

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, APRIL 28, 2008**

This Town Board Meeting was opened at 7:50 p.m. Supervisor Kleiner presided and called the Roll. Present were:

Councilman Dennis Troy
Councilwoman Marie Manning
Councilwoman Nancy Low-Hogan
Councilman Maturo

Also present:

Teresa Accetta-Pugh, Deputy Town Clerk
Eliot Tozer, Deputy Supervisor
John S. Edwards, Town Attorney
Teresa M. Kenny, First Deputy Town Attorney
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director, Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
John Giardiello, P.E., Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings
Mike Bettman, Fire Safety Inspector

Supervisor Kleiner led the Pledge of Allegiance to the Flag.

The American Cancer Society received a Proclamation from the Town Board for “Paint the Town Purple Day”, May 3, 2008, which is their kick-off day for the June 7th & 8th Relay for Life. The RPC Scoping Meetings will be held on Wednesday, April 30th, 7:00 p.m. and Saturday, May 10th, 10:00 a.m. at Town Hall. On Saturday, May 17th from 10 a.m. – 12 p.m., the Highway Dept. will hold their annual open house. O & R will continue to suspend its tree cutting/removal program and will request the PSC to make its tree-cutting policy more flexible.

Christopher St. Lawrence, Rockland County Solid Waste, and Legislator Patrick Moroney explained the agreement with the Town regarding payment of anaerobic digestion and improved dewatering of sludge. This recycling program takes 50% out of waste fields and gives revenue to the towns. Orangetown receives \$32.00 per ton and will be receiving \$3.5 million over the next several months.

Public Comment

Michael Mandel, Pearl River, asked if the Pearl River Schools were notified about the RPC scoping sessions and requested the Town Board to halt implementation of the FAA redesign by contacting Senators Clinton and Schumer.

Michael Luciano, contractor, said its been almost a year and he has not been paid for work done on the soccer fields.

Carmel Reilly, Pearl River, spoke regarding lighting, environmental and non-notification issues regarding the Hillside Subdivision Plan for self-storage units and a warehouse along Route 304.

Tracey Hancock, Pearl River, is against the Hillside Subdivision Plan and she didn't receive any notification.

Carol LaValle, Tappan Historic Society, is against the loss of trees but would like to see the Tappan Hamlet Improvements move forward and she would like access to the plans.

Alexis Starke, Tappan, would also like to see the Tappan Improvements move forward but is against the loss of trees.

Eileen Larkin, Palisades, spoke about the Attorneys salaries, increase in sewage odor, Real Property Appraiser position, Cablevision and the landscape designer for Sparkill.

Andrew Wiley, Pearl River, spoke regarding contacting the legislation for sewage host fee, GPS systems in Town vehicles, vouchers not being signed and illegal issues.

JoAnn Delorenzo, Pearl River, voiced her disappointment with the Hillside Subdivision site plan approval because of her concerns regarding the wetlands and tree removal.

RESOLUTION NO. 280

CLOSE PUBLIC PORTION

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

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

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

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RESOLUTION NO. 281

OPEN PH/PRIVATE FIRE HYDRANTS

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

RESOLVED, that the public hearing to consider a proposed local law adding Chapter 15 of the Town Code (“Fire Prevention Code”) regulations affecting privately owned fire hydrants within the Town is hereby opened.

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

Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 4-B-08 and made a part of these minutes.

Public portion:

Mike Bettman, Fire Safety Inspector, explained the local law would regulate and identify the private ones from the ones United Water owns.

Andrew Wiley, Pearl River, has concerns regarding water pressure and inspections.

RESOLUTION NO. 282

CLOSE PUBLIC PORTION

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

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

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

RESOLUTION NO. 283

**DESIGNATION OF LEAD AGENCY
PRIVATE FIRE HYDRANTS**

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

RESOLVED, that the Town Board declares itself Lead Agency in this matter.

