

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, SEPTEMBER 12, 2005**

The Regular Town Board Meeting was opened at 7:30 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
William Reddy, 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 Patrick Troy.

The Chief of Police, Kevin Nulty, introduced Marianne J. Walker, Esq., Youth Court Steering Committee Chairperson, Joseph McCormack, Esq., Steering Committee Assistant Chairperson, and Detective Daniel J. Costello. They explained Youth Court gives its youth members' integrity, personal strength and confidentiality qualities. This program exists because of leadership and dedication. Youths learn various talents, along with accountability and responsibility, which will serve them well in life. The Supervisor, Town Board and Town Clerk presented the graduates with certificates and congratulated them along with their families for their dedication. The Town Board thanked Addy Ducey, Marianne Walker, Joseph McCormack and Detective Costello for their dedication and commitment to the Youth Court.

The Town Clerk, Charlotte Madigan, swore in Joseph Artrip and Matthew Ryder as Police Detectives and Adam Perper as a Police Radio Dispatcher (CAD).

Robert Georgia, HDR/LMS Engineers, explained the parking, drainage and the building, which will include an office, a kitchen and bathrooms for the OMM soccer fields, located at RPC. Orangetown will own the property but OMM will build 7 or 8 fields.

Packi, HDR/LMS, gave an update regarding the Cherry Brook Drainage System Design. Supervisor Kleiner said the traffic light installation at Route 303 and Erie Street has begun, the RPC Development proposals process is proceeding and the Pearl River Theater PAC Zone change application and parking issues have been sent to department heads for comment.

RESOLUTION NO. 557

**POLICE RADIO DISPATCHER
(CAD)/ADAM PERPER/APPOINT**

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

RESOLVED, that Adam Perper is hereby appointed to the position of Police Radio Dispatcher (CAD) in the Police Department, from Eligible List #64-629, grade 12-1, annual salary of \$40,411.00, effective September 13, 2005.

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

RESOLUTION NO. 558**MIGHTY MIDGETS (OMM)
SOCCER LEAGUE/REVOCABLE
LICENSE AGREEMENT**

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

RESOLVED, that revocable license agreement with the Orangetown Mighty Midgets (OMM) Soccer League for use of fields on town-owned land at Rockland Psychiatric Center is hereby approved.

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

Councilman Morr made a motion to amend Article 3, Paragraph 1, No. 3 – Time Frame 7/1 thru 11/30. He wishes to focus on fields now. There wasn't any second to his motion, therefore no vote taken on this amendment.

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RESOLUTION NO. 559**OPEN PH/SEWER DISTRICT
ESTABLISHMENT/PROPERTY
TRANSFER/RECONSTRUCTION
SEWER FACILITIES/PHASE I**

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

RESOLVED, that the 8:00 p.m. continuance of a public hearing to consider (i) the establishment of the proposed Sewer District, (ii) the transfer and/or reallocation of real and personal property of the Town of Orangetown Sewer Collection and Treatment System to the District, and (iii) the reconstruction of sewer facilities including acquiring sanitary sewer systems of the villages of Grandview-on-Hudson, Nyack, Piermont, and South Nyack, and to reconstruct and/or replace existing facilities and equipment, also know as the \$22.1 million Phase I Capital Improvement Plan and as noted more fully in the Order Calling Public hearing, dated July 18, 2005 and subsequently published and mailed as required by law, all as hereinabove referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law is hereby opened.

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

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The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 9-A-05, and made a part of these minutes.

The public portion was opened and the following people spoke:

Ann McGuire, Pearl River, concerned about run-off from property above her property.

Andrew Wiley, Pearl River, questioned if the procedures are legal, the cost increase, if non-profits and exempt properties are paying for these services, and why this project isn't being done in house?

Ruth Weber, Upper Grandview Association, spoke about water, sewer and drainage issues, fire hydrants, high assessments and taxes.

Noel Haskell, Nyack, suggested using meters for sewer usage charges.

Judy Goodrich, Upper Grandview, complained about the meeting starting late. She spoke about the increase in her taxes and how she doesn't have access to any sewers and is still charged.

Michael Bryceland, Orangeburg, is concerned about sewers. He trusts the recommendations made by Ron Delo.

Henry Rand & Beth Riso, Nyack, are concerned that another authority is being created causing taxes to increase.

Gail Raffaele, Tappan, is against paying for the District concept and feels the study could have been done in-house. She spoke about street laterals and that the Villages should pay for their own facilities.

Saletto Decort, Nyack, owns commercial property and questioned why she has to pay more?

Fred Devan, Piermont, questioned the repair costs and Phase II costs. He feels more information is needed before a vote should be taken.

