

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, DECEMBER 10, 2007**

This Regular Town Board Meeting was opened at 7:35 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
Teresa Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
Dennis Michaels, Deputy Town Attorney
Robert Magrino, 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
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
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.

The Town continues to meet with Saccardi & Schiff and K. Hovnanian regarding RPC zoning. The Port Authority and the airlines themselves have offered plans to the FAA to lesson delays but at this time it is unclear of the impact on the original design. A rally will take place this Sunday, December 16th, 11:00 a.m. at the Suffern Community Center. Supervisor Kleiner has been invited to attend Clarkstown's workshop meeting, January 15th in regards to Orangetown/Clarkstown Recreation Sharing project.

The Town Board recognized Tony Lombardi as Rockland County Veteran of the Year. Tony has received three Purple Hearts, was awarded with the Army Commendation Medal with Oak Leaf Cluster, was awarded twice with the V for Valor, and a Bronze Star. While serving he lost the sight in his right eye due to shrapnel from a rocket-propelled grenade. He has also served the county for 34 years as the veteran's burial commissioner overseeing the county's veteran's cemeteries.

Certificates of Appreciation and Grateful of Appreciation of Service Rendered to the Town of Orangetown were presented to Councilman Tom Morr and Councilman Denis O'Donnell for their dedication and hard work.

Councilman Tom Morr thanked Orangetown for granting him the fours he has served here. He said it's been a great time in his life, the people of Orangetown are the most generous people he has known and it's been a pleasure to work with volunteers of this community in keeping the quality of life in Orangetown.

Councilman Denis O'Donnell thanked everyone that makes this Town what it is today and for the opportunity to serve this Town for the last 12 years.

Jeff McNichol, Orangetown Youth Recreation Advisory Committee, thanked Councilman Morr and presented him with a plaque for his dedication.

Public Comment

Michael Diederich, attorney for Lorraine Wetzel, spoke regarding Lt. Lorraine Wetzel disciplinary case, promotion guidelines by Rockland County and Orangetown Police Department procedures.

RESOLUTION NO. 764**ENTERED EXECUTIVE SESSION
POLICE LITIGATION**

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

RESOLVED, that the Town Board entered Executive Session at 7:55 p.m. to discuss Police litigation.

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

Resolution No(s). 765 – 766 see Executive Session minutes.

Public Comment – Continued

Lance Klein, Keane & Bean, spoke regarding the 9-day disciplinary hearing with the Chief taking 1 day to prosecute and the defendant taking 8 days. Mr. Klein said the Town Board has a complete set of the transcript. The law is very clear on what the Town Board's role is and the law allows each side to comment on the transcript. He believes the Town Board has everything they need to make a decision regarding this case.

Eileen Larkin, Palisades, stated 40 years is too long and asked for lesser time on the contract with Rockleigh, NJ and requested more details concerning coverage of state and county facilities. Carol Silverstein, Orangeburg, resigned from the Golf Committee and is concerned that the automated Tee Time System is not working as intended.

Paul Prisco, Palisades, objected to the 40-year agreement with Rockleigh, suggested a 5-year contract and is concerned that Rockleigh causes too much pollution and traffic.

Eileen Burge, Palisades, said she is not against the contract with Rockleigh but a 40-year contract is too long.

Michael Mandel, Pearl River, asked if the artificial turf is environmentally safe for children.

Michele Kalotkin, Palisades, also asked for a shorter contract term with Rockleigh.

Shelly Morgan, Tappan, criticized some of the Town Board members for not acting independently in their decisions.

Morton Leifer, Communication Specialist for Clarkstown Police, requested the Town Board to pass a resolution supporting a grant from the New York State Department of Shared Municipal Services Incentive Program for a communication tower.

Mr. Morgan spoke regarding his opinions of the Town Board members.

RESOLUTION NO. 767**CLOSE PUBLIC COMMENT**

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

RESOLVED, that the public comment portion is hereby closed.

