

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, APRIL 27, 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  
Teresa M. Kenny, First Deputy Town Attorney  
Suzanne Barclay, Executive Assistant to the Supervisor  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Mike Yannazzone, General Foreman  
Stephen Munno, Administrative Assistant  
Ron Delo, Director of the Dept. of Env'tl Management & Engineering  
Lt. Anthony Mercurio, Police Department  
Robert Simon, Receiver of Taxes  
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.

Announcements:

Charlotte Madigan, Town Clerk, will host a Passport Day, May 7<sup>th</sup>, 4 p.m. – 6 p.m.  
The Town Clerk's "Nurturing Mother Nature" grades 1-4 artwork is on displayed in Town Hall.  
Public Hearings for RPC Draft Generic Environmental Impact Statement will be held May 7 at 12:00 p.m., and May 18 at 7:30 p.m.

James Dean, Superintendent of Highways, explained and presented the following awards:  
Certificate of Appreciation (1000 bags of litter collected): John LaPlaca  
Adopt-A-Road 10 Year Anniversary: Dr. Eva Turner & St. Dominic's Home (Angie McSweeney)  
Highway Perfect Attendance Award: Michael Yannazzone & Mike Dillon  
Junior Volunteer Award: Michael Catania  
Road Master I: Michael Catania & Mike Dillon

The Summer Youth Employment Program

Dottie Dean and Brant Goldsmith, Principal of Summit School, brought the following students to receive an award because of their hard volunteer work in making the quality of life in Orangetown better over the past year.

Students:

Jack Adams	James Balleta	Patrick Chmela	Tyler Clark
Alex Diaz	Will Dutton	Rosanna Garcia	Jonathan Georgens
Kyle Gordon	John Ivolin	Moshe Kimmel	Gabriel Lang
Ernel Lewis	Michael Piorkowski	Yvonne Reiter	James Rivera
Yoelmeir Schoenberg	Andrei Schwartzman	Dvora Tal	

Work Supervisors - Shulton Whitley, Kyle Hassell, and Sy Samuals

Summary of Public Comments:

Esta Baitler, Sparkill, said the need for sidewalks along Route 340 is essential.  
Michael Mandel, Pearl River, asked what guarantee does the Town have if Siemens goes out of business and why was 2007-2008 baseline rates used. He asked the Town Board to reject the Siemens contract.  
Tracey Hancock, Pearl River, said RUSH believes the proposed Hillside plan will increase flooding, cause drainage problems and affect the quality of life.

Alan D. Cameron, Pearl River, asked since the provisions of Chapter 24C (Property Maintenance) can not be enforced in its present form, what department will be charged with the responsibility of correcting these deficiencies.

Andrew Wiley, Pearl River, asked who authorized the Building Dept. or Building Inspector to defer payment of STEJ's full building permit fee. The building permit was filed and only \$10,000 of an \$81,000 fee was paid. He said it's very apparent that you are attempting to circumvent the original sewerage bond which specifically states a maximum cost of \$47 million and change.

Eileen Larkin, Palisades, does not feel the incoming Town Board should be burdened with the long term 15-year Siemens contract. This contract is so pro Siemens. She calls upon this board to seriously consider asking Mr. Delo to step down from this position.

Henry Rand, Nyack, asked if a report was given to the Town Board regarding the half million gallons of sewerage that leak in Nyack and if so he would like a copy of it. He recommended the board to read "The Great Influenza" by John Barry.

**RESOLUTION NO. 272**

**CLOSE PUBLIC PORTION**

Councilwoman Low-Hogan 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 Low-Hogan, Manning, Troy, Maturo  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 273**

**AID/ROCKLAND CTY POLICE  
EMERALD SOCIETY/5K RUN-WALK**

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

RESOLVED, that the request of the Rockland County Police Emerald Society for six portable toilets for their annual 5k Run-Walk to Benefit the Hudak Family Scholarship Fund on Sunday May 3, 2009 at 9:00 a.m. is hereby approved.

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

Noes: None

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**RESOLUTION NO. 274**

**AUTHORIZE PERFORMANCE  
CONTRACT/SIEMENS BUILDING  
TECHNOLOGIES**

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

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 April 6, 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;

**Resolution No. 274 - Continued**

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% 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 Maturo, Manning, Low-Hogan, Supervisor Kleiner

Noes: Councilperson Troy

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**RESOLUTION NO. 275****COMBINE ITEMS**

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

RESOLVED, that agenda items three (3) through nine (9) are hereby combined.

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

Noes: None

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**RESOLUTION NO. 276****DEME/CHANGE ORDER NO. 5  
WWTP-06-1P/HAUSER BROTHERS**

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

RESOLVED, that Change Order No. 5 to Contract No. WWTP-06-1P, Hauser Brothers, in the amount of \$43,307.78 for separating sludge lines from the secondary clarifiers in the valve pit and up to the sludge pumps in the pump recirculation building is hereby approved.

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

Noes: None

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**RESOLUTION NO. 277****DEME/CHANGE ORDER NO. 8  
WWTP-06-1E/ALL BRIGHT ELECTRIC**

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

**Resolution No. 277 - Continued**

RESOLVED, that Change Order No. 8 to Contract No. WWTP-06-1E, All Bright Electric, Inc., in the amount of \$57,400.12 for relocating the overhead primary electrical service to the wastewater treatment plant between the entrance gate and the primary transformer is hereby approved.