Betsy Brenner, Orangeburg, has County sewer service and would like town sewer service. She pays a debt service sewer tax and doesn't receive service (2004-05 increase of 21.7%). She is against assuming sewer problems of the villages.

Eileen Larkin, Palisades, concerned about new developments being incorporated into Sewer plan. She is against the cost of this project and the years of bonding.

William Bosley, Nyack, said the sewer system should have been better maintained and all must share the environment.

Donald Brenner, Orangeburg, retired from the Sewer Dept. 16 yrs ago and there were no violations. He suggested that the Town create a Sewer Advisory Committee.

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RESOLUTION NO. 560

CLOSE PUBLIC COMMENT

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

RESOLVED, that the public comment portion is hereby closed.

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

Noes: None

Ron Delo, Director, Dept. Environmental Mgt. & Eng., commented that there are 200 miles of sewer with \$500,000,000 worth of pipes and equipment, which need to be maintained. The Town is pursuing grants to help offset costs. Employees cannot absorb an additional 18,000 man-hours. The infrastructure needs to be addressed because of public health issues.

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RESOLUTION NO. 561

**DESIGNATION OF LEAD
AGENCY/SEWER DIST**

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

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

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

Noes: None

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RESOLUTION NO. 562

**SEWER DISTRICT/CAPITAL
IMPROVEMENT PLAN/SEQRA
NEGATIVE DECLARATION**

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

WHEREAS, a proposal has been made in the Town Board of the Town of Orangetown, New York to establish the Town of Orangetown Sewer District, in said Town, to transfer and/or reallocate real and personal property of the Town of Orangetown's Sewer Collection and

Resolution No. 562 – Continued

Treatment System to the District, to acquire sanitary sewer systems of the villages of Grandview-on-Hudson, Nyack, Piermont, and South Nyack, and to reconstruct and/or replace existing facilities and equipment as noted more fully in the Order Calling Public Hearing, dated July 18, 2005 and subsequently published and mailed as required by law (hereinafter "the proposal"),

WHEREAS, on August 8, 2005 at 8:00 p.m., and as continued, on September 12, 2005, a public hearing was held with regard to the above,

WHEREAS, on April 12, 2005, the Town Board, through Resolution No. 270, declared its intent to be Lead Agency in this matter,

WHEREAS, on May 23, 2005, the Town Board, through Resolution No. 373, and on September 12, 2005, the Town Board through Resolution No. 561 declared itself Lead Agency for purposes of environmental review as required by the State Environmental Quality Review Act (SEQRA), having circulated to all interested agencies its intent to be lead agency on this matter, with attachments, and noting that more than 30 days had elapsed without any agency indicating an objection or challenge to the Town Board being Lead Agency,

WHEREAS, the Town Board, acting in its capacity as Lead Agency, has carefully considered all of the potential environmental impacts of the proposal, and has concluded that there will be no significant environmental impacts or effects caused or occasioned by the establishment of the proposal, be it

RESOLVED, that the Town Board adopts the findings and conclusions relating to environmental impacts contained in the Short Form Environmental Assessment Form (a copy is labeled Exhibit 9-B-05 and made a part of these minutes, in its entirety, as well as the Negative Declaration Notice of Determination of Non-Significance, and authorizes the Town Supervisor, or his designated agent, to execute the Short Form Environmental Assessment Form and to file the Negative Declaration Notice of Determination of Non-Significance in accordance with the applicable provisions of law, and be it

FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

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

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RESOLUTION NO. 563**SEWER DISTRICT/CAPITAL
IMPROVEMENT PLAN TOWN
BOARD DECISION**

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

RESOLVED, that the Town Board hereby adopts (i) the establishment of the proposed Sewer District, (ii) the transfer and/or reallocation of real and personal property of the Town of Orangetown Sewer Collection and Treatment System to the District, and (iii) the reconstruction of sewer facilities including acquiring sanitary sewer systems of the villages of Grandview-on-Hudson, Nyack, Piermont, and South Nyack, and to reconstruct and/or replace existing facilities and equipment, also know as the \$22.1 million Phase I Capital Improvement Plan and as noted more fully in the Order Calling Public hearing, dated July 18, 2005 and subsequently published and mailed as required by law, all as hereinabove referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

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

A copy of the Extract of Minutes for the Sewer District Capital Improvement Plan is labeled Exhibit 9-C-05, and made a part of these minutes.

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RESOLUTION NO. 564

**OPEN PH/LAND USE
BOARD/TOWN LAW
SECTION 271 (G)**

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

RESOLVED, that the 8:05 p.m. public hearing pursuant to Section 271(g) of the Town Law to determine whether a member should be removed from a Town Land Use Board is hereby opened.