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

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RESOLUTION NO. 768**WAIVE BUILDING PERMIT FEES
ST CATHARINE'S CHURCH**

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

RESOLVED, that the request of St. Catharine's Church of Blauvelt to waive the building permit fee in the amount of \$8,590 for the construction of a new parish house and rectory is hereby approved.

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

RESOLUTION NO. 769**SET PUBLIC HEARING DATE
PALISADES HISTORIC DISTRICT**

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

RESOLVED, that a public hearing is scheduled for January 14, 2008, 8:00 p.m. to consider amendments to the Town's Historic District Map of Palisades.

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

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RESOLUTION NO. 770**AUTHORIZE SACCARDI & SCHIFF
ZONING TEXT LANGUAGE/NOBLE
NINTH MASONIC LODGE**

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

RESOLVED, that Saccardi and Schiff is hereby authorized to prepare zoning text language to potentially allow transfer of development rights in the Town's Zoning Code for a fee of \$8,500 to be paid for by the Noble Ninth Masonic Lodge.

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

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RESOLUTION NO. 771**REORGANIZATIONAL MEETING
JANUARY 7, 2008**

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

RESOLVED, that the Reorganizational Meeting of the Town Board is scheduled for January 7, 2008, 7:30 p.m.

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

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RESOLUTION NO. 772**AMEND RESOLUTION NO 669/2007**

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

RESOLVED, that Town Board Resolution No. 669 is amended to allow Tappan Zee High School faculty to temporarily park on Dutch Hill Road until June 30, 2008.

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

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RESOLUTION NO. 773**APPROVED/COLD WAR VETERANS
EXEMPTION**

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

RESOLVED, that an exemption is hereby granted to Cold War veterans for qualifying residential real property for up to fifteen percent of the assessed value of such property; provided

Resolution No. 773 - Continued

however that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit.

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

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RESOLUTION NO. 774**COMBINED AGENDA ITEMS**

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

RESOLVED, that agenda items seven (7) through twenty-seven (27), except item 21 are hereby combined

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

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RESOLUTION NO. 775**APPROVE 2007 BUDGET TRANSFERS**

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

RESOLVED, that 2007 Budget Transfers, labeled Exhibit 12-A-07 and made a part of these minutes are hereby approved.

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

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RESOLUTION NO. 776**APPROVE TRANSFER \$994,500/DEBT SERVICE/CAPITAL PROJECTS FUND SEWER FUND/DEBT COSTS**

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

RESOLVED, that the transfer \$994,500.00 from the Debt Service fund rather than the Capital Projects Fund, as originally budgeted, to the Sewer Fund to pay debt costs is hereby approved.

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

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RESOLUTION NO. 777**AMEND/INDEXED LUMP SUM SNOW ICE AGREMT/DOT AGREMT NO D009818**

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

RESOLVED, that the Indexed Lump Sum Snow and Ice Agreement between the Town of Orangetown and the New York State Department of Transportation (Agreement No. D009818) is amended to allow \$2,804.55 per lane mile for 62.50 lane miles for a total of \$175,284.28 through June 30, 2010.

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

RESOLUTION NO. 778

**PARKS/AWARD BID
CHEMICALS/FERTILIZERS**

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

WHEREAS, the Superintendent of Parks, Recreation and Building Maintenance duly advertised for sealed bids for Chemicals and Fertilizers for the Blue Hill and Broadacres Golf courses, which were received and publicly opened on December 5, 2007. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 12-B-07, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to the following lowest qualified bidders and to be charged to Blue Hill Golf Course, Account No. E725000450449/460 and Broadacres Golf Course, Account No. ER725100450449/460.

