

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, MARCH 23, 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 (arrived at 7:50 p.m.)

Also present: Charlotte Madigan, Town Clerk  
Eliot Tozer, Deputy Supervisor  
John Edwards, Town Attorney  
Teresa M. Kenny, First Deputy Town Attorney  
Suzanne Barclay, Executive Assistant to the Supervisor  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Ron Delo, Director of the Dept. of Env'tl Management & Engineering  
Robert Zimmerman, Police Captain  
Robert Simon, Receiver of Taxes  
John Giardiello, Director of OBZPAE  
Mark Albert, Acting Supt of Parks, Rec & Building Maint

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

**RESOLUTION NO. 200**

**APPOINT SUPERINTENDENT OF  
PARKS AND RECREATION  
ARIC T. GORTON**

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

RESOLVED, that Aric T. Gorton is hereby appointed Superintendent of Parks and Recreation in the Department of Parks and Recreation, provisionally, Grade 24-1, at an annual salary of \$88,232, effective March 31, 2009.

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

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John Giardiello, Director of OBZPAE, gave an update on the building occupancy study being done by the Office of Building, Zoning, Planning and Enforcement. Most of the property owners whose property was not in compliance have filed for a single family conversion, received a Certificate of Occupancy, applied for a permit, or indicated their intent to apply for restricted two-family occupancy. The next step is to work with the Town Attorney's Office to deal with the properties, where the owner has not responded or the dwelling has a unique situation. The Town Attorney's Office may issue summons or search warrants, which could only be issued if there's evidence of violations. All efforts are being done in a peaceful manner and if properties are unable to be in compliance by complying with the law, the Town will have to take them to court.

Summary of Public Comment:

Orli Irgang, from Grandview and a licensed Architect, has several concerns regarding the Seimens contract. Such as, they guarantee savings of energy costs but not the installation of components; the starting baseline is very low; and the contract should be separated into different categories. She

requested the Town Board to review all of her concerns and she agrees the Town should apply for any and all NYSERTA and NYDOT grants or any other assistance that's available.

The Town Board indicated that they would review the concerns they received by email and discussed them at the April 13<sup>th</sup> meeting.

Eileen Larkin, Palisades, is concerned with the Siemens contract and the length of 15 years. She questioned the replacement equipment and the Performance Bond. She does not believe this contract is good for Orangetown.

Michael Mandel, Pearl River, said the Town will be borrowing \$4.75 million dollars for the Siemens contract. This expense will be added to the millions the Town currently owes. These dollars will be paid out within the first few years but the savings will be over 15 years. This contract should have gone out to bid.

John Tormey, Pearl River, along with Tom Sullivan, is one of the founders of Quiet Rockland. They have been fighting for two years against the FAA airspace redesign. He thanked the Town Board for a resolution that continues to take a strong stand against the FAA airspace redesign. He said every effort that is taken to oppose is of value and is used by Quiet Rockland.

Jim Castagna, Sparkill, said Alberto Baruffi's website, Sparkillcreek.com is very informative with history and restoration projects. He said there is a new design with gravel for the dog park and they still have to research maintenance costs and the impact on neighboring houses.

Andrew Wiley, Pearl River, spoke regarding the cost of lights for the fields and advertising on Town parklands. He said the Energy Star Construction law is just another way to make the taxpayer pay more. There is not one incentive to help people.

Donald Brenner, Attorney, recommended the Town to do a risk analysis regarding the Siemens contract.

#### **RESOLUTION NO. 201**

#### **CLOSE PUBLIC PORTION**

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

RESOLVED, that the public comment portion is hereby closed.

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

Noes: None

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#### **RESOLUTION NO. 202**

#### **AID/FRANCIS T O'SHEA SCHOLARSHIP FUND**

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

RESOLVED, that the request of Kathleen O'Shea for the use of two portable toilets and trash receptacles for a walkathon and barbeque to benefit the Francis T. O'Shea Scholarship Fund on June 20 (rain date June 27) at Central Field, Pearl River (Account No. A755004/50457) is hereby approved.

