

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, MAY 14, 2007**

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

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

Also present: Charlotte Madigan, Town Clerk
John S. Edwards, First Deputy Town Attorney
Kevin Mulhearn, Deputy Town Attorney
William Reddy, Deputy Town Attorney
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
Stephen Munno, Administrative Assistant
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
John Giardiello, P.E., Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Announcements

FEMA relief has been made available for Orangetown residents. To apply for relief contact the Office of Fire Emergency Services in the county or call 359-5100 ext. 2261.

Water Week was celebrated last week. It is a special time to inform the general public what any DEME does and to recognize employee's special achievements.

Rich Rose, Superintendent of Parks, Recreation and Buildings received the NYS Recreation and Parks Society Distinguished Service Award for 2007.

Rockland Family Shelter honored Chief Kevin Nulty for his contributions in the area of domestic violence.

The Week of May 20-26, 2007 has been designated as National Public Works Week.

On June 14, 2007, the Town Clerk will host Rockland County at Town Hall for anyone wishing to apply for a passport.

Presentation

This week has been designated "Fire and Emergency Services Week in Orangetown". The Town Board recognized and presented a Proclamation to our Emergency Service volunteers for the unbelievable work, source of comfort and the quality of life they provide to the Orangetown Community. Steve Harris, Chief of the South Orangetown Ambulance Corp said the South Orangetown Ambulance Corp is celebrating its 50th Anniversary. The majority of the corp is New York State certified Emergency Medical Technicians and others are trained in CPR and basic first aide. Brian Hornik, Captain of the Pearl River Ambulance Corps added the Pearl River Ambulance was the first volunteer corps in the State of New York and Pearl River just celebrated its 70th Anniversary. Donna Ellysi, Lieutenant of the Piermont Fire Department spoke about the great relationship among all the corps.

Public Comment (RTBM)

Mike Mandel, Pearl River, spoke about the cost of living, increase in taxes and the promise of tax rateables.

Rosa Delgado, Orangeburg, said the Police Dept. should have diversity for good communication and understanding.

Eileen Larkin, Palisades, is against Empire Zones and feels we should put a stop to them now. She requested the names on the Ethics Committee and asked the status of RPC.

Ruth Weber, Upper Grandview, spoke regarding frugal efficient government, rising costs, poor air quality and the absence of rateables.

Andrew Wiley, Pearl River, asked why does the old Pearl River Theater building plans need ACABOR approval and not Planning Board approval?

RESOLUTION NO. 330**CLOSED PUBLIC COMMENT**

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

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

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

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RESOLUTION NO. 331**OPEN PH/AMEND TOWN CODE
RENTAL DWELLING UNITS
OCCUPANCY/PERMITS/REGISTRATION**

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

RESOLVED, that the public hearing to consider a proposed local law amending the Town Code by adding Chapter 41B entitled Rental Dwelling Units – Rental Occupancy Permits and Rental Registration is hereby opened. The purpose of this Local Law is to establish a requirement that permits be obtained by the owners of real property wishing to rent out dwelling units in the unincorporated portion of the Town of Orangetown.

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

The Town Clerk presented the affidavit of publication and the notice of posting, copies are labeled Exhibit 5-A-07 and made a part of these minutes.

The public portion was opened and the following people spoke:

Supervisor Kleiner explained this proposed law is to be able to enforce those not in compliance, and allow the Town to go to court and ask a Judge to make them comply. He also said that tonight is to get public comment but no action will be taken. The Town Board wishes to gather information and have an informed community.

William Reddy, Deputy Town Attorney, spoke of a recent change to the proposed law. If the owner lives at the property and rents out a legal unit or in a mother-daughter situation, a permit is not needed. The purpose of this law is to address illegal housing, illegal apartments, overcrowding and unsanitary conditions.

Thomas Quinlan, Pearl River, is not favor of this proposed law. An alternative is to take the problems of violations to court.

Michael Roche, Blauvelt, questioned the fees and asked who will pay for additional staff. He believes the Town can find illegal homes easily.

Ann O'Rourke, Pearl River, is a 37-year resident and has had a legal 2-family for 20 years. She does not agree with charging a fee.

Donna Poloni, Pearl River, disagrees with charging a fee and said the Town should go after the people that the Town receives complaints about.