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

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RESOLUTION NO. 565

**ADJOURNED PH/LAND USE
BOARD/TOWN LAW SECTION
271 (G)**

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

RESOLVED, that this public hearing pursuant to Section 271(g) of the Town Law to determine whether a member should be removed from a Town Land Use Board is hereby adjourned to Tuesday, September 20, 2005 at 6 p.m.

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

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Public Comment (RTBM)

Andrew Wiley, Pearl River, questioned the cost of the study and design of soccer fields, the difference in cost of underground drainage and retention basins and who decided the location of these fields. He feels PAC Zone Law should be followed and not waive fees.

Gail Raffaele, Tappan, question if there is a hold-harmless clause in the license agreement with OMM, especially since OMM has exclusive rights. She said the volunteer firefighter's leave of absence, should be paid.

Donald Ferrick, Patriot's Bd Member, commends the Town Board for their support.

Mark Alexander, SOLL, thanked the Town Board for recognition of meeting the needs of the children. He also said that SOLL has raised \$300,000 in cash contributions.

Bill Schule, Chairman OMM, said this league has over a 250% growth and has 3,000 plus members. He is grateful to the Town Board.

Vince Perry, Pearl River, questioned if the soccer fields will increase taxes, affect assessments and property values? He spoke about the PR theater being senior houses, taxi vs parking spaces and the budget process.

Kerry Beckmann, OMM Pres., commented that fields are desperately needed and is thankful for the license agreement for OMM.

Eileen Larkin, Palisades, spoke about tax monies and asked for total costs of ball fields.

Alise Morrison, Pearl River, doesn't think the PR theater is appropriate for Senior housing because if you don't have parking provided by the builder, within the complex, street parking will take away from the limited spaces.

RESOLUTION NO. 566

CLOSE PUBLIC COMMENT

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

Resolution No. 566 - Continued

RESOLVED, that the public comment portion is hereby closed.

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

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RESOLUTION NO. 567**DESIGNATION OF LEAD
AGENCY/CHERRY BROOK**

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

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

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

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RESOLUTION NO. 568**DESIGN AND CONSTRUCTION
OF PHASE I IMPROVEMENTS
AT OR NEAR THE CHERRY
BROOK BASIN - SEQRA
NEGATIVE DECLARATION**

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

WHEREAS, a proposal has been made in the Town Board of the Town of Orangetown, New York to design and construct Phase I Improvements at or near the Cherry Brook Basin for the purpose of improving drainage of water (hereinafter "the proposal"),

WHEREAS, on August 17, 2005, the Town Board, through Resolution No. 553, declared its intent to be Lead Agency in this matter,

WHEREAS, on September 12, 2005, the Town Board through Resolution No. 567 declared itself Lead Agency for purposes of environmental review as required by the State Environmental Quality Review Act (SEQRA), having circulated to all interested agencies its intent to be lead agency on this matter, with attachments, and noting that all interested agencies have heretofore responded and indicated that they did not object to the Town Board being Lead Agency,

WHEREAS, the Town Board, acting in its capacity as Lead Agency, has carefully considered all of the potential environmental impacts of the proposal, and has concluded that there will be no significant negative environmental impacts or effects caused or occasioned by the establishment of the proposal, be it

RESOLVED, that the Town Board adopts the findings and conclusions relating to environmental impacts contained in the Long Form Environmental Assessment Form (a copy is labeled Exhibit 9-D-05, and made a part of these minutes), in its entirety, as well as the Negative Declaration Notice of Determination of Non-Significance, and authorizes the Town Supervisor, or his designated agent, to execute the Long Form Environmental Assessment Form and to file the Negative Declaration Notice of Determination of Non-Significance in accordance with the applicable provisions of law, and be it

FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

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

RESOLUTION NO. 569**AUTHORIZATION OF BOND
FOR CHERRY BROOK BASIN**

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

RESOLVED, that a bond in the amount of \$650,000 is hereby authorized for the construction of Phase I Improvements at or near the Cherry Brook Basin. A copy of the Extract of Minutes is labeled Exhibit 9-E-05 and made a part of these minutes.

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

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RESOLUTION NO. 570**THE HOLLOWES/PAC
SIX TWO-BEDROOMS
AFFORDABLE**

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

RESOLVED, that the designation of six two-bedroom units as affordable in The Hollowes PAC development located on Veterans Memorial Highway in Pearl River in accordance with the Town Code Chapter 43, Section 4.68 are hereby approved. Such units are to be geographically distributed throughout the development.

