

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, JULY 24, 2006**

This Regular Town Board Meeting was opened at 7:45 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Marie Manning
Councilman Thomas A. Morr
Councilman Denis O'Donnell (Absent)

Also present:

Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
Teresa Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
John Giardello, Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Supervisor Kleiner said the Town will hold a memorial ceremony before the September 11th Town Board meeting and further details will follow.

Bob Iorio was recognized for all of his hard volunteer work for the Babe Ruth League Field. The Babe Ruth Baseball Field press box, at Veterans Memorial Park, was built by a number of Orangetown volunteers. Bob Iorio organized this project, which involved a great deal of time and effort from Richard Glielmi of Harley Construction, Michael Cahill of B & R Consultants, and Paul Valentine of Valentine Electric. A new addition added to the press box is unbreakable windows from Calabria, Italy. Bob Iorio, Business Developer of Skyview Architectural, donated these windows so the press box would be comfortable for baseball scouts and journalists. The air-conditioned box can be utilized to compute stats and keep cool in a controlled environment. This allows the scouts and journalists to see all players and give our youngsters an opportunity to be invited to a college on a baseball scholarship.

Rich Rose, Superintendent of Parks, Recreation and Buildings, said the JB Clarke Rail Trail has been under construction for the past year. The Town is about to reach a very exciting portion of that construction. The pedestrian bridge, along Route 303, has been delivered in pieces and now will be put together on the ground for the August 2nd or 3rd raising of the bridge. Fencing, securing, paving and other work will still have to be done. The bridge should be ready for use in about 45 days.

Public Comment

Michael Mandel, Pearl River, said agenda item regarding software for parking meter software should not be voted on until all postings are completed.

Eileen Larkin, Palisades, spoke regarding the PR Theater purchase negotiations vs. property exchange and asked about the Cablevision Committee?

Rev. Father Samaras, West Nyack, Member of the Greek Orthodox Church, said parishioners are confused regarding "No Parking" signs at the entrance to the Manhattan Woods housing development and asked if this would effect the festival.

Gail Raffaele, Tappan, asked why the Town is giving money to the Dowling House, what kind of employee parking is being designated in Depot Square and why the ZBA granted a zone change without a public hearing.

RESOLUTION NO. 548**POLICE REGULATION "NO
PARKING" / MANHATTAN WOODS
HOUSING DEVELOPMENT SIX
MONTH TRIAL / APPROVED**

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

RESOLVED, that the installation of "No Parking" signs on the turn-around at the entrance to Manhattan Woods housing development on Ahlmeyer Drive for a six-month trial is hereby approved.

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

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RESOLUTION NO. 549**POLICE OFFICER / AGRMT / BOCES
HUDSON VALLEY HIGH / ROCKLAND
MIDDLE SCHOOL / APPROVED**

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

RESOLVED, that an agreement between the Town of Orangetown and the Rockland County Board of Cooperative Educational Services for reimbursement in the amount of \$80,000.00 for the assignment of one full-time Orangetown police officer to the Hudson Valley High and Rockland Middle School for the 2006/2007 school year is hereby approved.

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

Councilman Morr expressed his request for a fair and equitable cost among all towns.

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RESOLUTION NO. 550**ASSIGN / YOUTH DETECTIVE DUTIES
ROBERT STEVENSON**

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, Robert Stevenson is hereby assigned to the duties of youth detective effective August 21, 2006, at a salary of \$99,493.00.

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

Charlotte Madigan, Town Clerk, administered the Oath of Office to Robert Stevenson.

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RESOLUTION NO. 551**OPEN PH/FELDI FAMILY LIMITED
PARTNERSHIP / OAK TREE RD**

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

Resolution No. 551 - Continued

RESOLVED, that the 8:00 p.m. public hearing to consider the petition of the Feldi Family Limited Partnership, for an amendment to the Zoning Code, changing the zoning district designation for property located at 200 Oak Tree Road, Tappan, New York, and Tax Map No. 77.15-3-20, from Light Industrial (“LIO”) Zone district to a Residential (“R-15 Medium Density”) Zone pursuant to Section 2.2, Chapter 43 of the Town Code is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 7-B-06 and made a part of these minutes.

