

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, APRIL 13, 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

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
John Giardiello, Director of OBZPAE
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.

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

Charlotte Madigan, Town Clerk, celebrates Earth Day, by "Nurturing Mother Nature" with grades 1-4 artwork. The artwork is on displayed in Town Hall.

John Saccardi, Saccardi & Schiff, was present for any questions by the Town Board regarding the Preliminary Draft Generic Environmental Impact Statement for Redevelopment (DGEIS) of RPC. He said at this time the Town Board needs to deem, by resolution, that the document is complete and that it addresses the DGEIS scope that the Town Board adopted in June. Two public hearings are set for May 7th at noon and May 18th at 7:30 p.m. to hear public comments. After 30 days of accepting comments, the Town Board will review again for adoption of the final statement.

RESOLUTION NO. 237

**RPC/ACCEPTING DRAFT GENERIC
ENVIRONMENTAL IMPACT
STATEMENT FOR ZONING RPC-H**

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

Resolution of the Town Board of the Town of Orangetown, As Lead Agency Under SEQRA, Accepting as Adequate and Complete For the Purpose of Commencing Public Review, the Draft Generic Environmental Impact Statement For the Zoning Text Amendment Establishing the RPC-H Zoning District and the Conceptual Plan for the Proposed Redevelopment of the Lands Within That Zoning District and Scheduling a Joint Public Hearing on the DGEIS and on the Zoning Text Amendment, Creating the RPC-H Zoning District

WHEREAS, by previous resolution, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act for the proposed zoning text amendment, creating a new RPC-H zoning district encompassing a portion of the lands formerly a part of the Rockland Psychiatric Center and the eventual re-development of the lands in and about the newly created zoning district, adopted and issued a Positive Declaration with respect to the proposed action, and further directed that there be prepared a Generic Environmental Impact Statement ("GEIS"); and

Resolution No. 237 - Continued

WHEREAS, the Town Board, also by previous resolution, and following two public hearing sessions on a Draft Scope, adopted a Final Scope for the said GEIS, identifying all of the potential significant adverse impacts that may result from the proposed action; and

WHEREAS, the Town Board has now received from Saccardi & Schiff, Inc., its planning and development consultant, a Draft Generic Environmental Impact Statement (“DGEIS”), addressing the potential impacts identified in the Final Scope; and

WHEREAS, the Town Board, together with its technical advisers, have reviewed the DGEIS for completeness in the light of the Final Scope,

NOW, THEREFORE, BE IT RESOLVED that the Town Board determines that the information set forth in the DGEIS is complete with respect to scope, content and adequacy for the purpose of commencing public review pursuant to Article 8 of the N.Y. S. Environmental Conservation Law, the State Environmental Quality Review Act (“SEQRA”);

AND BE IT FURTHER RESOLVED, that a joint public hearing on DGEIS and on the proposed zoning text amendment, creating the RPC-H zoning district, shall be held before the Town Board on May 7, 2009, at 12 o’clock noon, and May 18, 2009, at 7:30 p.m., at the Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962;

AND BE IT FURTHER RESOLVED, that the attached Notice of Completion of Draft Generic Environmental Impact Statement and Notice of Public Hearing under the provisions of SEQRA be filed, circulated and published in the Official newspaper of the Town of Orangetown at least 15 days in advance of such hearing and that the DGEIS be filed and circulated in accordance with the requirements of 6 N.Y.C.R.R. Part 617.12 of SEQRA.

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

Noes: None

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NOTICE OF COMPLETION OF DRAFT GENERIC
ENVIRONMENTAL IMPACT STATEMENT AND PUBLIC HEARING**

**Town of Orangetown Zoning Text Amendment and
Redevelopment of Property Formerly a Part of the Rockland Psychiatric Center**

April 13, 2009

Lead Agency:

The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg, New York 10962

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law of the State of New York.

A Draft Generic Environmental Impact Statement (“DGEIS”) has been completed and accepted for the proposed action described below. Comments are requested and will be accepted by Town Supervisor Thom Kleiner until 5:00 p.m., Thursday, June 18, 2009. Public hearings on the DGEIS will be held on Thursday, May 7, 2009, at 12:00 o’clock noon and on Monday, May 18, 2009, at 7:30 p.m., at the Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962.

