

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, MARCH 24, 2008**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

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

Also present:

Charlotte Madigan, Town Clerk  
John S. Edwards, Town Attorney  
Teresa M. Kenny, First Deputy Town Attorney  
Suzanne Barclay, Exec Asst. to Supervisor  
Charles Richardson, Director of Finance  
Stephen Munno, Administrative Assistant  
Ron Delo, Director, Dept. Environmental Mgt. & Eng.  
Kevin Nulty, Chief of Police  
Robert Zimmerman, Police Captain  
Robert Simon, Receiver of Taxes  
Paul Witte, Code Enforcement Officer III  
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Kevin Nulty, Chief of Police, explained the difficulty in choosing and promoting police officers. He gave background information and introduced James Brown and Christopher Connolly. James Brown has been reassigned to the duties of a Detective Lieutenant and Christopher Connolly has been hired as a Police Officer. Charlotte Madigan, Town Clerk, administered them the Oath of Office.

Ray Florida, Executive Director of the Rockland Paramedic Services, said they were very excited to use a product called "Quik Clot" as a pilot program. "Quik Clot" is a sponge material containing a hemostatic solution. Frank X. Hursey, in cooperation with the Office of Naval Research, the U.S. Marines Corps Warfighting Laboratory and university developed "Quikclot" and is manufactured by Z-Medica, a Connecticut based medical company.

John McCullough, a paramedic with Rockland Paramedic Services and a former two-time Sparkill Fire Department chief, was honored for saving Deborah Ann Dilts' life. Ms. Dilts was involved in a motorcycle accident at Route 304 and Crooked Hill Road last May 14<sup>th</sup>. She was seriously bleeding, which couldn't be stopped with traditional methods. John pressed the Quik Clot sponge into the torn artery. The bleeding stop and Deborah was airlifted to Westchester Medical Center. John received the Z-Medica 2007 Francis X. Hursey Award and the company presented a \$1,000 check to People to People, John's favorite charity. Also honored for their assistance were EMTs Karen Zimmerman, Ian Kilsser, Kyle McKiernan and Paramedic Peter Van Wort.

Ronald Hicks, Executive Director of the Industrial Development Agency and the President and CEO of Rockland Economic Development Corporation gave a presentation explaining future plans to partner with the Town's Economic Development Committee. He spoke about ways of attracting new businesses, revolving loan funds, procurement technical assistant center (PTAC), the Industrial Development Agency (IDA), Empire Zones, retired seniors educating businesses (SCORE) and the Small Business Association (SBA).

Ron Delo and Mike Tamblin of Stearns and Wheler gave a summary of projects under construction, projects completed, projects ready for bid, and a summary of change orders, amounting to \$1,011,213 or 2.40% (Resolution No. 220 of this week and Resolution No. 205 of 3/10/08). They also spoke regarding Contracts and their current status, as well as critical tasks that need to be done as soon as possible.

Supervisor Kleiner said the Town will not have to increase the \$46.9 million bond to cover these expenses. Extra funding is available because bids came in under budget and some of the cost could be covered by the Town's contingency fund and by developer contributions.

Public Comment

Esta Baitler, Sparkill, asked when will the sidewalks along Route 340 will be completed? She requested police patrol for trespassing behind her residence.

Jay Pat Brosman, Sparkill, asked about the sidewalks along Route 340 and he asked the Town Board to remember his father in their prayers.

Mike Casey, Pearl River, said he was not paid prevailing wage and he has not received his check per the Department of Labor. The Town Board advised him that the Dept. of Labor must answer the appeal by Custom Gardens first.

Michael Mandel, Pearl River, said SOCAS is a great program but funding should come from grants, donations or the school budget and he disputed the \$42,900 change order to the Wastewater Treatment Plant improvements.

Andrew Wiley, Pearl River, questioned the attendance, security and setting a precedent regarding the SOCAS event. He spoke regarding signage on the ball-fields and the expense of the Town accepting credit cards.

Jim Castagna, Sparkill, wants the Town to insure public meetings before anything is done to the Sparkill Park.

Michael Bryceland, Orangeburg, requested sidewalks be finished near Carlton Rd.

**RESOLUTION NO. 213**

**POLICE/PROMOTE TO SERGEANT  
MICHAEL SHANNON**

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, Michael Shannon is hereby promoted to the rank of "Police Sergeant" from list #05115B, effective April 5, 2008 at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA.

