

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, APRIL 9, 2007**

This Regular Town Board Meeting was opened at 7:38 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  
Patrick Loftus, 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.  
Lt. Terence Hutmacher, Police Department  
Robert Simon, Receiver of Taxes  
John Giardiello, P.E., Director, OBZPAE  
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Announcements

Wednesday, April 11<sup>th</sup>, 7:30 p.m., at the Manse Barn, Information Meeting regarding the proposed Kings Highway and Greenbush Road Enhancement project.  
Saturday, April 14<sup>th</sup> at 9 a.m., Pearl River Little League Opening Day.  
Saturday, April 14<sup>th</sup>, 1 p.m. – 5 p.m. at the Nyack YMCA and 2 p.m. – 4 p.m. at the St. Lawrence Recreation Center in Ramapo, “Health Kids” day.  
Wednesday, April 18<sup>th</sup>, 7:30 p.m., at Town Hall, Sparkill Zoning Meeting.  
Wednesday, April 25<sup>th</sup> from 5 p.m. to 7:30 p.m. at the Tarrytown Village Hall and on Thursday, April 26<sup>th</sup> from 5 p.m. to 7:30 p.m. at the Palisades Mall Raso Community Room, a public meeting regarding the Tappan Zee Bridge Deck replacement.  
A rally at the Bear Mountain Bridge will be held to urge Congress to take action on “Climate Control” issues.

The public portion was opened and there was no public comment.

**RESOLUTION NO. 261**

**CLOSED PUBLIC COMMENT**

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

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

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

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**RESOLUTION NO. 262**

**POLICE/EMPIRE STATE LAW  
ENFORCEMENT TRAFFIC SAFETY  
CONFERENCE/PERMISSION  
GRANTED**

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

**Resolution No. 262 - Continued**

RESOLVED, that permission is hereby granted to two Police Officers to attend the Empire State Law Enforcement Traffic Safety Conference in Saratoga, NY from April 18-19, 2007 at a cost of \$198.00 to be charged to Account No.B3120/5044050480.

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

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**RESOLUTION NO. 263****JP MORGAN CHASE BANK/SPECIAL PERMIT/SET PUBLIC HEARING**

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

RESOLVED, that the date of May 14, 2007, 8:05 p.m. is hereby set for a public hearing to consider the Special Permit application for JP Morgan Chase Bank, 333 Route 303, Orangeburg, NY (Section 74.11, Block 2, Lots 51 and 52) for an additional curb cut on Route 303 at Orangeburg Road and the application and plans is referred to the Rockland County Planning Department, Rockland County Highway Department, NY State Department of Transportation, the Town Building Department, Town Highway Department and the Town's Department of Environmental Management and Engineering for review and comment.

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

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**RESOLUTION NO. 264****RESCIND RESOLUTION NO. 211/2007 PUBLIC HEARING/PAYMENT OF TAXES FOUR INSTALLMENTS**

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

RESOLVED, that upon the recommendation of the Town Attorney, Town Board Resolution No. 211/2007, which set a public hearing date of April 23, 2007 at 8:10 p.m. to consider amending the Town Code of the Town of Orangetown, to permit the payment of Town and County taxes in four equal installments is hereby rescind.

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

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**RESOLUTION NO. 265****APPOINT/OPEN SPACE COMMITTEE ANN BRENNAN**

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

RESOLVED, that Ann Brennan is hereby appointed to the Open Space Committee.

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

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**RESOLUTION NO. 266****APPROVE/CERTIFICATE OF  
REGISTRATION/SEWER WORK  
COPPOLA SERVICES INC**

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 for Coppola Services, Inc., 28 Executive Parkway, Ringwood, NJ.

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

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**RESOLUTION NO. 267****HIGHWAY/PUBLIC FLEET  
PROFESSIONAL CERTIFICATION  
TRAINING/PERMISSION GRANTED**

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

RESOLVED, that permission is granted to Thomas Iacobellis to attend the Public Fleet Professional Certification Training in Minneapolis, MN from April 20-22, 2007 at a cost of \$1,375 to be charged to Account No. B5140/50441/50480.

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

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**RESOLUTION NO. 268****AMEND RESOLUTION NO. 199/2007  
HIGHWAY OPEN HOUSE**

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

RESOLVED, that Town Board Resolution No. 199/2007 is hereby amended to read the Highway Department's Open House is rescheduled from May 19<sup>th</sup> to May 12<sup>th</sup>, 10 a.m. – 12 noon due to a conflict.

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

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**RESOLUTION NO. 269****NYS ASSOC TAX RECEIVER  
COLLECTORS 2007 TRAINING  
SEMINAR/PERMISSION GRANTED**

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

RESOLVED, that permission is hereby granted to Robert R. Simon to attend the NYS Association of Tax Receivers & Collectors 2007 Annual Training Seminar in Syracuse, NY from June 10-13, 2007 at a cost of \$960 to be charged to Account No. A1330/50440/50480.