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

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**RESOLUTION NO. 278****HWY/PERMISSION GRANTED  
2009 HIGHWAY SCHOOL**

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

RESOLVED, that permission is hereby granted to James Dean, Stephen Munno, Michael Yannazzone and Michael Catania to attend the 2009 Highway School in Ithaca, NY, from June 1-3, at a cost of \$1,575 to be charged to Acct. A510/0441/0480.

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

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**RESOLUTION NO. 279****THE HOLLOWS AT BLUE  
SANITARY SEWER EASEMENTS  
ACCEPTED/RECEIVED/FILED**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, 1) a sanitary sewer easement (3,936 sq. ft.) and 2) a sanitary sewer easement are accepted, received and filed for The Hollows at Blue Hill, Veterans Memorial Drive, Pearl River (73.05-1-53.2) and the Supervisor is authorized to execute all documents necessary to effectuate the acceptance of these easements. Upon recording in the Rockland County Clerk's Office, the originals are to be filed and maintained in the Town Clerk's Office.

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

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**RESOLUTION NO. 280****50 RAMLAND RD/DECLARATION OF  
COVENANT/ANNUAL INSPECTION  
AND MAINTENANCE OF STORM  
WATER CONTROL/ACCEPTED  
RECEIVED/FILED**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, the Declaration of Covenant for the Annual Inspection and Maintenance of Storm Water Control Facilities is accepted, received and filed for 50 Ramland Road, Orangeburg (S/B/L/ 73.101-30) and the Supervisor is authorized to execute all documents necessary to effectuate the acceptance

**Resolution No. 280 - Continued**

of these easements. Upon recording in the Rockland County Clerk's Office, the originals are to be filed and maintained in the Town Clerk's Office.

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

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**RESOLUTION NO. 281****MERRITT SUBDIVISION/REPLACEMENT  
SANITARY SEWER EASEMENT  
RECEIVED/FILED**

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

RESOLVED, that the original Replacement Sanitary Sewer Easement for the Merritt Subdivision, 390 Ehrhardt Rd, Pearl River (64.18-1-79) is received and filed in the Town Clerk's Office. This easement has been recorded in the Rockland County Clerk's Office as Instrument No. 2009-2043.

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

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**RESOLUTION NO. 282****G & G HOLDINGS SUBDIVISION/ROAD  
WIDENING DEED/TITLE INSURANCE  
POLICY/RECEIVED/FILED**

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

RESOLVED, that the original Road Widening Deed and the Title Insurance Policy for the G & G Holdings Subdivision, 1098 Route 9W, Upper Grandview (71.09-1-2) is received and filed in the Town Clerk's Office. This deed has been recorded in the Rockland County Clerk's Office as Instrument No. 2009-5791.

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

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**RESOLUTION NO. 283****CREATION/ORANGETOWN ARTS  
COMMITTEE/APPROVED**

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

RESOLVED, that the "Orangetown Arts Committee", dedicated to promoting all forms of artistic creativity in Orangetown, in honor of "National Poetry Month" is hereby created.

**Orangetown Arts Committee**  
*Proposed April 20, 2009*

"The Orangetown Arts Committee would serve as an enabler and promoter of the arts in Orangetown. Recognizing diverse forms of expression -- from theater and cinema to poetry and painting to sculpture and dance -- would show that Orangetown values the artistic contributions and venues in our community. The Committee would encourage Orangetown artistry for people of all ages and serve as a clearinghouse and promotional venue for the arts.

In particular, we should cultivate artistic expression to build a stronger community in Orangetown. Art can give young people a safe and productive outlet for their energy and creativity. Art is also an important driver of revenue in Orangetown, with dozens of galleries,

music, and theater venues. For the adult with a business or the child with an idea, recognition of local talent goes a long way.

From Raleigh, North Carolina to Tempe, Arizona, municipal arts commissions are building coalitions and strengthening community partnerships to improve the quality of life of its citizens.”

The committee will consist of volunteer members dedicated to promoting the arts in all of its forms in the Town of Orangetown.

The committee will meet at least once a month and generate proposals in conjunction with the community for the Town Board’s consideration.

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

Noes: None

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**RESOLUTION NO. 284**

**FINANCIAL STATEMENTS  
SUPPLEMENTARY INFORMATION  
INDEPENDENT AUDITOR’S REPORT  
BENNETT KIELSON STORCH DESANTIS  
RECEIVED/FILED**

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

RESOLVED, that the Town of Orangetown Financial Statements and Supplementary Information, with Independent Auditor’s Report, year ended December 31, 2008, prepared by Bennett Kielson Storch DeSantis is 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. 285**

**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:22 p.m.

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

Noes: None

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**RESOLUTION NO. 286**

**PAY VOUCHERS**

Councilman Maturo 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 \$639,871.77.

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

Noes: None

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**RESOLUTION NO. 287**

**ENTERED EXECUTIVE SESSION**

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

**Resolution No. 287 - Continued**

RESOLVED, that the Town Board entered Executive Session at 9:33 p.m.

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

Noes: None

**Resolution Nos. 287A and 287B see Executive Session.**

**RESOLUTION NO. 288**

**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 Mark Butryn, former Orangetown Assessor, at 10:30 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**