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

Noes: None

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#### **RESOLUTION NO. 203**

#### **APPROVE/TOWN'S RECYCLING FAIR/HIGHWAY GARAGE**

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

RESOLVED, that the request of the Environmental Committee and the Town's Recycling Committee to use the Town Highway Department and yard for a Recycling Fair to be held on April 25, 10:00 a.m. – 3:00 p.m. is hereby approved.

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

Noes: None

**RESOLUTION NO. 204****AID/PEARL RIVER CHAMBER  
PEARL RIVER DAY**

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

RESOLVED, that the request of the Pearl River Chamber of Commerce for use of the showmobile, for Pearl River Day on October 10, 2009 (Acct. No. A755004/50457) is hereby approved.

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

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**RESOLUTION NO. 205****APPROVE COMMUNITY FUNDING  
JEWISH COMMUNITY CENTER  
(JCC)/ROCKLAND JEWISH FILM  
FESTIVAL**

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

RESOLVED, that the request of the JCC for \$1,000 towards the annual Rockland Jewish Film Festival, to be held March 29, 2009 at Riverspace, Nyack (Acct. No. A755004/50457) is hereby approved.

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

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**RESOLUTION NO. 206****MEMORIALIZING RESOLUTION  
NYS PAROLE BOARD/RICHARD  
LABARBERA/ROBERT MCCAIN  
MURDERED PAULA BOHOVESKY**

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

WHEREAS, the Town of Orangetown wishes to express its continuing condolences to, and support for, the family of Paula Bohovesky, who was brutally raped and murdered twenty-nine years ago as Paula's family asks the New York State Parole Board not to release her killers; and

WHEREAS, in 1980, Paula Bohovesky was a talented artist, an aspiring actress and a well-regarded member of the Junior class at Pearl River High School; and

WHEREAS, tragically, this young woman, burgeon with energy and a zest for life, was tragically and senselessly murdered just two blocks from her home; and

WHEREAS, the two young men who committed this heinous crime after a day spent drinking in a local bar received the maximum penalty for murder then allowed in New York State, twenty-five years to life in prison; and

WHEREAS, these men are now seeking parole and release from prison, having served the minimum sentence – twenty-five years; and

WHEREAS, Paula's family and friends, as well as those living in Orangetown at the time, can still recall the horror of that day; and

WHEREAS, Paula's mother, Lois Bohovesky, must now relive that day as she fights to keep Paula's killers in jail by asking the Parole Board not to authorize the men's release, a task that she will have to often undertake because State Law allows inmates seeking parole to reapply every two years; and

**Resolution No. 206 - Continued**

WHEREAS, the Town Board of Orangetown has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, that the Town Board of Orangetown wishes to express its continuing condolences to and support for the family of Paula Bohovesky, who was brutally raped and murdered twenty-nine years ago as Paula's family asks the New York State Parole Board not to release her killers; and be further

RESOLVED, the Town is hereby authorized and directed to send a certified copy of this resolution to Ms. Lois Bohovesky; and to such other persons proper in order to effectuate the purpose of this resolution.

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

Noes: None

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**RESOLUTION NO. 207****MEMORIALIZING RESOLUTION  
FAA AIRSPACE REDESIGN**

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

WHEREAS the FAA Airspace Redesign Study called for between 200 to 600 planes to fly daily over parts of Pearl River and other sections of Orangetown which could adversely affect residents in terms of noise, air pollution and safety; and

WHEREAS the current economic crisis has significantly reduced domestic air travel and may have affected assumptions used in the Airspace Redesign Study; and

WHEREAS unlike other potentially affected communities, the Town of Orangetown was not invited to participate in the formal NEPA public outreach and comment process that occurred over a seven-year period;

THEREFORE, the Town Board requests that the FAA halt implementation and reconsider the Integrated Airspace Alternative Plan to afford the Town of Orangetown an opportunity to meet with FAA officials to present input and to discuss options.

