

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, JUNE 22, 2009**

This Town Board Meeting was opened at 7:33 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 Kenny, First Deputy Town Attorney  
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.

Kevin Keery led the Pledge of Allegiance to the Flag.

Chris Flatley, Thomas Flatley and Kevin Keery, from Boy Scout Troop #34, attended and observed this Regular Town Board meeting.

The Town Board and the Town Clerk recognized and congratulated the Pearl River Girls Softball Team for their achievements. The team members consists of Gemma Mahoney, Kelly Tarsnane, Krystina Poloni, Katie Scrima, Kristyn Neroda, Katie O'Flynn, Colette Mahoney, Kaitlin Dinot, Deirdre Cokeley, Amanda Schule, Feliz Undemir, Marianna Feger, Amanda Hartigan, Nicole Corbiere, Jamie DeGennaro, Kaity Goldrick, Katie Meyers, Noreen Jordan and Coach Mike Carlacci.

Dr. Ken Mitchell, Superintendent, South Orangetown Central School District, was honored for his heroic actions in disarming and pinning a gunman to the floor, who entered the South Orangetown Middle School on June 9<sup>th</sup>. The Town Board and the South Orangetown School District Board of Education honored the Orangetown Police for their courageous actions and extraordinary service.

The Town has received written public comments regarding the Draft Environmental Impact Statement (SEQRA process) for the redevelopment of RPC from Rockland County Planning and Highway, the New York State Office of Mental Health, New York State Office of Parks, Recreation and Historic Preservation, the Orangetown Traffic Advisory Board, the Orangetown Environmental Committee and seven residents. These comments have been forwarded to John Saccardi for responses.

Summary of Public Comments:

Rich Kaveshh, Nyack Trustee and liaison to the Nyack Center, was pleased to get a press release saying Supervisor Kleiner and John Shields, Nyack Mayor, had agreed to split some of the additional expenses for the Nyack Center Summer Camp. He thanked the board for their support. Esta Baitler, Sparkill, thanked the Supervisor and the Town Board members for improving the sewer odors. She would also like a date when measurements will be taken for sidewalks.

**RESOLUTION NO. 373**

**CLOSE PUBLIC PORTION**

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

RESOLVED, that the public comment portion is hereby closed.

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

**RESOLUTION NO. 374****PUBLIC HEARING DATE/INCREASE  
IN TERMS/TOWN SUPERVISOR**

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

RESOLVED, that a public hearing is scheduled for July 20, 2009 at 8:00 p.m. to consider a proposed local law increasing the terms of the Office of the Supervisor from two to four years effective January 1, 2011.

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

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**RESOLUTION NO. 375****INCREASE IN TERMS/EFFECTIVE  
DATE/HIGHWAY SUPERINTENDENT**

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

RESOLVED, that the proposed local law increasing the terms of the Office of the Highway Superintendent from two to four years will be effective January 1, 2010.

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

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**RESOLUTION NO. 376****PUBLIC HEARING DATE/INCREASE IN  
TERMS/HIGHWAY SUPERINTENDENT**

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

RESOLVED, that a public hearing is scheduled for July 20, 2009 at 8:05 p.m. to consider a proposed local law increasing the terms of the Office of the Highway Superintendent from two to four years effective January 1, 2010.

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

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**RESOLUTION NO. 377****INCREASE IN TERMS/EFFECTIVE  
DATE/TOWN CLERK**

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

RESOLVED, that the proposed local law increasing the terms of the Office of the Town Clerk from two to four years will be effective January 1, 2010.

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

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**RESOLUTION NO. 378****PUBLIC HEARING DATE/INCREASE IN  
TERMS/TOWN CLERK**

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

**Resolution No. 378 - Continued**

RESOLVED, that a public hearing is scheduled for July 20, 2009 at 8:10 p.m. to consider a proposed local law increasing the terms of the Office of the Town Clerk from two to four years effective January 1, 2010.

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

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**RESOLUTION NO. 379****COMBINE ITEMS**

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

RESOLVED, that agenda items four (4) through fifteen (15) are hereby combined.

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

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**RESOLUTION NO. 380****AID/ROCKLAND GAA INC./ROBERT MCKERNAN MEMORIAL FIELD DAY**

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

RESOLVED, that the request of the Rockland GAA Inc. for four portable toilets for the Robert McKernan 13<sup>th</sup> Annual Memorial Field Day on June 27, 2009, to be charged to Account No. A7550004/50457, is hereby approved.

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

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**RESOLUTION NO. 381****APPROVE FUNDING/FRIENDS OF THE NYACK'S MOSTLY MUSIC**

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

RESOLVED, that in recognizing our community's appreciation of free, family-oriented musical entertainment, \$1,500 for the Friends of the Nyack's Mostly Music festival to be held June 28 through August 16 to be charged to Acct. #75500004/50457 is hereby approved.