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

RESOLUTION NO. 284**ADOPT/NEGATIVE SEQRA
DECLARATION/PRIVATE FIRE
HYDRANTS**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted.

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

RESOLUTION NO. 285**ADOPT LOCAL LAW/PRIVATE FIRE
HYDRANTS**

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

RESOLVED, that the following proposed local law adding Chapter 15 of the Town Code (“Fire Prevention Code”) regulations affecting privately owned fire hydrants within the Town is hereby adopted.

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

**LOCAL LAW NO. 2, 2008
OF THE TOWN OF ORANGETOWN**

**A LOCAL LAW ADDING TO CHAPTER 15 OF THE TOWN OF ORANGETOWN
 (“FIRE PREVENTION CODE”) REGULATIONS AFFECTING PRIVATELY OWNED
 FIRE HYDRANTS WITHIN THE TOWN OF ORANGETOWN.**

15-11(H) Privately Owned Fire Hydrants

(1) The following definitions shall apply to § 15-11(H) of this Code:

(a) Privately Owned Fire Hydrants – Fire hydrants located within the Town that are owned by any person, partnership, corporation, or entity other than a federal, state, county or local municipal corporation or government, or United Water or any of its successor or assigns;

(b) Snow Marker – an approximate four foot tall pole, stick, or marker that is affixed at or near the top of a fire hydrant in order for the fire hydrant to be seen and located by emergency responders whenever the fire hydrant may be covered by snow or ice.

(2) All privately owned fire hydrants shall be painted a bright yellow color, except for the top of said hydrants, which shall be painted a silver color;

(3) During the period beginning November 15th and ending on April 15th of each and every year, all owners, occupants and tenants of property upon which one or more privately owned fire hydrants lie shall cause to be installed and maintained on each and every such hydrant a snow marker;

(4) All owners, occupants and tenants of property upon which one or more privately owned fire hydrants lie shall cause all of the following to occur on an annual basis with regard to each and every such hydrant:

(a) inspection, maintenance and flow testing as set forth in a form to be provided by the Bureau of Fire Prevention;

Local Law No. 2, 2008 - Continued

(b) inspection after each operation;

(c) the form referenced in (a) above shall be completed and delivered to the Bureau of Fire Prevention within 10 days of the completion of the required annual inspection, maintenance and flow testing.

(5) Provisions of the Fire Code of New York State, as well as any County, State, and Federal laws or regulations, relating to privately owned fire hydrants shall remain in full force and effect within the Town, and shall be in addition to the above. To the extent that there is any conflict between this Code and that contained within the Fire Code of New York State or any County, State, or Federal law or regulation, the more restrictive provision shall apply.

RESOLUTION NO. 286**REAPPOINT DEPUTY TOWN
ATTORNEY/DENNIS D MICHAELS**

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

RESOLVED, that Dennis D. Michaels is hereby reappointed to the position of Deputy Town Attorney, effective April 29, 2008, with an annual salary of \$53,957.00, to serve at the pleasure of the Town Board.

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

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RESOLUTION NO. 287**REAPPOINT DEPUTY TOWN
ATTORNEY/ROBERT MAGRINO**

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

RESOLVED, that Robert Magrino is hereby reappointed to the position of Deputy Town Attorney, effective April 29, 2008, with an annual salary of \$52,522.00, to serve at the pleasure of the Town Board.

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

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RESOLUTION NO. 288**REAPPOINT DEPUTY TOWN
ATTORNEY/BARBARA GIONTA**

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

RESOLVED, that Barbara Gionta is hereby reappointed to the position of Deputy Town Attorney, effective April 29, 2008, with an annual salary of \$51,022.00, to serve at the pleasure of the Town Board.

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

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RESOLUTION NO. 289**APPOINT DEPUTY TOWN
ATTORNEY/RICHARD PAKULA**

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

Resolution No. 289 - Continued

RESOLVED, that Richard Pakula is hereby appointed to the position of Deputy Town Attorney, effective May 5, 2008, with an annual salary of \$49,022.00, to serve at the pleasure of the Town Board.