- Fertl-Soil, Scotch Plains, NJ Items 2, 9, 13 totaling \$ 12,448.50
- Lesco, Inc., Cleveland, OH Item 7, totaling \$ 7,636.00
- Metro Turf Specialists, New Paltz, NY Items 4, 6, 10, 12, 15, 17, 20 totaling \$ 45,962.80
- UAP Distribution, North Brunswick, NJ Items 3, 5, 8, 11, 16, 19 totaling \$ 20,269.92
- Harrells, Inc., Pine Bush, NY Items 1, 18, 22 totaling \$ 22,992.00
- Terre Co., Clifton, NJ Items 14, 21 totaling \$ 34,050.00

Total \$143,359.22

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

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RESOLUTION NO. 779

**ESTABLISH POSITION/HIGHWAY
SENIOR CLERK STENOGRAPHER**

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

RESOLVED, that the position of Senior Clerk Stenographer is hereby established in the Highway Department (reclassification by Rockland County Personnel Office of Clerk Stenographer), grade 8, effective December 11, 2007.

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

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RESOLUTION NO. 780

**APPOINT/ELLEN FORDHAM/ HWY
SENIOR CLERK STENOGRAPHER**

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

RESOLVED, that Ellen Fordham of the Highway Department is hereby appointed to the position of Senior Clerk Stenographer in that department, provisional, grade 8-2, annual salary \$39,161, effective December 11, 2007.

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

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RESOLUTION NO. 781**APPOINT/ASSISTANT BUILDING
INSPECTOR/RICHARD OLIVER**

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

RESOLVED, that Richard Oliver of the Building Department is hereby appointed to the position of Assistant Building Inspector in that department, permanent, from Eligible List Number 07061, with a mandatory 6 month probationary period, grade 15-1, annual salary \$51,574 effective December 11, 2007.

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

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RESOLUTION NO. 782**ESTABLISH CODE ENFORCEMENT
OFFICER III/BUILDING DEPART**

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

RESOLVED, that the position of Code Enforcement Officer III in the Building Department is hereby established (pending certification of reclassification by Rockland County Personnel Office of Code Enforcement Officer II, grade 15.

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

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RESOLUTION NO. 783**APPOINT PAUL WITTE/CODE
ENFORCEMENT III/BUILDING**

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

RESOLVED, that Paul Witte is hereby appointed to the position of Code Enforcement III, grade 15-19, annual salary \$75,521, effective on date of certification.

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

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RESOLUTION NO. 784**ESTABLISH/SENIOR CLERK TYPIST
BUILDING DEPARTMENT**

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

RESOLVED, that the position of Senior Clerk Typist is hereby established in the Building Department (reclassification of Transcriber), grade 5, effective December 11, 2007.

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

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RESOLUTION NO. 785**APPROVE \$2,794.00 HOLLAND &
KNIGHT/AGREEMENT K. HOVNANIAN**

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

Resolution No. 785 - Continued

RESOLVED, that the invoice submitted by Holland & Knight in the amount of \$2,794.00 for services related to the development agreement with K. Hovnanian for the purchase of Town land at Rockland Psychiatric Center is hereby approved.

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

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RESOLUTION NO. 786**AUTHORIZE PAYMENT/EDGE
LANDSCAPING/75 MOUNTAINVIEW**

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

WHEREAS, the Town Board, on September 24, 2007, through Resolution 630 directed that vermin, nuisance, hazard, debris, litter and illegally parked or stored vehicle(s), as those terms are defined in Chapter 24C of the Town Code, be removed by the Town of Orangetown, its designee or agent, or a private contractor, at the property known and designated as: 75 Mountainview Avenue, Pearl River, New York, Section 69.17, Block 5, Lot 1.2, and

WHEREAS, the Town Board, on September 24, 2007, through Resolution 629 adopted a negative SEQRA Declaration, a copy of which was labeled Exhibit 9-A-07 of the September 24, 2007 minutes, and

WHEREAS, the above directed action was performed at the Town's request by a private contractor known as Edge Landscaping, Inc., P.O. Box 883, Pearl River, New York, and

WHEREAS, the above private contractor has submitted an invoice to the Town of Orangetown for this service in the amount of \$7,755.32, be it

RESOLVED, that the Town Board hereby ascertains that the cost of the work performed is \$7,755.32; that the Department of Finance is directed to pay this invoice; that said cost shall be assessed against the record owner of said real property; and that said assessment shall constitute a lien and charge on said real property until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges, all of the above pursuant to Section 24C-15 of the Town Code.