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

Noes: None

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**RESOLUTION NO. 214**

**AID/DENIS P MCHUGH FOUNDATION**

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

RESOLVED, that the request of the Dennis P. McHugh Foundation for six portable toilets (two handicapped accessible) for the 5<sup>th</sup> Annual Run for Fun and Family Fair on May 17, at Fly Wheel Park, Piermont is hereby approved.

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

Noes: None

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**RESOLUTION NO. 215**

**APPROVE FUNDING/SUBSTANCE  
ABUSE/SOCAS/ORANGETOWN TASK  
FORCE**

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

RESOLVED, that funding in the amount of \$2,850 for a Drug and Alcohol Free Alternative Activity, (Alvin & the Chipmunks movie under the stars), fatal vision goggles and a Substance Abuse Pre-Prom co-sponsored by South Orangetown Community Awareness of Substance Abuse and the Orangetown Task Force, to be charged to Account No. A7550004/50457 is hereby approved.

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

Noes: None

**RESOLUTION NO. 216****ADOPT/THE CONVEYANCE OF  
SURPLUS TOWN OWNED LANDS ON  
AND ALONG HUNT ROAD TO THE  
COUNTY OF ROCKLAND AND THE  
ACCEPTANCE OF COUNTY  
PROPERTY, CONSISTING OF A  
PORTION OF OLD BLUE HILL ROAD  
WEST**

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

WHEREAS, the COUNTY OF ROCKLAND and the TOWN OF ORANGETOWN desire to enter into an agreement, pursuant to which the COUNTY will remove from the County Official Map of Rockland County and convey to the TOWN a portion of Old Blue Hill Road West in the Town of Orangetown, and the TOWN, in consideration of the said conveyance, shall convey to the COUNTY a surplus parcel of land, as or to be improved, on and along Hunt Road in the Town of Orangetown, together with all necessary easements and cross-easements, said parcel to be used by the COUNTY for work purposes, including staging and snow storage by the County Highway Department, and

WHEREAS, the removal of a road or part of a road from the County road system, pursuant to § 115-b of the Highway Law, requires a written agreement between the COUNTY and the TOWN, and the approval by the Legislature of Rockland County; and

WHEREAS, the conveyance of surplus real property by the TOWN to the COUNTY requires the approval of the Town Board of the Town of Orangetown, by Resolution, subject to permissive referendum; and

WHEREAS, the Town Board has reviewed the terms of a certain proposed Agreement between the TOWN and the COUNTY, as prepared by the attorneys for the respective parties, a copy of which is expressly incorporated by reference herein (the "Agreement"), which Agreement more fully describes the lands to be conveyed by each party to the other;

**NOW THEREFORE, BE IT RESOLVED:**

1. The Town Board hereby declares the parcel of land referenced and more fully described in the said Agreement, together with any improvements now on, or to be made to, such parcel, to be surplus and of no further use or value to the Town;
2. The Town Board further hereby approves the terms of the proposed Agreement with the COUNTY, and authorizes the conveyance of the said surplus lands to the COUNTY pursuant to the terms of the said Agreement. In making this decision, the Town Board expressly finds (i) that the values of the respective parcels to be conveyed by each party to be of approximately equal value, and (ii) the value to be received by the TOWN to constitute fair, adequate and just consideration for its conveyance, and in the overall best interests of the TOWN;
3. The Supervisor of the TOWN is authorized to sign the Agreement, together with all other documents that may be necessary and required to effect the conveyance of the surplus Town property to the COUNTY.
4. The action to be undertaken in accordance with this Resolution, including the execution of the Agreement, the conveyance of the surplus Town owned land and the TOWN'S acceptance of the lands to be conveyed by the COUNTY are determined to be an "Unlisted" action under the N.Y.S. Environmental Quality Review Act ("SEQRA"), and one that will not have a significant adverse environmental impact.

This Resolution, insofar as it authorizes the conveyance of Town owner real property, is subject to permissive referendum.

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

Noes: None

**RESOLUTION NO. 217****COMBINE AGENDA ITEMS**

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

RESOLVED, that items four (4) through (19), except items eight (8) and eighteen (18) are hereby combined.

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

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**RESOLUTION NO. 218****SET PUBLIC HEARING DATE  
PRIVATE FIRE HYDRANTS**

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

RESOLVED, that a public hearing is schedule for April 28, 8:00 p.m. to consider a proposed local law regarding Privately Owned Fire Hydrants.