Public Comment

Donald Brenner, Attorney, requested this hearing to be put off until the entire Town Board is present to hear all the expert witnesses.

Eileen Larkin, Palisades, said the people have the right to develop their property and this area already has mix use. If the Town Board grants the zone change, they should only allow one home.

Carol Schelin, Tappan and member of the Open Space Committee, said a single-family home would be a better choice than an office park.

Jim Dress, Tappan, said a single-family home is more appropriate than commercial.

Mrs. Dress, Tappan, is in favor of a single-family residence.

Gail Raffaele, Tappan, said a single-family house on this location would be in the best interest of the Town by generating more taxes.

Watson Morgan, Blauvelt, is against the zone change. This is wetlands and there could be environmental issues that need to be addressed.

Supervisor Kleiner read the Planning Board’s December 12, 2002 minutes which require seven variances. He also read the ZBA’s August 9, 2000 minutes which said that the hardship is self created (purchased site unseen), no dollar and cents financial evidence was given to show the applicant can not realize any reasonable rate of return and that this was disapproved according to Town Law Section 267B which bars the Town from granting applicants use applications.

Donald Brenner, Attorney, believes information presented tonight was unclear. However, ZBA said to go to the Town Board to have a zone change.

RESOLUTION NO. 552**CONTINUE & ADJOURN TO
AUGUST 14, 2006/FELDI FAMILY LTD
PARTNERSHIP/OAK TREE RD**

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

RESOLVED, that this public hearing including public comment is hereby adjourned to August 14, 2006, 8:00 p.m.

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

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RESOLUTION NO. 553**OPEN PH/ORANGEBURG COMMONS
SPECIAL PERMIT APPL**

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

Resolution No. 553 - Continued

RESOLVED, that the 8:05 p.m. public hearing to consider an application for a special permit under Chapter 43 of the Town Code for the proposed mixed-use development known as Orangeburg Commons located at 170 Route 303, Tappan, NY, and Tax Map No. 74.15-1-21 is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 7-C-06 and made a part of these minutes.

Public Comment

Supervisor Kleiner explained this project is on a parallel tract before the Planning Board. The Rockland County Planning has sent nine pages of comments, which need to be addressed.

Terry Rice, Attorney along with Mr. Turner, consultant for the applicant, gave an overview of the history and explained what is being proposed for this site.

John Collins, Traffic Engineer, gave a 10-year work history of speaking with NYS DOT. He explained that a video was taken at different times to study the traffic volume and patterns. An analysis report was done and submitted to the County and NYS DOT.

Tom McCloskey, Landscape Architect, gave details of how some of the comments from the Town, the PIP and the County regarding buffering and screening, have been addressed.

Justin Linn, Site Engineer, explained a below ground drainage retention basin is not possible.

Mr. Turner said if the drainage retention basin needed to be expanded, and not to undermine the wetlands, above ground would be better.

David Michaelian, Tappan, asked how this project would affect Route 303? He would like to see environmental studies.

Eileen Larkin, Palisades, doesn't agree with Mr. Collins. The traffic study should be tabled and a further study should be done. She said this project will impact all of Orangetown, as well as the volunteer services and she requested all comments to and from the PIP, the DOT and County be read out loud.

Robert Dell, member of the Planning Board & Tappan resident, said the Planning Board doesn't want the retention basin in the front yard and he recommends a below grade retention basin. He also said this site is an excellent location for this project.

Watson Morgan, Blauvelt, spoke about roadways and safety, remediation and that the environmental guidelines for this size site is missing from the DEC website. He believes these rateables, as well as a food store, are positive for the Town. All comments should be addressed and he is in favor of this project going forward.

