

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, AUGUST 13, 2007**

This Regular Town Board Meeting was opened at 7:00 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  
Eliot Tozer, Deputy Supervisor  
Teresa Kenny, Town Attorney  
John S. Edwards, First Deputy Town Attorney  
Suzanne Barclay, Exec Asst. to Supervisor  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Ron Delo, Director of Dept. Environmental Mgt. & Eng.  
Robert Zimmerman, Police Captain  
Mary McCloskey, Assessor's Office

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

**RESOLUTION NO. 519**

**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board hereby entered Executive Session at 7:05 p.m.

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

**Resolution No.(s) 520 – 521 see Executive Session minutes.**

There will be a Tappan Zee Bridge Meeting on August 16<sup>th</sup> at 7p.m. in Town Hall hosted by Assemblyperson Ellen Jaffee.

The Town plans to join Rockland County in a possible lawsuit against the FAA (Federal Aviation Administration) if their redesign of flight plans comes over the center of Rockland County.

Supervisor Kleiner recommended to the Town Board that the town attorneys work with the county in submitting an objection to Orange & Rockland Utilities 10.8% rate increase.

The Town received a \$25,000 grant from Senator Thomas Morahan for a Fire Inspector's car.

**Public Comment**

Michael Mandel, Pearl River, is concerned about the FAA plan. He believes Orangetown residents were not advised or included in important discussions and requested the Town Board join others in fighting against this plan.

Jo-Ann Coffey-Fasulo, Orangetown, asked for clarification of loss of tax revenue related to the purchase of the RPC property.

Pat McGinn, Newry & Mourne, North Ireland, requested residents to forward any information regarding the 2002 suicide of 19-year-old Patrick Guiney of Pearl River.

Andrew Wiley, Pearl River, questioned why the amendment to the Sewer Bond was done on the 7<sup>th</sup> of August and asked was an appraisal done for the RPC property?

Vincent Deleo, Pearl River, demanded reimbursement of \$2,845.00 for the sewer backup that he suffered that was not an act of God. He criticized the Town Board for not helping him.

Arnold Shore, Orangeburg, spoke about the cost of the turf on the athletic fields, the length of time with the RPC project, school taxes and the safety of the Tappan Zee Bridge.

Nancy Low-Hogan, S. Nyack, is against the Town Board voting to approve pension benefits. She is surprised the Town Board even asked for this consideration and believes this questions the Town Board's fiscal integrity.

Genevieve Coffey, Pearl River, said the Building Department should follow up and have the landscaper remove fencing and bale which are illegally on her property.

Ruth Weber, Upper Grandview, spoke about taxpayers' needs, questioned the Town Board's part-time work and full-time benefits. She wants honest government and lower taxes.

Mike Maturo, Tappan, thanked the Town Board, James Dean and town members who attended the meeting regarding the development and improvements of Depot Square. They now have a membership of over 100 for the Sparkill Civic Association.

Alex DiMenna, Blauvelt, said many residents, are very upset regarding the redevelopment of RPC. He also said residents wanted to have more input and having only 32 affordable unites makes this a luxury complex rather than affordable.

Carol Silverstein, Orangeburg, is against the agreement with K. Hovnanian, 18 months before seeing any money from the developer and she is also against an increase in term of office for the Supervisor.

Al DiBernardo, Blauvelt and AARP, spoke about senior housing at the Masonic Home and requested this project be addressed at a public meeting.

Watson Morgan, Blauvelt, spoke about the increase of traffic and a buffer on Convent Rd. He believes Convent Road should be developed as smart growth, which is walk able communities.

**RESOLUTION NO. 522**

**CLOSED PUBLIC COMMENT**

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

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

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 523**

**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items one (1) through seven (37), are hereby combined.

Ayes: Councilpersons O'Donnell, Manning, Troy, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 524**

**APPROVE/ELECTION BLAUVELT  
FIRE COMPANY/NICHOLAS KARAS**

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

RESOLVED, that upon the recommendation of the Blauvelt Volunteer Fire Company, Inc., the election of Nicholas Karas to the position of Firefighter in the Blauvelt Volunteer Fire Company, Inc is hereby approved.

Ayes: Councilpersons O'Donnell, Manning, Troy, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 525**

**AID/PEARL RIVER HOOK AND  
LADDER/ANNUAL CARD SHOW**

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

RESOLVED, that the request of the Pearl River Hook and Ladder Company No.1 for waste receptacles and four portable toilets (including one handicapped) for their annual Car

**Resolution No. 525 - Continued**

Show to be held on September 23, 2007 on Central Avenue Field in Pearl River, to be charged to Account No. A7550/50020/50457 is hereby approved.

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

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**RESOLUTION NO. 526****AID/PEARL RIVER SPECIAL  
EDUCATION TEACHER ASSOC**

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

RESOLVED, that the request of the Pearl River Special Education Parent Teacher Association for use of the Show Mobile for a fundraiser to be held on September 29, 2007 on Central Avenue Field in Pearl River and to waive any fees beyond the \$250 rental fee to be charged to Account No. A755/5020/5457 is hereby approved.

