

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, NOVEMBER 10, 2008**

This Town Board Meeting was opened at 7:38 p.m. Supervisor Kleiner presided and called the Roll. Present were:

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

Also present: Teresa Accetta-Pugh, Deputy 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 Zimmerman, Police Captain  
Robert Simon, Receiver of Taxes  
Paul Witte, Code Enforcement Officer III  
Rich Rose, Superintendent of Parks, Recreation and Buildings

Supervisor Kleiner led the Pledge of Allegiance to the Flag.

Supervisor Kleiner announced that the Town has received the wetlands boundary map for the American Legion property located on Route 340. This property is the site for the proposed commuter lot. As soon as discussions take place with the DEC, the Sparkill park and commuter lot plans can move forward.

**RESOLUTION NO. 739**

**ADOPT/PUBLIC DECORUM**

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

Resolved, that the public decorum will be at the beginning of each Regular Town Board Meeting, for three (3) minutes on any topic, with no dialogue and if necessary be interrupted for a scheduled public hearing. Public decorum at workshops will be for any particular expertise or comments pertaining to an agenda item.

Ayes: Councilman Troy, Supervisor Kleiner, Councilwoman Manning

Noes: Councilpersons Low-Hogan, Maturo

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Public Comment:

Gail Raffaele, Tappan, asked why is the Resolution for DCAK Architects being amended when a contract was signed.

Andrew Wiley, Pearl River, feels the sponsor signs on the ball fields are illegal, according to Town Code. He asked who authorized the logo and the grading work done by IC Corp. on the ball fields. He spoke about violations with STEJ, waiving performance bond fees and monies being wasted by the Town Board.

Eileen Larkin, Palisades, asked why the Town is paying Saccardi & Schiff, when K. Hovnanian is responsible for the SEQRA process on 80 acres of RPC.

Genevieve Coffey, Pearl River, agrees with the three minute public decorum at the beginning of the meeting and she believes the budget should be reduced even more.

Lynsey Lonberg, Palisades, asked what percentage of the budget is allocated to Parks and Recreation, are the fields completed, what is the Town doing with its recreational program and who is replacing the Superintendent of Parks and Recreation.

**RESOLUTION NO. 740****OPEN PH/CABLEVISION/FRANCHISE AGREEMENT/RENEWAL**

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

RESOLVED, that the public hearing to hear comments concerning the renewal of Cablevision of Rockland/Ramapo, LLC's franchise agreement with the Town of Orangetown is hereby opened.

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

Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 11-A-08 and made a part of these minutes.

John Edwards, Town Attorney, said Cablevision is currently operating with temporary authority by the Public Service Commission (PSE) and they need permanent authority from the PSC. The Town has not lost any revenues or franchise fees. The Town receives 5% of the gross operating revenues. This renewal franchise agreement is for 15 years and is the same as Verizon. Cablevision supplies free basic cable service to 44 public buildings (schools, libraries, town hall). He believes there will not be any difficulty with the PSC. He recommended to the Town Board to require a \$25,000 Performance Bond or release Verizon's bond.

Robert Hoch, Cablevision's Representative, added that in addition to the 5% revenue, the Town will receive a PEG grant of \$150,000. He asked the Town Board to waive the \$25,000 Performance Bond.

**Public Comment:**

Andrew Wiley, Pearl River, is in favor of the Performance Bond and he is against a 15-year contract. He said the 5% is nothing more than a tax, which is paid by the residents.

Eileen Larkin, Palisades, is in favor of the Performance Bond. She is against a 15-year contract and the PSC determining the rates and revenues. Public groups should be contacted for use of the public access channels.

Gail Raffaele, Tappan, is in favor of the Performance Bond because she is concerned about inconsistency between contracts. She is against a 15-year agreement.

Frank Ficarra, Orangeburg, is in favor of the Performance Bond.

**RESOLUTION NO. 741****RESERVE/CABLEVISION FRANCHISE AGREEMENT/RENEWAL**

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

RESOLVED, that the Town Board reserves their decision until November 24, 2008, 8:00 p.m. regarding the renewal of Cablevision of Rockland/Ramapo, LLC's franchise agreement with the Town of Orangetown.