Title of Action:

Zoning Text Amendment Creating a New RPC-H Zoning District and the Eventual Redevelopment of Properties Within the Said Zoning District.

Description of the Action:

The proposed action consists of (1) the adoption of a zoning text amendment, creating the Rockland Psychiatric Center Housing (“RPC-H”) zoning district, encompassing portions of the property formerly a part of the N.Y.S. Rockland Psychiatric Center, in the Town of Orangetown, County of Rockland, state of New York, consisting of approximately 143 acres; (2) and the eventual remediation and re-development of the said property, consistent with the Town’s Comprehensive Plan, with a mixture of age restricted and non-age restricted housing, recreation amenities and open space.

The presently contemplated area affected by the action includes lands improved with existing buildings and other structures that will have to be removed, as well as a Town owned golf course portions of which may be reconfigured in redevelopment.

Location:

The proposed action will affect property located predominantly on the northern, southern and eastern portions of the lands formerly a part of the Rockland Psychiatric Center acquired by the Town of Orangetown from the State of New York on or about January 22, 2003. The said property is located largely to the north of Old Orangeburg Road and to the south of Convent Road, with portions bordering on Lake Tappan, and shown on the Tax Map of the Town of Orangetown as a part of SBL 73.12-1-3, 73.08-1-1 and 74.05-1-1, as well as other lands located to the south of the above referenced lands between Old Orangeburg Road and Veterans Memorial Drive, adjacent to, or in the vicinity of, Blaisdell Road, and shown on the Tax Map of the Town of Orangetown as a part of SBL 73.12-1-7 and 73.12-1-5.

Potential Environmental Impacts Addressed:

- (i) Land Use and Zoning Impacts
- (iv) Stormwater Management
- (v) Utilities (Water, Sanitary, Other)
- (vi) Community Facilities
 - (1) Emergency Services
 - (2) Schools
- (vii) Recreation and Senior Services
- (viii) Solid Waste
- (ix) Fiscal Impacts, Including Taxes and Jobs
- (x) Traffic and Transportation
- (xi) Air Quality
- (xii) Cultural Resources
- (xiii) Adverse Impacts that Cannot Be Avoided, Both Long-term and Short-term
- (xiv) Irreversible and Irretrievable Resources
- (xv) Alternatives to the Action
- (xvi) Growth Inducement
- (xvii) Future Site Specific Reviews

A copy of the DGEIS may be obtained from:

Contact Person: Town Supervisor Thom Kleiner
 Town Hall, Town of Orangetown
 26 Orangeburg Road
 Orangeburg, New York 10962
 (845) 359-5100

The DGEIS may be viewed at: www.orangetown.com

Copies of this Notice Are Being Sent to:

Robert Dell, Chair
Town of Orangetown Planning Board
Greenbush Road
Orangeburg, NY 10962

Jack Messina, Chair
Town of Orangetown Architecture and Community Appearance Board of Review
Greenbush Road
Orangeburg, NY 10962

Guy DeVincenzo, Chair
Town of Orangetown Traffic Advisory Board
Town Hall
26 Orangeburg Road
Orangeburg, NY 10962

Chief Chris Jackson
Orangeburg Fire Department
61 Dutch Hill Road
Orangeburg, NY 10962

Salvatore Corallo, Commissioner
Rockland County Department of Planning
50 Sanatorium Road - Building T
Pomona, NY 10970

Joan H. Facelle, M.D., M.P.H., Commissioner
Rockland County Health Department
Robert L. Yeager Health Center
Building D-Sanatorium Road
Pomona, NY 10970

Charles H. Vezzetti, Superintendent of Highways
Rockland County Highway Department
23 New Hempstead Road
New City, NY 10956

Joseph F. Durkin, Director, Real Property
Dormitory Authority of the State of New York
515 Broadway
Albany, NY 12207-2864

Mary Ann Miller
U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278

Edward J. Killeen
Director, Administrative Support Services Group
N.Y.S. Office of Mental Health - CDPC – Unit Q
75 New Scotland Avenue
Albany, NY 12208

Willie Janeway, Regional Director
Region 3 - NYS Dept. of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561-1696