Gail Raffaele, Tappan, spoke about traffic, Western Hwy, Greenbush Rd, the DOT and the NJ border. She is in favor of this project.

RESOLUTION NO. 554**CLOSE PH/ORANGEBURG
COMMONS SPECIAL PERMIT APPL**

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

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

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

RESOLUTION NO. 555**RECIND RESOLUTION NO. 554
CLOSE PH/ORANGEBURG
COMMONS SPECIAL PERMIT APPL**

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

RESOLVED, that Resolution No. 554/2006 is hereby rescinded.

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

RESOLUTION NO. 556**INTENT TO BE LEAD AGENCY
ORANGEBURG COMMONS
SPECIAL PERMIT APPL**

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

RESOLVED, that the Town Board expresses and re-circulate its intent to be Lead Agency for review of the Special Permit Application and the related project of the Orangeburg Commons.

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

RESOLUTION NO. 557**RECEIVE COMMENTS/PUBLIC
HEARING CONTINUATION
ORANGEBURG COMMONS
SPECIAL PERMIT APPL**

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

RESOLVED, that the Town Board is to receive comments by August 7, 2006 and continue this public hearing August 14, 2006, 8:05 p.m.

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

RESOLUTION NO. 558**OPEN PH/CHAPTER 21/LAND
DEVELOPMENT REGULATIONS**

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

RESOLVED, that the 8:10 p.m. public hearing to consider amending Chapter 21 entitled "Land Development Regulations" of the Town Code by adding Section 21-8 – Definition of Town Engineer, adding Section 21-21.1D – Affidavit of Completion and Pre Dedication Escrow Agreement, adding Section 21-21.3 – Stop Work Order by Engineer, and amending Section 21-35 – Guide for the Preparation of bonds to be furnished by realty subdivision of the Town of Orangetown, replacing existing 7 and 8 is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 7-D-06 and made a part of these minutes.

Public Comment

Robert Magrino, Deputy Town Attorney, explained that these changes will help Performance Bonds and road dedications procedures.

Eileen Larkin, Palisades, would like to see a two-year limit on Performance Bonds.

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RESOLUTION NO. 559

CLOSE PH/CHAPTER 21/LAND DEVELOPMENT REGULATIONS

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

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

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

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RESOLUTION NO. 560

LEAD AGENCY/CHAPTER 21/LAND DEVELOPMENT REGULATIONS

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

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

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

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RESOLUTION NO. 561

SEQRA DECLARATION/CHAPTER 21 LAND DEVELOPMENT REGULATIONS

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted.

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

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RESOLUTION NO. 562

TOWN BOARD/CHAPTER 21/LAND DEVELOPMENT REGULATIONS

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

Resolution No. 562 - Continued

RESOLVED, that a local law amending Chapter 21 entitled “Land Development Regulations” of the Town Code by adding Section 21-8 – Definition of Town Engineer, adding Section 21-21.1D – Affidavit of Completion and Pre Dedication Escrow Agreement, adding Section 21-21.3 – Stop Work Order by Engineer, and amending Section 21-35 – Guide for the Preparation of bonds to be furnished by realty subdivision of the Town of Orangetown, replacing existing 7 and 8 is hereby adopted.

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

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RESOLUTION NO. 563**OPEN PH/CHAPTER 21A/SITE
DEVELOPMENT PLAN**

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

RESOLVED, that the 8:15 p.m. public hearing to consider amending Chapter 21A entitled “Site Development Plan” of the Town Code, adding Section 21A-10.1 – Stop Work Order by Engineer and adding Section 21A-14 – Site Plan Expiration is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 7-E-06 and made a part of these minutes.

The public comment portion was opened and there were no public comments.

RESOLUTION NO. 564**CLOSE PH/CHAPTER 21A/SITE
DEVELOPMENT PLAN**

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

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

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

RESOLUTION NO. 565**LEAD AGENCY/CHAPTER 21A/ SITE
DEVELOPMENT PLAN**

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

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

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

RESOLUTION NO. 566**SEQRA DECLARATION/CHAPTER 21A
SITE DEVELOPMENT PLAN**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted.

