

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, OCTOBER 27, 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.  
Robert Simon, Receiver of Taxes  
John Giardiello, P.E., Director, OBZPAE  
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

#### Announcements

Active Adult Affordable Housing Workshop for Units at the Hollows, October 28<sup>th</sup>, 7pm., Town Hall  
Tappan Zee Bridge/I-287 Information Meetings: 4:30 pm and again at 7 pm  
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 Town Board implemented a new Public Decorum at the Regular Town Board Meetings. At the beginning of each Regular Town Board Meeting, members of the public will have up to three minutes each to speak on any agenda item scheduled for a vote. No other public comment will be permitted at that time. After the Town Board has completed the agenda, members of the public will have two minutes to speak on any topic.

The 2009 Preliminary Budget was presented by Charles Richardson, Director of Finance, to the Town Board and accepted by the Town Board to be filed and available in the Town Clerk's Office for review.

#### Public Comment

Robert Hester, Pearl River, requested that the sidewalk in front of his home be repaired with concrete and not asphalt.

Michael Mandel, Pearl River, said the agenda on the website should be the same as the actual meeting agenda. He spoke regarding the budget, a hiring freeze and ways to eliminate expenditures and to reduce the budget.

Jo-Ann Coffey-Fasulo, Pearl River, attended the affordable housing workshops. She is against the September 23<sup>rd</sup> meeting held in secret regarding STEJ. She believes all these meetings should be held in public and that civil liberties should be recognized.

Eileen Larkin, Palisades, spoke about the Cablevision public hearing, the budget, and open government. She objected to the increase of fees for building, planning and zoning.

Ruth Weber, Upper Grandview, said the economy freefall should dictate cuts in the budget. The Sunshine Law should be observed during all meetings.

Cornelius Lynady, representing the Orangeburg Fire Department, is against making Highview Avenue one-way, which will affect the response time. He asked that the resolution be delayed until the fire department can discuss this with the Town.

Genevieve Coffey, Pearl River, was upset that a resident was removed from the September 23<sup>rd</sup> meeting regarding STEJ. She said the budget should represent the community and the economy.

Gail Raffaele, Tappan, spoke about the importance of public participation at Town Board meetings and she is against the new public decorum. She asked if the September 23<sup>rd</sup> meeting was advertised and she questioned the STEJ project costs.

Vincent Deleo, Pearl River, asked what the private meeting was concerning.

Shelly Morgan, Tappan, questioned the expenditure of port-a-johns and what was allocated in the budget.

Fred Baldus, Pearl River, said this building is a public building and anyone should be allowed to roam the building at anytime.

Jerry Sheer, Palisades, is in favor of the settlement resolution regarding the soccer fields.

Andrew Wiley, Pearl River, said it's illegal for the Town to pay the soccer fields settlement. He is against the increase in the building department fees because of the poor economy. He questioned the infrastructure and design costs, waiving fees, zoning rights and option contracts for the STEJ property.

Carol Baxter, Palisades, expressed her appreciation for the grant approval given to the Palisades Community Center and she said the new Notification Law is fabulous. She is in favor of the solar powered speed advisory signs and sidewalks between Route 9W and the post office.

Paul Goldman, Palisades, asked questions and made suggestions about meetings and wanted to know the first date the budget is made available to the public for review.

**RESOLUTION NO. 708**

**CLOSE PUBLIC PORTION**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

\* \* \*

**RESOLUTION NO. 709**

**OPEN CONTINUANCE PH/CHANGE  
ZONING DISTRICT CLASSIFICATION  
ROUTE 303 AND SPRUCE ST/70.19-1-2**

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

RESOLVED, that the continuance of public hearing from October 14, 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 opened.

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

Noes: None

\* \* \*

A map of the proposed subdivision submitted by David Resnick, Esq. and comment letters from the County of Rockland Department of Planning, County of Rockland Drainage Agency, Prudential Rand Realty and Saccardi & Schiff, Inc. are labeled Exhibit 10-C-08 and made a part of these minutes.

Public portion:

Gail Raffaele, Tappan, said the density is too high, wetlands should be respected and a covenant should be required.

Keith Tierney, Blauvelt, is concerned about drainage and flooding on his property.