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

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**RESOLUTION NO. 527****WAIVE BUILDING PERMIT FEE  
PALISADES COMM CENTER**

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

RESOLVED, that the request of the Palisades Community Center to waive the building permit fee of \$155 to place a sign in the front yard is hereby approved.

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

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**RESOLUTION NO. 528****AID/NAM KNIGHTS/POW RALLEY**

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

RESOLVED, that the request of the Nam Knights, Hudson Valley Chapter for the use of the Showmobile for their POW Rally on September 22, 2007 in Pearl River and to waive the fee for use of same, to be charged to Account No. A755/5020/5457 is hereby approved.

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

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**RESOLUTION NO. 529****APPROVE/ROCKLAND ROAD  
RUNNERS/10 MILE RUN**

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

RESOLVED, that the request of the Village of South Nyack that the runners in the Rockland Road Runners 10 Mile Run on September 9, 2007 be allowed to run in the road in the section of South Broadway between Livingston Place and the entrance to the Esposito Memorial Trail and the portion of the trail located in the unincorporated portion of the Town is hereby approved.

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

**RESOLUTION NO. 530****AID/PEARL RIVER CHAMBER OF  
COMMERCE/FALL FESTIVAL**

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

RESOLVED, that the request of the Pearl River Chamber of Commerce for the use of the Showmobile, three portable toilets, and closure of Central Avenue from Main Street to John Street and closure of Main Street from Franklin to Central Avenue and permission for retail stores and restaurants to use outdoor space for a Fall Festival on Saturday, October 13, 2007, be charged to Account No. A755/5020/5457 is hereby approved.

Ayes: Councilpersons O'Donnell, Manning, Troy, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 531****ADOPT/CURRENT HOMESTEAD  
BASE PROPORTIONS AND  
ADJUSTED BASE PROPORTIONS**

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

RESOLVED, that the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (forms RP 67-1 and 6703), labeled Exhibit 8-A-07 and made of these minutes, pursuant to Article 19, Section 1903 of the Real Property Tax Law for the Levy of Taxes on the 2007 Assessment Roll are hereby adopted and the Town Clerk is authorized to affix the Town Certification.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 532****APPROVE/EMPIRE ZONE  
SCHREINER MEDIPHARM LP  
BRADLEY BUSINESS PARK  
TAX PARCEL 65.18-1-5**

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

Whereas, New York State has created the Economic Development Zone Program, now known as the Empire Zones Program, to encourage industrial and commercial development in select municipalities across the State, and

Whereas, the Town of Orangetown, as an eligible municipality in conjunction with the County of Rockland, received designation of an Empire Zone as a distinct and separate contiguous areas pursuant to Section 957(d) of the general municipal law, and

Whereas, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects, and

Whereas, County of Rockland and the Town of Orangetown intend to amend the County Empire Zone boundaries to encourage industrial and commercial development and to allow for the designation of lands in the Town of Orangetown for a Regionally Significant Project, and

Whereas, Schreiner MediPharm, LP., located at Bradley Business Park, Orangetown, New York meets the criteria of 957(d) of the general municipal law as a regionally significant project by creating 50 new manufacturing jobs for inclusion within the Rockland County Empire Zone in an area outside of the distinct and separate contiguous areas, and

Whereas, the Town of Orangetown wishes to support and concur with the Empire Zone designation of Tax Parcel 65.18-1-5, as a Regionally Significant Project on behalf of Schreiner MediPharm, LP., and

**Resolution No. 532 - Continued**

Now, therefore, be it resolved, that the Town Board of the Town of Orangetown Town Board, in its capacity as governing body of the Town of Orangetown, does hereby support and concur with the Rockland County Empire Zone to include the properties more particularly described as Tax Parcel 65.18-1-5.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 533**

**AWARD BID/TIER I PUMPING  
STATIONS PS-06-2G (GENERAL)  
ARBEN GROUP, LLC**

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

WHEREAS, the Director of Department Environmental Management and Engineering and Stearns & Wheler, LLC, the engineer for the Town for this project, duly advertised for sealed bids for Tier I Pumping Stations, PS-06-2G (General) included in the Capital Improvement Plan, Orangetown's Wastewater Infrastructure, which were received and publicly opened on August 1, 2007. Stearns & Wheler, LLC and the Director reviewed these bids and made this recommendation to the Town Board; a copy is labeled Exhibit 8-B-07, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Arben Group, LLC, Pleasantville, NY, the lowest responsive bidder, in the amount of \$3,996,000 to be charged to Account No. H8132513/50200.

BE IT RESOLVED FURTHER, that the Supervisor is hereby authorized and directed to execute the contract with this contractor for this work.