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

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RESOLUTION NO. 571**LEAVE OF ABSENCE
KEVIN O'CONNELL/DEME**

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

RESOLVED, that the request of Kevin O'Connell, a laborer for DEME and a member of the Blauvelt Volunteer Fire Company, for an unpaid Leave of Absence for up to 30 days, with continuing health benefits, beginning September 12, 2005 in order to assist in the relief efforts in Louisiana for FEMA is hereby approved.

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

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RESOLUTION NO. 572**SENIOR CITIZEN'S ADVISORY
COUNCIL/APPOINTMENT**

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

RESOLVED, that Mary Martini, Village of S. Nyack, Martha Mian, Orangeburg, and Shirley McGowan, Sparkill are hereby appointed to the Senior Citizen's Advisory Council to fill existing vacancies.

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

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RESOLUTION NO. 573

RESOLUTION SUPPORTING AND CONCURRING IN ROCKLAND COUNTY'S APPLICATION FOR DESIGNATION OF CERTAIN AREAS WITHIN THE TOWN OF ORANGETOWN AS AN EMPIRE ZONE

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

WHEREAS, Section 961 of Article 18-B of the General Municipal Law authorizes application by Rockland County for designation of certain areas as an Empire Zone within the meaning of said statute; and

WHEREAS, such designation could greatly benefit the Town of Orangetown in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area and new and expanded businesses would generate new jobs for the Town of Orangetown residents; and

WHEREAS, the Town of Orangetown intends to authorize the submission of an application for the designation of areas within the Town of Orangetown as an Empire Zone; and

WHEREAS, the Town Board wishes to designate certain areas within the Town of Orangetown as part of the proposed Empire Zone; and

WHEREAS, the Town of Orangetown is desirous of working with Rockland County through the Empire Zone Program to provide enhanced job opportunities for its residents; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orangetown, Orangeburg, New York, that it fully supports and concurs in the submission of an application by Rockland County for the designation of certain areas as an Empire Zone.

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

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RESOLUTION NO. 574

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items twenty-one (21) through forty-one (41) are hereby combined.

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

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RESOLUTION NO. 575

S ORANGETOWN ROTARY TENNIS TOURNAMENT/AID

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

RESOLVED, that the request of the South Orangetown Rotary for two potable toilets for the South Orangetown Rotary Tennis Tournament, September 17th and 18th to be charged to Account No. A7520/50457 is hereby approved.

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

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RESOLUTION NO. 576**DEL ARTE & VENTURE/AID
AND AMEND RES NO. 387/05**

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

RESOLVED, that Resolution No. 387/05 is hereby amended to include the use of two portable toilets for September 18th to be charged to Account No. A7520/50457.

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

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RESOLUTION NO. 577**JOHN BELLEW - 5K RUN/WALK
OCTOBER 1, 2005 - PR/AID**

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

RESOLVED, that the request of John Sullivan of 185 Ridge Street, Pearl River, organizer of the John Bellew 5K Run/Walk in Pearl River on October 1, 2005 for the provision of trash receptacles, barricades and 2 portable toilets to be charged to Account No. A7520/50457 is hereby approved.

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

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RESOLUTION NO. 578**TRAFFIC CONTROL DEVICES
OLD MIDDLETOWN RD/BLUE
HILL RD N/VETERNS MEM**

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

RESOLVED, that the purchase two (2) traffic control devices for signals on Veterans Memorial Drive (1 at Old Middletown Rd and 1 at Blue Hill Road North) for an amount not to exceed a total of \$4,000 and to be charged to Account No. A3310/50457 is hereby approved.

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

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RESOLUTION NO. 579**TRAFFIC CONTROLLER
INSTRUMENTS/VETERNS MEM**

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

RESOLVED, that the purchase of two (2) traffic controller instruments on Veterans Memorial Drive to replace the ones loaned to the Town by Verde Electric at a cost not to exceed a total of \$4,500 and to be charged to Account No. A3310/50457 is hereby approved.

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

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RESOLUTION NO. 580**TRAFFIC DIGITAL UNIT
MONITOR TRAFFIC FLOW**

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

RESOLVED, that the purchase of a digital unit capable of monitoring traffic flow and adjusting the traffic signal accordingly for North Middletown Rd and Townline Rd at a cost not to exceed \$18,000 and to be charged to Account No. A3310/50200 is hereby approved.

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

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RESOLUTION NO. 581**CAST IRON CURB INLETS
AWARD BID/CAMPBELL**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for cast iron curb inlets, which were received and publicly opened on August 17, 2005. The Superintendent made a recommendation to the Town Board; a copy is labeled Exhibit 9-F-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Campbell Foundry Company of Harrison, NJ, the lowest qualified bidder, in the amounts indicated on the bid sheet.