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

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RESOLUTION NO. 787**ACCEPT PILOT AGREEMENT
SAPOUNAS INC/WIG WAM
MARKETING/NYACK SCHOOLS**

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

Whereas the Town of Orangetown wishes to encourage the business opportunities available in the Town by providing tax benefits through an individual PAYMENT IN LIEU OF TAXES ("PILOT");

Whereas, Sapounas, Inc., a New York corporation ("Lessee"), Wig Wam Marketing, Inc., a New York corporation ("Sub lessee"), the Nyack Union Free School District (the "School District"), the County of Rockland (the "County") and the County of Rockland Industrial Development Agency, a new York public benefit corporation (the "Agency"), entered into negotiations with Lessee and Sub lessee for a commercial project (the "project") within the meaning of the New York State Industrial Development Act ("NYS General Municipal Law Article 18-A);

Resolution No. 787 - Continued

Whereas, the Project will consist of the construction of a building and the acquisition and installation thereto of certain machinery and equipment related thereto, all to be used for affordable housing for volunteers who provide essential services to the Village of Nyack, and for retail sales, which Project is located at 20 South Broadway, Nyack, New York, Village of Nyack, Town of Orangetown, in the Nyack Union Free School District, being shown and designated on the Tax Map of the Village of Nyack, Town of Orangetown as Section 66.38, Block 1, Lot 54 (the land the building site improvements, together constituting the “Project Realty”);

Whereas the PILOT will take effect in accordance with paragraph 7 of the Payment in Lieu of Taxes Agreement (copy attached);

Whereas the School District has approved and signed the Payment in Lieu of Taxes Agreement;

Now, therefore, be it resolved, that the Town Board of the Town of Orangetown hereby accepts the terms of the PILOT Agreement and will provide yearly tax bills to the Lessee for the percentages indicated in paragraph 6 of the Agreement and will apportion out payments to the School District and the County based on the relative percentage of the combined tax rates for each of the years involved; and be it

Further resolved, that the Town Supervisor and the Finance Director are hereby authorized to execute and deliver a PILOT Agreement to the Rockland County Industrial Development Agency, Lessee and Sub lessee, Tax Map No. 66.38-1-54 for the property located at 20 South Broadway, Nyack, New York.

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

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RESOLUTION NO. 788

AUTHORIZE/STIPULATION OF SETTLEMENT/BACK NINE LLC RESTAURANT/BLUE HILL GOLF

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

RESOLVED, that the Supervisor is hereby authorized to execute a stipulation of settlement (or similar legal instrument) to settle Disputes with Back Nine, LLC (“Licensee”), regarding 12/29/2006 License Agreement to operate a restaurant facility at the Blue Hill Golf Course (f/k/a “The Mansion”), granting a monetary credit to the Licensee, equating to two monthly installment payments totaling \$12,000 (i.e., 2 x \$6,000 per month), and deferring another two monthly installment payments until December 31, 2008.

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

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RESOLUTION NO. 789

AUTHORIZE INTERLOCAL AGREEMENT BOROUGH OF ROCKLEIGH ROCKLEIGH SEWER AUTHORITY SEWER MAINTENANCE/OPERATION

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

WHEREAS, the Town of Orangetown, the Borough of Rockleigh, and the Rockleigh Sewage Authority, executed an agreement in 1968 and as amended in 1989 whereby the Town of Orangetown installed sewer pipes in the Rockleigh area for the mutual benefit of residents in both municipalities; and

Resolution No. 789 - Continued

WHEREAS, pursuant to that agreement sewer pipes were installed and continue in operation today serving residents of both municipalities; and

WHEREAS, the original agreement is set to expire in November, 2008 and any new such interlocal agreement is not effective until approved by the Attorney General of the State of New York pursuant to NY General Municipal Law §469; and