Ayes: Councilpersons O'Donnell, Manning, Troy, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 534**

**AWARD BID/TIER I PUMPING  
STATIONS PS-06-2E (ELECTRICAL)  
FANSHAWE, INC/d/b/a ROCKLAND  
ELECTRIC**

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

WHEREAS, the Director of Department Environmental Management and Engineering and Stearns & Wheler, LLC, the engineer for the Town for this project, duly advertised for sealed bids for Tier I Pumping Stations, PS-06-2E (Electrical) included in the Capital Improvement Plan, Orangetown's Wastewater Infrastructure, which were received and publicly opened on August 1, 2007. Stearns & Wheler, LLC and the Director reviewed these bids and made this recommendation to the Town Board; a copy is labeled Exhibit 8-B-07, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Fanshawe, Inc. d/b/a Rockland Electric, Nanuet, NY, the lowest responsive bidder, in the amount of \$2,296,000 to be charged to Account No. H8132513/50200.

BE IT RESOLVED FURTHER, that the Supervisor is hereby authorized and directed to execute the contract with this contractor for this work.

Ayes: Councilpersons O'Donnell, Troy, Manning, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 535****AWARD BID/TIER I PUMPING  
STATIONS PS-06-2HV (HVAC)  
HAUSER BROS. INC.**

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

WHEREAS, the Director of Department Environmental Management and Engineering and Stearns & Wheler, LLC, the engineer for the Town for this project, duly advertised for sealed bids for Tier I Pumping Stations, PS-06-2HV (HVAC) included in the Capital Improvement Plan, Orangetown's Wastewater Infrastructure, which were received and publicly opened on August 1, 2007. Stearns & Wheler, LLC and the Director reviewed these bids and made this recommendation to the Town Board; a copy is labeled Exhibit 8-B-07, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Hauser Bros., Inc., Orangeburg, NY, the lowest responsive bidder, in the amount of \$362,600 to be charged to Account No. H8132513/50200.

BE IT RESOLVED FURTHER, that the Supervisor is hereby authorized and directed to execute the contract with this contractor for this work.

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

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**RESOLUTION NO. 536****AWARD BID/TIER I PUMPING  
STATIONS PS-06-2P (PLUMBING)  
HAUSER BROS. INC.**

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

WHEREAS, the Director of Department Environmental Management and Engineering and Stearns & Wheler, LLC, the engineer for the Town for this project, duly advertised for sealed bids for Tier I Pumping Stations, PS-06-2P (Plumbing) included in the Capital Improvement Plan, Orangetown's Wastewater Infrastructure, which were received and publicly opened on August 1, 2007. Stearns & Wheler, LLC and the Director reviewed these bids and made this recommendation to the Town Board; a copy is labeled Exhibit 8-B-07, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Hauser Bros., Inc., Orangeburg, NY, the lowest responsive bidder, in the amount of \$78,447 to be charged to Account No. H8132513/50200.

BE IT RESOLVED FURTHER, that the Supervisor is hereby authorized and directed to execute the contract with this contractor for this work.

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

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**RESOLUTION NO. 537****DEME/PERMISSION GRANTED/80<sup>TH</sup>  
ANNUAL WATER ENVIRONMENT  
FEDERATION TECHNICAL CONF**

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

**Resolution No. 537 - Continued**

RESOLVED, that permission is hereby granted to Ronald C. Delo to attend the 80<sup>th</sup> Annual Water Environment Federation Technical Exhibition and Conference, October 13-17, 2007 in San Diego, CA at a cost of \$2800 to be charged to Account No. B811000/5044/0480.

Ayes: Councilpersons Manning, O'Donnell, Morr  
Supervisor Kleiner  
Noes: Councilperson Troy

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**RESOLUTION NO. 538****TOWN ATTORNEY/DEPUTY TOWN ATTORNEYS/INCREASE SALARY**

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

RESOLVED, that the in increase in salary of the Town Attorney and Deputy Town Attorneys by \$10,000 each on an annual basis, effective August 14, 2007 is hereby approved.

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

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**RESOLUTION NO. 539****ADOPT/2008BUDGET TIMETABLE**

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

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town; and

WHEREAS, the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2008 budget; Now, Therefore, Be It

RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law:

AUGUST 24, 2007: Last date for administrative heads to submit estimate of operating revenues and expenditures to Supervisor with the estimates submitted in such form and containing such information as the Supervisor shall prescribe;

AUGUST 24, 2007: Last day for administrative unit heads to submit long-term capital improvement requests and financial estimates to the Supervisor;

AUGUST 31, 2007: Last day for each fire district, ambulance district and library district to submit an estimate of revenues and expenditures;

BETWEEN SEPTEMBER 4 and SEPTEMBER 14, 2007: The Town Board shall endeavor to meet with department heads and amongst themselves to discuss the budget prior to the filing of the budget by the Supervisor;

SEPTEMBER 24, 2007: Last day for the supervisor to file with the Town Clerk the tentative budget and budget message for 2008, and the estimates and schedules of the various administrative units;

SEPTEMBER 24, 2007: At a meeting of the Town Board at 8:00 P.M. at Town Hall, Orangeburg, New York, the Town Clerk shall distribute to the Town Board the 2008 Tentative Budget for the Town;

OCTOBER 22, 2007: Last day for the Town Board to complete review of Tentative Budget and file the Preliminary Budget with the Town Clerk;

**RESOLUTION NO. 539 -Continued**

OCTOBER 22, 2007: Town Clerk is directed to publish said Preliminary Budget and post a Notice of Public Hearing as required by law on said preliminary budget, in which notice includes the salaries of the Town Board and the Town Clerk;

NOVEMBER 5, 2007: At 8:00 P.M. a public hearing on the Preliminary Budget shall be held at Town Hall at Orangeburg, New York. At the conclusion of the hearing, the Town Board may by resolution adopt a final budget, either accepting or amending the Preliminary Budget and said budget may become the legally adopted budget for the Town of Orangetown for the year commencing January 1, 2008.

