

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, MARCH 26, 2007**

This Regular Town Board Meeting was opened at 7:30 p.m. Supervisor Kleiner presided. The Supervisor called the Roll. Present were:

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

Also present: Teresa Accetta-Pugh, Deputy Town Clerk  
Eliot Tozer, Deputy Supervisor  
Teresa Kenny, Town Attorney  
William Reddy, Deputy Town Attorney  
Suzanne Barclay, Exec Asst. to Supervisor  
Charles Richardson, Director of Finance  
Ann Maestri, Supervisor of Fiscal Services  
James Dean, Superintendent of Highways  
Ron Delo, Director of Dept. Environmental Mgt. & Eng.  
Kevin Nulty, Chief of Police  
Robert Simon, Receiver of Taxes  
Mary McCloskey, Assessor's Office  
Bert Von Wurmb, Building Inspector

The Pledge of Allegiance to the Flag was led by Supervisor Thom Kleiner.

**RESOLUTION NO. 225**

**ENTER EXECUTIVE SESSION  
PERSONNEL MATTERS**

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

RESOLVED, that the Town Board entered this Executive Session at 7:35 p.m. to discuss personnel matters.

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

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**Resolution No.(s) 226 – 227 see Executive Session minutes.**

Supervisor Kleiner spoke about a test program in the schools called Real Life, Real Talk (Sex Ed for Parents). This program is designed to help parents communicate better with teenagers. He said a letter went out to Sparkill residents inviting them to attend a meeting on Friday, March 30<sup>th</sup> regarding the Sparkill Zone Change proposed amendment. Also, a public information meeting regarding the proposed Kings Highway/Greenbush Road Enhancement project will be held April 11<sup>th</sup>, 7:30 p.m. at the Manse Barn in Tappan. Last week, OMM presented their plans for a club house and turf field. They spoke about their fundraising events and their Golf Outing at Blue Hill on May 23, 2007.

**Public Comment (RTBM)**

Eileen Larkin, Palisades, spoke about the sale of school-owned property, the impact on the local residents and open space.

Michael Mandel, Pearl River, is against ceremonies before a regular town board meeting. He believes more of the meeting should be aired on TV and a franchise fee is another expense to town residents.

Carol Silverstein, Orangeburg, still has concerns regarding the Blue Hill Golf Course.

Chris Brauer, Blauvelt, has concerns with appointments to the Blue Hill Golf Course Advisory Committee.

Francis Clement, Clarkstown, supports the hiring of Spanish speaking Police Officers. Gail Raffaele, Tappan, suggested the Town teach some of the current police officers Spanish. She spoke regarding her FOIL requests for copies of the cablevision tapes and questioned the DEME appointments.

Andrew Wiley, Pearl River, has concerns with items not going out for competitive bid. He questioned the increase for the Mansion's roof repair and the hiring procedure in DEME.

**RESOLUTION NO. 228****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. 229****OPEN PH/AMEND TOWN CODE  
SECTION 9-6/DOG VIOLATION FINES**

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

RESOLVED, that the public hearing to consider amending the Town Code, Section 9-6, to increase the penalties for violations of Article 9 (Dogs) is hereby opened.

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

Noes: None

The Deputy Town Clerk presented the affidavit of publication and the notice of posting, copies are labeled Exhibit 3-K-07 and made a part of these minutes.

The public portion was opened and the following people spoke:

Bill Reddy, Deputy Town Attorney, explained the amendment would increase the fines and allow imprisonment. The amendment is to provide an incentive for dog owners to be responsible for their dogs.

Janice Thom, Pearl River, is in favor of this amendment. She has a neighbor with a pit bull that bites.

Ann Marie Uhl, Sparkill, is a dog owner and suggested leash law and clean-up signs be posted along the Rail Trail.

Eileen Gaffney O'Conner, Pearl River, is in favor. She too has a neighbor with a pit bull who attacks people.

Eileen Larkin, Palisades, questioned if a dog has to be leashed at all times even on the owner's own property. She believes licensing should be pursued to control the population of unlicensed dogs.

Andrew Wiley, Pearl River, asked if there was a specific time period for multiple violations and if violations were per dog or per owner.

Gail Raffaele, Tappan, is a previous dog owner is in favor of an amendment. She believes the penalty should be greater and there should be laws for cats.

**RESOLUTION NO. 230****CLOSE PH/AMEND TOWN CODE  
SECTION 9-6/DOG VIOLATION FINES**

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

**Resolution No. 230 - Continued**

RESOLVED, that the public hearing to consider amending the Town Code, Section 9-6, to increase the penalties for violations of Article 9 (Dogs) is hereby closed.