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

RESOLUTION NO. 567**TOWN BOARD/CHAPTER 21A
SITE DEVELOPMENT PLAN**

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

RESOLVED, that a local law amending Chapter 21A entitled "Site Development Plan" of the Town Code, adding Section 21A-10.1 – Stop Work Order by Engineer and adding Section 21A-14 – Site Plan Expiration is hereby adopted.

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

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RESOLUTION NO. 568**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items twenty-two (22) through fifty-three (53), except items twenty-seven (27), forty-three (43), and forty-five (45) are hereby combined.

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

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RESOLUTION NO. 569**RE-APPOINT/BOARD OF ASSESSMENT
REVIEW/DIANE F JORDAN**

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

RESOLVED, that Diane F. Jordan is hereby re-appointed to the Board of Assessment Review, effective October 1, 2006 – September 30, 2011.

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

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RESOLUTION NO. 570**APPROVE/CONTRACT/CANDLE
SUBSTANCE ABUSE PREVENTION**

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

Resolution No. 570 - Continued

RESOLVED, that a contract with C.A.N.D.L.E. in the amount of \$30,000 for the provision of substance abuse prevention services to students and their families to be charged to Account No. A4211004/50457 is hereby approved.

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

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RESOLUTION NO. 571**APPROVE AID/ORANGEBURG FIRE
DEPT/JULY 22, 2006**

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

RESOLVED, that the request of the Orangeburg Fire Department for the use of barricades, snow fencing and trash barrels for a fundraiser to be held on July 22, 2006 to be charged to Account No. A7550001-50011 and A7550004-50457 is hereby approved.

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

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RESOLUTION NO. 572**POLICE REGULATION/DEPOT
SQUARE/APPROVE DESIGNATE
EMPLOYEE PARKING**

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

RESOLVED, that twenty (20) parking spaces for employee parking in Depot Square, Sparkill, through a permit system for a six-month trial basis is hereby approved.

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

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RESOLUTION NO. 573**POLICE REGULATION/TZHS
FACULTY/TEMPORARY
PARKING/DUTCH HILL RD**

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

RESOLVED, that temporary parking along both sides of Dutch Hill Road, Orangeburg, for Tappan Zee High School faculty during construction at the High School is hereby approved.

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

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RESOLUTION NO. 574**AUTHORIZE CONNECTION TO THE
ROCKLAND CTY SEWER DIST I
280 SICKLETOWN RD/MCLOUGHLIN**

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

Resolution No. 574 – Continued

RESOLVED, that Paul McLoughlin of 280 Sickletown Road, Orangeburg, is hereby authorized to connect the sanitary sewer for his single-family residence to the Rockland County Sewer District No. 1.

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

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RESOLUTION NO. 575**AUTHORIZE CONNECTION TO THE
ROCKLAND CTY SEWER DIST I
253 E TOWNLINE RD/WALSH**

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

RESOLVED, that Gerald Walsh of 253 East Townline Road, West Nyack is hereby authorized to connect the sanitary sewer for his single-family residence to the Rockland County Sewer District No. 1.

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

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RESOLUTION NO. 576**PERMISSION GRANTED/RON DELO
WATER ENVIRONMENT
FEDERATION ANNUAL TECH
EXHIBITION/CONFERENCE**

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

RESOLVED, that permission is hereby granted to Ronald C. Delo to attend the Water Environment Federation Annual Technical Exhibition and Conference in Dallas, TX from October 21-25, 2006 at a cost of \$2,600.00 to be charged to Acct. G8110004-50441-50480.

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

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RESOLUTION NO. 577**SET PUBLIC HEARING/TOWN CODE
INDUSTRIAL PRETREATMENT PROG**

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

RESOLVED, that the date of September 11, 2006, 8:05 p.m. is hereby set for a public hearing on revisions to the Town Code for the industrial pretreatment program requested by the U.S. EPA.