Ayes: Councilpersons O'Donnell, Troy, Manning, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 540****COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items twenty-one (21) through fifty-two (52), except item 34, are hereby combined.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 541****APPROVE 2007 BUDGET TRANSFERS  
POLICE/GRANT AUTHORIZATION**

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

RESOLVED, that the 2007 budget transfers for police salary changes and new funding authorization for grants are hereby approved. The transfers are labeled Exhibit 8-8-C-07 and made a part of these minutes.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 542****APPROVE/RENEWAL/AIG OFFICIAL  
INSURANCE**

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

RESOLVED, that the renewal of AIG public officials insurance at a cost of \$88,013 with a deductible of \$25,000 per occurrence is hereby approved.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 543****TAPPAN HAMLET IMPROVEMENT  
CAPITAL PROJECT/CREATE**

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



**Resolution No. 543 - Continued**

RESOLVED, that a new capital project entitled "Tappan Hamlet Improvements" with an initial budget of \$643,500 in Federal funds administered by the New York State Department of Transportation is hereby created. The Account number is H5410012/50200.

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

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**RESOLUTION NO. 544****PLAYGROUND EQUIPMENT  
CAPITAL PROJECT/CREATE**

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

RESOLVED, that a new capital project entitled "Playground Equipment – 2007" funded with a \$50,000 member item from Senator Morahan is hereby created. The account number is H7110753/50200.

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

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**RESOLUTION NO. 545****RECOGNIZE BOND ISSUANCE  
COSTS/ENVIRONMENTAL  
FACILITIES CORPORATION  
FUNDING**

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

RESOLVED, that in order to receive Environmental Facilities Corporation funding, the Town Board recognizes the following bond issuance costs:

Hawkins Delafield and Wood: \$28,406 for the 2006 Sewer Bond Anticipation Note (BAN) and \$12,966 for the 2007 BAN.

Capital Market Advisors: \$10,350 for the 2006 BAN.

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

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**RESOLUTION NO. 546****SURPLUS EQUIPMENT/HIGHWAY**

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

RESOLVED, that the following equipment is declared surplus is and to be sold by public auction:

Toro Power Shift 624 Snowblower  
Ariens ST824 Snowblower  
1997 Ford Crown Victoria vin#2FALP71W1VX185906

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

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**RESOLUTION NO. 547****APPROVE/GOLF PRIVILEGES FOR  
SEASONAL GOLF COURSE  
EMPLOYEES**

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

WHEREAS, the Town of Orangetown has in the past provided free rounds of golf to seasonal golf employees as a condition and benefit of employment and as a way to encourage persons to accept employment as seasonal golf employees and

WHEREAS, the Town is desirous of continuing to provide this benefit to seasonal golf employees as a condition of employment in accordance with IRS regulations concerning "no additional cost services" as defined in IRS Publication 15-B and

WHEREAS, the Town has determined that the proposed Staff Golf Policy prepared by the Parks and Recreation Department ensures that the Town does not incur any "substantial additional cost" as that term is defined in IRS Publication 15-B,

NOW THEREFORE, it is hereby resolved, that the Staff Golf Policy as established by the Parks and Recreation Department is hereby adopted.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 548****AMEND SOUTH ORANGETOWN  
LITTLE LEAGUE AGREEMENT**

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

RESOLVED, that the Supervisor is hereby authorized to amend the Agreement with the South Orangetown Little League (SOLL) as follows: Article 3 – Add "in the event that SOLL shall establish a fall baseball program, then SOLL shall have use of the premises from July 1 to November 30 for that purpose and under the same terms and conditions as set forth herein."

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 549****APPOINT CLERK/TYPIST/RECEIVER  
OF TAXES/LIZBETH BUCK**

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

RESOLVED, that Lizbeth Buck is hereby appointed to the position of Clerk/Typist in the Receiver of Taxes Department, permanent, with a mandatory probationary period of six months, Grade 2-1, annual salary \$28,877, effective August 23, 2007.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 550****ESTABLISH/APPOINT SEWER  
INSPECTOR II/DOUGLAS PITTS**

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

RESOLVED, that the position of Sewer Inspector II, grade 17, in the Department of Environmental Management and Engineering (reclassification of Sewer Inspector by Rockland

**Resolution No. 550 - Continued**

County Personnel Office) is hereby established, and Douglas Pitts is hereby appointed to this position, grade 17-29, annual salary \$87,853, effective August 14, 2007.