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

**RESOLUTION NO. 231****TB DECISION/AMEND TOWN CODE  
SECTION 9-6/DOG VIOLATION FINES**

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

RESOLVED, that the Town Board hereby adopts the proposed amendment to the Town Code, Section 9-6, increasing the penalties for violations of Article 9 (Dogs)

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

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**RESOLUTION NO. 232****AID/NEW YORK PHILOMUSICA  
ANNUAL PARK CONCERT**

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

RESOLVED, that the request of the New York Philomusica for \$2,500 for the 22nd Annual Park Concert on May 8 to be held in Tappan Memorial Park, to be charged to Account No. A7550/50011/50020/50457, is hereby approved.

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

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**RESOLUTION NO. 233****AID/JCC-Y OF ROCKLAND/JEWISH  
FILM FESTIVAL**

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

RESOLVED, that the request of the JCC-Y of Rockland for \$1,000 for the Jewish Film Festival, to be charged to Account No. A7320/50457, is hereby approved.

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

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**RESOLUTION NO. 234****APPOINT/SHADE TREE COMMITTEE  
MARY VAIL**

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

RESOLVED, that Mary Vail is hereby appointed to the Shade Tree Committee.

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

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**RESOLUTION NO. 235****APPOINT/BLUE HILL GOLF COURSE  
ADVISORY COMMITTEE**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and on a roll call was adopted:

RESOLVED, that the following people are hereby appointed to the Blue Hill Golf Course Advisory Committee:

John Clifford	Daniel Davis	Dan Dinan
John Hickey	Ann Marie Pettus	Robert Ortman
Christopher Brauer	Julia A. Regan	Ed Shanley
Carol Silverstein	Nicola Frustaci	Lisa Grosbeck

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

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**RESOLUTION NO. 236****APPOINT/ZONING BOARD OF  
APPEALS/JOHN DUFFY**

Councilman O'Donnell offered the following resolution, which was seconded by Councilwoman Manning and on a roll call was adopted:

RESOLVED, that John Duffy is hereby appointed to the Zoning Board of Appeals, effective January 1, 2007 – December 31, 2011.

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

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**RESOLUTION NO. 237****APPOINT/PLANNING BOARD  
JEFF GOLDA**

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

RESOLVED, that Jeff Golda is hereby appointed to the Planning Board, effective March 27, 2007 – December 31, 2013.

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

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**RESOLUTION NO. 238****APPROVE/CERTIFICATE OF  
REGISTRATION/2007 SEWER WORK**

Councilman Morr offered the following resolution, which was seconded by Councilman O'Donnell 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 for the following:

Environmental Construction, Inc., 21 Kay Fries Drive, Stony Point, NY  
SHF Corporation, 23 Briarwood Drive, New City, NY  
Victor P. Zugibe, Inc., 66 West Railroad Avenue, Garnerville, NY

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

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**RESOLUTION NO. 239****APPROVE/MEMORANDUM OF UNDERSTANDING/PEARL RIVER VETERANS, LLC/BLUE HILL ROAD AND HUNT ROAD**

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

RESOLVED, that the Memorandum of Understanding between the Town of Orangetown and Pearl River Veterans, LLC which describes the conveyance of Blue Hill Road West to Pearl River Veterans, LLC and property on Hunt Road to Rockland County in exchange for \$420,000 and a building valued at \$150,000 is hereby approved.

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

Noes: None

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**RESOLUTION NO. 240****AUTHORIZE/PERMITS/EASEMENT DOCUMENTS/WASTEWATER TREATMENT PLANT/DEME**

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

RESOLVED, that the Supervisor is hereby authorized to sign licenses, permits and easement documents related to the sewer and wastewater treatment plant improvements.

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

Noes: None

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**RESOLUTION NO. 241****AUTHORIZE/CONTRACT/DVIRKA BARTILUCCI/PHASE 2 STORMWATER**

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

RESOLVED, that the Supervisor is hereby authorized to sign a contract with Dvirka and Bartilucci in the amount of \$97,500 for work outlined in their proposal of March, 2007 to implement specific Phase 2 Stormwater requirements and evaluate the economics of the villages becoming part of a Town wide drainage district, to be reimbursed by a grant from NYS Department of Environmental Conservation.

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

Noes: None

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**RESOLUTION NO. 242****APPROVE/INTERMUNICIPAL AGREEMENT/ROCKLAND COUNTY WASHINGTON/MAIN/TAPPAN**

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

RESOLVED, that an Intermunicipal Agreement between the Town of Orangetown and the County of Rockland for the reconstruction of Washington and Main Streets in the hamlet of Tappan and the Town to contribute up to \$501,500 towards the project depending on the construction award.

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

Noes: None

**RESOLUTION NO. 243****AWARD CONTRACT/J CONSTRUCTION  
NY/MANSION ROOF REPAIR/PARKS**

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

RESOLVED, that a contract is hereby awarded to J Construction NY, Inc. for the emergency repair of the roof of the Mansion at Blue Hill Golf Course in the amount of \$54,200, to be charged to Acct. #7250002.