**RESOLUTION NO. 710**

**CLOSE PUBLIC PORTION/CHANGE  
ZONING DISTRICT CLASSIFICATION  
ROUTE 303 AND SPRUCE ST/70.19-1-2**

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

**Resolution No. 710 - Continued**

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

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

**RESOLUTION NO. 711** **DESIGNATION OF LEAD AGENCY  
CHANGE ZONING DISTRICT  
CLASSIFICATION ROUTE 303 AND  
SPRUCE ST/70.19-1-2**

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

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

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

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**RESOLUTION NO. 712** **NEGATIVE SEQRA DECLARATION  
CHANGE ZONING DISTRICT  
CLASSIFICATION/ROUTE 303 AND  
SPRUCE ST/70.19-1-2**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 10-D-08 and made a part of these minutes.

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

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**RESOLUTION NO. 713** **CONSIDER COMMENTS FROM  
ROCKLAND COUNTY/CHANGE  
ZONING DISTRICT CLASSIFICATION  
ROUTE 303 AND SPRUCE ST/70.19-1-2**

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

RESOLVED, that the Town Board considered comments in its entirety from the County, lettered dated October 2, 2008.

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

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**RESOLUTION NO. 714** **ADOPT/LOCAL LAW NO. 7, 2008,  
AMENDING THE TOWN CODE  
CHANGING ZONING DISTRICT  
CLASSIFICATION/ROUTE 303 AND  
SPRUCE ST/70.19-1-2**

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

**Resolution No. 714 - Continued****Resolution of the Town Board, Adopting Local Law No. 7 of 2008, Amending Chapter 43, Article II of the Town Code of the Town of Orangetown Entitled Zoning Districts, to Change the Zoning Classification for a Portion of the Property Located on Rte. 303 at the Intersection of Spruce Street, Blauvelt, N.Y. 10913, 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), and Amending the Town Zoning Map Accordingly**

WHEREAS, a Petition has been filed with the Town by the owner of real property located at the intersection of State Rt. 303 and Spruce Street, Blauvelt, N.Y. 10913, bearing Tax Map Designation S/B/L 70.19-1-2 on the Tax Map of the Town of Orangetown (the "Premises"), to change the zoning classification of that portion of the said Premises presently zoned LIO (Light Industrial-Office) from LIO to R-15 (Medium-Density Residence), and for a corresponding amendment to the Town's Zoning Map; and

WHEREAS, on July 21, 2008, pursuant to notice duly given in accordance with the requirements of the N.Y.S. Town Law and the Town Code of the Town of Orangetown, conducted a public hearing on the Petition; and

WHEREAS, the public hearing that commenced on July 21, 2008 was continued to August 11, 2008, and, thereafter, to September 8, October 14 and October 27, 2008, at which times further testimony and/or evidence was received in connection with Petition; and,

WHEREAS, prior to the conduct of said public hearing the Town circulated the Petition and related supporting documentation, as required by general Municipal Law §§ 239 l & m, to the Rockland County Planning Department, requesting its consideration and comments, as well as to other State and local agencies, boards and departments; and

WHEREAS, in connection with its consideration of the Petition, the Town Board received and considered, among other information:

- the report of the Rockland County Department of Planning dated October 11, 2008;
- a report from the Town Traffic Advisory Board, dated July 1, 2008;
- a letter report from the Rockland County Drainage Agency, dated July 2, 2008;
- a Memorandum report from the Office Building, Planning, Zoning and Enforcement of the Town of Orangetown, dated June 27, 2008;
- comments from the Town Highway Department, dated May 7, 2008;
- comments from the Town of Orangetown Department of Environmental Management and Engineering, dated May 7, 2008;
- a further letter report from the Rockland County Department of Planning, dated October 2, 2008; and
- a Memorandum report from Saccardi & Schiff, the Town's outside Planning Consultant, dated October 22, 2008;

and

WHEREAS, the Town Board has further considered the proposed zone change in the light of both the Town's Comprehensive Plan and the Rockland County Department of Planning's comment that it consider changing the zoning classification of certain other adjacent and nearby parcels, and has concluded (1) that the proposed change is consistent with both the Town's Comprehensive Plan for the area and the general character of the surrounding neighborhood and environs, and (2) that the zoning classification of the other nearby parcels ought not be changed at this time; and

WHEREAS, the Town Board has further considered the Petitioner's offer to burden the Premises with a Declaration of Restrictive Covenant that (i) would limit the future subdivision of the entire Parcel into a total of no more than two (2) building lots, if, as and when, if ever, a subdivision of said property should be approved by the Planning Board, and the future improvement of such lots with no more than two single family homes, (ii) would restrict any improvement or development of a designated portion of the said Premises, and (iii) would

**Resolution No. 714 - Continued**

require that any lot developed from the Premises be accessed from Spruce Street and not from State Route 303; and