Ann Brennan, Blauvelt, does not believe this law is necessary. There are many other Health and Safety issues, which should be addressed.

John Purcell, Congers, is against additional fees, which will cause an increase in tenant rents.

Andrew Wiley, Pearl River, is against this law. He believes there are laws already on the books that can be used for enforcement and fines should be at the discretion of a judge.

John Leichter, Orangeburg, questioned how the illegals are going to be found and is in favor of fines that are large enough to cover any Town expenses.

Frank Pizzolo, said the Certificate of Occupancy should be used as the permit and registration.

Steve Bonardi, Orangeburg, said that in a house with two kitchens, one of the kitchens could be Kosher, therefore the house is not a 2-family.

Sondra Hemelstein is a tenant and said all costs to the property owner will be passed on to her through rent.

Judy Greenblatt, Blauvelt, is against this law. She asked how is owner-occupied determined? She also said rather than depend on complaints, there must be a better way to penalize only those who are breaking the rules.

Eileen Larkin, Palisades, agrees with those who oppose additional fees. This law is broad brush and is not right. The Courts need better laws to address these problems.

Stephen Frawley, Pearl River, believes this law will decrease property values; create jobs for code inspectors, who will need to justify their jobs through fees; and illegals will not apply for these permits.

Tom Bertussi, Pearl River, is against any fees. This law has been amended and will be amended again. He believes there is too much red tape and this should be voted down.

Dennis Sher, Business Owner, is against this law because it will not address those who do not abide by the law.

Joseph Montesano, Piermont, is against this law because he owns a 2-family house and pays higher taxes.

Matt Reilly, Blauvelt, asked whose idea this law was and requested this law be voted down.

Peggy Moller, Pearl River, understands the Town needs to control the illegal population. The entire Town should share the burden of fees because it is a community problem and not a legal landlord problem. The higher taxes for education will be passed to all residents.

RESOLUTION NO. 332

**CLOSE PH/ RENTAL DWELLING UNITS
OCCUPANCY PERMITS/REGISTRATION**

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

RESOLVED, that the public hearing to consider a proposed local law amending the Town Code by adding Chapter 41B entitled Rental Dwelling Units – Rental Occupancy Permits and Rental Registration is hereby closed.

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

RESOLUTION NO. 333

**TB DECISION/FAILED
RENTAL DWELLING UNITS
OCCUPANCY PERMITS/REGISTRATION**

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

RESOLVED, that a proposed local law amending the Town Code by adding Chapter 41B entitled Rental Dwelling Units – Rental Occupancy Permits and Rental Registration is hereby denied.

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

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RESOLUTION NO. 334

**OPEN PH/SPECIAL PERMIT
APPLICATION/JPMORGAN CHASE
BANK/CURB CUT**

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

Resolution No. 334 - Continued

RESOLVED, that the public hearing to consider the application by JPMorgan Chase Bank, 333 Route 303, Orangeburg, NY, for the purpose of obtaining a Special Permit from the Town Board to permit an additional curb cut on Route 303 is hereby opened.

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

The Town Clerk presented the affidavit of publication and the notice of posting, copies are labeled Exhibit 5-B-07 and made a part of these minutes.

The public portion was opened and the following people spoke:
Ira Emanuel, Attorney for Chase Bank, spoke regarding curb cuts and gave the project description of demolition of the existing building and construction of a new building. Letters from the County Department of Planning, County Department of Highways and the New York State Department of Transportation were read into the record are labeled Exhibit 5-C-07 and made a part of these minutes.

Catherine Dodge, Orangeburg, goes to Chase Bank. She is in favor of this project and believes the plans presented are excellent.

Eileen Larkin, Palisades, believes the project is great and it will be an improvement.

Robert Simon, Receiver of Taxes, uses the bank and agrees with the plan.

RESOLUTION NO. 335**CLOSE PH/ SPECIAL PERMIT
APPLICATION/JPMORGAN CHASE
BANK/CURB CUT**

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

RESOLVED, that the public hearing to consider the application by JPMorgan Chase Bank, 333 Route 303, Orangeburg, NY, for the purpose of obtaining a Special Permit from the Town Board to permit an additional curb cut on Route 303 is hereby closed.

