

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 14, 2008**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Kleiner presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy  
Councilwoman Marie Manning  
Councilman Michael Maturo  
Councilwoman Nancy Low-Hogan

Also present: Charlotte Madigan, Town Clerk  
John S. Edwards, Town Attorney  
Teresa M. Kenny, First Deputy Town Attorney  
Suzanne Barclay, Exec Asst. to Supervisor  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Ron Delo, Director, Dept. Environmental Mgt. & Eng.  
Kevin Nulty, Chief of Police  
John Giardiello, P.E., Director, OBZPAE

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

**Announcements**

Active Adult Affordable Housing Informational Meetings:

October 22<sup>nd</sup>, 2pm and October 28<sup>th</sup>, 7pm., Town Hall

Tappan Zee Bridge/I-287 Information Meetings: 4:30 & 7pm (repeated)

October 28<sup>th</sup>, White Plains Senior High School; October 29<sup>th</sup>, Rockland Community College; October 30<sup>th</sup>, Central Valley Elementary School

The Route 303 Advisory Group reported that \$3 million has been allocated for the Route 303 and Erie Street intersection, including medians going North and South. Informational meetings will be held in the future.

The landscape engineer for the Sparkill Park has been given information to redefine the plans and hopefully public meetings will be held in three to four weeks.

**Public Comment**

Ester Baitler, Sparkill, why were the gas lines along Route 340 dug up and asked when will the sewer odors end?

Michael Mandel, Pearl River, said waste water treatment change orders have exceeded the authorized costs. Why was one was signed under protest by the contractor? The high number of change orders proves that this project has been poorly planned. What is the status of STEJ's sports complex?

Andrew Wiley, Pearl River, objected to the fact that the Town Board voted after completion of change orders for the sewers. He felt a Town Board meeting took place on September 23<sup>rd</sup> without the public being notified. If STEJ has not followed their agreement, then money should be collected from them.

Ruth Weber, Upper Grandview, suggested in the future, all meetings with developers be made public. She said the Sunshine Law should be observed for all meetings with developers.

Eileen Larkin, Palisades, said the 2009 Budget should have a zero percent increase including salaries. If the perception of public meetings is not adhered to, then this should be corrected. She questioned the settlement of claims for Stacey Contracting and Montana Construction Corp.

Ed O'Dea, Pearl River, said ice rinks and recreation activities is more important then ever for the youth of the Town.

**RESOLUTION NO. 675**

**CLOSE PUBLIC PORTION**

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

**Resolution No. 675 - Continued**

RESOLVED, that the public portion is hereby closed.

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

Noes: None

\* \* \*

**RESOLUTION NO. 676****ADJOURNED PH/CHANGE ZONING  
DISTRICT CLASSIFICATION/ROUTE  
303 AND SPRUCE STREET/70.19-1-2**

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

RESOLVED, that the continuance of public hearing from September 8, 2008 to consider a proposed local law amending Chapter 43, Article II of the Town Code entitled Zoning Districts, and the Town Zoning Map, to change the zoning district classification for property located at Route 303 and Spruce Street, Blauvelt, NY, bearing Tax Map Designation S/B/L 70.19-1-2 on the Tax Map of the Town of Orangetown from LIO (Light Industrial-Office) to R-15 (Medium-Density Residence District) is hereby adjourned to October 27, 2008, 8:00 p.m.

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

Noes: None

\* \* \*

**RESOLUTION NO. 677****COMBINED AGENDA ITEMS**

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

RESOLVED, that agenda items six (6) through twenty-one (21) are hereby combined.

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

Noes: None

\* \* \*

**RESOLUTION NO. 678****AID/SOUTH ORANGETOWN  
ROTARY/TENNIS TOURNAMENT**

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

RESOLVED, that the request of the South Orangetown Rotary for the use of the four portable toilets for its 2008 Tennis Tournament to be held on October 11-12, 2008, at an estimated cost of \$800, to be charged to Acct. No. 7550-50020/50457, is hereby approved.

