

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, FEBRUARY 25, 2008**

This Town Board Meeting was opened at 7:33 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
John S. Edwards, 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.
Robert Zimmerman, Police Captain
Robert Simon, Receiver of Taxes
Paul Witte, Code Enforcement Officer III
Rich Rose, Superintendent of Parks, Recreation and Buildings

Jack Brennan of Boy Scout Troop No. 34 led the Pledge of Allegiance to the Flag.

An informational meeting regarding the Tappan Zee Bridge will be held Thursday, February 28th at 5 p.m. and 7 p.m. in the Palisades Mall on the fourth floor.

Joe Pyzowski of the Rockland County Highway Dept. will speak about the Oak Tree Road Bridge Construction on March 3rd at 8:00 p.m.

Supervisor Kleiner briefly reviewed the plan for the RPC property. Saccardi & Schiff will be preparing the draft and the final environmental impact statements for this project. John Saccardi said the Town Board, over the next year, will have to go through the following six steps:

1. Declaring its intent to be lead agency.
2. Review the draft environmental impact statement and have public hearings.
3. Prepare a final environmental impact statement.
4. Adopt the findings.
5. Rezone, adopt new zoning and adopt a conceptual plan.
6. Turn the project over to the Planning Board.

John S. Edwards, Town Attorney, said by the Town Board declaring it's intent to be Lead Agency, the Town Board is inviting other agencies to participate and the Town is informing other agencies it is seeking to be Lead Agency. He also said it's wise for the Town to let other agencies know what's going on because of the magnitude of this project.

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RESOLUTION NO. 151

OPEN PH/TOWN CONSTABULARY

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

RESOLVED, that the 8:00 p.m. public hearing to consider a proposed local law to add a new chapter to the Town Code entitled Town Constabulary is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 02-C-08 and made a part of these minutes.

Public portion:

John S. Edwards, Town Attorney, explained that this new chapter was proposed to address the increased concerns regarding court security. This is a title recognized by Rockland County and has met a court challenge in West Haverstraw. John Edwards also said these persons would be known as peace officers not police officers. Judge Phinney mentioned that the OCA (New York State Office of Court Administration) recommends three people to check people coming in. After court begins only two people would be needed. Presently the police provide security. The members of the Town Board had a discussion and discussed the monetary costs to the town. John S. Edwards, Town Attorney, explained that the action taken tonight would be to add to the town code for this position but another vote at a later time would be needed to actually hire persons to fill this position.

Michael Mandel, Pearl River, is against this proposed law and explained because of his 36 years in the NYC Police Department, as a ranking officer, recognizes that the costs would be increased because of training, uniforms and insurance. A police officer is the best solution.

Ben Roujansky, Orangeburg, is in favor because safety issues are a serious matter and the only issue before the Town Board is whether or not to add this local law.

Eileen Larkin, Palisades, agrees that security is an issue in the courtroom as well as Town Hall. Police Officers would be best suited for this position because of their training. She requested the Town Board table this item and to investigate further.

RESOLUTION NO. 152

CLOSE PUBLIC PORTION

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

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

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

Noes: None

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RESOLUTION NO. 153

SEQRA DECLARATION/NEGATIVE

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted.

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

Noes: None

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**LOCAL LAW NO. _ OF 2008 OF THE TOWN OF ORANGETOWN,
RELATING TO THE ESTABLISHMENT OF A TOWN CONSTABULARY
AND THE CREATION OF THE POSITION OF TOWN CONSTABLE**

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

Sect. 1: The Town of Orangetown hereby adopts a new Article 7B of the Orangetown Code to be entitled "Town Constabulary" which shall read and provide as follows:

Chapter 7B

TOWN CONSTABULARY

7B-1. Legislative Intent.

The Town of Orangetown Justice Court, like most local Town and Village Courts throughout the State, conducts its actual courtroom sessions (both criminal and civil) on a regular, but generally less than full-time, schedule. As such, the court does not require full-time

courtroom security, or the personnel costs associated with a staff of full-time court security officers. That fact notwithstanding, the need for armed security personnel in and about local courtrooms, in order to ensure that weapons and other contraband that could pose a significant and imminent danger not only to court personnel, but to those members of the public who have business before the court, is more apparent today than ever before. Relatively minor matters between parties have been seen to erupt into violence in our courtrooms; and, recently, in one local Rockland County Village court, a spectator secreted a firearm into the courtroom and discharged it nearly striking the sitting Justice.