WHEREAS, the Town Board, in the course of its review of said Petition, determined and resolved that it would be the Lead Agency for the coordinated environmental review of the action under the State Environmental Quality Review Act ("SEQRA"), having previously circulated its intention to that effect to all involved agencies; and

WHEREAS, the Town Board has determined that the proposed action is an "unlisted action" under SEQRA; and,

WHEREAS, based on the Environmental Assessment Form filed by the Petitioner and reviewed by the Director of the Office Building, Planning, Zoning and Enforcement of the Town of Orangetown, the Board's familiarity with the area, the potential development of the Premises giving due regard to adjacent and nearby properties and the limitations and restrictions on development agreed to by the Petitioner, and the overall development and character of the neighborhood and surrounding and adjacent environs, the Town Board, having taken a "hard look" at all of the potential environmental impacts associated with the contemplated action, has concluded that such action will not have any significant adverse impact on the environment, and, has adopted a Negative Declaration with respect to the action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 7 of 2008, amending Chapter 43, Article II of the Town's Zoning Law, and the Town's Zoning Map, to change the zoning classification for that portion of the property located the intersection of State Rt. 303 and Spruce Street, Blauvelt, N.Y. 10913, bearing Tax Map Designation S/B/L 70.19-1-2 on the Tax Map of the Town of Orangetown presently zoned LIO (Light Industrial-Office) from LIO to R-15 (Medium-Density Residence), and for a corresponding amendment to the Town's Zoning Map, subject to the following limitations and conditions, as agreed and stipulated to by the Petitioner Owner, namely, that the Petitioner file with the Town, in a form suitable for recording and acceptable in form and content to the Town Attorney, and accompanied by all documents necessary to allow for the recording of same in the Office of the Rockland County Clerk, a Declaration of Restrictive Covenant,

- Limiting and restricting the future subdivision of the entire Premises, i.e., all of property now comprising Tax Lot 70.19-1-2, to a total of no more than two (2) building lots, if, as and when, if ever, a subdivision of said property should be approved by the Planning Board, and the future improvement of such lots with no more than two single family homes;
- Prohibiting any improvement or development whatsoever of a designated portion of the said Premises, said portion consisting of approximately 19,000 sq. ft. ± and comprising the entire southerly portion of the Premises, shown as "Lot A" on a certain map drawn by Greater Hudson Valley Engineering & Land Surveying P.C., date 9/8/08, annexed hereto (modified such that the northerly dimension shown as 102.76' course S86°39'02"W is adjusted to run from lot line to lot line without the intervening 5.64' jog);
- Restricting ingress to, and egress from, any lot developed from the Premises to Spruce Street, with no access to or from State Route 303; and

Ayes: Councilpersons Low-Hogan, Manning, Supervisor Kleiner

Noes: Councilpersons Maturo, Troy

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**RESOLUTION NO. 715**

**HIGHVIEW AVE/ORANGEBURG  
ONE-WAY/REMOVE/ADD**

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

**Resolution No. 715 - Continued**

RESOLVED, that agenda item making Highview Avenue, Orangeburg, one-way has been removed and added to the November 10<sup>th</sup> Regular Town Board agenda.

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

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**RESOLUTION NO. 716****COMBINED AGENDA ITEMS**

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

RESOLVED, that agenda items seven (7) through seventeen (17) are hereby combined.

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

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**RESOLUTION NO. 717****APPROVED/ROCKLAND COUNTY  
SEWER DISTRICT 1/VALENTINE-  
COOK BUILDING/ROUTE 303**

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

RESOLVED, that the request of the property owner of the Valentine-Cook building at 515 Route 303, Orangeburg (S/B/L/ 74.07-1-13) to connect to the Rockland County Sewer District No. 1 due to physical difficulties in connecting to the Town sewer system is hereby approved.

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

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**RESOLUTION NO. 718****APPROVED AID AND COMMUNITY  
FUNDING ROTARY SHARE CHRISTMAS**

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

RESOLVED, that the request of the Rotary Club of Pearl River for a contribution in the amount of \$1,500, the use of the Town's show-mobile, sound system, personnel to operate same, and rental of two port-a-johns to be used for the annual Rotary "Share Christmas" holiday program to be held on December 19, 2008 and to be charged to Account No. A7550/50457 is hereby approved.