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

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RESOLUTION NO. 578**ORANGETOWN DRAINAGE DISTRICT
ACCEPT/MAP/PLAN/REPORT
HDR/LMS/JUNE 2006**

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

RESOLVED, that the Map, Plan and Report prepared by HDR/LMS Engineering dated June 2006 for the proposed Orangetown Drainage District are hereby accepted.

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

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RESOLUTION NO. 579**AUTHORIZE LEASE AGRMT/PROCESS
SOLUTIONS INC/ODOR CONTROL SYS**

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

RESOLVED, that the Director of the Department of Environmental Management and Engineering is hereby authorized to enter into a one-year Lease Agreement with Process Solutions, Inc. to demonstrate an Odor Control System at the Town's wastewater treatment plant at a cost of \$3,000.00 per month, of which 75% is to be credited towards the purchase price should the Town purchase the unit.

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

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RESOLUTION NO. 580**PUMPING STATIONS EMERGENCY
GENERATORS/KINSLEY POWER SYS
AWARD BID**

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

WHEREAS, the Director of the Dept. of Environmental Management & Engineering duly advertised for sealed bids for the purchase of five emergency generators for pumping stations, which were received and publicly opened on July 12, 2006. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 7-F-06, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Kinsley Power Systems of Albany, NY, in the amount of \$127,343.00, the lowest acceptable bidder.

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

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RESOLUTION NO. 581**RPC/SOCCER FIELDS/GENERAL
CONSTRUCTION/REALIFE LAND
IMPRVT/AWARD BID**

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

Resolution No. 581 - Continued

WHEREAS, the Director of the Dept. of Environmental Management & Engineering duly advertised for sealed bids for general construction of soccer fields on Town land at Rockland Psychiatric Center, which were received and publicly opened on July 21, 2006. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 7-G-06, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Realife Land Improvement, Inc., Patterson, NY, in the amount of \$2,327,000.00, the lowest qualified bidder, to be charged to Account No. H7110742-50200.

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

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RESOLUTION NO. 582

**RPC/SOCCER FIELDS/ELECTRICAL
 FANSHAWE INC/AWARD BID**

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

WHEREAS, the Director of the Dept. of Environmental Management & Engineering duly advertised for sealed bids for electrical work of soccer fields on Town land at Rockland Psychiatric Center, which were received and publicly opened on July 21, 2006. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 7-G-06, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Fanshawe Inc., Nanuet, NY, in the amount of \$456,000.00, the lowest qualified bidder, to be charged to Account No. H7110742-50200.

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

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RESOLUTION NO. 583

AUTHORIZE/HSBC/DEPOSITORY

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

RESOLVED, that the Finance Department is hereby authorized to use HSBC as a bank depository.

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

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RESOLUTION NO. 584

**APPROVE CONTRACT/COMPLUS
 PARKING METER TICKET
 SOFTWARE/JUSTICE COURT**

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

Resolution No. 584 – Continued

RESOLVED, that a contract with Complus for parking meter ticket software at a cost calculated at 18% of collected gross parking ticket revenue to be deducted from Account No. SP017200-41720 is hereby approved.

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

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RESOLUTION NO. 585**APPROVE ELECTRICAL INSPECTORS**

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

RESOLVED, that Swanson Consulting Inc., Salisbury Mills, NY; Electrical Underwriters of New York, LLC, New Windsor, NY; and New York Electrical Inspection Services Inc., Elmsford, NY, electrical inspectors, are hereby authorized to provide electrical inspection services to the Town:

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

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RESOLUTION NO. 586**AMEND RESOLUTION NO. 345/2006
GLORIOUS SUN ROBERT MARTIN**

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

RESOLVED, that Resolution No. 345 of April 24, 2006 is hereby amended to add the underlined language as follows:

Glorious Sun Robert Martin, LLC, by Huff Wilkes, L.L.P., Agent, tax map designation: 73.05, Block 1, Lot 54, preliminary appraisal \$15,000.00; trial ready appraisal report (if needed) will be an additional \$27,500.00 plus expenses: \$2500.00 per day or any part thereof for court appearances and \$200.00 per hour for all out of court conferences, meetings, trial preparation services and all other additional services requested with respect to the assignment, plus reimbursement for our direct expenses, excluding general office overhead and appraisal expenses the cost of which is included in the appraisal fees.