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

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RESOLUTION NO. 290**REAPPOINT DEPUTY TOWN
ATTORNEY/DENISE SULLIVAN**

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

RESOLVED, that Denise Sullivan is hereby reappointed to the position of Deputy Town Attorney, effective April 29, 2008, with an annual salary of \$49,022.00, to serve at the pleasure of the Town Board.

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

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RESOLUTION NO. 291**ADOPT/US MILITARY LEAVE
TOWN EMPLOYEES/WAR ON
TERRORISM/OPERATION IRAQI
FREEDOM**

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

"Whereas, it is the intent of the Town Board of the Town of Orangetown that such employees shall essentially be made whole, and not penalized by the economic impact of their service to our Nation and be it:

Resolved, that the Town of Orangetown hereby amends and replaces Resolution No. 129 of 2004 and hereby establishes the following personnel policy for employees who are activated in connection with the War on Terrorism and Operation Iraqi Freedom and have duly submitted their U.S. Military activation documents to the Personnel Administrator or Director of Finance:

1. The Town will pay full salary and benefits up to the first sixty (60) days of U.S. Military activation (44 workdays), and the employee(s) will also be allowed to collect his or her military pay as well.
2. The employee(s) will be allowed to exhaust or carry over, until activation is complete, all accrued time, including but not limited to vacation, personal leave, sick leave, and time earned after the first 60 days has expired;
3. After the first 60 days has expired the Town shall pay the employee(s) the difference between the employee(s) military base salary and the employee(s) base salary with the Town. The employee(s) must submit his or her Leave and Earnings Statement (LES) to the Department of Finance for each pay period. The Department of Finance would then pay the balance, or difference, if there is one, to the individual between the U.S. military pay and the regular Town pay. If an LES is not received for an upcoming pay period, the Department of Finance will pay according to the previous LES and make any necessary adjustments following the receipt of a new LES.
4. It shall not be necessary for the Town to provide medical benefits to a single employee with no dependents while on active duty, because said employee(s) are covered by the military, however the Town will take necessary steps to avoid gaps in coverage.

Resolution No. 291 - Continued

- 5. Employee dependents shall continue to be provided with Town paid medical benefits.
- 6. The Town will continue to contribute to a full-time employee(s) New York State Retirement System account for the duration of the employee(s) military activation based on the employee(s) full time rate of pay.
- 7. The employee(s) shall be paid for any holidays listed in the Collective Bargaining Agreement, which occur during the time of deployment.
- 8. That during the time of deployment the employee(s) shall continue to accrue vacation and sick leave in accordance with the terms and conditions of the Collective Bargaining Agreement. However, should the deployment exceed one year, any accrued vacation leave shall be paid out to the employee on December 31st of the calendar year.
- 9. That during the time of deployment the employee(s) shall continue to accrue personal leave in accordance with the provisions and conditions of the Collective Bargaining Agreement. Any accrued personal leave credits shall be converted into sick time in accordance with the terms and conditions of the Collective Bargaining Agreement.
- 10. When an employee has completed his or her military service they shall present their DDF 214 form to the Finance Department.

And be it further resolved, that the Director of Finance and the Personnel Administrator and their respective departments, are hereby directed to take such administrative acts and tasks as are necessary and proper for carrying out the intention of this resolution.

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

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RESOLUTION NO. 292

REAPPOINT SHADE TREE COMMISSION/MARY ROOT

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

RESOLVED, that Mary Root is hereby reappointed to the Shade Tree Commission, with the term expiring December 31, 2008.

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

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RESOLUTION NO. 293

APPOINT/COMMUTER TASK FORCE

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

RESOLVED, that the following members are hereby appointed to the Commuter Task Force, with at term expiring December 31, 2008:

Colman O'Reilly	James Castagna	Lori Gallo
Lynn Garcia	Michael Gross	Michael Norman
	Michael W. Browning	

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

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RESOLUTION NO. 294**COMBINE AGENDA ITEMS**

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

RESOLVED, that items fourteen (14) through thirty-seven (37) are hereby combined.