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

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RESOLUTION NO. 336**SEQRA DECLARATION/SPECIAL
PERMIT APPLICATION/JPMORGAN
CHASE BANK/CURB CUT**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, for the application by JPMorgan Chase Bank, 333 Route 303, Orangeburg, NY, for the purpose of obtaining a Special Permit from the Town Board to permit an additional curb cut on Route 303 (a copy is labeled Exhibit 5-D-07 and made a part of these minutes).

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

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RESOLUTION NO. 337**TB DECISION/ADOPTED W/CONTINGENT
SPECIAL PERMIT APPLICATION
JPMORGAN CHASE BANK/CURB CUT**

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

Resolution No. 337 – Continued

RESOLVED, that the application by JPMorgan Chase Bank, 333 Route 303, Orangeburg, NY, for the purpose of obtaining a Special Permit from the Town Board to permit an additional curb cut on Route 303 is hereby approved, contingent upon final approval from the New York State Department of Transportation.

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

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RESOLUTION NO. 338**AID/PEARL RIVER ROTARY/ROTARY SOAP BOX DERBY/APPROVED**

Councilman O'Donnell 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 for the Rotary Soap Box Derby trail run on May 20, 2007 and for the Derby on June 3, 2007 (rain date June 10th) to be charged to Account No. 7550/5045 is hereby approved.

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

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RESOLUTION NO. 339**LIO ZONE/RECREATIONAL USES SET PUBLIC HEARING DATE**

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

RESOLVED, that a public hearing to amend the Town Code to permit certain recreational uses in the LIO Zone is scheduled for June 25, 2007, at 8:00 p.m.

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

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RESOLUTION NO. 340**AWARD BID/HUNT ROAD PUMPING STATION/WWTP-06-3G/GENERAL**

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

WHEREAS, the Director of the Dept. Environmental Management & Engineering and Stearns & Wheler, LLC, Engineering Consultants, duly advertised for sealed bids for General contracting for the Hunt Road Pumping Station, which were received and publicly opened on April 18, 2007. The Director of the Dept. Environmental Management & Engineering and Stearns & Wheler, LLC, Engineering Consultants made this recommendation to the Town Board; a copy is labeled Exhibit 5-E-07, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Jett Industries, Inc., of Colliersville, NY, the lowest, responsive bidder, in the amount of \$3,869,000 to be charged to Account No. H8132513/50200.

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

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RESOLUTION NO. 341**AWARD BID/WASTEWATER
TREATMENT PLANT/HUNT ROAD
PUMPING STATION/PLUMBING
CONTRACT/WWTP-06-1P**

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

WHEREAS, the Director of the Dept. Environmental Management & Engineering and Stearns & Wheler, LLC, Engineering Consultants, duly advertised for sealed bids for Plumbing Contract for the Wastewater Treatment Plant and the Hunt Road Pumping Station, which were received and publicly opened on April 18, 2007. The Director of the Dept. Environmental Management & Engineering and Stearns & Wheler, LLC, Engineering Consultants made this recommendation to the Town Board; a copy is labeled Exhibit 5-E-07, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Hauser Bros., Inc., of Orangeburg, NY, the lowest, responsive bidder, in the amount of \$448,434 to be charged to Account No. H8132513/50200.

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

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RESOLUTION NO. 342**CERTIFICATE OF REGISTRATION/2007
SEWER WORK/TAL SERVICES/APPROVED**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2007 Sewer work is hereby approved for TAL Services, Inc., 176 Erie Street West, Blauvelt.

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

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RESOLUTION NO. 343**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items sixteen (16) through thirty-eight (38), except items 29, 30, 31, and 32 are hereby combined.

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

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RESOLUTION NO. 344**2007 PROJECT GRADUATION
APPROVED**

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

Resolution No. 344 - 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 number A4211/50457:

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

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RESOLUTION NO. 345**AUTHORIZE BOND COUNSEL
CONTRACT/ORRICK HERRINGTON
& SUTCLIFFE**

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

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with Orrick, Herrington and Sutcliffe as bond counsel for a period up to three years.

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

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RESOLUTION NO. 346**PERMISSION GRANTED/HIGHWAY
2007 HIGHWAY SCHOOL**

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

RESOLVED, that permission is hereby granted to James Dean, Stephen Munno and two other Highway Department employees to attend the 2007 Highway School, in Ithaca, NY from June 3-6, 2007 at a cost of \$1,520 to be charged to Acct. #A510009/50440.