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

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**RESOLUTION NO. 551 ACCEPT/RETIREMENT/TERENCE J. HUTMACHER**

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

RESOLVED, that Lt. Terence J. Hutmacher's retirement from his long, distinguished career with the Orangetown Police Department, effective July 20, 2007, is hereby accepted with regrets.

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

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**RESOLUTION NO. 552 ACCEPT/RETIREMENT/THOMAS CROWE**

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

RESOLVED, that Det. Thomas Crowe's retirement from his long, distinguished career with the Orangetown Police Department, effective July 27, 2007, is hereby accepted with regrets.

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

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**RESOLUTION NO. 553 APPOINT POLICE OFFICER ANTHONY PALAZOLO JR**

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

RESOLVED, that upon the recommendation of the Chief of Police, Anthony Palazolo Jr., is hereby appointed to the permanent position of Police Officer from the Rockland County Department of Personnel Civil Service List #(OC) 04200, effective August 15, 2007 pending final approval from the Rockland County Personnel Department, at a salary of \$ 38,929.00.

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

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**RESOLUTION NO. 554 REVOKE/RESOLUTION NO. 804/2004 AND 609/2006/RETIREMENT/TOWN BOARD/TOWN JUSTICES**

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

Resolve that the Town Board hereby revokes Resolution No. 804 of 2004; and

Resolve that the Town Board hereby revokes Resolution No. 609 of 2006; and

Resolve that the Town Board established that, for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System, the standard

**Resolution No. 554 - Continued**

workday for Town Justices and Town Councilpersons is 5.60 hours and retirement hours for Town Justices and Town Councilpersons is 56 hours bi-weekly, and that this time is to be reported into the Retirement System in the formal established by New York State; and,

Resolve that the aforesaid standard workday for Town Justice sand Town Councilpersons (5.60 hours) and retirement hours for Town Justices and Town Councilpersons (56 hours bi-weekly) shall be applied retroactively, pursuant to the directive of the State of New York Comptroller's Office June 15, 2007 Audit and Report, with respect to all current Town Justices and Town Councilpersons, beginning from September 1, 2004; and

Resolve that the adoption of this resolution, the forwarding of same to the State of New York Comptroller's Office, and the filing of this Resolution in the Town Clerk's Office, shall constitute the requisite corrective action as mandated by the Office of New York Comptroller's Office.

Ayes: Councilpersons Manning, O'Donnell, Morr  
Supervisor Kleiner  
Noes: Councilperson Troy

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**RESOLUTION NO. 555****TAX CERTIORARI SETTLEMENT  
HSBC BANK USA, NATIONAL  
ASSOCIATION**

Councilwoman Manning 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 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 77.15-1-45 for the tax assessment year 2005 through 2006, for a total refund by the County of \$586, and for a total refund by the Town of \$3,031.

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

\* \* \*

**RESOLUTION NO. 556****TAX CERTIORARI SETTLEMENT  
GLORIOUS SUN ROBERT MARTIN**

Councilwoman Manning 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 Assessor Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Consent Judgment regarding the tax certiorari proceeding *Glorious Sun Robert Martin, LLC, v. The Town of Orangetown, Eliot Tozer, Deputy Supervisor, al.*, Tax Map designation 73.05-1-54 for the tax assessment year 2005 through 2006, for a total refund by the County of \$75,509, and for a total refund by the Town of \$319,603. 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 to the Town.

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

\* \* \*

**RESOLUTION NO. 557****TAX CERTIORARI SETTLEMENT  
WYETH HOLDINGS CORPORATION**

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

**Resolution No. 557 - Continued**

Upon the recommendation of the Town Attorney's Office and the Assessor, be it

RESOLVED, that the Stipulation of Settlement for the property tax assessment years 2004/1990 and 2005/1989 between the Town of Orangetown and Wyeth Holdings Corporation is hereby approved; and be it

FURTHER RESOLVED, that Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement on behalf of the Town regarding the tax certiorari proceeding Wyeth Holdings Corporation, v. The Board of Assessors, et ano, Tax Map designation 68.08-1-1 for the tax assessment years 2004/1990, 2005/1989, for a total refund by the County of \$450,459 for 2004; for a total refund by the Town of \$1,610,791 for 2004; for a total refund by the County of \$425,147 for 2005; and for a total refund by the Town of \$1,591,216 for 2005. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made in accordance with the Stipulation. The Stipulation of Settlement provides that, upon receipt of the applicable refund by the property owner, which shall be paid in two (2) equal installments over a two (2) year period by the County of Rockland on behalf of the Town, all of the above noted tax petitions shall be discontinued.