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

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RESOLUTION NO. 295**AID/PEARL RIVER ROTARY
SOAP BOX DERBY**

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

RESOLVED, that the request of the Pearl River Rotary for the use of two portable toilets, barricades and trash receptacles (approx cost \$2,100) for the Rotary Soap Box Derby trial run on May 18, 2008 and for the Derby on June 8, 2008 (rain date of June 15) to be charged to Acct. No. A7550/50457 is hereby approved.

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

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RESOLUTION NO. 296**AID/ROCKLAND COUNTY POLICE
EMERALD SOCIETY/5K RUN-WALK**

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

RESOLVED, that the request of the Rockland County Police Emerald Society, Inc. for the use of four portable toilets (approx cost \$400) for the Annual 5K Run-Walk to be held in Piermont on May 4, 2008 to be charged to Acct. No. A7550/50457 is hereby approved.

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

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RESOLUTION NO. 297**DEME PERMISSION GRANTED/NY
WATER ENVIRONMENT
FEDERATION TECH CONFERENCE**

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

RESOLVED, that permission is hereby granted to Ronald C. Delo to attend the 2008 NY Water Environment Federation Technical Conference & Exhibition, June 1-4, 2008, Lake George, NY at a cost of \$1,160 to be charged to Account No. G8120004/50441.

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

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RESOLUTION NO. 298**APPROVE FUNDING/PROJECT
GRADUATION**

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

Resolution No. 298 - Continued

RESOLVED, that upon the recommendation of the Finance Director, the following payments for Project Graduation are hereby approved and a total in the amount of \$7,000.00 is to be charged to Account No. A4211004/50457:

Nanuet High School -	\$ 450	Tappan Zee High School -	\$2,500
Nyack High School -	\$1,250	Albertus Magnus -	\$ 300
Pearl River High School -	\$2,500		

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

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RESOLUTION NO. 299**AMEND RESOLUTION NO. 543/2007
TAPPAN HAMLET IMPROVEMENTS
BUDGET/CAPITAL PROJECT**

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

RESOLVED, that Resolution No. 543/2007 is hereby amended to read as follows:

RESOLVED, that a new capital project entitled "Tappan Hamlet Improvements" with a budget of \$875,000, expected to be comprised of \$643,500 in federal funding administered by the NYS DOT and \$231,500 to be bonded by the Town, is hereby created, to be charged to Account No. H5410012/50200.

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

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RESOLUTION NO. 300**HIGHWAY PERMISSION GRANTED
NYS ASSOCIATION OF TOWNS'
HIGHWAY SCHOOL**

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

RESOLVED, that permission is hereby granted to James Dean, Stephen Munno, Michael Yannazzone and Steven Bello to attend the NYS Association of Towns' Highway School, June 2-4, 2008 in Ithaca, NY, at a cost of \$1098 to be charged to Account No. D5140054/50441.

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

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RESOLUTION NO. 301**HIGHWAY/APPROVE AGREEMENT
HAMLET OF TAPPAN/MORANO BROS**

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

RESOLVED, that an agreement with Morano Brothers Corp. (subject to review and approval of the final agreement by the Town Attorney's Office) for work to be performed in the connection with the reconstruction of Washington and Main Streets in the Hamlet of Tappan, with compensation for such work to be based upon the same unit prices as those set forth in the July 10, 2007 agreement between Morano Brothers Corp. and Rockland County is hereby approved.

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

RESOLUTION NO. 302**HIGHWAY/AWARD BID CURBSIDE
COLLECTION RECYCLABLES
CHARLESCAPASSO & SONS**

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 curbside collection of recyclables, which were received and publicly opened on April 16, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 4-C-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Charles Capasso and Sons, Inc., Congers, NY, the only qualified bidder, in the amount of \$4.25 per dwelling unit for collection once per week, every week for a period of five years to be charged to Account No. B8160174/50457.