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

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RESOLUTION NO. 587**PERFORMANCE BOND/HERITAGE
EQUITY & REALTY LLC/ASH
SUBDIVISION/TAPPAN
ACCEPT/RECEIVE/FILE**

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

RESOLVED, that Subdivision Performance Bond for the Ash Subdivision for 14 Main Street, Tappan (77.14-1-16) from Heritage Equity & Realty, LLC, as Principal in favor of

Resolution No. 587 - Continued

the Town of Orangetown, as Obligee, in the form of a Cashier's Check No. 0005302808 in the amount of \$73,668.00 payable to the Town of Orangetown from JP Morgan Chase Bank, Buffalo, NY is hereby accepted, received and file in the Town Clerk's Office.

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

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RESOLUTION NO. 588

**TAX CERTIORARI SETTLEMENT
 P. I. L. O. T. AGREEMENT/CHURCH OF
 THE LORD**

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

- (1) Church of the Lord - Stipulation and Order and Judgment

WHEREAS, upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the South Orangetown School District, approve settlement of the tax certiorari Church of the Lord, Tax Map designation 74.07-1-36, for tax assessment year 2005. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement being served on the Town.

- (2) Church of the Lord - Payment in Lieu of Taxes (P.I.L.O.T.)

WHEREAS, the Town desires to exempt Church of the Lord the full payment of real estate taxes and to enter into an agreement to provide for payments in lieu of property taxes commencing with the January 1, 2006 through December 31, 2006 tax year, and with the stipulated settlement (discontinuance) of the 2005 tax certiorari proceeding; and

WHEREAS, the Town wishes to levy an appropriate and reasonable tax increment of +1% compounded per year within the calculation of the tax schedule as attached hereto as Exhibit "A":

NOW, THEREFORE, BE IT RESOLVED, that it is agreed by and between the parties as follows:

- 1. In accordance with Section 420-a of NYS Real Property Tax Law, the Town will exempt the Church of the Lord from the payment of all property taxes including State/County/Town and School taxes with the exception of assessments for local special district and use charges.
- 2. The parties agree to enter into an agreement for payment in lieu of taxes, (i.e., "P.I.L.O.T.") in accordance with the Schedule attached as Exhibit "A" hereto and made a part hereof.

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

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RESOLUTION NO. 589

**BASIC POLICE JUVENILE
 OFFICERS' COURSE/PERMISSION
 GRANTED**

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

Resolution No. 589 - Continued

RESOLVED, that permission is hereby granted to two Orangetown Police Officers to attend the Basic Police Juvenile Officers' Course at the State of New York Police Juvenile Officers Association Conference from August 20-25, 2006 in Rochester, NY, at a cost of \$1,600.00 to be charged to Acct. Nos. B/3120.0441/0480.

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

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RESOLUTION NO. 590**APPOINT POLICE OFFICER
BRIAN A DOMITROVITS**

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, and per the authorization of Rockland County Commissioner of Personnel, Patricia Prendergast, Brian A. Domitrovits from Rockland County Civil Service List # (OC) "04200 Police Officer", is hereby appointed to the "Temporary" position of "Police Officer" for the sole purpose of allowing him to attend the Rockland County Police and Public Safety Academy, at a salary of \$32,993 effective July 25, 2006.