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

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**RESOLUTION NO. 558**

**TAX CERTIORARI SETTLEMENT  
 ORANGEBURG PROPERTIES LLC**

Councilwoman Manning 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 Assessor Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement regarding the tax certiorari proceeding Orangeburg Properties, LLC, v. The Assessor, et ano, Tax Map designation 74.11-2-24 & 25 for the tax assessment year 2004 through 2006, for a total refund by the County of \$4,860, and for a total refund by the Town of \$25,318. 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 Manning, Morr, O'Donnell, Troy  
 Supervisor Kleiner  
 Noes: None

\* \* \*

**RESOLUTION NO. 559**

**AUTHORIZE PETITIONS/EDPL §402  
 PERMANENT/TEMPORARY  
 EASEMENTS/DEME**

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

RESOLVED, that the Town Attorney is hereby authorized to file a Petition, or Petitions, pursuant to EDPL § 402, in the Rockland County Supreme Court, in order to acquire permanent and/or temporary easements and/or fee simple title (partial) at the following properties in support of the following projects:

With regard to the real property at Tax Map Section, Block and Lot 65.18-1-21 (located at or near the Better Brands Pump Station at or near Bradley Corporate Park), permanent easement(s) and temporary easement(s) in support of the Capital Improvement Plan for the Town of Orangetown Sewer District Wastewater Facilities; with regard to the real property at Tax Map Section, Block and Lot 65.18-1-3 (located at or near the Better Brands Pump Station at or near Bradley Corporate Park), temporary easement(s) and fee simple title (partial) in support of the Capital Improvement Plan for the Town of Orangetown Sewer District Wastewater Facilities; with regard to the real property at Tax Map Section, Block and Lot 65.18-1-4 (located at or near

**Resolution No. 559 - Continued**

the Better Brands Pump Station at or near Bradley Corporate Park), permanent easement(s) in support of the Capital Improvement Plan for the Town of Orangetown Sewer District Wastewater Facilities.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

\* \* \*

**RESOLUTION NO. 560****ACCEPT MINUTES**

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

RESOLVED, that the Special Town Board Meeting minutes of July 10, 2007; Regular Town Board Meeting, Audit Meeting and Executive Session minutes of July 16, 2007; Special Town Board minutes of July 25, 2007; Executive Session minutes of August 6, 2007 and Special Town Board Meeting minutes of August 7, 2007 are hereby accepted.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

\* \* \*

**RESOLUTION NO. 561****CHANGE ORDER NO 7  
ORANGETOWN BASEBALL FIELDS  
RECEIVE AND FILE**

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

RESOLVED, that a fully executed original of Change Order No. 7, in the amount of \$8,503.00, for the Orangetown Baseball Fields, General Construction Contract is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

\* \* \*

**RESOLUTION NO. 562****EASEMENT AGREEMENT/STEVE K  
& EDITH W PAPANSTEFANOU  
RECEIVE AND FILE**

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

RESOLVED, that a Easement Agreement between Steve K and Edith W. Papanstefanou and the Town of Orangetown, which was recorded in the Rockland County Clerk's Office, Instrument No. 2007-000380817 is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

\* \* \*

**RESOLUTION NO. 563****EASEMENT AGREEMENT/BETSY J  
AND DEBRA LUKASEWSKI/RECEIVE  
AND FILE**

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

**Resolution No. 563 - Continued**

RESOLVED, that a Easement Agreement between Betsy J. Lukasewski and Debra Lukasewski and the Town of Orangetown, which was recorded in the Rockland County Clerk's Office, Instrument No. 2007-00030813 is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 564**

**EASEMENT AGREEMENT/SERGE AND LOIS M ROTJAN/RECEIVE AND FILE**

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

RESOLVED, that a Easement Agreement between Serge Rotjan and Lois M. Rotjan and the Town of Orangetown, which was recorded in the Rockland County Clerk's Office, Instrument No. 2007-00031761 is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 565**

**ENGAGEMENT LETTER/GENERIC ENVIRONMENTAL IMPACT /TOWN DRAINAGE DISTRICT/RECEIVE/FILE**

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

RESOLVED, that the fully executed engagement letter to assist and support the Town in preparation of a generic environmental impact statement in connection with the Town's Drainage District is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 566**

**CHANGE ORDER NO 1 ORANGETOWN SOCCER COMPLEX CONTRACT 1E/RECEIVE/FILE**

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

RESOLVED, that the fully executed original Change Order No. 1 for the Orangetown Soccer Complex Contract 1E is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 567**

**CHANGE ORDER NO(S). 2, 3,4 ORANGETOWN SOCCER COMPLEX CONTRACT 1G/RECEIVE/FILE**

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

**Resolution No. 567 - Continued**

RESOLVED, that the fully executed original Change Order Nos. 2, 3, and 4 for the Orangetown Soccer Complex Contract 1G are received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 568****DECLARATION OF AGREEMENT  
STEJ, INC/RECEIVE/FILE**

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

RESOLVED, that the fully executed Declaration of Agreement between STEJ, LLC and the Town of Orangetown property formerly part of the Rockland Psychiatric Center, located on and along Old Orangeburg Road, Orangeburg, NY, which was record in the Rockland County Clerk's office as Instr Number 2007-00032465 is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 569****COMPREHENSIVE ANNUAL  
FINANCIAL REPORT/FISCAL YEAR  
ENDED DECEMBER 31, 2006  
RECEIVE AND FILE**

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

RESOLVED, that the Comprehensive Annual Financial Report for Fiscal Year Ended December 31, 2006 is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 570****APPOINT SENIOR CLERK TYPIST  
HELEN CHEE/TOWN CLERK'S OFFICE**

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

RESOLVED, that Helen Chee is hereby appointed to the position of Senior Clerk Typist in the Town Clerk's Office, provisional, grade 5-2, annual salary \$34,353, effective August 27, 2007.