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

Noes: None

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RESOLUTION NO. 303**ACCEPT PROPOSAL/LANDSCAPE
ARCHITECTURAL SERVICES
SPARKILL DEPOT SQUARE**

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

RESOLVED, that the proposal of Hines Wasser and Associates, LLC, Boston, MA, for landscape architectural services for Sparkill Depot Square in the amount of \$12,700, to be charged to Account No. A7110001/50200 is hereby accepted.

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

Noes: None

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RESOLUTION NO. 304**PARKS/APPROVE EXTENSION OF
CONTRACT/SUMMER DAY CAMP
RINALDI TRANSPORTATION**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings, the agreement between the Town of Orangetown and Rinaldi Transportation for Day Camp bus transportation is hereby extended for the Summer of 2008, per the 2006 contract between the Town of Orangetown and Rinaldi Transportation, to be charged to Account No. A7310004/50457.

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

Noes: None

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RESOLUTION NO. 305**PARKS/AUTHORIZE LETTER OF
INTENT/2009 YOUTH STATE GRANTS
ROCKLAND COUNTY YOUTH BUREAU**

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

Resolution No. 305 - Continued

RESOLVED, that the submission of a "Letter of Intent" for the 2009 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 Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 306**PARKS/APPROVE EXTENSION LETTER AGREEMENT/THE NOBLE NINTH SUMMER DAY CAMP**

Councilwoman Manning 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 17, 2008, for use of the Noble Ninth's picnic grounds for the Town of Orangetown's 2008 Summer Day Camp Program from June 30, 2008 through August 8, 2008 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 hereby approved.

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

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RESOLUTION NO. 307**PERSONNEL/APPOINT REAL PROPERTY APPRAISER/ROBIN GOLDSMITH**

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

RESOLVED, that employee, Robin Goldsmith is hereby appointed to the position of Real Property Appraiser, permanent, from Eligible List #06112 (OC), with a mandatory six-month probationary period, grade 15-1, at an annual salary of \$55,248, effective April 29, 2008.

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

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RESOLUTION NO. 308**POLICE/PERMISSION GRANTED FIELD TRAINING OFFICER COURSE**

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

RESOLVED, that permission is hereby granted to two police officers to attend the "Field Training Officer" Course held by the Bergen County Law & Public Safety Institute, May 6-8, 2008, in Mahwah, NJ, at a cost of \$825 to be charged to Acct. #B/3120/50441/0480.

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

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RESOLUTION NO. 309**POLICE/PERMISSION GRANTED
GRAFFITI DECIPHERING,
INTERDICTION & INVESTIGATION
COURSE**

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 Graffiti Deciphering, Interdiction and Investigation Course”, May 5-6, 2008, in Binghamton, NY, at a cost of \$532 to be charged to Acct. #B/3120/50441/0480.

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

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RESOLUTION NO. 310**POLICE/PERMISSION GRANTED
COLT M16/AR15 ARMORER’S COURSE**

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

RESOLVED, that permission is hereby granted to two police officers to attend the Colt M16/AR15 Armorer’s Course, October 22-24, 2008, in Binghamton, NY, at a cost of \$1063 to be charged to Acct. #B/3120/50441/0480.