The use of full-time police officers for courtroom security is not only costly, but takes trained officers away from the other duties for which they were hired. The creation and use of a Town constabulary, consisting of part-time peace officers, rather than full-time police officers, is a cost effective means by which to address a very real need confronting the Town, without interfering with its other law enforcement responsibilities.

7B-2. Establishment of Town Constabulary.

The Town of Orangetown hereby establishes a Town Constabulary, the members of which shall be authorized to act in the capacity of uniformed court officers, and shall have the responsibilities generally associated with such position in and about the Town Court as hereinafter set forth. Town Constables shall be appointed by the Town Board, but shall work under the direct supervision of the Town Justices.

7B-3. Status as Peace Officers.

Persons holding the position of Town Constable shall have the status of, and shall be granted and exercise the powers of, a "Peace Officer" under the general laws of the State of New York.

7B-4. Powers and Duties of Town Constables, Generally.

Town Constables shall have the those powers and responsibilities consistent, and generally associated, with a court officer in the State of New York, including but not necessarily limited to:

- (i) Attending sessions of the Town Court to maintain order and decorum in the courtroom;
- (ii) Calming disruptive individuals;
- (iii) Barring entry into secure areas of and about the courtroom;
- (iv) Addressing and attending to disruptive prisoners, litigants and spectators involved in court proceedings;
- (v) Escorting, guarding and delivering jurors, witnesses and other participants of court proceedings to and from the courtroom;
- (vi) Escorting, guarding and delivering the Judge and/or Clerk to and from the courtroom, as may be required;
- (vii) Delivering materials to sequestered juries;
- (viii) Escorting court clerks with bank deposits to and from the court offices and courthouse to the bank;
- (ix) Using established search procedures and equipment to assure that no weapons, contraband or other prohibited items or materials are brought into the courthouse or courtroom;
- (x) Carrying, displaying and using a firearm, subject to any permit, training and certification requirements and qualifications otherwise imposed by law;
- (xi) Effecting arrests as required and authorized.

7B-5. Firearms and Other Training.

No person holding the position of Town Constable shall carry or otherwise possess a firearm on Town property other than in conformity with state and federal law, and after having successfully completed such initial training and instruction, and any required in service of follow-up training and instruction, required for a peace officer authorized to carry a firearm under the laws of the State of New York.

Sect. 2: This Local Law is authorized pursuant to the Constitution of the State of New York, Article IX, Sect. 2(c)(i), (ii)(1) and (10); Town Law of the State of New York § 21-2100; and Municipal Home Rule Law of the State of New York § 10(1)(i), (ii)(a)(1) and (12).

Sect.3: This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

RESOLUTION NO. 154

TB DECISION/ADOPT/ESTABLISHMENT OF TOWN CONSTABULARY

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

RESOLVED, that this proposed local law to add a new chapter to the Town Code entitled Town Constabulary is hereby adopted.

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

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Public Comment

Mark Alexander, Orangetown Mighty Midgets, addressed the composition of the artificial turf being installed on the fields and health issues. He has studied the types of turf available and how the turf along with the fill would affect health issues.

Jim Castagna, Sparkill, would like to see the commuter parking in Sparkill in a different location. Michael Mandel, Pearl River, asked to review the turf information given by Mike Alexander and positions in Town government be reduced?

Eileen Larkin, speaking for John Verdigi of Palisades, is concerned about a Verizon cell tower being built on property in NJ, which is close to his home. She asked for responses, from the Ethics Board regarding her letters and why her applications to Town committees haven't been addressed?

Ben Roujansky, Orangeburg, is hosting a panel discussion, "Women in Armed Forces" on March 9th at the Orangeburg Library at 2 p.m. He asked Bond Counsel to refinance at a lower rate. Watson Morgan, Blauvelt, spoke regarding the Hackensack watershed boundaries.