Joan Dupont, P.E., Region 8 Director
 New York State Department of Transportation
 4 Burnett Boulevard
 Poughkeepsie, NY 12603-2594

Edward Devine, Executive Director
 Rockland County Drainage Agency
 23 New Hempstead Road
 New City, NY 10956

John T. Dillon, Esq.
 United Water
 200 Old Hook Road
 Harrington Park, NJ 07640

James Hall, Executive Director
 Palisades Interstate Parkway Commission
 Bear Mountain, NY 10911-0427

Ken Markunas
 N.Y.S. Office of Parks, Recreation and Historic Preservation
 Peebles Island State park
 P.O. Box 189
 Waterford, NY 12188-0189

James H. Bopp, Director
 Rockland Psychiatric Center
 140 Old Orangeburg Road
 Orangeburg, NY 10962

Harold Koplewicz, M.D., Director
 Nathan S. Kline Institute
 140 Old Orangeburg Road
 Orangeburg, NY 10962

Mark Mauriello, Commissioner
 New Jersey Department of Environmental Protection
 401 East State Street, 7th Floor, East Awing
 P.O. Box 402
 Trenton, NJ 08625

Stephanie Bortnyk, Esq.
 K. Hovnanian Companies of New York Inc.
 110 Fieldcrest Avenue
 Edison, NJ 08818

Environmental Notice Bulletin
 50 Wolf Road, Room 538
 Albany, New York 12233-1750

Any other person who may request a copy

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RESOLUTION NO. 238

**OPEN PH/BUILDING CONSTRUCTION
 ADMINISTRATION/CHAPTER 6
 SECTION 6.8/APPLICATION FOR
 BUILDING PERMIT/ENERGY STAR
 CONSTRUCTION**

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

Resolution No. 238 - Continued

RESOLVED that the 8:00 p.m. public hearing to consider a proposed local law amending the Town Code of the Town of Orangetown entitled "Building Construction Administration", Chapter 6, Section 6.8, "Application for Building Permit" (Energy Star Construction) is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 04-A-09 and made a part of these minutes.

Supervisor Kleiner said this local law is being proposed so that new construction will be built according to NYS Energy Star Construction requirements. Energy Star Construction is used to protect the public health, safety and welfare of residents, it protects our environment and it saves energy throughout the lifetime of the home. Comments from Rockland County Planning Department are labeled Exhibit 04-B-09 and are also made a part of these minutes.

Summary of public comments:

Andrew Wiley, Pearl River, asked if the Town is exceeding its authority with regard to state building codes and he believes this will be an additional cost to the applicant.

Martin Ryan, Piermont, is in favor of this local law. Energy Star is a proven and effective way to save money over the lifetime of a home.

RESOLUTION NO. 239**CLOSE PUBLIC PORTION/BUILDING
CONSTRUCTION ADMINISTRATION
APPLICATION FOR BUILDING PERMIT
ENERGY STAR CONSTRUCTION**

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

RESOLUTION NO. 240**DESIGNATION OF LEAD AGENCY
BUILDING CONSTRUCTION
ADMINISTRATION/APPLICATION
FOR BUILDING PERMIT/ENERGY
STAR CONSTRUCTION**

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

RESOLVED, that the Town of Orangetown hereby declares itself Lead Agency in this matter.

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

RESOLUTION NO. 241**NEGATIVE SEQRA DECLARATION**

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

Resolution No. 241 – Continued

RESOLVED, that a negative SEQRA Declaration is hereby adopted; a copy is labeled Exhibit 04-C-09 and made a part of these minutes.

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

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RESOLUTION NO. 242

**ADOPT LL/ BUILDING CONSTRUCTION
ADMINISTRATION CHAPTER 6
SECTION 6.8/ APPLICATION FOR
BUILDING PERMIT/ENERGY STAR
CONSTRUCTION**

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

RESOLVED, that a local law amending the Town Code of the Town of Orangetown entitled "Building Construction Administration", Chapter 6, Section 6.8, "Application for Building Permit" (Energy Star Construction) is hereby adopted.