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

Noes: None

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**RESOLUTION NO. 208****AMEND RESOLUTION NO. 553/2008  
POLICE REGULATION/TZHS  
PARKING/DUTCH HILL ROAD**

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

RESOLOVED, that upon the recommendation of the Traffic Advisory Board, Resolution No. 553/2008 which allowed permit parking for Tappan Zee High School faculty on the east side of Dutch Hill Road for a six month period is hereby amended to make the provision permanent.

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

Noes: None

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**RESOLUTION NO. 209****2009 FIELD AND PARKS USE FEES**

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

**Resolution No. 209 - Continued**

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings and the Orangetown Park Development Advisory Committee (OPDAC), the 2009 Field and Parks Use Fees is approved as follows:

**Orangetown Youth Groups/Leagues:**

- Field/Courts without use of lights - No Charge
- Softball Fields/Courts with Lights -- \$20.00
- Baseball fields with lights --\$30.00

**Orangetown Adult Groups/Organizations/Leagues**

- Softball Fields without Lights --\$40.00 (35)
- Softball Fields with Lights --\$60.00 (50)
- Baseball Fields without Lights --\$50.00 (40)
- Baseball Fields with Lights --\$75.00 (50)
- Athletic Fields/Courts without Lights--\$40.00 (30)
- Athletic Fields/Courts with Lights--\$60.00 (50)

- College Field Use (Baseball) --\$100.00 w/o lights \$125.00 with lights
- Park Permit for General Park Use--\$30.00 + Labor—Resident (25)
- All Non-Orangetown/Groups—Add 100% to above fees
- Showmobile Use Fee --\$300.00 per event/day, plus labor (250)

Use of Greenbush Auditorium or Court Room for outside groups - \$40.00

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

Noes: None

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**RESOLUTION NO. 210**

**AMEND RESOLUTION NO. 780/2007  
ELLEN FORDHAM/SENIOR CLERK  
STENO/HIGHWAY**

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

RESOLVED, that Resolution No. 780/2007 re Ellen Fordham, Senior Clerk Steno, Highway Department, is hereby amended to include permanent, from Eligible List No. 07172.

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

Noes: None

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**RESOLUTION NO. 211**

**AMEND RESOLUTION NO. 164/2008  
JENNIFER FEIERTAG/SENIOR  
CLERK TYPIST/BUILDING**

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

RESOLVED, that Resolution No. 164/2008 re Jennifer Feiertag, Senior Clerk Typist, Building Department, is amended to include permanent, from Eligible List No. 08220.

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

Noes: None

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**RESOLUTION NO. 212****SET PUBLIC HEARING DATE/REFER  
TO AGENCIES/ENERGY STAR  
CONSTRUCTION/LOCAL LAW 3, 2009**

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

RESOLVED, that a public hearing is scheduled for April 13, 2009 to consider Local Law No. 3, "Energy Star Construction" and it is authorized to refer out to interested and involved agencies.

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

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**RESOLUTION NO. 213****COMBINE ITEMS**

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

RESOLVED, that agenda items fourteen (14) through twenty-three (23), except for item 19, are hereby combined.

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

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**RESOLUTION NO. 214****RELEASE PERFORMANCE BOND  
HEGARTY HOMES, INC \$487,324  
HARMONY HILLS SUBDIVISION  
ELIZABETH STREET**

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

RESOLVED, that upon the recommendation of the Planning Board (PB2009-07), the Town Highway Department, DEMA and the Town Attorney's Office, the Board hereby authorizes the release of the Hegarty Homes, Inc. Performance Bond related to the 'Harmony Hills Subdivision (72.08/3/79 & 83)' in the amount of \$487,324.00, and which was posted with the Town pursuant to PB# 1998-143, subject to the developer depositing the sum of \$9,200.00 with the Town to provide Final As-Built Plans, Monumentation, and Pump Station Cleaning/Training Manuals, and any other improvements required by the Town."