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

**RESOLUTION NO. 270****DOLLER SUBDIVISION/COVENANT  
EASEMENTS/ACCEPT/RECEIVE/FILE**

Councilman O'Donnell 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, Town Highway Superintendent and DEME, and pursuant to Planning Board Decision PB#06-60, the Covenant, Conservation Easement and Indemnification Agreement "A" and Covenant, Conservation Easement and Indemnification Agreement "B" and attendant Title Insurance Policy with respect to the Doller Subdivision, Tax Lot 74.16, Block 1, Lot 3 located at 150 Kings Highway, Orangeburg, New York are accepted, received and filed in the Town Clerk's Office.

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

Noes: None

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**RESOLUTION NO. 271****DOLLER SUBDIVISION/ELIMINATION  
ABANDONMENT/EASEMENT**

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, Town Highway Superintendent and DEME, and pursuant to Planning Board Decision PB#06-60 of the Dollar Subdivision and upon acceptance of the Covenant, Conservation Easement and Indemnification Agreement "A" and Covenant, Conservation Easement and Indemnification Agreement "B" with respect to the Doller Subdivision, Tax Lot 74.16, Block 1, Lot 3 located at 150 Kings Highway, Orangeburg, New York, the Town Board hereby Consents to the elimination and abandonment of the Easement dated April 17, 1984 and recorded in the Rockland County Clerk's Office on August 3, 1984 in Liber 63 at Page 825 for an easement located on Tax Lot 74.16, Block 1, Lot 3 at 150 Kings Highway, Orangeburg, New York and hereby authorizes the Town Supervisor and the Town Clerk to sign an "Abandonment of Easement" and any required transfer documents for recording with the Rockland County Clerk's Office at the sole cost and expense of the property owner.

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

Noes: None

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**RESOLUTION NO. 272****AUTHORIZE/LETTER OF INTENT/2008  
DIVISION YOUTH STATE GRANTS  
PROGRAM**

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

RESOLVED, that the submission of a "Letter of Intent" for the 2008 Division for Youth State Grants Program through the Rockland County Youth Bureau and indicate the municipality as "other source of revenue" is hereby authorized.

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

Noes: None

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**RESOLUTION NO. 273**

**AGREEMENT/STORM WATER DISTRICT & PHASE II STORM WATER IMPLEMENTATION DVIRKA & BARTILUCCI CONSULTING ENGINEERS/RECEIVE/FILE**

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

RESOLVED, that the agreement for Storm Water District and Phase II Storm Water Implementation between Dvirka and Bartilucci Consulting Engineers and the Town of Orangetown is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 274**

**PROFESSIONAL SERVICES AGREEMENTS/HENNINGSON DURHAM & RICHARDSON ARCHITECTURE ENGINEERING/DESIGN/BIDDING CONSTRUCTION/CHERRY BROOK DRAINAGE/RECEIVE/FILE**

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

RESOLVED, that the Professional Services Agreements between Henningson, Durham & Richardson Architecture and Engineering, P.C. and the Town for Design, Bidding and Construction of Cherry Brook Drainage Improvement Project; Orangetown Drainage Study and Athletic Fields and Related Infrastructure Improvements, etc. is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 275**

**LETTER AGREEMENT/FINANCIAL ADVISORY SERVICES/CAPITAL IMPROVEMENT PLAN WASTEWATER INFRASTRUCTURE/RECEIVE/FILE**

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

RESOLVED, that the executed Letter Agreement for financial advisory services for a Short Term Loan for CWSRF for Capital Improvement Plan, Orangetown's Wastewater Infrastructure is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 276**

**CLOSING DOCUMENTS/\$22,100,000 BOND ANTICIPATION NOTES SEWER SYSTEM PURPOSES/RECEIVE/FILE**

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

**Resolution No. 276 - Continued**

RESOLVED, that two sets of closing documents with respect to the \$22,100,000 Bond Anticipation Notes for Sewer System Purposes – 2007, which closed on March 29, 2007 is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 277****THE NOBLE NINTH INC/LETTER OF  
EXTENSION/2007 SUMMER CAMP  
RECEIVE/FILE**

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

RESOLVED, that The Letter of Extension Agreement with The Noble Ninth, Inc, dated April 5, 2007, for use of the Noble Ninth's picnic grounds for the Town of Orangetown's 2007 Summer Day Camp Program from July 2, 2007 through August 10, 2007 under the same terms and conditions as set forth in a certain agreement entered into between the Town of Orangetown and the German Masonic Home Corporation dated May 18, 1991 is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 278****ENTER AUDIT MEETING**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:12 p.m.

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

**Resolution No.(s) 279 - 283 see Audit Meeting and Executive Session minutes.**

**RESOLUTION NO. 284****AUTHORIZE/CIVIL SERVICE  
DISPLINARY CHARGES/EMPLOYEE  
NO. 1230**

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

RESOLVED, that pursuant to Article 75 of the Civil Service Law, that the Notice of Charges against Employee Number 1230 is hereby authorized to be served. It is further understood that the employee's suspension will be without pay once the employee is in receipt of the charges.

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

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**RESOLUTION NO. 285**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session hereby adjourned at 9:07 p.m. in memory of Sylvester "Red" Linderman, Pearl River.

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

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**Charlotte Madigan, Town Clerk**