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

\* \* \*

**RESOLUTION NO. 571****AID/PEARL RIVER LIONS CLUB  
ANNUAL FLEA MARKET/CRAFT FAIR**

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

RESOLVED, that the request of the Pearl River Lions Club for use of two portable toilets and eight trash receptacles for their Annual Flea market and Craft Fair, to be held on Saturday,



**Resolution No. 571 - Continued**

September 8<sup>th</sup> with a rain date of Sunday, September 9<sup>th</sup> on Central Avenue Field in Pearl River, to be charged to Account No. A7550/50020/50457 is hereby approved.

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

\* \* \*

**RESOLUTION NO. 572****AID/DEL ARTE RESTAURANT  
ITALIAN FESTIVAL**

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

RESOLVED, that the request of Del Arte Restaurant for the use of a snow fence, barricades, trash receptacles and two portable toilets for their Italian Festival to be held at Del Arte Restaurant on Mountainview Avenue, Orangeburg, on September 16, 2007, to be charged to Account No. A7550/50020/50457 is hereby approved.

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

\* \* \*

**RESOLUTION NO. 573****2007 COMMUNITY FUNDING/DENIED  
PALISADES COMMUNITY CENTER**

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

RESOLVED, that the Palisades Community Center has been denied 2007 Community Funding in the amount of \$1,000.

Ayes: Supervisor Kleiner, Councilpersons Manning  
Noes: O'Donnell, Troy, Morr

\* \* \*

**RESOLUTION NO. 574****2007 COMMUNITY FUNDING/DENIED  
RIVERTOWN FILM SOCIETY**

Councilwoman Manning offered the following resolution, which was seconded by Supervisor Kleiner and on a roll call was denied:

RESOLVED, that the Rivertown Film Society Palisades Community Center has been denied 2007 Community Funding in the amount of \$500.

Ayes: Councilpersons Manning, Supervisor Kleiner  
Noes: O'Donnell, Troy, Morr

\* \* \*

**RESOLUTION NO. 575****2007 COMMUNITY FUNDING  
TOUCH/DENIED**

Supervisor Kleiner offered the following resolution, which was seconded by Councilwoman Manning and on a roll call was denied:

RESOLVED, that TOUCH has been denied 2007 Community Funding in the amount of \$1,000.

Ayes: Supervisor Kleiner, Councilwoman Manning  
Noes: O'Donnell, Troy, Morr

\* \* \*

**RESOLUTION NO. 576**

**2007 COMMUNITY FUNDING  
COMMUNITY PLAYGROUP/DENIED**

Supervisor Kleiner offered the following resolution, which was seconded by Councilwoman Manning and on a roll call was denied:

RESOLVED, that the Community Playgroup has been denied 2007 Community Funding in the amount of \$500.

Ayes: Supervisor Kleiner, Councilwoman Manning  
Noes: O'Donnell, Troy, Morr

\* \* \*

**RESOLUTION NO. 577**

**APPROVE/2007 COMMUNITY FUNDING**

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

RESOLVED, that Community Funding is hereby approved and the Supervisor is hereby authorized to enter into contracts for the following groups, for the amounts indicated, with expenditures being charged to Account No. A7320004/50457.

Big Brothers Big Sisters	\$ 500
Camp Venture	\$13,000
Chore (Volunteer Action Center)	\$ 1,000
Foster Grandparents	\$ 500
Headstart of Rockland	\$13,000
Home Aides of Rockland	\$ 500
Keep Rockland Beautiful	\$ 1,000
Meals on Wheels	\$13,000
Nyack Center (current programs)	\$ 1,500
One to One Learning Center	\$ 1,500
People to People	\$ 1,700
Retired and Sr Volunteer Program	\$ 500
Rockland Com. Coll. Sr. Citizens	\$ 500
Rockland County Historical Society	\$ 800
Rockland Family Shelter	\$ 2,500
SOCASA	\$ 1,000
United Hospice of Rockland	\$ 1,000
Volunteer Counseling Services	\$ 500
Total	\$54,000

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

\* \* \*

**RESOLUTION NO. 578**

**COMMUNITY FUNDING/IRS FORM 990**

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

RESOLVED, that for 2008 Community Groups requesting Town funding shall submit an IRS Form 990 with their application.

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

\* \* \*

**RESOLUTION NO. 579****ENTER AUDIT MEETING**

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

RESOLVED, that the Town Board hereby enters the Audit Meeting at 10:25 p.m.