WHEREAS, it is necessary that a new agreement providing for the continued maintenance and operation of the aforementioned sewer system be entered into which explains the rights and duties of each municipality in terms of maintenance, repair, and remuneration for the use of said sewer system by residents of each municipality to ensure the continued operation of said sewer system; and

WHEREAS, the Department of Environmental Management and Engineering and the Town Attorney's Office have prepared, reviewed and approved a proposed agreement to replace the agreement set to expire in November, 2008 and this Board has reviewed and approved same;

NOW THEREFORE IT IS HEREBY RESOLVED, that upon the execution by the Borough of Rockleigh and the Rockleigh Sewerage Authority, the Supervisor of the Town of Orangetown is hereby authorized to sign on behalf of the Town of Orangetown the proposed 30-year interlocal agreement between the Town of Orangetown, the Borough of Rockleigh, New Jersey and the Rockleigh Sewerage Authority as submitted herein and attached hereto;

BE IT FURTHER RESOLVED, that upon the execution by all parties thereto, the Town Attorney's Office is hereby authorized to deliver a copy of the agreement to the Attorney General of the State of New York for review and approval pursuant to General Municipal Law §469, and that said agreement shall not be effective until such time as approval is granted pursuant to the terms of that section.

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

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RESOLUTION NO. 790**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session minutes of November 26, 2007 and Executive Session minutes of December 3, 2007 are hereby accepted.

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

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RESOLUTION NO. 791**APPROVE 2008 BINGO LICENSES**

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

RESOLVED, that the following are approved for 2008 Bingo Licenses:

St. Catherine's Catholic Church; St. Margaret's Catholic Church;
St. Margaret's Church School Auxiliary; St. Margaret's Church Parish Council;
Beth Am Temple

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

RESOLUTION NO. 792**CHANGE ORDER NOS. 4 & 6
CHERRY BROOK DRAINAGE
RECEIVE AND FILE**

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

RESOLVED, that the fully executed copy of Change Order Nos. 4 and 6 regarding the Cherry Brook Drainage Improvement Project is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 793**AMENDMENT/PROFESSIONAL
SERVICES AGREEMENT/CHERRY
BROOK/ HENNINGSON DURHAM &
RICHARDSON/RECEIVE AND FILE**

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

RESOLVED, that the executed Amendment to Professional Services Agreement between Henningson, Durham & Richardson Architecture and Engineering, P.C. and the Town of Orangetown, relating to the design, bidding and construction of the Cherry Brook Drainage Improvement Project, effective November 26, 2007 per Town Board Resolution No. 755/2007 is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 794**ACCEPT RESIGNATION/MAUREEN
HARRIS/TOWN CLERK'S OFFICE**

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

RESOLVED, that the resignation of Maureen Harris in the Town Clerk's Office, effective December 10, 2007 is hereby accepted with regrets.

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

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RESOLUTION NO. 795**POLICE/DISCIPLINARY CHARGES
EMPLOYEE NO. 1422**

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

Whereas a proceeding was commenced against Employee Number 1422 based upon disciplinary charges dated September 7, 2004, that were issued by the Chief of Police pursuant to the Rockland County Police Act; and

Whereas the Town Board designated Joseph P. Wooley, Esq., as the Hearing Officer for such charges; and

Whereas a hearing was held at which Employee Number 1422 was represented by counsel; and

Resolution No. 795 - Continued

Whereas, the Hearing Officer rendered findings of fact and recommendations based upon the record presented at the aforementioned hearing; and

Whereas the Town Board has had an opportunity to review the record in this matter, as well as the report and recommendations of the Hearing Officer; and

Whereas, on December 10, 2007, at its regularly scheduled public meeting, the Town Board provided the Employee and Chief Nulty with an additional opportunity to address the Town Board with respect to the pending disciplinary charges;