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

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**RESOLUTION NO. 215****ACCEPT ROAD DEDICATION  
STEVENS WAY/ORANGEBURG  
LOWE'S HOME IMPROVEMENT  
ORANGEBURG HOLDINGS/FB  
ORANGETOWN**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, "Stevens Way" located in Orangeburg, New York, and identified as a part of Tax Lots 74.15/1/3, 4 and 21 is hereby accepted for dedication as a public roadway and the Town

**Resolution No. 215 - Continued**

Supervisor or his designee is hereby authorized to execute all transfer documents necessary to effectuate the acceptance of this dedication and have the deeds thereto recorded with the Rockland County Clerk, the originals to be returned for filing with the Town Clerk.

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

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**RESOLUTION NO. 216****2009 CERTIFICATE OF  
REGISTRATION/SEWER WORK  
W. HARRIS & SON, INC**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering and the Town Attorney, W. Harris & Son, Inc., of 37 West Washington Avenue, Pearl River is hereby approved for a Certificate of Registration for 2009 to perform sewer work.

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

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**RESOLUTION NO. 217****AUTHORIZE EXPENDITURE  
CLARKSTOWN LANFILL PRP  
GROUP FUND/\$3,500**

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

RESOLVED, that the expenditure of \$3,500.00 to the Clarkstown Landfill PRP Group Fund is hereby authorized.

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

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**RESOLUTION NO. 218****RELEASE PERFORMANCE BOND  
G&G HOLDINGS/G & G HOLDINGS  
SUBDIVISION/UPPER GRANDVIEW**

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

RESOLVED, that upon the recommendation of the Planning Board (PB# 2009-13), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the G&G Holdings Performance Bond, in connection with the subdivision known as G & G Holdings Subdivision (71.09-1-2.1 and 2.2), 1098 Route 9W, Upper Grandview, NY, which was collateralized by a cashier check in the amount of \$28,902.00, which bond and collateral were posted pursuant to Town Board Resolution 352/2005.

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

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**RESOLUTION NO. 219****PERMISSION GRANTED  
ANN MAESTRI/NATALIE SCHUTTER  
NYS GOVERNMENT FINANCE  
OFFICERS**

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

RESOLVED, that permission is hereby granted to Ann Maestri and Natalie Schutter for travel and lodging to attend the NYS Government Finance Officers at an approximate cost of \$1,300 for the period of April 1 through April 3.

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

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**RESOLUTION NO. 220****STEARNS & WHEELER, INC  
AMENDMENT NO. 6/RECEIVED AND  
FILED**

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

RESOLVED, that the fully executed original Amendment No. 6 to the Agreement between the Town of Orangetown and Stearns & Wheeler, LLC is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 221****STATEMENT OF CASH RECEIPTS  
CASH DISBURSEMENT/CASH  
BALANCES/INDEPENDENT  
AUDITOR'S REPORT/JUSTICE  
COURT/RECEIVED AND FILED**

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

RESOLVED, that the Statement of Cash Receipts, Cash Disbursement and Cash Balances with Independent Auditors' Report, year ended December 31, 2008, for Orangetown Justice Court is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 222****ACCEPT MINUTES**

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

RESOLVED, that the February 23, 2009 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; the February 28, 2009 Special Town Board Meeting minutes; and the March 2, 2009 Audit Meeting and Executive Session minutes are hereby accepted.

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

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**RESOLUTION NO. 223****ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:45 p.m.

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

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**RESOLUTION NO. 224****PAY VOUCHERS**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Low-Hogan 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 \$503,610.09.

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

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**RESOLUTION NO. 225****ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session to discuss personnel matters.

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

**Resolution Nos. 225A and 225B see Executive Session.**

**RESOLUTION NO. 226****ADJOURNMENT**

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

RESOLVED, that the Town Board adjourned at 9:10 p.m.

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

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**Charlotte Madigan, Town Clerk**