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

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RESOLUTION NO. 311**TERMINATE RESTRICTIVE
COVENANT/NYNEX PROPERTIES
VERIZON WIRELESS**

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

Whereas, as a condition of Site plan Approval, the then owner of the property located at 2000 Corporate Drive, Orangeburg, New York, and more fully identified as Tax Lot 73.15, Block 1, Lot 19 was required to file a Restrictive Covenant requiring said owner to reserve and then install 384 additional parking spaces at the site and,

Whereas NYNEX Properties Company as owner of the subject property filed with the Rockland County Clerk’s Office a Restrictive Covenant, dated July 14, 1989 and filed August 29, 1989 in Book 370, Page 1759, which required the owner to construct an additional 384 parking spaces at the subject property, which Restrictive Covenant was amended by a Declaration of Covenants and Restrictions dated March 13, 1992 and filed in the Rockland County Clerk’s office on April 13, 1992 at Book 517, Page 10959 and,

Whereas Verizon Wireless, the current owner of the property and successor in interest to NYNEX Properties Company, has satisfied the conditions of Site Plan approval by constructing the necessary parking spaces, and the Planning Board of the Town of Orangetown has recommended that the Restrictive Covenants be terminated,

Now therefore be it resolved, that as the conditions of the Restrictive Covenant dated July 14, 1989 and the Amended Declaration of Covenants and Restrictions dated March 12, 1992 by NYNEX Properties Company, for the property located at 2000 Corporate Drive, Orangeburg, New York, more fully identified as tax lot 73.15, Block 1 Lot 19, have been satisfied, the Supervisor is hereby authorized to execute a Termination of the Declarations of Covenants and Restrictions and related documentation necessary for recording same.

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

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RESOLUTION NO. 312**MERRITT SUBDIVISION 64.18-1-79
EHRHARDT RD/DRAINAGE SANITARY
SEWER EASEMENT/REPLACEMENT**

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

WHEREAS, the Town of Orangetown Department of Environmental Management and Engineering (DEME), has determined that an existing drainage easement, granted to the Town in 1957 and recorded in the Rockland County Clerk's Office at Liber 643, Page 587, that runs across lands now owned by Edward and James Merritt located at Ehrhardt Road, Pearl River, New York, and more fully identified as Tax Lot Section 64.18, Block 1, Lot 79, should be replaced and extended across this property to service additional homes located on this property; and

WHEREAS, there exists on the property an existing drainage pipe which is part of the Sanitary Sewer Easement originally granted to the Town in 1957; and

WHEREAS, Edward and James Merritt have agreed to convey a Replacement Sanitary Sewer Easement to the Town which address the needs and requirements for having a Sanitary Sewer Easement in favor of the Town on this premises as determined by DEME; and

WHEREAS, the Town wishes to terminate the 1957 Easement identified above and accept in its place a Replacement Sanitary Sewer Easement across said property of Edward and James Merritt for the purpose of extending the said existing drainage easement as first granted in 1957 and doing so by way of a Replacement Sanitary Sewer Easement; and

WHEREAS, other than administrative costs, there shall be no cost to the Town to abandon or obtain said easement, and

WHEREAS, it is in the public interest to abandon s much of said drainage easement and obtain an easement for the existing pipe and future uses of the property,

NOW THEREFORE IT IS HEREBY RESOLVED, that in accordance with Articles 4 and 12 of the New York Town Law, upon the evidence presented herein and upon the advice and recommendation of the Department of Environmental Management and Engineering and the Town Attorney's Office as follows:

- 1) This is an unlisted action subject to the New York State Environmental Quality Review Act. The Town of Orangetown Town Board appoints itself as Lead Agency for the uncoordinated review of this action. There are no other involved agencies. There will be no significant adverse impact on the environment as a result of this action. The basis for this determination is that the action involves the abandonment of a portion of an existing and otherwise continuing easement which is not needed by the Town and the acquisition and acceptance of a Replacement Sanitary Sewer Easement which will extend portions of the original Easement from 1957. Such abandonment and acceptance of new easement will have no impact on the site and will not disturb any environmentally sensitive sites and will not cause any adverse environmental impact upon the air quality, vegetation, ground water, or Town goals and objectives.
- 2) This proposed resolution was heard at a public and noticed Regular Town Board Meeting.
- 3) The Town Board hereby authorizes the acceptance by the Town of a Replacement Sanitary Sewer Easement which supersedes and terminates an existing Sanitary Sewer Easement located on lands currently owned by Edward and James Merritt located on Ehrhardt Road, Pearl River, New York, and more fully identified as Tax Lot Section 64.18, Block 1, Lot 79. A copy of said Replacement Sanitary Sewer Easement, including the metes and bounds description of same is annexed hereto.