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

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**RESOLUTION NO. 742****OPEN CONTINUANCE PH  
2009 PRELIMINARY BUDGET**

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

**Resolution No. 742 - Continued**

RESOLVED, that the continuance of a public hearing from November 3, 2008 to consider the 2009 Preliminary Budget is hereby opened.

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

A revised 2009 Budget Statement, a revised Salaries of Elected Officials and Department Heads and other amendments to this budget are included in these minutes as Exhibit 11-B-08.

**Public Comments:**

Gail Raffaella, Tappan, asked has the health premiums increased for the Town Board and department heads. She is against pay raises for the Town Board and the Supervisor's Executive Assistant. She is also against tax dollars being given to not-for-profits.

Andrew Wiley, Pearl River, asked who is paying for medical and those costs. He is against Town Board raises, tax dollars for non-for-profits, and parking meter employees.

Eileen Larkin, Palisades, is against pay raises for the Town Board, elected officials and department heads. She spoke about employees' benefits and perks, which are paid for by the taxpayers.

Maureen Echemendia, Orangeburg, is against budget increases and she said giving raises is unethical. Norm Schaifer, Palisades, reiterated the state's financial crisis. He is against pay increases and he is concerned about the Town loans.

Paul Goldman, Palisades, feels more time is needed to clarify budget items. He sent an e-mail questioning these items (Exhibit 11-C-08). Supervisor Kleiner stated he never received the e-mail but requested that the e-mail be read into the record. Supervisor Kleiner and Charlie Richardson answered each question.

Matthew Lonberg, Palisades, is concerned about the increase in taxes and he is against any budget increase.

Lynne McClaren-Sandhaus, Palisades, is against any budget increase and any pay raises for the Town Board and the Supervisor's Executive Assistant. She believes the union contracts should be renegotiated.

Maryann Spallone, Orangeburg, asked the Town Board to be considerate of the taxpayers.

The Town Board discussed revenues, pay increases, budget cuts, fund balances and next year's budget.

**RESOLUTION NO. 743****CLOSE PUBLIC PORTION/PUBLIC HEARING/2009 PRELIMINARY BUDGET**

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

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. 744****ADOPT/AMENDMENT/SALARY/2009 PRELIMINARY BUDGET/TOWN BOARD**

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

RESOLVED, that the Town Board pay increase has been eliminated from the 2009 Preliminary Budget.

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

**RESOLUTION NO. 745****ADOPT/2009 PRELIMINARY BUDGET**

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

RESOLVED, that the Town Board hereby adopts the 2009 Preliminary Budget with the revisions as outlined in Exhibit 11-B-08 and the amendment as stated in Resolution No. 744.

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

Noes: None

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**RESOLUTION NO. 746****PARKS/ACCEPT RESIGNATION  
RICHARD ROSE, SUPERINTENDENT OF  
PARKS, RECREATION AND BUILDINGS**

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

RESOLVED, that the Town Board, accepts with regrets, the resignation of Richard Rose, Superintendent of Parks, Recreation and Buildings, effective December 12, 2008.

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

Noes: None

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**RESOLUTION NO. 747****AMEND RESOLUTION NO. 82/2008  
DCAK ARCHITECTS/RENOVATION  
LOWER LEVEL TOWN HALL**

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

RESOLVED, that Resolution No. 82/2008 accepting the Proposal for Feasibility Study of Renovation of the lower level of Town Hall, submitted by DCAK Architects, is hereby amended in the amount of \$7,500 to \$7,663.40 for reimbursable expenses in accordance with their proposal.

Ayes: Councilperson Manning, Maturo, Low-Hogan  
Supervisor Kleiner

Noes: None

Abstained: Councilman Troy

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**RESOLUTION NO. 748****AMEND RESOLUTION NO. 637/2007  
RPC/SACCARDI & SCHIFF/REZONING  
SEQRA PROCESS/80 ACRES**

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

RESOLVED, that Resolution No. 637/2007 is hereby amended to increase the amount of the contract with Saccardi & Schiff from \$220,000 to \$251,500 plus reimbursable expenses due to increases in the scope of work to be performed by Saccardi & Schiff and consultants for preparation of the rezoning and conduct of the SEQR process for 80 acres of Town land at RPC (the full amount to be paid by K. Hovnanian, the contract purchaser).