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

Noes: None

\* \* \*

**RESOLUTION NO. 679****WAIVE BUILDING FEES/PALISADES  
PRESBYTERIAN CHURCH**

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

RESOLVED, that the request of the Palisades Presbyterian Church to waive fees in the amount of \$460 related to the repair of the Church is hereby approved.

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

Noes: None

**RESOLUTION NO. 680****APPOINT/TRAFFIC ADVISORY  
BOARD/EDITH LOEB**

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

RESOLVED, that Edith Loeb of Blauvelt is hereby appointed to the Traffic Advisory Board, term expires December 31, 2008.

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

\* \* \*

**RESOLUTION NO. 681****AWARD BID/TIER II AND III PUMP  
STATIONS/ELECTRICAL/ALL  
BRIGHT ELECTRIC**

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

WHEREAS, the Director of the DEME and Stearns & Wheler duly advertised for sealed bids for electrical work for Tier II and III pump stations, which were received and publicly opened on September 30, 2008. The Director and Stearns & Wheler made this recommendation to the Town Board; a copy is labeled Exhibit 10-A-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to All Bright Electric, West Nyack, NY, the lowest responsive bidder, in the amount of \$617,900.00 to be charged to Account No. H8132513/50200.

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

\* \* \*

**RESOLUTION NO. 682****AWARD BID/TIER II AND III PUMP  
STATIONS/GENERAL CONTRACT  
COPPOLA SERVICES INC**

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

WHEREAS, the Director of the DEME and Stearns & Wheler duly advertised for sealed bids for general contract work for Tier II and III pump stations, which were received and publicly opened on September 30, 2008. The Director and Stearns & Wheler made this recommendation to the Town Board; a copy is labeled Exhibit 10-B-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Coppola Services, Inc., Ringwood, NJ, the lowest responsive bidder, in the amount of \$1,686,391.00 to be charged to Account No. H8132513/50200.

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

\* \* \*

**RESOLUTION NO. 683****AWARD BID/2008 SEWER SYSTEM  
MAINTENANCE CONTRACT/LASH  
CONTRACTING**

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

**Resolution No. 683 - Continued**

WHEREAS, the Director of the DEME duly advertised for sealed bids for the 2008 Sewer System Maintenance Contract, which were received and publicly opened on October 1, 2008. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 10-B-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Lash Contracting, Latham, NY, the lowest bidder, in the amount of \$430,460.00 to be charged to Account No. G8197004/50443.

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

\* \* \*

**RESOLUTION NO. 684****PERMISSION GRANTED/HIGHWAY  
POLICE/NY HIGHWAY SAFETY  
CONFERENCE**

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

RESOLVED, that permission is hereby granted to James Dean, Superintendent of Highways, and OPD Chief Kevin Nulty to attend the New York Highway Safety Conference on October 19-22, 2008 in Syracuse, NY for a total of \$670.00 to be charged to Acct. # B/3120/50441.

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

\* \* \*

**RESOLUTION NO. 685****HIGHWAY/SURPLUS/VEHICLE**

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

RESOLVED, that the 1998 Chevy 3500, vin no.1GBJK34F0WF069599, Vehicle No. 57 is declared surplus in the Highway Department.

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

\* \* \*

**RESOLUTION NO. 686****APPROVE EMPLOYEE ASSISTANCE  
PROGRAM/NYACK HOSPITAL**

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

RESOLVED, that the Employee Assistance Program contract with Nyack Hospital in the amount of \$9,108.00 for the period of October 1, 2008 through September 30, 2009 is hereby approved.

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

\* \* \*

**RESOLUTION NO. 687****POLICE/PERMISSION GRANTED/NYS  
CHILD PHYSICAL ABUSE AND  
NEGLECT SEMINAR**

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

RESOLVED, that permission is hereby granted for one police officer to attend the NYS Child Physical Abuse and Neglect Seminar in Albany, NY from November 18-21, 2008 at a cost of \$490.00 to be charged to Acct. B/3120/50441/0480.