Resolution No. 312 - Continued

4) The Town Supervisor is authorized to execute on behalf of the Town, all documents necessary to effectuate the acceptance of the Replacement Sanitary Sewer Easement, which by its terms terminates a previous easement to the Town which was filed with the Rockland County Clerk on March 4, 1957 at Liber 643, Page 587.

5) This resolution, to the extent it abandons an existing easement, is subject to permissive referendum.

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

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RESOLUTION NO. 313 ACCEPT MINUTES

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting, Executive Session minutes of April 14, 2008; and Special Town Board Meeting and Executive Session minutes of April 21, 2008 is hereby accepted.

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

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RESOLUTION NO. 314 WASTEWATER TREATMENT FACILITIES/ROOF REPAIR/CHANGE ORDER NO 2/RECEIVED/FILED

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

RESOLVED, that the fully executed copy of Change Order No. 2 for roof repairs at the Orangetown Wastewater Treatment Facilities 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. 315 CHERRY BROOK DRAINAGE PROJECT/DOCUMENTS/RECEIVED

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

RESOLVED, that the following original documents for the Cherry Brook Drainage Improvement Project are received and filed in the Town Clerk's Office.

- Contractor's Release
- Contractor's Affidavit of Payment of Debts and Claims
- Contractor's Affidavit of Release of Liens
- Consent of Surety to Final Payment
- Maintenance Bond

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

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RESOLUTION NO. 316**CHERRY BROOK DRAINAGE
PROJECT/CHANGE ORDER NO. 7
RECEIVED AND FILED**

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

RESOLVED, that the fully executed Change Order No. 7 for the Cherry Brook Drainage Improvements 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. 317**ORANGETOWN SOCCER COMPLEX
CONTRACT 2 ELECTRICAL
FANSHAWE/DOCUMENTS/RECEIVED
AND FILED**

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

RESOLVED, that the following documents for the Orangetown Soccer Complex, Contract 2, Electrical with Fanshawe, Inc. d/b/a Rockland Electric are received and filed in the Town Clerk's Office.

1. Consent of Surety to Final Payment
2. Maintenance Bond
3. Suppliers Affidavit of Payment
4. Affidavit of Payment of Debts and Claims
5. Affidavit of Release of Liens
6. Release

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

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RESOLUTION NO. 318**ORANGE & ROCKLAND/HUNT ROAD
FORCE MAIN REPLACEMENT REAL
ESTATE TRANSFER (TP-585)
RECEIVED AND FILED**

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

RESOLVED, that the executed Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (Form TP-584) from Orange & Rockland in regards to the Hunt Road force main replacement 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. 319**AMERICAN CONSTRUCTION
MANAGEMENT/STERNGASS
SUBDIVISION/COVENANT/EASEMENT
RECEIVED AND FILED**

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

Resolution No. 319 - Continued

RESOLVED, that the Covenant, Conservation Easement and Indemnification Agreement between American Construction Management, Inc. and the Town of Orangetown in regard the Sterngass Subdivision 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. 320

**APPOINT ORANGETOWN
ENVIRONMENTAL COMMITTEE
CAROLYN DOYLE WINTER**

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

RESOLVED, that Carolyn Doyle Winter is hereby appointed to the Orangetown Environmental Committee, with a term expiring December 31, 2008.

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

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RESOLUTION NO. 321

**ADJOURNMENT/MEMORY
ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this meeting in memory of Joseph Olley, Pearl River, and Gertrude Cotter, Blauvelt and entered the Audit Meeting at 9:37 p.m.

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

Teresa Accetta-Pugh, Deputy Town Clerk