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

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**RESOLUTION NO. 219****APPROVE/CERTIFICATE OF  
REGISTRATION FOR SEWER WORK**

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 and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2008 sewer work is hereby approved to MRJ Excavating, Inc., 7 Beaver Court, New City.

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

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**RESOLUTION NO. 220****DEME/AUTHORIZE CHANGE ORDER  
WASTEWATER TREATMENT PLANT  
CONTRACT (WWTP-06-1E)/ALL  
BRIGHT ELECTRIC**

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

RESOLVED, that upon the recommendation of Ron Delo, Director of the Dept. Environmental Management & Engineering, and Stearns & Wheler, LLC, a change order is hereby authorized in the amount of \$42,900 to the Wastewater Treatment Plant (WWTP0-06-1E, Electrical) contract with All Bright Electric for electrical modifications to the main power distribution system, so that the new odor control system will be on emergency power.

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

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**RESOLUTION NO. 221****FINANCE/PERMISSION GRANTED  
NY GOVERNMENTAL FINANCE  
OFFICERS ASSOCIATION**

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

RESOLVED, that permission is hereby granted to Charles Richardson, Ann Maestri and Natalie Schutter to attend the Annual Conference of the NY Governmental Finance Officers Association, April 2-4, 2008, in Albany, at a cost of \$2,154 to be charged to Acct. No. A1310004/0441-0480.

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

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**RESOLUTION NO. 222****AMEND CONTRACT/ SUNRISE  
BUSINESS SERVICES/CREDIT CARD  
SERVICES.**

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

RESOLVED, that a proposed three-year contract with Sunrise Business Services for credit cards for certain departments, to be charged to miscellaneous accounts, is amended to a one-year contract with automatic renewal.

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

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**RESOLUTION NO. 223****APPROVE CONTRACT/ SUNRISE  
BUSINESS SERVICES/CREDIT CARD  
SERVICES**

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

RESOLVED, that the Town Supervisor is hereby authorized to sign a one-year automatic renewal contract with Sunrise Business Services for credit cards for certain departments, to be charged to miscellaneous accounts.

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

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**RESOLUTION NO. 224****AUTHORIZE EXCESS INSURANCE  
CONTRACT/ A J GALLAGHER**

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

RESOLVED, that the Finance Director is hereby authorized to sign excess insurance contracts with A. J. Gallagher in the amount of \$721,131, to be charged to Account No. MS172248/172249/50457.

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

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**RESOLUTION NO. 225****AWARD BID/HEAVY DUTY PLOW  
TRUCK W/ACCESSORIES/HIGHWAY**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one new heavy-duty plow truck with accessories, which were received and publicly opened on March 12, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 03-E-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Deluxe International Trucks, Hackensack, NJ, the only qualified bidder, in the amount of \$232,942 to be charged to Account No. D513052/50200.

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

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**RESOLUTION NO. 226****POLICE REGULATION/FIRE LANES  
BETHANY MAR THOMA CHURCH**

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

RESOLVED, that Fire Lanes at the Bethany Mar Thoma Church, 94 Old Orangeburg Road, Orangeburg, (S/B/L/74.09-1-64), are hereby designated in the parking lot area extending 20 feet wide from the east (front of building) and beginning at Old Orangeburg Road extending 168 feet into the parking lot.

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

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**RESOLUTION NO. 227****POLICE REGULATION/FIRE LANES  
THE HOLLOWES AT BLUE HILL**

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

RESOLVED, that Fire Lanes at the Hollows at Blue Hill for Road A "Michael Roberts Court", Road B "Robert McPadden Circle", Road C "Kevin Reilly Street", and "Fred III Jr. Court", Pearl River, (S/B/L/ 73.05-1-53), are designated as all paved areas other than designated, striped parking spaces and the unpaved grass crete area on the west side of Building No. 6.

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

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**RESOLUTION NO. 228****POLICE/PERMISSION GRANTED  
MANAGING POLICE DISCIPLINE**

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

RESOLVED, that permission is hereby granted to one police officer to attend a "Managing Police Discipline" conference, April 7-9, 2008, in Myrtle Beach, SC, at a cost of \$905 to be charged to Acct. B0441/0480.

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

**RESOLUTION NO. 229****POLICE/PERMISSION GRANTED  
NYS TRUCK AND SAFETY CONFER**

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

RESOLVED, that permission is hereby granted to one police officer to attend the NYS Truck and Safety Conference, April 9-10, 2008, in Albany, NY, at a cost of \$493 to be charged to Acct. #B/0441/0480.