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

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RESOLUTION NO. 347**DESIGNATE NATIONAL PUBLIC
WORKS WEEK/ORANGETOWN**

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

RESOLVED, that May 20-26, 2007 is designated National Public Works Week in Orangetown.

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

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RESOLUTION NO. 348**PERMISSION GRANTED/POLICE
MID-ATLANTIC LAW
ENFORCEMENT EXECUTIVE
DEVELOPMENT SEMINAR**

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

Resolution No. 348 - Continued

RESOLVED, that permission is hereby granted to one police officer to attend the Mid-Atlantic Law Enforcement Executive Development Seminar from June 10-15, 2007 in Princeton, NJ at a cost of \$1,350.00 to be charged to Acct. # B3120/0441/0480.

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

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RESOLUTION NO. 349**TAX CERTIORARI SETTLEMENT
HSBC BANK USA 66.38-3-1**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding HSBC Bank USA, National Association v. The Assessor, The Board of Assessors, et al., Tax Map designation 66.38-3-1 for the tax assessment year 2004 through 2006, for a total refund by the County of \$1,837, and for a total refund by the Town of \$7,402. 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 O'Donnell, Manning, Troy, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 350**TAX CERTIORARI SETTLEMENT
MAFFEI FAMILY PARTNERSHIP
77.20-1-14 & 77.16-1-21**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding Maffei Family Partnership v. The Assessor, The Board of Assessors, et al., Tax Map designation 77.20-1-14 & 77.16-1-21 for the tax assessment year 2003 through 2006, for a total refund by the County of \$1,783, and for a total refund by the Town of \$9,094. 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 O'Donnell, Manning, Troy, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 351**TAX CERTIORARI SETTLEMENT
GEORGIAN COURT APARTMENT
69.13-1-16**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding Georgian Court

Resolution No. 351 - Continued

Apartment, et ano v. The Assessor, The Board of Assessors, et al., Tax Map designation 69.13-1-16 for the tax assessment year 2002 through 2006, for a total refund by the County of \$2,691, and for a total refund by the Town of \$11,387. 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 O'Donnell, Manning, Troy, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 352**TAX CERTIORARI SETTLEMENT
HSBC BANK USA 69.13-1-25**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding HSBC Bank USA, National Association v. The Assessor, The Board of Assessors, et al., Tax Map designation 69.13-1-25 for the tax assessment year 2005 through 2006, for a total refund by the County of \$498, and for a total refund by the Town of \$2,136. 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 O'Donnell, Manning, Troy, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 353**TAX CERTIORARI SETTLEMENT
CARL H. LANDGREN 70.17-1-45**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding Carl H. Landgren v. The Assessor, The Board of Assessors, et al., Tax Map designation 70.17-1-45 for the tax assessment year 2004 through 2006, for a total refund by the County of \$519, and for a total refund by the Town of \$2,733. 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 O'Donnell, Manning, Troy, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 354**AUTHORIZE/DRUG ELIMINATION
GRANT PROCESS/NYS DIVISION OF
HOUSING/COMMUNITY RENEWAL
NYACK HOUSING AUTHORITY**

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

Resolution No. 354 - Continued

RESOLVED, that the Supervisor is hereby authorized to participate in the Drug Elimination grant process administered by the New York State Division of Housing and Community Renewal with Nyack Housing Authority and execute any documents necessary for award of grant.

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

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RESOLUTION NO. 355**DESIGNATE/RETAIN DONALD SULLIVAN/HEARING OFFICER DISCIPLINARY PROCEEDINGS EMPLOYEE NO 1230**

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

RESOLVED, that Donald Sullivan, with offices at 76 Palisades Road, Elizabeth, NJ, 07208, is designated and retained for services to act as hearing officer in the matter of disciplinary proceedings against employee number 1230 at the rate of \$150.00 per hour.

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

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RESOLUTION NO. 356**AUTHORIZE/HOLLAND & KNIGHT LLP/LEGAL SERVICES/TOWN DRAINAGE DISTRICT**

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

RESOLVED, that the Supervisor is hereby authorized to sign a letter agreement, as amended by the Town Attorney, to retain the legal services of Holland & Knight, LLP to represent the Town with the preparation of a generic impact statement in connection with the establishment of the Town Drainage District, with the hourly rate of a partner being \$345.00; an associate \$245.00; and legal assistant \$115.00, with a not-to-exceed amount of \$15,000.