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

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**RESOLUTION NO. 719****APPROVED/FIRE HYDRANT/STEPHENS  
ROAD/STEPHENS LANE TAPPAN**

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

**Resolution No. 719 - Continued**

RESOLVED, that upon the recommendation of United Water New York and the Town of Orangetown Fire Inspector, the installation of one (1) fire hydrant on the intersection of Stephens Road and Stephens Lane, Tappan is hereby approved.

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

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**RESOLUTION NO. 720**

**POLICE REGULATION/FIRE LANES/THE MAYFAIR APARTMENT/PEARL RIVER**

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

RESOLVED, that upon the recommendation of Chief Nulty and Chief Fire Inspector Michael Bettmann, the driveway on the south side of Holt Drive extending 75 feet south from Holt Drive on both sides leading to the parking area and 94 feet west from the southwest corner of the driveway directly behind #208, and the driveway on the north side of Holt Drive extending 92 feet north on both sides leading to the parking area are hereby designated as Fire Lanes at The Mayfair Apartments, 207-230 Holt Drive, Pearl River (S/B/L 69.13-1-4).

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

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**RESOLUTION NO. 721**

**AUTHORIZE AGREEMENT/INTEL UNIT O6 LETPP HOMELAND SECURITY GRANT/REIMBURSEMENT**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Maturo 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 Agreement with the County of Rockland for police department overtime for operational overtime in the INTEL Unit for intelligence investigations as outlined in the 06 LETPP HOMELAND SECURITY GRANT, wherein the Town will be reimbursed \$3,088.59 for said overtime.

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

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**RESOLUTION NO. 722**

**ORANGETOWN JEWISH CENTER DRAINAGE EASEMENT/ACCEPT RECEIVE/FILE**

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

RESOLVED, that upon the recommendation of the Town Attorney and DEME, the Drainage Easement for the Orangetown Jewish Center, 8 Independence Avenue, Orangeburg, (70.14-1-24) PB#02-108 is hereby accepted, received and filed in the Rockland County Clerk's Office, and upon filing with the Rockland County Clerk's Office, the original is to be filed and maintained in the Town Clerk's Office.

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

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**RESOLUTION NO. 723****ACCEPT MINUTES**

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

RESOLVED, that the October 14, 2008 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; and the October 20, 2008 Audit Meeting and Executive Session minutes are hereby accepted.

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

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**RESOLUTION NO. 724****CHERRY BROOK DRAINAGE  
CHANGE ORDER NO. 11/MCNAMEE  
CONSTRUCTION/RECEIVE/FILE**

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

RESOLVED, that the fully executed original of Change Order No. 11 with McNamee Construction Corp. for Cherry Brook Drainage Improvements is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 725****ACCEPT/2008 SECURE OUR SCHOOLS  
GRANT/US DEPT OF JUSTICE**

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

RESOLVED, that the 2008 SECURE OUR SCHOOLS GRANT from the U.S. Department of Justice in the amount of \$3,900.00 for the purchase of equipment to support the School Resource Officer Program at Rockland County BOCES Gateway Academy, Nyack, NY is hereby accepted.

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

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**RESOLUTION NO. 726****SET PUBLIC HEARING DATE  
ROCKLAND/RAMAPO CABLEVISION  
NOVEMBER 10, 2008**

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

RESOLVED, that a public hearing has been schedule for November 10, 2008 at 8:00 P.M. to hear comment concerning the renewal of Cablevision of Rockland/Ramapo, LLC's franchise agreement with the Town of Orangetown.

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

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**RESOLUTION NO. 727**

**APPROVE/AUTHORIZE INTERMUNICIPAL AGREEMENT/ROCKLAND COUNTY NARCOTICS TASK FORCE**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Chief of Police, an Intermunicipal Agreement between the Town and the County of Rockland, providing for payment by the County to the Town in the amount of SEVENTY THREE THOUSAND NINE HUNDRED TWENTY DOLLARS and 00/00 (\$73,920.00), as partial reimbursement of the cost of one Town of Orangetown police officer assigned to the Rockland County Narcotics Task Force for the period January 1, 2008 through December 31, 2008 is hereby approved, and, by this resolution, authorize the Town Supervisor to execute such agreement on behalf of the Town.

