsen Walk Behind Mower		?	BH
Yamaha Cart		JG5-109149	BH – Poor
Yamaha Cart		JG5-308301	BH – Fair
Yamaha Cart		JG5-314618	BH – Poor
Ford Pickup	1990	1FTEF25YXLNB10818	Parks
Chevrolet Stake Body Truck	1992	1GBHK34K3NE187372	Parks

Highland Salt Spreader	1994	?	Parks
Starlite Trailer	1996	13YFS2024TC061628	Parks
Snowco Trailer	1975	C12607	Parks
Meyer Snow Plows (2)	1994	C8 & C9	Parks
US Military Tank	1966	?	Parks
US Military Trailer Tank	?	?	Parks
Ford Tractor, Model D-1236	1986	6531939	Broadacres
Giant Pull Along Vacuum	1988	211456	Broadacres
Toro Greensmaster – Triplex	1985	00654	Broadacres
Toro Truckster, 3-wheel cart	1970	0830050624	Broadacres
Cushman, Frontline Mower	1989	627672	Broadacres
Jacobsen, GreenskingIV	1989	62225-1835	Broadacres
Jacobsen, Sweeper 154		?	Broadacres
Lastec Rough Cutter, 721X	1999	X6550297	Broadacres
Panasonic Displaywriter	1980s	7FA10103347	Parks Office
Panasonic Displaywriter	1980s	8EM24CO7911	Parks Office
Olympic Typewriter	1980s	66200-45841(04)	Parks Office
34 Computer Monitors			Offices
35 CPU's			Offices
Misc. Printers/Keyboards, etc.			Offices
Chevrolet Caprice	1994	1G1BL52P2RR192157	Poor – Bldg Maint.
Chevrolet Caprice	1994	1G1BL52W8RR157808	Poor – Bldg Maint.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 130

**PERSONNEL/DEME/ESTABLISH
 ENGINEER II**

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

RESOLVED, that the position of Engineer II in the Department of Environmental Management & Engineering, grade 20, effective February 14, 2007 is hereby established.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 131

**PERSONNEL/DEME/ASST OPERATOR
 GRADE 3 WASTEWATER TRAINEE
 ROBERT SPINOSA**

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

RESOLVED, that Robert Spinosa is hereby appointed to the position of Assistant Operator Grade 3 (Wastewater) Trainee in the Department of Environmental Management & Engineering, Grade 14-19, annual salary \$71,970 effective February 14, 2007.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 132

**PERSONNEL/RECREATION &
 PARKS/ESTABLISH GROUNDS
 WORKER**

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

Resolution No. 132 -Continued

RESOLVED, that the position of Grounds worker in the Recreation & Parks Department, grade 20, effective February 14, 2007 is hereby established.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 133

**APPROVE/TAX CERTIORARI
SETTLEMENT/ALTERRA
HEALTHCARE/AHC EXCHANGE
CORP/TOWN ATTORNEY**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the Pearl River Union Free School District, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation and Consent Order of the tax certiorari proceeding *Alterra Healthcare & AHC Exchange Corp. v. Brian J. Kenney, Assessor, and the Board of Assessment Review for the Town of Orangetown, Rockland County, New York*, Tax Map designations: 73.05-1-53.1 for tax assessment year 2004/2005, for a total refund by the County of \$9,653.00; for a total refund by the Town of \$41,997.00; and for a total refund by the Pearl River Union Free School District of \$146,441.45. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement on the Town.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 134

**APPROVE/TAX CERTIORARI
SETTLEMENT/GISSONDI FAMILY LTD
PARTNERSHIP/TOWN ATTORNEY**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the Nyack Union Free School District, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order of Settlement of the tax certiorari proceeding *Gissondi Family Limited Partnership v. The Board of Assessors and the Board of Assessment Review of Town of Orangetown, and the Nyack Union Free School District*, Tax Map designation: 66.29-2-54 for tax assessment years 2002/03; 2003/04; 2004/05; 2005/06; and 2006/07, for a total refund by the County of \$2,190.00; for a total refund by the Town of \$8,973.00; and for a total refund by the Nyack Union Free School District of \$32,361.00. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement on the Town.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 135

**APPROVE/TAX CERTIORARI
SETTLEMENT/GISSONDI FAMILY LTD
PARTNERSHIP/TOWN ATTORNEY**

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

Resolution No. 135 - Continued

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the Nyack Union Free School District, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order of Settlement of the tax certiorari proceeding *Gissondi Family Limited Partnership v. The Board of Assessors and the Board of Assessment Review of Town of Orangetown, and the Nyack Union Free School District*, Tax Map designation: 66.38-2-54 for tax assessment years 2002/03; 2003/04; 2004/05; 2005/06; and 2006/07 for a total refund by the County of \$2,811.00; for a total refund by the Town of \$11,097.00; and for a total refund by the Nyack Union Free School District of \$40,830.00. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement on the Town.