Ayes: Councilpersons O'Donnell, Morr, Troy, Manning  
Supervisor Kleiner

Noes: None

**Resolution No.(s) 580 - 584 see Audit Meeting and Executive Session minutes.**

**RESOLUTION NO. 585**

**RPC/K.HOVNANIAN COMPANIES OF  
NEW YORK, INC/PREFERRED  
DEVELOPER/AUTHORIZE SUPERVISOR  
TO SIGN DEVELOPER'S AGREEMENT**

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

**Resolution of the Town Board of the Town of Orangetown, Naming K. HOVNANIAN COMPANIES OF NEW YORK, INC., as the Preferred Developer of Certain Property Owned By the Town On Lands Formerly a Part of the Rockland Psychiatric Center, and Authorizing the Town Supervisor to Sign a Developer's Agreement Between the Parties.**

WHEREAS, the Town of Orangetown (hereinafter the "Town") owns real property located in the Town of Orangetown, County of Rockland, State of New York consisting of: (1) a part of the interior property formerly a part of the Rockland Psychiatric Center (the "Core Property"); (2) additional property located along Blaisdell Road between Veterans Memorial Drive and Old Orangeburg Road (the "Blaisdell Property"); (3) the existing Town owned Broadacres Golf Course (the "Broadacres Golf Course"); and (4) related easements and rights of way; and

WHEREAS, the Town purchased the referenced property for the purpose and with the intent of revitalizing and enhancing the said property and its surrounding areas, all for the benefit of the residents of the Town of Orangetown, New York; and

WHEREAS, on or about April 12, 2004, in furtherance of such stated intentions and purposes, the Town Board of the Town of Orangetown (the "Town Board") adopted The Rockland Psychiatric Center Redevelopment Plan, setting forth, among other things, the Town's goals and objectives with respect to the future use and development of the referenced property; and

WHEREAS, thereafter, in or about January 2005, the Town Board circulated a Request for Proposals for Redevelopment at the Rockland Psychiatric Center (the "RFP"), seeking a qualified developer to redevelop portions of the Town owned property formerly a part of the Rockland Psychiatric Center; and

WHEREAS, K. Hovnanian Developments of New York, Inc., an affiliate of K. Hovnanian Companies of New York, Inc., (hereinafter "K. Hovnanian"), along with several other prospective developers, responded to the RFP with a proposal for the development of the property; and

WHEREAS, due to K. Hovnanian's experience and qualifications with regard to large-scale residential and mixed-use development, as well as its general preliminary proposal (the "Proposal"), the Town Board has determined that K. Hovnanian would be a qualified and appropriate developer of the areas designated for redevelopment on those lands formerly a part of the Rockland Psychiatric Center, and one whose Proposal, as refined through negotiations, would meet, if not exceed, the Town's reasonable financial expectations with respect to the property to be conveyed and developed, and, at the same time, serve a valuable public purpose by providing a productive re-use for the property, improving the appearance of same, increasing the tax base and sales revenue of the Town of Orangetown and other taxing jurisdictions, and identifying and alleviating environmental concerns with respect to the property, among other

**Resolution No. 585 - Continued**

things, all as contemplated in the Town's Comprehensive Plan and referenced Rockland Psychiatric Center Redevelopment Plan; and

WHEREAS, in order to permit the redevelopment of the property consistent with the K. Hovnanian's Proposal, the Town will need to amend the zoning applicable to the property, and take other preliminary steps, including, but not limited to, compliance with the State Environmental Quality Review Act ("SEQRA"), prior to entering into a binding Contract of Purchase and Sale; and

WHEREAS, before it commits to purchase and develop the property in the manner contemplated by its Proposal, K. Hovnanian will have to undertake significant due diligence on and relating to the property; and

WHEREAS, the Town wishes to accommodate K. Hovnanian's legitimate need to fully investigate the property, and K. Hovnanian wishes to accommodate the Town's legitimate preliminary zoning and planning activities with respect to the property, all under terms and conditions that will not bind the Town to adopt any contemplated zoning change, or to redevelop the property in any particular manner, or in any way abridge the Town's authority with respect to the property; and

WHEREAS, the parties have reached agreement on the terms and conditions of a developer's agreement that will meet both the preliminary investigative and due diligence needs of K. Hovnanian, and the preliminary zoning, planning and SEQRA needs of the Town; and

WHEREAS, the parties have embodied those terms and conditions in a certain Developer's Agreement (the "Developer's Agreement"); and

WHEREAS, the Town Board has determined that the execution of such Developer's Agreement, as well as the development and refinement of a conceptual development plan, and all acts performed by the Town and K. Hovnanian in connection with, or pursuant to, such Developer's Agreement, shall constitute preliminary investigation and planning activities and shall be Type II actions under Part 617.5(c) of the SEQRA, which do not require review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board selects and designates K. Hovnanian Companies of New York, Inc., as the preferred developer for designated portions of Town owned property formerly a part of the Rockland Psychiatric Center, and authorizes the Town Supervisor to execute a Developer's Agreement, in a form substantially the same as that attached to, labeled Exhibit 8-D-07, and made a part of, this Resolution, and to take all further steps as may be necessary to effectuate the terms thereof.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy  
Supervisor Kleiner

Noes: None

\* \* \*

**RESOLUTION NO. 586****ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned the Regular Town Board Meeting in memory of Edward Dell, Orangeburg.

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr  
Supervisor Kleiner

Noes: None

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**Charlotte Madigan, Town Clerk**