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

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**RESOLUTION NO. 382****AWARD RFP/GIRDER REPLACEMENT/SALT STORAGE**

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

RESOLVED, that the RFP for Girder Replacement at the Salt Storage Facility in the amount of \$15,000, is hereby awarded to Stiles Contracting, Inc., of West Nyack, NY, the only bidder to be charged to Acct. # A51320004/50457.

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

**RESOLUTION NO. 383****RAMAPO POLICE FIRING RANGE  
EXTENSION OF LICENSE AGREEMENT**

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

RESOLVED, that upon the recommendation and approval of the Town Attorney's Office, the Town Supervisor is hereby authorized to sign the Extension of License Agreement for use of the Town of Ramapo Police Firing Range for the calendar year 2009 at no cost to the Town of Orangetown.

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

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**RESOLUTION NO. 384****SETTLEMENT PROPERTY DAMAGE  
JAMES & SHAUNA O'FLYNN**

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

WHEREAS, James O'Flynn and Shauna O'Flynn have properly filed a notice of claim against the Town of Orangetown, alleging liability for damages sustained on or about October 13, 2008, at their home at 75 Blauvelt Road, Blauvelt, New York as a result of a sewer backup; and

WHEREAS, the O'Flynnns have substantiated to the satisfaction of the Town damages of approximately \$40,000.00; and

WHEREAS, the O'Flynnns have offered and agreed to compromise and settle their claim for the amount of \$27,500.00; and

WHEREAS, the Town, without admitting liability for the damages alleged, nevertheless, recognize both the litigation costs and risks associated with the litigation of this particular claim; and

WHEREAS, the Town of Orangetown Attorney's Office recommends the settlement of this claim for the amount proposed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney's Office and/or the Supervisor is hereby authorized to compromise and settle the O'Flynn claim in the amount of \$27,500.00, and to execute any documents as may be necessary to effect such result.

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

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**RESOLUTION NO. 385****CERTIFICATE OF REGISTRATION FOR  
SEWER WORK/VINCENT TRAVAGLINI**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering and the Town Attorney, Vincent J. Travaglini, 48 Phillips Hill Rd, New City, is hereby approved for a Certificate of Registration for 2009 to perform sewer work.

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

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**RESOLUTION NO. 386****SUNSET HOMES SUBDIVISION  
ACCEPT/RECEIVE/FILE**

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, for the Sunset Homes Subdivision, 45 Sunset Road, Blauvelt (70.09-2-23), the Road Widening Deed, the Conservation Easement, and the Declaration of Covenant for the Annual Inspection and Maintenance of Storm Water Control Facilities are accepted, received and filed and the Supervisor is authorize to execute all documents necessary to effectuate the acceptance of these Deeds and Declaration. Upon receipt from 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. 387****ACCEPT MINUTES**

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

RESOLVED, that the May 7, 2009 and May 18, 2009 DGEIS public hearing minutes; the June 1, 2009 Special Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

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

Noes: None

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**RESOLUTION NO. 388****COMPREHENSIVE ANNUAL FINANCIAL  
REPORT/DECEMBER 31, 2008/RECEIVE  
AND FILE**

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

RESOLVED, that the Town of Orangetown Comprehensive Annual Financial Report, for Fiscal Year Ended December 31, 2008 is received and filed in the Town Clerk's Office.

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

Noes: None

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**RESOLUTION NO. 389****APPROVE FUNDING/NYACK CENTER  
SUMMER DAY CAMP/\$5,000**

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

RESOLVED, that funding of \$5,000 to partially fund bus transportation for the Nyack Center Summer Day Camp Program for 2009, to be charged to Acct. No. 7320004/50457, is hereby approved.

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

Noes: None

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**RESOLUTION NO. 390****SCHOOL RESOURCE OFFICER  
PROGRAM/ROCKLAND CTY BOCES**

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

RESOLVED, that an agreement for the School Resource Officer Program with Rockland County BOCES, with reimbursement from BOCES in the amount of \$96,500 for 2009/2010 school year is hereby approved..

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

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**RESOLUTION NO. 391****REDDI ALARM TIME SYSTEMS  
FIRE ALARM MONITORING/DEME**

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

RESOLVED, that a contract between the Town and Reddi Alarm Time Systems Inc., for fire alarm monitoring services at the Orangetown Waste Water Administration Building, for a one-year period, said contract in the total sum of Four Hundred Eighty Dollars (\$480.00), is hereby approved and the Supervisor is authorized to execute same in the form approved by the Town Attorney.

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

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**RESOLUTION NO. 392****ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:27 p.m.

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

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**RESOLUTION NO. 393****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 \$493,145.24.

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

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**RESOLUTION NO. 394****ADJOURNMENT**

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

**Resolution No. 394 - Continued**

RESOLVED, that the Town Board adjourned, in memory of Peter J Clancy, Orangeburg, George D. Hogan, Sr., Tappan, Robert E. Gabrielson, Nyack, Martin Dragos, Sparkill, Edward Burbage, Pearl River, and Bill Murray, New York State Trooper, at 9:33 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**