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

**LOCAL LAW NO. 3, 2009 OF THE TOWN OF ORANGETOWN,
AMENDING CHAPTER 6 OF THE TOWN CODE RELATING
TO BUILDING CONSTRUCTION ADMINISTRATION**

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

Section 1. § 6-8.B shall be amended as follows:

(9) For new subject dwellings as defined below in section 6-8.1.B, a Town of Orangetown New York ENERGY STAR Building Permit Affidavit.

(10) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

Section 2. § 6-14 shall be amended as follows:

E. For new subject dwellings as defined below in section 6-8.1.B, the owner or agent shall file with the Building Inspector the required New York ENERGY STAR certification documents, as required below by section 6-8.1.F. No certificate of occupancy shall be granted prior to the filing of these documents with the Building Inspector.

Section 3. Chapter 6 shall be amended by adding:

§ 6-8.1. ENERGY STAR Construction.

A. Legislative intent. The purpose of this law is to protect the public health, safety and welfare of the residents of Orangetown by reducing energy use and greenhouse gas emissions, thus also protecting the integrity of our environment. The Town recognizes that energy conservation provides not only important environmental benefits, but also reduces the cost of owning a home. New York ENERGY STAR Labeled Homes offer homeowners a more comfortable and healthier environment, while providing significant savings on monthly energy bills, thereby reducing the costs associated with home ownership, preventing unnecessary economic hardship and strengthening our community.

B. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

CERTIFIED HOME ENERGY RATER - A Residential Energy Services Network (RESNET) Certified Home Energy Rater listed as being active in the New York State Energy Research and Development Authority (NYSERDA) New York ENERGY STAR Labeled Homes Program.

ENERGY STAR CERTIFICATION DOCUMENTS – Documents required to be filed with the Building Inspector prior to the issuance of a certificate of occupancy. Said documents shall include:

1. A certification by a Certified Home Energy Rater that the new subject dwelling satisfies applicable New York ENERGY STAR Labeled Homes requirements.
2. An ENERGY STAR Home Report.
3. Qualification Forms clearly stating the results of performance testing and Combustion Appliance Zone Safety testing of the entire home.

NEW SUBJECT DWELLING – All new single-family dwellings and multi-family dwellings not more than three stories in height, including but not limited to townhouses, provided that said dwellings contain: (i) a separate means of egress for each unit, (ii) a minimum of one heating facility for each unit, and (iii) a separate primary electric meter for each unit.

NEW YORK ENERGY STAR LABELED HOMES REQUIREMENTS – The current minimum requirements necessary for a new subject dwelling to be certified as a New York ENERGY STAR Labeled Home under the New York ENERGY STAR Labeled Homes Program. The New York ENERGY STAR Labeled Homes Program is operated as part of the state's Energy Smart program, which is sponsored by the New York State Public Service Commission (PSC) and the New York State Energy Research and Development Authority (NYSERDA).

C. The Building Inspector shall maintain the following:

1. A document that contains a complete and current description of the New York ENERGY STAR Labeled Homes requirements.
2. Town of Orangetown New York ENERGY STAR Building Permit Affidavit forms.
3. A list of certified home energy raters active in the New York ENERGY STAR Labeled Homes Program.

D. All new subject dwellings shall be built to comply with the current New York ENERGY STAR Labeled Homes requirements.

E. All applicants seeking a building permit for a new subject dwelling shall submit a Town of Orangetown New York ENERGY STAR Building Permit Affidavit. This affidavit shall be signed by the applicant and a certified home energy rater. The affidavit must also be notarized prior to submission.

F. Prior to any issuance of a certificate of occupancy, the applicant or owner must file with the Building Inspector the required ENERGY STAR certification documents as defined above in section 6-8.1.B.

Section 4. The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

Summary of Public Comments:

Andrew Wiley, Pearl River, said there has been no public portion regarding the Hovnanian property as far as whether or not the Town even wants to rezone or sell it. We're paying \$2.4 million for a 15 year contract with Siemens for energy improvements, which can be implemented through department heads, without paying a consultant.

Michael Mandel, Pearl River, is opposed to the revised Siemens' contract, which is not posted on the website and the original has been removed. The Town Board should include in the resolution that any grants received be applied to pay-off the principle.