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

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**RESOLUTION NO. 728**

**AMEND/BUILDING/ZONING/PLANNING ADMINISTRATION/ENFORCEMENT FEES**

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

RESOLVED, that the following Office of Building, Zoning, Planning Administration and Enforcement fees are hereby amended, effective January 1, 2009:

**PLANNING BOARD**

	<u>Subdivision:</u>			
Consultation	Minor	Pre-Prelim.	Preliminary	Final
\$200	Eliminate	\$200 + \$150/ lot	\$200 + \$150/ lot	\$200 + \$150/ lot
	<u>Site Plan:</u>			
	Residential	Non-Residential		
	\$250 + \$50/dwelling	\$300+\$150/1000 sq ft		
Add "Continuation" at \$200				

**ZONING BOARD**

		<u>Special</u>		<u>Performance</u>
<u>Variance:</u>		<u>Permit:</u>		<u>Standards:</u>
Residential	Other	Residential	Other	
\$250	\$400	\$250	\$400	\$400

**ACABOR**

	Commercial Site			
Residential Site Plan	Plan	Subdivision Plans	Signs	Other
\$125	\$300	\$300	\$100	\$100

**BUILDING PERMIT**

Building Permits	Violation Search
\$125 for 1st \$1000 & \$15/ additional \$1000	\$150

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

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**RESOLUTION NO. 729**

**RPC/SOCCER FIELDS/MIGHTY MIDGETS  
REALIFE LAND IMPROVEMENTS  
SELECTIVE INSURANCE/IC  
IMPROVEMENTS LLC/SETTLEMENT**

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

WHEREAS, in connection with the development of the Town’s soccer field complex on the triangle area of Town owned lands formerly a part of the Rockland Psychiatric Center, the Town contracted with Realife Land Improvement Inc. (“Realife”), to perform certain landscape and grading services so as to accommodate the installation of a synthetic turf field by another contractor, IC Improvements, LLC (“IC”); and

WHEREAS, Realife breached and defaulted in the performance of its contract by, among other things, failing to bring the rough grade of the designated field area to the correct level, and to compact the subgrade to the ninety percent (90%) compaction in accordance with their contract with the Town resulting in a need to regrade and to correct certain “soft spots”, required to accommodate the synthetic field, resulting in additional costs to IC in the amount of \$38,736.00; and

WHEREAS, IC, following negotiations between the Town and the Orangetown Mighty Midgets Athletic Club, Inc. (“Mighty Midgets”), has agreed to compromise its claim for the sum of \$28,000.00; and

WHEREAS, the Mighty Midgets have agreed to pay one-half of the compromised amount, reserving its right to recover up to one half of any amount the Town may receive, if any, from Selective Insurance Company of America, the surety for Realife’s performance obligation to the Town, relating to the IC claim,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Attorney to compromise and settle the claim of IC Improvements, LLC, against the Town, with the Town paying the sum of \$14,000.00 and the Orangetown Mighty Midgets paying the sum of \$14,000.00, with the express understanding that, in the event the Town should recover from Selective Insurance Company of America a sum of money relating to the IC claim, the Town and the Mighty Midgets shall share equally in the proceeds of such recovery; and,

BE IT FURTHER RESOLVED, that the approval herein shall be contingent upon IC confirming to the Town, in writing, prior to, or contemporaneously with, the delivery of the Town’s funds, that the warranty on the synthetic field is, and shall remain, in effect for the 8 year period set forth in the initial contract for same and will be assigned to the Town.

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

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**RESOLUTION NO. 730**

**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 11:10 p.m.

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

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**RESOLUTION NO. 731****PAY VOUCHERS**

Councilman Maturo 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 for a total amount of \$1,214,618.33.

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

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**RESOLUTION NO. 732****ADJOURNED AUDIT/ENTERED EXECUTIVE SESSION**

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

RESOLVED that the Town Board adjourned the Audit Meeting and entered into the Executive Session at 11:27 p.m.

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

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**RESOLUTION NO. 733****ENTERED EXECUTIVE SESSION PERSONNEL MATTERS**

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

RESOLVED, that the Town Board entered the Executive Session at 11:27 p.m. to discuss particular personnel matters.

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

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**RESOLUTION NO. 734****ADJOURNED EXECUTIVE SESSION RE-ENTERED RTBM**

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

RESOLVED, that the Town Board adjourned the Executive Session at 11:40 p.m. and re-entered the Regular Town Board Meeting.

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

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**RESOLUTION NO. 735****PARKS/ACCEPT STIPULATION OF SETTLEMENT AND RESIGNATION EMPLOYEE NO 1443**

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

**Resolution No. 735 - Continued**

RESOLVED, that the Town Board hereby accepts the Stipulation of Settlement and Resignation of Employee No. 1443 in the Department of Parks, Recreation and Buildings Maintenance.

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

Noes: None

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**RESOLUTION NO. 736**

**ADJOURNMENT**

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

RESOLVED, that the Town Board adjourned this meeting at 11:45 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**