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

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**RESOLUTION NO. 230****CALL/PERFORMANCE BOND  
DRISCOLL SUBDIVISION/PEARL  
RIVER/\$3,000.00**

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

Whereas, pursuant to Planning Board Resolution 2004-128 and Town Board Resolution 2004-824, the developer of the Driscoll Subdivision, Crooked Hill Road, Pearl River, New York was required to post a performance bond to ensure the completion of certain public improvements and other requirements of subdivision approval, including but not limited to the submission of Final As Built Plans and Monumentation, and

Whereas, pursuant to Town Board Resolution 2005-282, the Town Board accepted and the developer submitted to the Town a Performance Bond along with the sum of \$14,328.00 (Fourteen Thousand Three Hundred and Twenty Eight Dollars) as collateral for said Performance Bond, and

Whereas, the Town Planning Board, upon the recommendation of the Department of Environmental Management and Engineering (DEME) has recommended to the Town Board, by way of Planning Board Resolution #2008-09, that the Town Board call and withdraw the sum of \$3,000.00 (Three Thousand Dollars) to complete the Final As-Built Plans and provide monumentation for said subdivision which have not been completed to date by the developer,

Now therefore, be it Resolved, that upon the recommendation of the Town Planning Board, the DEME and the Town Attorney's Office, that the sum of \$3,000.00 (Three Thousand Dollars) from the collateral posted for the Driscoll Subdivision, Crooked Hill Road, Pearl River, NY, pursuant Town Board Resolution 2005-282, is hereby authorized to be withdrawn for the purpose of completing the requirements of subdivision approval for the Driscoll Subdivision, and

It is hereby further Resolved, that the Town Finance Department is hereby authorized to pay, upon submission of appropriate vouchers, the sum of Three Thousand Dollars (\$3,000.00), said sum having previously been submitted by the developer of the Driscoll Subdivision, Crooked Hill Road, Pearl River, and deposited by the Town Finance Department pursuant to Town Board Resolution 2005-282, as collateral for the completion of public improvements, for the purpose of compensating providers of services to the Town to complete "Final As Built" drawings and provide monumentation as required by the original subdivision approval.

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

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**RESOLUTION NO. 231****ACCEPT MINUTES**

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

**Resolution No. 231 - Continued**

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session minutes of March 10, 2008 are hereby accepted.

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

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**RESOLUTION NO. 232****TAPPAN FIRE DISTRICT/ANNUAL  
FINANCIAL REPORT/RECEIVE/FILE**

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

RESOLVED, that the Annual Financial Report for the Fire District of Tappan 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. 233****AUTHORIZE INTERMUNICIPAL  
AGREEMENTS/REIMBURSEMENT  
FROM ROCKLAND COUNTY  
COUNTERTERRORISM TRAINING**

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

RESOLVED, that the supervisor is hereby authorized to sign two (2) Intermunicipal Agreements with the County regarding reimbursement by the County to the Town for Counterterrorism Training - \$20,719.93 (County Resolution No. 480-2007) and Counterterrorism Training - \$6,582.24 (County Resolution No. 270-2007).

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

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**RESOLUTION NO. 234****ORANGETOWN COMMUTER TASK  
FORCE/CONVENED**

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

RESOLVED, that with a increasing portion of the 55,000 Orangetown residents commuting outside of Rockland for employment, and recognizing the increasing regional need for systematic coordination in providing commuting solutions, the Orangetown Commuter Task Force is hereby convened in March of 2008.

The committee, consisting of members both appointed and at-leisure, have the following goals:

- Gather data on all commuting methods - particularly rail and bus service - relating to commuting practices of Orangetown residents.
- Work with commuter service providers (Pascack Valley Line, Coach USA, etc.) to solve issues brought to the attention of the committee and to enhance commuter service in a mutually beneficial manner.
- Partner with regional interests to effect positive change in regional transportation issues.



**Resolution No. 234 - Continued**

- To present solutions and opportunities for improvement to the Town Board for Orangetown's town-wide and regional commuter infrastructure.

- Communicate complex transportation issues in a time, place, and manner convenient, coherent, and relevant to Orangetown residents.

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

Noes: None

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**RESOLUTION NO. 235**

**ADJOURNMENT/MEMORY  
ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this meeting at 10:35 p.m., in memory of Eugene O'Callaghan, Pearl River.

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

Noes: None

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**Charlotte Madigan, Town Clerk**