Norman Schaifer, Tappan, said Orangetown has issued bonds and there is going to be some real problems paying them. Seniors need relief and this Town needs more transparency and less secrecy. Orangetown can negotiate with creditors and renegotiate debt and look at filing for Chapter 9 (municipal bankruptcy).

Eileen Larkin, Palisades, is not in favor of a 15-year contract with Siemens. She does not agree that the Town should be waiving any building permit fees at all this year.

Ann Marie Uhl, Sparkill, requested more signs regarding dogs on a leash, and more garbage cans along the Rail Trail. She also recommended signage at the fields and tennis courts as to usage procedure.

RESOLUTION NO. 243**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. 244**REAPPOINT/HISTORIC AREA
BOARD OF REVIEW/HABOR
SCOTT WHEATLEY**

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

RESOLVED, that W. Scott Wheatley is hereby reappointed to the Historic Area Board of Review for the period of April 13, 2009 through December 31, 2013.

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

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RESOLUTION NO. 245**REAPPOINT/HISTORIC AREA
BOARD OF REVIEW/HABOR
MARGARET E RASO**

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

RESOLVED, that Margaret E. Raso is hereby reappointed to the Historic Area Board of Review for the period of April 13, 2009 through December 31, 2013.

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

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RESOLUTION NO. 246**ACCEPT RESIGNATION/ZBA
DIANE DONNELLY**

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

Resolution No. 246 - Continued

RESOLVED, that the resignation of Diane Donnelly from the Zoning Board of Appeals, effective immediately, is hereby accepted.

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

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RESOLUTION NO. 247

APPOINT/ZONING BOARD OF APPEALS/ZBA/JOAN SALOMON

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

RESOLVED, that Joan Salomon is hereby appointed to the Zoning Board of Appeals for the period April 13, 2009 through December 31, 2011.

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

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RESOLUTION NO. 248

AID/PEARL RIVER SPECIAL EDUCATION PTA

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

RESOLVED, that the request of the Pearl River Special Education PTA, for the use of the showmobile on June 5, at a cost of \$300 is hereby approved.

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

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RESOLUTION NO. 249

RPC/ORANGETOWN SOCCER COMPLEX/SELECTIVE INSURANCE SETTLEMENT

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

RESOLVED that the Town accepts as complete the work performed by Selective Insurance Company of America (“Selective”), pursuant to the Completion Agreement between the Town and Selective, as Surety for the contractual obligations of Realife Land Improvement, Inc. (“Realife”) at the Town Soccer Complex, and authorizes final payment to Selective in the amount of \$70,000.00, said sum to be paid from the remaining contract balance and retainage in the total amount of \$138,145.07. The remainder of such contract balance and retainage in the amount of \$68,145.07 shall be in satisfaction of the following claims in the following amounts:

<u>Claimant</u>	<u>Claim</u>	<u>Purpose</u>	<u>Compromised Claim</u>
Town	\$ 33,462.87	Additional Engineering Fees	\$ 31,654.36
Town / OMM	\$ 28,000.00	Settled ICI Claim	\$ 22,302.00
W. Harris, Inc.	\$ 9,023.00	Damage Repair	\$ 4,512.00
Town	\$ 9,676.71	Water Bill	<u>\$ 9,676.71</u>
			\$ 68,145.07

And, it is further

Resolution No. 249 - Continued

RESOLVED, that in accordance with a previous Resolution of this Board, authorizing the settlement of the ICI claim in the sum of \$28,000.00 with the Town and the Orangetown Mighty Midgets Athletic Club (“OMM”) sharing said \$28,000.00 settlement cost equally, the above referenced sum of \$22,302.00 recovered from the surety of Realife shall be shared equally by the Town and OMM, and the Director of Finance is hereby authorized to pay OMM the sum of \$11,151.00.

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

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RESOLUTION NO. 250**AUTHORIZE PERFORMANCE
CONTRACT/SIEMENS BUILDING
TECHNOLOGIES**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and on a roll call **FAILED**:

FAILED to pass by 4-1, a Super Majority vote.