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

Noes: None

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**RESOLUTION NO. 749****GRANEY GARDENS SUBDIVISION  
BIRCH HILL CORP/DELONGIS CT  
77.12-1-34 AND 77.12-1-35**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, the following documents for the Graney Gardens Subdivision (Birch Hill Corp.), for property at Washington/DeLongis Court, Sparkill (S/B/L/ 77.12-1-34 and 77.12-1-35) are accepted, received and filed in the Rockland County Clerk's Office, the originals are to be filed and maintained in the Town Clerk's Office.

- 1) Sanitary and/or Drainage Easement (Across Lot 26)
- 2) Sanitary and/or Drainage Easement (Across Lot 18/19)
- 3) Sanitary and/or Drainage Easement (Part of Lot 45)
- 4) Deed for Detention Basin
- 5) Slope and Conversation Easement

RESOLOVED FURTHER, that the Supervisor is hereby authorized to execute all documents necessary to effectuate the acceptance of these easements.

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

Noes: None

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**RESOLUTION NO. 750****APPROVE/CERTIFICATE OF  
REGISTRATION/2008 SEWER WORK**

Councilman Troy 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 Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2008 Sewer work to Mr. Rooter Plumbing of Dutchess County, Inc., Pleasant Valley, NY is hereby approved.

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

Noes: None

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**RESOLUTION NO. 751****ACCEPT MINUTES**

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

RESOLVED, that the October 27, 2008 Regular Town Board Meeting, Audit Meeting and Executive Session minutes and the November 3, 2008 Preliminary Budget minutes are hereby accepted.

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

Noes: None

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**RESOLUTION NO. 752****ENTER AUDIT**

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

**Resolution No. 752 - Continued**

RESOLVED, that the Town Board hereby entered the Audit Meeting at 10:20 p.m.

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

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**RESOLUTION NO. 753****PAY VOUCHERS**

Councilman Troy 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 \$1,342,096.23.

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

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**RESOLUTION NO. 754****ADJOURNED AUDIT/ENTERED EXECUTIVE SESSION**

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

RESOLVED that the Town Board adjourned the Audit Meeting and entered into the Executive Session at 10:23 p.m.

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

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**RESOLUTION NO. 755****ENTERED EXECUTIVE SESSION CONTRACTUAL MATTERS**

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

RESOLVED, that the Town Board entered the Executive Session at 10:23 p.m. to discuss contractual matters.

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

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**RESOLUTION NO. 756****ADJOURNED EXECUTIVE SESSION RE-ENTERED RTBM**

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

RESOLVED that the Town Board adjourned the Executive Session and re-entered the Regular Town Board Meeting at 10:55 p.m.

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

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**RESOLUTION NO. 757**

**AMEND RESOLUTION NO. 412/2008  
RETAIN COUNSEL/ZONING BOARD  
HILLSIDE COMMERCIAL PARK**

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

RESOLVED, that Resolution No. 412/2008 is hereby amended as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Town Zoning Board of Appeals ("ZBA") to retain the law firm of Dorfman, Knoebel, Conway, Fury & Griffin, LLP to defend the interests of the ZBA in the two legal proceedings referenced herein in accordance with the terms of a retainer agreement dated May 23, 2008, said law firm having been selected by the ZBA, whose fee, as modified to eliminate the retainer agreement and conflict of interest provision, with a \$250.00 an hour rate, for a total not to exceed \$20,000 without a further Town Board resolution, shall be paid by the Town upon receipt, review and approval of bills submitted.

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

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**RESOLUTION NO. 758**

**ADJOURNMENT/MEMORY**

Councilman Troy 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 Joan A. Dunn, Blauvelt (mother-in-law of Captain Zimmerman), and Virginia Ramsay, wife of Judge Richard Ramsay, and entered the Audit Meeting at 10:58 p.m.

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

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**Teresa Accetta-Pugh, Deputy Town Clerk**