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

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**RESOLUTION NO. 244****DEME/APPOINT/ASST OPERATOR  
GRADE 3 WASTEWATER (TRAINEE)  
JEFFREY CHAMBROVICH**

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

RESOLVED, that employee, Jeffrey Chambrovich, is hereby appointed to the position of Assistant Operator, Grade 3 Wastewater (Trainee), pending approval from Rockland County Personnel, provisional, grade 14-19, annual salary \$71,790, effective March 27, 2007.

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

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**RESOLUTION NO. 245****DEME/ESTABLISH PAY GRADE 28 -  
SALARY SCHEDULE/CHIEF OPERATOR 4  
WASTEWATER**

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

RESOLVED, that a pay grade of 28 and salary schedule is hereby established for the new position of Chief Operator Grade 4 Wastewater in the Department of Environmental Management & Engineering, effective immediately.

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

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**RESOLUTION NO. 246****DEME/APPOINT/CHIEF OPERATOR 4  
WASTEWATER/JOSEPH RUTKOWSKI**

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

RESOLVED, that Joseph Rutkowski is hereby appointed to the position of Chief Operator Grade 4 Wastewater in the Department of Environmental Management & Engineering, grade 28-4, provisional, annual salary \$110,062, effective March 27, 2007.

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

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**RESOLUTION NO. 247****ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting and Audit Meeting minutes of March 12, 2007 and Executive Session minutes of March 19, 2007 are hereby accepted.

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

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**RESOLUTION NO. 248****BLYTHE ANDERSON/ARBOR HILL  
COVENANT/HOLD HARMLESS AGREEMENT  
RECEIVE/FILE**

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

RESOLVED, that the original Covenant, Hold Harmless and Indemnification Agreement with Blythe Anderson (Arbor Hill, LLC) regarding a 10' wide sanitary sewer easement held by the Town of Orangetown across property designated at Section 77.08, Block 4, Lot 18 at 680 Main Street, Sparkill, NY, is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 249****LETTER/EXTEND/OPTION & LEASE  
AGREEMENT/VERIZON/RECEIVE/FILE**

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

RESOLVED, that an original letter notification received from Verizon where in Verizon exercises its option to extend the Option and Lease Agreement dated September 29, 1992 between Verizon and the Town of Orangetown for another (5) years from November 1, 2007 through October 31, 2012 is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 250****INTERMUNICIPAL AGREEMENT  
VILLAGE OF UPPER NYACK/SEWER  
SERVICE/RECEIVE/FILE**

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

RESOLVED, that the original Intermunicipal Agreement for sewer service between the Town and the Village of Upper Nyack is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 251****DEME/SEWER/BOND ANTICIPATION  
NOTES/\$22,100,000/RECEIVE/FILE**

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

RESOLVED, that the \$22,100,000 Bond Anticipation Notes for Sewer System Purposes, dated March 14, 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. 252****DEME/ENERGY SAVINGS PROJECT  
SIEMENS BUILDING TECHNOLOGIES  
RECEIVE/FILE**

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

RESOLVED, that the fully executed Letter of Intent for developing an energy savings project for the Town of Orangetown by Siemens Building Technologies, Inc. is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 253****RPC/AUTHORIZE DECLARATION OF  
AGREEMENT/STEJ LLC**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and in accordance with the Option Contract of Sale executed on November 10, 2005 with respect to the sale of certain property from the Town of Orangetown, as seller, to STEJ, LLC, as purchaser, designated as Section 73.12, Block 1, Lot 3.2 on the official Tax Map of the Town of Orangetown, and in accordance with Final Site Plan Approval by the Town of Orangetown Planning Board pursuant to decision PB#05-43, the Supervisor is hereby authorized to execute a "Declaration of Agreement" as between STEJ, LLC and the Town of Orangetown with respect to the obligations of STEJ, LLC in the operation of a sports facility on the property, in the form annexed hereto, to be recorded in the Office of the Rockland County Clerk at the sole cost and expense of STEJ, LLC.

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

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**RESOLUTION NO. 254****APPOINT/BLUE HILL GOLF COURSE  
ADVISORY COMMITTEE/LESTER  
COHEN/DENIED**

Under new business Supervisor Kleiner offered the following resolution, which was seconded by Councilwoman Manning and on a roll call was denied:

RESOLVED, that Lester Cohen be appointed to the Blue Hill Golf Course Advisory Committee is denied.

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



**RESOLUTION NO. 255**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting hereby adjourned at 9:40 p.m. in memory of Assemblyman Kenneth P. Zebrowski, Suffern; Assemblyman Hezekiah Easter, Nyack; Louisa Renee Lent, Charlotte Madigan's niece.

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

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**Teresa Accetta-Pugh, Deputy Town Clerk**