A RESOLUTION AUTHORIZING THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, TO ENTER INTO A PERFORMANCE CONTRACTING AGREEMENT WITH SIEMENS BUILDING TECHNOLOGIES, INC. AND AN ENERGY PERFORMANCE CONTRACT LEASE PURCHASE AGREEMENT IN CONNECTION THEREWITH AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

WHEREAS, the Town of Orangetown, Rockland County, New York (the “Town”) is interested in undertaking an energy performance project (the “Project”) pursuant to an agreement with Siemens Building Technologies, Inc. (“Siemens”) dated as of _____, 2009 (the “Agreement”); and

WHEREAS, in order to undertake the Project and finance the improvements contemplated in connection with the Project it is necessary to enter into the Agreement with Siemens and a lease purchase agreement and the execution of related documents;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN BOARD OF TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK as follows:

Section 1. The Agreement, in substantially the form presented to this Town Board, is hereby approved and the Supervisor is authorized to execute the Agreement subject to any modifications thereto approved by the Town Attorney.

Section 2. For the purpose of financing the Project, including costs of issuance in connection therewith (or such portion thereof as the Supervisor shall determine to be in the best financial interests of the Town) the execution and delivery of a lease/purchase agreement, in an amount not to exceed \$2,475,000 and a rate not to exceed 5.0%, with Real Lease, Inc. (the “Lease”) is hereby authorized.

Section 3. All other officers, employees and agents of the Town are hereby and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 4. All other matters pertaining to the terms and delivery of the Lease shall be determined by the Supervisor and all powers in connection therewith are hereby delegated to the Supervisor.

Section 5. This resolution takes effect immediately.

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

The Town Board plans to review this contract further and may vote again regarding this contract, within the next 30 days.

RESOLUTION NO. 251**COMBINE ITEMS**

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

RESOLVED, that agenda items twelve (12) through twenty-four (24), except item 19 and 22, are hereby combined.

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

Noes: None

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RESOLUTION NO. 252**HWY/PERMISSION GRANTED
EMPIRE STATE LAW ENFORCEMENT
TRAFFIC SAFETY CONFERENCE**

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

RESOLVED, that permission is hereby granted to James Dean to attend as a guest speaker the Empire State Law Enforcement Traffic Safety Conference, May 5-6, 2009, Syracuse, NY at a cost of \$144 to be charged to Acct. No. 0441/0480.

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

Noes: None

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RESOLUTION NO. 253**RECEIVER OF TAXES/PERMISSION
GRANTED/NYS ASSOCIATION OF TAX
RECEIVERS & COLLECTORS**

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

RESOLVED, that permission is hereby granted to Robert R. Simon to attend the NYS Association of Tax Receivers & Collectors Annual Training Seminar, June 14-17, 2009, Glens Falls, NY at a cost of \$880.00 to be charged to Acct. No. /0441/0480.

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

Noes: None

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RESOLUTION NO. 254**APPROVE/LETTER EXTENSION
AGREEMENT/NOBLE NINTH
SUMMER DAY CAMP**

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

RESOLVED, that the Letter of Extension Agreement with the Noble Ninth, Inc., dated March 16, 2009, for use of the Noble Ninth's picnic grounds for the Town of Orangetown's 2009 Summer Day Camp Program from July 6, 2009 through August 14, 2009 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, which is received and filed in the Town Clerk's Office, is hereby approved.

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

Noes: None

RESOLUTION NO. 255**PERFORMANCE BOND EXTENSION
ROUTE 9W GOLF SUBDIVISION**

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

RESOLVED, that upon the recommendation of the Planning Board (PB 2009-12), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby agrees to extend to September 11, 2010, the term of the Subdivision Performance Bond No. 08821738 in the sum of \$882,469.50 from Lennar, New York, LLC as "principal" and Fidelity and Deposit Company of Maryland, as "Surety", in favor of the Town of Orangetown, as "Obligee", in connection with a certain subdivision known as the "Route 9W Golf Subdivision", and which said Performance Bond is dated February 24, 2006 and originally accepted, received and filed pursuant to Town Board Resolution 2006-254. The Surety has agreed to extend its obligations to September 11, 2010, by way of a "Verification Certificate" dated March 13, 2009, which Verification Certificate is hereby accepted, received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 256**RELEASE PERFORMANCE BOND
ESTATE OF MARIE DEXTER GRIFFTH
SUBDIVISION/HEGARTY HOMES**

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

RESOLVED, that upon the recommendation of the Planning Board (PB 2005-14), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the Hegarty Homes, Inc., Performance Bond related to the "Estate of Marie Dexter Griffith Subdivision (68.19-4-28)" in the amount of \$29,208.00, which was posted with the Town pursuant to PB 2000-47.