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

Noes: None

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RESOLUTION NO. 136

**APPROVE/TAX CERTIORARI
SETTLEMENT/MARKIM/BERGERMAN
LOWELL/TIMBERGER/MORAN/DAY/KA
ISER/ESPOSITO/GIBBS/BERK/SIEGEL
TOWN ATTORNEY**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the South Orangetown Central School District, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Consent Judgment of the tax certiorari proceeding *Alfred and Sondra Markim, George and Ann Bergerman, Fred Lowell, Robert Timberger, Audrey Moran, Joan and Roosevelt Day, Stewart Kaiser, Richard and Linda Esposito, Carol and Horace Gibbs, Ralph and Cheryl Berk, and Marcia Siegel*, Tax Map designations: 75.56-1-.4305, 75.56-1-1.4307, 75.56-1-1.8207, 75.56-1-1.4305, 75.56-1-1.4310, 75.56-1-1.4309, 75.56-1-1.3211, 75.56-1-1.4306, 75.56-1-1.4311, 75.56-1-1.4304, 75.56-1-1.7306, for tax assessment year 2004/05, for a total refund by the County of \$522.00; for a total refund by the Town of \$626.00; and for a total refund by the South Orangetown Central School District of \$4,600.00. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement on the Town.

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

Noes: None

* * *

RESOLUTION NO. 137

**APPROVE/TAX CERTIORARI
SETTLEMENT/SHAD ROW OFFICE
CONDOMINIUM/TOWN ATTORNEY**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the South Orangetown Central School District, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation and Order and Judgment Reducing Assessments of the tax certiorari proceeding *Shad Row Office Condominium v. The Town of Orangetown, Its Assessor and Board of Assessment Review of the Town of Orangetown*, Tax Map designation: 75.55-1-8./105 for tax assessment years 2000/01; 2002/03; 2003/04; 2004/05; 2005/06 and 2006/07, for a total refund by the County of \$371.00; for a total refund by the Town of \$482.00; and for a total refund by the South Orangetown Central School

Resolution No. 137 - Continued

District of \$4,843.00. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement on the Town.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 138**APPROVE/TAX CERTIORARI
SETTLEMENT/SHAD ROW OFFICE
CONDOMINIUM/TOWN ATTORNEY**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the South Orangetown Central School District, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation and Order and Judgment Reducing Assessments of the tax certiorari proceeding *Shad Row Office Condominium v. The Town of Orangetown, Its Assessor and Board of Assessment Review of the Town of Orangetown*, Tax Map designation: 75.55-1-8./107 for tax assessment years 2000/01; 2002/03; 2003/04; 2004/05; 2005/06 and 2006/07, for a total refund by the County of \$535.00; for a total refund by the Town of \$694.00; and for a total refund by the South Orangetown Central School District of \$6,973.00. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement on the Town.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 139**HEATON FITZGERALD SUBDIVISION
PERFORMANCE BOND/K & K HISTORIC
BUILDER/ACCEPT/RECEIVE/FILE**

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

RESOLVED, that the Subdivision Performance Bond in the sum of \$48,780.00 from K&K Historic Builders Inc., as "Principal," Consent to Assignment and Assignment of Certificate of Deposit Account No. 911974 held with Union State Bank, Orangeburg, NY, as "Issuer", in favor of the Town of Orangetown, as "Obligee/Beneficiary", in connection with a certain subdivision known as the "Heaton Fitzgerald Subdivision", and which said Performance Bond is dated January 16, 2007 and said Assignment is dated January 10, 2007 is accepted, received and filed in the Town Clerk's Office.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 140**ACCEPT MINUTES**

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

RESOLVED, that the January 22, 2007 Regular Town Board, Audit Meeting and Executive Session minutes are hereby accepted.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 141**DVIRKA/BARTILUCCI FINAL REPORT
RECEIVE/FILE**

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

RESOLVED, that Dvirka and Bartilucci's Final Report regarding United Water New York Well Head Treatment Systems Review, dated January 2007, is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 142**RPC/\$4,955,000 LAND ACQUISITION
BOND ANTICIPATION NOTE-2007
NO. 4R-1/RECEIVED/FILED**

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

RESOLVED, that the \$4,955,000 Land Acquisition Bond Anticipation Note-2007 No. 4R-1, dated January 10, 2007 for 348 acres of land at RPC for general purposes is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 143**STEARNS & WHELER, LLC
AGREEMENT AMENDMENTS 1-4
RECEIVED/FILED**

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

RESOLVED, that Amendments 1 through 4 to the Agreement between the Town of Orangetown and Stearns & Wheler, LLC is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 144**AMEND RESOLUTION NO. 790/2006
PROPOSALS/TEE TIME SYSTEM
VERMONT SYSTEMS**

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

RESOLVED, that Resolution No. 790/2006 is hereby amended to read as follows:

RESOLVED, that the Request for Proposals for a computerized tee time system is hereby awarded to Vermont Systems in the amount of \$54, 538.00 (increased from \$45,833.50) to be charged to Account No. E7250002-50200 and ER725102-50200.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 145**AMEND TOWN CODE/SECTION 9-6
INCREASE/PENALTIES/DOGS
SET PUBLIC HEARING DATE**

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

RESOLVED, that a public hearing date of March 26, 2007, 8 p.m. is set to consider amending the Town Code for the Town of Orangetown, Section 9-6, to increase the penalties for violation of Article 9 (Dogs) of the Town Code.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 146**VERIZON CONTRACT/SET PUBLIC
HEARING DATE**

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

RESOLVED, that a public hearing date of March 12, 2007, 8:05 p.m. is set for the purpose of consideration of the Verizon Cable Franchise .

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 147**AUDIT MEETING/SCHEDULED**

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

RESOLVED, that an Audit Meeting is scheduled for March 5, 2007.

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 148**ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting hereby adjourned at 9:05 p.m. in memory of Eva Evans, Central Nyack and Membership Chair of the Nyack NAACP.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
Supervisor Kleiner
Noes: None

Charlotte Madigan, Town Clerk