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

\* \* \*

**RESOLUTION NO. 688****AUTHORIZE/NYS ENERGY  
RESEARCH/DEVELOPMENT  
AUTHORITY AGREEMENT #10923**

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

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has forward to the Town of Orangetown Highway Department proposed agreement # 10923, with the objective being to evaluate the field performance of a low-emissions, grass pellet-fired boiler at the Town of Orangetown highway garage;

WHEREAS, the Town of Orangetown Highway Department recommends entering into the agreement;

WHEREAS, the Town of Orangetown Attorney's Office finds the agreement legally sufficient;

RESOLVED, that the Town Supervisor, or his designated agent, is hereby authorized to sign NYSEDA agreement # 10923.

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

\* \* \*

**RESOLUTION NO. 689****RELEASE PERFORMANCE BOND  
HOGAR ASSOCIATES/RAMLAND RD**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Planning Board (PB 08-39), the Town Highway Department, and DEME, the release of the Hogar Associates Performance Bond, in the amount of \$118, 000, related to the 'Site Development Plan Lot 14.2' which is currently now identified as Lot 76.08-1-6 and 77.05-1-1 (Ramland Road South) is hereby authorized.

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

\* \* \*

**RESOLUTION NO. 690****DIPIETRANTONIO SUBDIVISION  
EASEMENTS/COVENANT/RECEIVED  
AND FILED**

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

**Resolution No. 690 - Continued**

RESOLVED, that upon recommendation of the Town Attorney's Office, the Planning Board (PB 08-39), the Town Highway Department, and DEME, the following documents regarding the Dipietrantonio Subdivision, located at 618 Blauvelt Rd, Pearl River (69.14-2-6) are hereby accepted, received and file in the Rockland County Clerk's Office along with authorization for the Town to execute all documents necessary to effectuate the acceptance of these easements. Acceptance of the Duffy easement is subject to the applicant submitting \$2,500.00 to be held in escrow subject to the applicant issuing an exception-free title policy. Upon filing with the Rockland County Clerk's Office, the originals shall be filed and maintained in the Town Clerk's Office.

- 1) 15' wide sanitary sewer easement from Dipietrantonio
- 2) 15' wide sanitary sewer easement from Patricia Duffy
- 3) Declaration of Covenant and Maintenance Agreement

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

Noes: None

\* \* \*

**RESOLUTION NO. 691****ACCEPT MINUTES**

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

RESOLVED, that the September 15, 2008 Executive Session minutes; September 18, 2008 Special Town Board Meeting minutes; September 22, 2008 Regular Town Board Meeting, Audit Meeting and Executive Session minutes and October 6, 2008 Executive Session minutes are hereby accepted.

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

Noes: None

\* \* \*

**RESOLUTION NO. 692****BOND ANTICIPATION NOTE, 2008  
(RENEWAL) \$3,725,000/CLOSING  
DOCUMENTS/RECEIVE/FILE**

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

RESOLVED, that the various closing documents for the \$3,725,000 Bond Anticipation Note, 2008 (Renewal) for various Town purposes is received and filed in the Town Clerk's Office.

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

Noes: None

\* \* \*

**RESOLUTION NO. 693****WYETH HOLDINGS/EASEMENT  
AGREEMENT/RECEIVE/FILE**

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

RESOLVED, that the Easement Agreement between the Town of Orangetown and Wyeth Holdings Corporation for property located at 121 Crooked Hill Road, Pearl River (68.08-1-2), which was file in the Rockland County Clerk's Office as Instrument No. 2008-00033485 is received and filed in the Town Clerk's Office.