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

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RESOLUTION NO. 357**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board minutes for March 26, 2007, April 9, 2007, April 23, 2007; Audit Meeting minutes for March 26, 2007, April 9, 2007 and April 23, 2007; Executive Session minutes for March 26, 2007, April 9, 2007, April 16, 2007, April 23, 2007 and Special Town Board Meeting minutes for April 11, 2007, April 16, 2007 and April 20, 2007 are hereby accepted.

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

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RESOLUTION NO. 358**VERIZON CABLE FRANCHISE
AGRMT/FRANCHISE BOND
RECEIVED/FILED**

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

RESOLVED, that the Cable Franchise Agreement between the Town of Orangetown and Verizon New York Inc. and Franchise Bond No. 104883956 for Verizon New York, Inc., issued by Travelers Casualty and Surety Company of America to the Town of Orangetown in the amount of \$25,000.00 is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 359**RESTRICTIVE COVENANT AGAINST
FURTHER SUBDIVISION/
MACKINNON SUBDIVISION
RECEIVED/FILED**

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

RESOLVED, that the recorded (Instrument No. 2007-00013458) Restrictive Covenant Against Further Subdivision in the matter of MacKinnon Subdivision, 94 Sparkill Ave, Tappan, NY (77.03-3-71) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 360**PATRICK JOSEPH WRAFTER
CONTRACT/RECEIVED/FILED**

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

RESOLVED, that a fully executed contract between Patrick Joseph Wrafter and the Town of Orangetown is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 361**2006 FINANCIAL STATEMENTS
SUPPLEMENTARY INFORMATION
INDEPENDENT AUDITORS REPORT
BENNETT KIELSON STORCH
DESANTIS/RECEIVED/FILED**

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

RESOLVED, that the Financial Statements and Supplementary Information, Year Ended December 31, 2006, with Independent Auditors' Report prepared by O'Connor Davies Munns & Dobbins, LLP (Bennett Kielson Storch DeSantis Division) are received and filed in the Town Clerk's Office.

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

RESOLUTION NO. 362**APPOINT/SHADE TREE COMMITTEE
JAMES DODGE**

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

RESOLVED, that James Dodge is hereby appointed to the Shade Tree Committee.

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

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RESOLUTION NO. 363**REJECT BIDS/HVAC/WASTEWATER
TREATMENT PLANT & HUNT ROAD
PUMPING STATION/WWTP-06-1HV**

Under new business Councilman Morr 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 & Engineering and Stearns & Wheler, LLC, Engineering consultants, all bids received for the Wastewater Treatment Plant and the Hunt Road Pumping Station for HVAC (WWTP-06-1HV) are hereby rejected.

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

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RESOLUTION NO. 364**AWARD BID/GENERAL/WWTP-06-1G
WASTEWATER TREATMENT PLANT
& HUNT ROAD PUMPING STATION**

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

WHEREAS, the Director of the Dept. Environmental Management & Engineering and Stearns & Wheler, LLC, Engineering Consultants, duly advertised for sealed bids for General Contracting (WWTP-06-1G) for the Wastewater Treatment Plant and the Hunt Road Pumping Station, which were received and publicly opened on April 18, 2007. The Director of the Dept. Environmental Management & Engineering and Stearns & Wheler, LLC, Engineering Consultants made this recommendation to the Town Board; a copy is labeled Exhibit 5-E-07, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Jett Industries, Inc., the lowest, responsive bidder, in the amount of \$13,279,000 to be charged to Account No. H8132513/50200.

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

* * *

RESOLUTION NO. 365**AUTHORIZE LICENSE AGREEMENT
US GOVERNMENT**

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

RESOLVED, that the Supervisor is hereby authorized to sign a License Agreement with the US Government for certain special operations.

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

RESOLUTION NO. 366

ADJOURNMENT/ENTER AUDIT

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

RESOLVED, that the Town Board adjourned the Regular Town Board Meeting and entered the Audit Meeting at 10:30 p.m.

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

Charlotte Madigan, Town Clerk