RESOLUTION NO. 155

CLOSE PUBLIC PORTION

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

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

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

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RESOLUTION NO. 156

ACCEPT/ACABOR/RESIGNATION DANIEL HLAVAC

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

Resolution No. 156 - Continued

RESOLVED, that the Town Board hereby accepts Daniel Hlavac resignation, as a member of ACABOR.

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

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RESOLUTION NO. 157**APPOINT/ACABOR MEMBER
JILL G FIELDSTEIN**

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

RESOLVED, that Jill G. Fieldstein is hereby appointed a member of ACABOR, effective February 26, 2008 – December 31, 2009.

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

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RESOLUTION NO. 158**SET PUBLIC HEARING/ZONE
CHANGE/205 OAK TREE ROAD**

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

RESOLVED, that the date of April 14, 2008, 8:00 p.m. is scheduled for a public hearing to consider a Zone Change Application for 205 Oak Tree Road, Tappan (S/B/L/ 77.15-1-30.1) from CS (Commercial shopping) to a residential zone.

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

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RESOLUTION NO. 159**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF ORANGETOWN,
DECLARING ITS INTENTION TO BE
LEAD AGENCY UNDER THE STATE
ENVIRONMENTAL QUALITY
REVIEW ACT, FOR THE PROPOSED
REDEVELOPMENT OF THE
ROCKLAND PSYCHIATRIC CENTER**

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

WHEREAS, the Comprehensive Plan for the Town of Orangetown contemplates the redevelopment of the Town-owned lands that were formerly a part of the Rockland Psychiatric Center ("RPC") site with a variety of land uses, including public and commercial recreation, and housing and related uses, including age-restricted housing; and

WHEREAS, the Town previously has re-zoned portions of the RPC site, creating the RPC-R zoning district, permitting public and private recreational uses; and

WHEREAS, the Town Board now wishes to create a new zoning district, to be known as the "RPC-H" zoning district, that will meet, and thereby further, the housing and other zoning goals and objectives contemplated for the RPC site under the Comprehensive Plan; and

WHEREAS, at the same time, the Town Board wishes to evaluate a certain conceptual plan for the development of the site within the area to be rezoned RPC-H; and

Resolution No. 159 - Continued

WHEREAS, the Town's Planner for this action, Saccardi & Schiff, together with its team of land use and other professionals has submitted for the Town Board's review and consideration a proposed zoning text amendment, with accompanying boundary survey, Environmental Assessment Form and other documents in connection with the proposed new zoning district; and

WHEREAS, K. Hovnanian Companies of New York Inc., a preferred developer selected by the Town Board for the future development of the site, and with which the Town has a pre-development agreement, has submitted a preliminary conceptual plan for the development of the site; and

WHEREAS, the Town Board will consider the proposed environmental impacts of the redevelopment of the RPC site, including, without limitation, the potential environmental impacts associated with the said preliminary conceptual plan;

NOW, THEREFORE, after review of the submittals, the Town Board makes the following determinations :

1. That this action, which incorporates, among other things, the approval of a zoning text amendment, re-zoning property presently zoned R-80 to RPC-H, a new zoning district to be developed as a planned unit development, and the review of a preliminary conceptual plan for the development of the area to be re-zoned, will require review under the State Environmental Quality Review Act ("SEQRA");
2. That the proposed action is a Type 1 action under SEQRA;
3. That the following are interested or involved agencies:
 - Town of Orangetown Planning Board;
 - N.Y. Department of Environmental Conservation;
 - Rockland County Department of Planning;
 - Palisades Interstate Park Commission;
 - Rockland County Highway Department;
 - Rockland County Health Department;
 - Town of Orangetown Department of Engineering and Environmental Management;
 - Dormitory Authority of the State of New York;
 - United States Army Corp of Engineers;
 - N.Y.S. Office of Mental Health;
 - N.Y.S. Historic Preservation Office
4. That the Town Board wishes to assume Lead Agency status in connection with the SEQRA review of this action;
5. That the Town Board directs that a Lead Agency coordination letter be circulated to and among the various involved and/or interested agencies, together with the distribution package, including the proposed zoning text amendment, Environmental Assessment Form, a location map, boundary survey, proposed conceptual plan and such other information as has been submitted in connection with the proposed action.