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

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RESOLUTION NO. 591**APPOINT POLICE OFFICER
DAVID MADDALENA**

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, and per the authorization of Rockland County Commissioner of Personnel, Patricia Prendergast, David Maddalena from Rockland County Civil Service List # (OC) "04200 Police Officer", is hereby appointed to the "Temporary" position of "Police Officer" for the sole purpose of allowing him to attend the Rockland County Police and Public Safety Academy, at a salary of \$32,993 effective July 25, 2006.

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

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RESOLUTION NO. 592**ACCEPT RESIGNATION/DESIREE
BERNAZAR/PARKING
ENFORCEMENT**

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

RESOLVED, that the resignation of Desiree Bernazar from the position of Parking Enforcement Aide, effective June 19, 2006, is hereby accepted.

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

RESOLUTION NO. 593**APPOINT/SUPERVISOR PARKING
ENFORCEMENT/PERMANENT
PAUL KELLY**

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, Paul Kelly from Rockland County Civil Service List # (OC) 06031 is hereby appointed to the position of Supervisor Parking Enforcement/Permanent (Part Time) effective July 25, 2006, at a salary of \$25.00 per hour.

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

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RESOLUTION NO. 594**APPOINT/PARKING ENFORCEMENT
AIDE/PATRICK HOGAN**

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, Patrick Hogan from Rockland County Civil Service List # (OC) 06029 is hereby appointed to the position of Parking Enforcement Aide/Permanent (Part Time) effective July 25, 2006, at a salary of \$17.00 per hour.

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

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RESOLUTION NO. 595**APPOINT/PARKING ENFORCEMENT
AIDE/KEVIN BOURKE**

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, Kevin Bourke from Rockland County Civil Service List # (OC) 06029 is hereby appointed to the position of Parking Enforcement Aide/Permanent (Part Time) effective July 25, 2006, at a salary of \$17.00 per hour.

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

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RESOLUTION NO. 596**ACCEPT MINUTES**

Councilman Troy 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 June 26, 2006 and Special Town Board Meeting minutes of July 10, 2006 are hereby accepted.

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

RESOLUTION NO. 597**APPROVE/FIRE HYDRANT
BLUEFIELDS HOMES CORP
PIERCE PARK HOMES**

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

RESOLVED, that upon the recommendation of United Water, Blaauvelt Fire Department and the Orangetown Fire Inspector, the installation of one (1) fire hydrant in the subdivision known as "Pierce Park Homes" located in Blaauvelt, which shall be paid for by Bluefields Homes Corporation, the developer of this subdivision, is hereby approved.

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

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RESOLUTION NO. 598**HOLD HARMLESS AGRMT
TRUSTEES OF COLUMBIA
(LAMONT-DOHERTY) SITE PLAN
RECEIVE AND FILE**

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

RESOLVED, that the original Hold Harmless Agreement, according to PB Decision #06-15 for the Trustees of Columbia, (Lamont-Doherty Site Plan), Tax Lot No. 80.10-1-2 is accepted, received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 599**CO-SPONSORED FUNDING AGRMT
PALISADES-SPARKILL BASEBALL
LEAGUE/RECEIVE AND FILE**

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

RESOLVED, that the Co-Sponsored Funding Agreement, between the Palisades-Sparkill Baseball League and the Town of Orangetown is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 600**NYACK HOSPITAL/AUTHORIZE
TOWN ATTORNEY/LEGAL
DOCUMENTS**

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

RESOLVED, that the Town Attorney of the Town of Orangetown is hereby authorized and directed to prepare, file, and serve a summons and complaint and/or other appropriate litigation papers in an appropriate Court of Law against Nyack Hospital and/or any other

Resolution No. 600 - Continued

responsible party in order to seek a money judgment and to otherwise collect on a debt owed by said party to the Town of Orangetown for sewer transportation and processing services provided by the Town of Orangetown to said party.

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

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RESOLUTION NO. 601

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 at 10:47 p.m. in memory of Eileen Anderson, Pearl River, Ann Murtagh, Pearl River and Joseph T Hauser, formerly of Tappan.

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

Charlotte Madigan, Town Clerk