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

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RESOLUTION NO. 257**TAX CERTIORARI SETTLEMENT
THE DIME SAVINGS BANK OF NY
WASHINGTON MUTUAL SAVINGS**

Councilman Maturo 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 and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Consent Judgment regarding the tax certiorari proceeding *The Dime Savings Bank of New York, FSB (1996/97 - 2002/30); Washington Mutual Savings Bank (2003/4 - 2007/8) v. The Assessor(s) of the Town of Orangetown, et ano.*, Tax Map designation 77.15-2-47 for the tax assessment year 1996 through 2007, for a total refund by the County of \$782, and for a total refund by the Town of \$4,358. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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RESOLUTION NO. 258**TAX CERTIORARI SETTLEMENT
MANHATTAN WOODS ENTERPRISES**

Councilman Maturo 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 and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Consent Judgment regarding the tax certiorari proceeding *Manhattan Woods Enterprises LLC v. Brian Kenney, et ano.* Lots issued Tax Map Designations 69.06-2-24; 64.18-2-75 are discontinued with prejudice for the tax assessment years 2004 through 2008 and Tax Map Designation 69.11-1-1 for the tax assessment years 2004 through 2008, is settled for a total refund by the County of \$33,248, and for a total refund by the Town of \$130,267. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

Noes: None

* * *

RESOLUTION NO. 259**APPROVED/CERTIFICATE OF
REGISTRATION TO PERFORM SEWER
WORK FOR 2009**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering and the Town Attorney, Tappan Landscaping, Inc., 22 Greywood Drive, Tappan is hereby approved for a Certificate of Registration for 2009 to perform sewer work.

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

Noes: None

* * *

RESOLUTION NO. 260**POLICE/PERMISSION GRANTED
EMPIRE STATE LAW ENFORCEMENT
TRAFFIC SAFETY CONFERENCE**

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

RESOLVED, that permission is hereby granted to one police officer to attend the Empire State Law Enforcement Traffic Safety Conference, May 5-6, 2009, in Syracuse, NY at a cost of \$248 to be charged to Acct. B/3120/50441/0480.

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

Noes: None

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RESOLUTION NO. 261**ACCEPT TOWN BOARD MINUTES**

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

RESOLVED, the March 9, 2009 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; the March 16, 2009 Audit Meeting and Executive Session minutes; the March 20, 2009 Special Town Board Meeting minutes; the March 23, 2009 Regular Town

Resolution No. 261 - Continued

Board Meeting, Audit Meeting and Executive Session minutes; and the March 30, 2009 Special Town Board Meeting minutes are hereby accepted.

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

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RESOLUTION NO. 262**ANNUAL FINANCIAL REPORT
TAPPAN FIRE DISTRICT
RECEIVE/FILE**

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

RESOLVED, the Annual Financial Report, ending 12/31/08 for the Tappan Fire District is received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 263**APPROVE/SOUTH ORANGETOWN
LITTLE LEAGUE/PAT LINEHAN SIGN**

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

RESOLVED, that the request from the South Orangetown Little League to name part of a walkway, "Pat Linehan Way" is hereby approved.

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

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RESOLUTION NO. 264**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:30 p.m.

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

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RESOLUTION NO. 265**PAY VOUCHERS**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning 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 \$2,280,256.09.

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

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RESOLUTION NO. 266

ADJOURNMENT

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

RESOLVED, that the Town Board adjourned, in memory of Isabel E. DeZago, Orangeburg, Peggy Lee Moller, Pearl River, John Paci, Sr., Blauvelt, Ed O'Dea, Pearl River, Thomas Fitzpatrick, Pearl River and Ann Marie Moffett-Garrity, Nanuet, at 9:38 p.m.

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

Charlotte Madigan, Town Clerk