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

Noes: None

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RESOLUTION NO. 160**APPROVE AID/CHAMBER OF THE NYACKS
SPRINGFEST & SEPTEMBERFEST**

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

Resolution No. 160 - Continued

RESOLVED, that the request of the Chamber of Commerce of the Nyacks, Inc. for the use of the Showmobile for their Springfest Street Fair to be held on Sunday, April 27, 2008 and Septemberfest to be held on Sunday, September 7, 2008 is hereby approved.

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

Noes: None

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RESOLUTION NO. 161**APPOINT ENVIRONMENTAL COMMITTEE**

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

RESOLVED, that Larry Vail and Cliff Weathers are hereby appointed to the Environmental Committee.

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

Noes: None

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RESOLUTION NO. 162**APPOINT CLERK/TYPIST BUILDING
ELENA JENNINGS**

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

RESOLVED, that Elena Jennings is hereby appointed to the position of Clerk/Typist, in the Building Department, permanent with a mandatory probationary period of six months, from Eligible List No. 06075, grade 2-1, annual salary of \$28,877, effective February 26, 2008.

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

Noes: None

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RESOLUTION NO. 163**APPOINT SENIOR CLERK/TYPIST
JUSTICE/ERIN M ROONEY**

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

RESOLVED, that Erin M. Rooney is hereby appointed to the position of Senior Clerk Typist in the Justice Department, permanent, with a mandatory six month probationary period, from Eligible List No. 05083, grade 5-1, annual salary \$32,793, effective March 10, 2008.

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

Noes: None

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RESOLUTION NO. 164**APPOINT SENIOR CLERK/TYPIST
BUILDING/JENNIFER FEIERTAG**

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

RESOLVED, that Jennifer Feiertag is appointed to the position of Senior Clerk Typist in the Building Department, provisional, grade 5-3, annual salary \$36,029, effective February 26, 2008.

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

Noes: None

RESOLUTION NO. 165

APPROVE/2008 CERTIFICATE OF REGISTRATION/SEWER WORK

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

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, approve a Certificate of Registration for 2008 sewer work to the following:

- SHP Corporation, 23 Briarwood Dr., New City, NY
- Carmelo Scaffidi & Sons, Inc., 26 Dickens Street, Stony Point, NY
- Dutra Excavating & Sewer, Inc., 10 Stone Hollow Rd., Montvale, NJ

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

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RESOLUTION NO. 166

APPROVE/BLAUVELT VOLUNTEER FIRE FIGHTER TRAVIS DEFLUMERE

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

RESOLVED, that the election of Travis DeFlumere, as Firefighter, with the Blauvelt Volunteer Fire Company, Blauvelt, New York is hereby approved.

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

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RESOLUTION NO. 167

NOTICE OF PROCEED/WASTEWATER TREATMENT/WWTP-06-1E/ELECTRICAL RECEIVE AND FILE

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

RESOLVED, that the "Notice to Proceed", for the Wastewater Treatment Plant, Contract No. WWTP-06-1E, Electrical in reference to the Pump Recirculation Building in the amount of \$18,313.00 is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 168

CARETAKER AGREEMENT/BLUE HILL COTTAGE/STEVEN BELLO/RECEIVE/FILE

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

RESOLVED, that the fully executed Caretaker Agreement for the Blue Hill cottage, from Steven Bello 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. 169

ANNUAL FINANCIAL REPORT/CENTRAL NYACK FIRE DISTRICT/RECEIVE/FILE

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

RESOLVED, that the Annual Financial Report for the Central Nyack Fire District 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. 170

PERMISSION GRANTED/PARKS NATIONAL RECREATION/PARK LEGISLATIVE FORUM

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

RESOLVED, that permission is hereby granted to Richard L. Rose, Jr. to attend the National Recreation and Park Association Mid-Year Legislative Forum, from March 12-14 in Washington, DC, and allow the use of a Town vehicle.

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

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RESOLUTION NO. 171

ADJOURNMENT/MEMORY ENTER AUDIT

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 9:40 p.m., in memory of Steve Vickerman, Palisades; James Casey, former Deputy Town Attorney; Jerralee M. Vanderhoef, County Executive’s mother; and Joseph Shortt, Peggy Shortt’s (Finance) brother-in-law.

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

Charlotte Madigan, Town Clerk