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

Noes: None

**RESOLUTION NO. 694****AUTHORIZE CLARKSTOWN  
LANDFILL/TOLLING AGREEMENT**

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

WHEREAS, the State of New York contends that it has causes of action against the Town of Orangetown pursuant to Sections 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and under State statutory and common law, for the recovery of response costs incurred by the State in connection with the Clarkstown Landfill Site;

WHEREAS, the Town of Orangetown has entered into previous tolling agreements with the State of New York regarding this case;

WHEREAS, the current tolling agreement expires October 28, 2007;

WHEREAS, the Town of Orangetown is a member of a joint defense group regarding potential litigation related to the Clarkstown Landfill Site;

WHEREAS, the State of New York has agreed to entering into one last tolling agreement;

WHEREAS, the proposed tolling agreement is exactly the same as all previous tolling agreements that the Town of Orangetown has entered into regarding this case;

WHEREAS, the Town of Orangetown Attorney's Office recommends entering into said tolling agreement;

RESOLVED, that the Town Supervisor, or his designated agent, is hereby authorized to sign the proposed Tolling Agreement Regarding Clarkstown Landfill Site.

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

Noes: None

\* \* \*

**RESOLUTION NO. 695****ENTERED EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 8:50 p.m.

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

Noes: None

\* \* \*

**RESOLUTION NO. 698****DEME/FS-06-3C/SETTLEMENT OF  
CLAIMS/STACEY CONTRACTING  
APPROVED/AUTHORIZED**

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

RESOLVED, that upon the recommendation of DEME and the Town Attorney, the settlement of claims by Stacey Contracting, Inc. ("Stacey"), and related counterclaims by the Town against Stacey, now in arbitration, increasing the total contract amount by \$117,486.77, all relating to Contract No. FS-06-3C as more fully set forth in a memorandum, dated October 9, 2008 from Stacey to Ron Delo, is approved and the Supervisor and Director of DEME are hereby authorized to execute a Stipulation of Settlement and related Change Orders, as may be required, in accordance with the approved terms.

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

Noes: None

**RESOLUTION NO. 699****DEME/FS-06-1C/SETTLEMENT OF  
CLAIMS/MONTANA CONSTRUCTION  
APPROVED/AUTHORIZED**

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

RESOLVED, that upon the recommendation of DEME and the Town Attorney, the execution of a credit change order to Montana Construction Corp., Inc. ("Montana"), in settlement of claims by Montana, and related counterclaims by the Town against Montana in the amount of \$283,290.79, all relating to Contract No. FS-06-1C, is hereby approved and the Supervisor and Director of DEME is hereby authorized to execute a Change Order to the referenced contract in the said amount.

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

Noes: None

\* \* \*

**RESOLUTION NO. 700****AMEND RESOLUTION NO. 442/2008  
AESTHETONICS EMPIRE ZONE  
SHIFT RESOLUTION**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and on a roll call was adopted:

RESOLVED, that the Town Board hereby amends its earlier shift Resolution No. 442 by deleting:

"Now, therefore, be it hereby resolved that the Application of Aesthetonics, Inc. as a Regionally Significant Project be continued and pursued through all necessary and appropriate requirements and phases, in coordination with all necessary governmental entities in order to qualify Aesthetonics, Inc. as a Regionally Significant Project and to include within the acreage of the Brooklyn Navy yard/North Brooklyn Empire Zone is that property located at 21-29 Belvidere Street, Brooklyn, NY, it being expressly acknowledged and understood that the final determination and certificates of Aesthetonics, Inc. as a Regionally Significant Project shall be made by this Board at a subsequent meeting following completion of all such action"

and inserting:

"Resolved that the Town of Orangetown consents to the relocation of Aesthetonics from the Town of Orangetown to the Brooklyn Navy Yard, North Brooklyn Empire Zone without further action necessary by this Board."

Ayes: Councilpersons Low-Hogan, Manning, Supervisor Kleiner

Noes: Councilpersons Troy, Maturo

\* \* \*

**RESOLUTION NO. 701****ADJOURNMENT/MEMORY  
ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this meeting in memory of William (Billy) Harris, Jr., Pearl River; Legislator VJ Pradham, W. Nyack; and Charles H. Mouquin, Sparkill and entered the Audit Meeting at 9:38 p.m.

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

Noes: None

---

**Charlotte Madigan, Town Clerk**