Now, therefore, be it resolved that the Town Board hereby accepts the Hearing Officer's findings of fact, as more fully set forth in the decision of the Hearing Officer dated June 11, 2007; and

Be it Further resolved that, based upon the recommendations contained in the decision of the Hearing Officer, the Town Board hereby finds Employee Number 1422 guilty of Charge I(a), (b) and (c); Charge II, Charge III(a) and (b); Charge IV; Charge V; Charge VI (a) and (b); Charge VII(a); Charge VIII; Charge IX, and Charge X, and

Be it Further resolved that, based upon the recommendations contained in the decision of the Hearing Officer, the Town Board hereby finds Employee Number 1422 not guilty of Charge VII(b) and Charge XI, and

Be it Further resolved that the Town Board rejects the Hearing Officer's recommendation that a penalty of twenty (20) days forfeiture of salary or compensation be imposed; and

Be it Further resolved that, based upon the entire record in this matter, and in recognition of the employees prior length of service without any prior disciplinary problems, the Town Board imposes a ten (10) days suspension without pay, which is less than the penalty recommended by the Hearing Officer.

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

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RESOLUTION NO. 796**NOMINATE POLICE OFFICER
BRANDON L MEYERS**

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

RESOLVED, that upon the recommendation of the Chief of Police, Brandon L. Meyers is hereby nominated a Police Officer from Rockland County Civil Service List # (OC) 04200 Police Officer, pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 797**NOMINATE POLICE OFFICER
CHRISTOPHER R CONNOLLY**

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

RESOLVED, that upon the recommendation of the Chief of Police, Christopher R. Connolly is hereby nominated a Police Officer from Rockland County Civil Service List # (OC)

Resolution No. 797 - Continued

04200 Police Officer, pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 798

**APPOINT POLICE RADIO
 DISPATCHER/MICHAEL BONEY**

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

RESOLVED, that upon the recommendation of the Chief of Police, Michael Boney is hereby appointed from Rockland County Civil Service List #(OC) 06191/60556 to the position of Police Radio Dispatcher (CAD) permanent, Grade 12, Step 1, effective January 9, 2008, at a salary of \$41,724.

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

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RESOLUTION NO. 799

**AUTHORIZE/CLARKSTOWN/LEAD
 AGENCY/STATE SHARED MUNICIPAL
 SERVICES INCENTIVE GRANT
 PROG/POLICE/FIRE/EMERGENCY
 SERVICES COMMUNICATON TOWER**

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

RESOLVED, that the Town Board of the Town of Orangetown does hereby authorize and direct Alexander Gromack, as Supervisor of the Town of Clarkstown, and/or the Town of Clarkstown to act as lead agency on behalf of the Town of Orangetown and to file an application for funds from the New York State Department of State Shared Municipal Services Incentive Grant Program for funds to support the construction of a communication tower to serve police, fire and other emergency services, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance for the project.

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

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RESOLUTION NO. 800

**AUTHORIZE BEACON CONSULTING
 AMEND SOCCER FIELDS CONTRACT**

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

RESOLVED, that Beacon Consulting Group, Inc. is hereby authorized to make the following changes to the contract documents for the soccer fields: install East Coast Sod and Seed and Kentucky Blue Grass sod; require that soil samples be submitted showing existing PH, organic content and nutrients in the soil and amend the soil to ensure the best growing conditions prior to installing the sod; omit the use of "surface conditioner" in any area where sod is proposed; omit the paved path in the northern portion of the east and west parking areas and seed area instead; provide a six-month maintenance period; and a one-year guarantee on the sod should be maintained; the net cost to the Town is zero.

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

RESOLUTION NO. 801

ENTER AUDIT MEETING

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:15 p.m.

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

Resolution No(s). 802 - 807 see Audit Meeting and Executive Session minutes.

RESOLUTION NO. 808

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 Regular Town Board Meeting, in memory of Phil Murphy, Pearl River and husband of Roni Murphy and Ed Richardson, Palisades.

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

Charlotte Madigan, Town Clerk