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

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RESOLUTION NO. 582**RPC/ELECTRICAL/BASEBALL
FIELDS/AWARD BID/FANSHAWE**

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

WHEREAS, the Director, Dept. Environmental Mgt. & Eng. duly advertised for sealed bids for electrical work in conjunction with the construction of the baseball fields on Town-owned land at RPC, the lowest eligible bidder, which were received and publicly opened on August 31, 2005. The Director made a recommendation to the Town Board; a copy is labeled Exhibit 9-G-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Fanshawe Inc., the lowest qualified bidder, in the amount of \$388,700.

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

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RESOLUTION NO. 583**CLERK/TYPIST-BUILDING
KATHLEEN A. WATTERS**

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

Resolution No. 583 - Continued

RESOLVED, that Kathleen A. Watters is hereby appointed to the position of clerk/typist in the Building Department, permanent, from Eligible List #03110(OC), grade 2-1 at an annual salary of \$27,968.00, effective September 13, 2005.

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

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RESOLUTION NO. 584**DEME/ESTABLISH AUTO
MECHANIC 1 POSITION**

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

RESOLVED, that the position of Automotive Mechanic 1 (reclassification of Assistant Auto Mechanic) in the Department of Environmental Management and Engineering is hereby established.

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

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RESOLUTION NO. 585**DEME/APPOINT/EDWARD
BOERA/ AUTO MECHANIC 1**

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

RESOLVED, that Edward Boera is hereby appointed to the position of Automotive Mechanic 1, permanent, grade 15-4 at an annual salary of \$58,101, effective 9/13/05.

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

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RESOLUTION NO. 586**PERFORMANCE BOND
258 S BLVD SUBDIVISION
JOSEPH VOZZA/MICHAEL
DEMARSO/ACCEPTED**

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

RESOLVED, that the Subdivision Performance Bond in the sum of \$44,958.00 from Joseph L. Vozza and Michael J. DeMarco, as "Co-Principals", in favor of the Town of Orangetown as "Obligee", in connection with a certain subdivision known as "258 South Boulevard Subdivision" (66.17-1-25), and which said Performance Bond is collateralized by an Irrevocable Letter of Credit No. 3260, issued by Valley National Bank in favor of the Town of Orangetown, as Beneficiary, and has a completion date of on or before December 8, 2006 is hereby accepted, received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 587

**PERFORMANCE BOND
SICKELS FARM SUBDIVISION
LABOZZ-2 BUILDERS INC**

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

RESOLVED, that LaBozz-2 Builders Corp. Performance Bond for Sickels Farm Subdivision (69.08-1-2), commonly known as 260 Sickletown Road, Orangeburg, NY (PB#05-34, PB#04-131), in the amount of \$286,452.00, which is collateralized by an assignment of Account #100009859, held with Union State Bank in the sum of \$286,452.00 in the name of LaBozz-2 Builders Corp. in favor of the Town of Orangetown as Obligee is hereby accepted, received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 588

**SEWER WORK/CERTIFICATE
OF REGISTRATION-2005
TRUE GREEN INDUSTRIES**

Councilwoman Manning offered the following resolution, which was seconded by Councilman O'Donnell 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 sewer work for 2005 for True Green Industries Inc., 344 Germonds Road, West Nyack, NY is hereby approved.

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

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RESOLUTION NO. 589

**2005 PRIMARY ELECTION
INSPECTORS/POLLING
PLACES**

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

RESOLVED, that the Election Inspectors and Polling Places for the 2005 Primary Election are hereby approved. The list of Inspectors and Polling Places are labeled Exhibit 9-H-05 and made a part of these minutes.

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

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RESOLUTION NO. 590

ACCEPT MINUTES

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

RESOLVED, that the Regular Town Board Meeting and Audit Meeting minutes of August 8, 2005, Executive Session minutes of August 8, 2005 and September 6, 2005 and Special Town Board Meeting minutes of August 17, 2005 are hereby accepted.

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

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RESOLUTION NO. 591**RESTRICTIVE COVENANT
SOMERSET CONDOMINIUMS
A/K/A ESTATE OF PEARL
RIVER/RECEIVE/FILE**

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

RESOLVED, that the Modification of Restrictive Covenant for the Somerset Condominiums a/k/a Estate of Pearl River is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 592**CO-SPONSOR FUNDING
AGRMT/ORANGETOWN
CHILDREN'S SOCIETY
RECEIVE/FILE**

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

RESOLVED, that the Co-Sponsored Funding Agreement between Orangetown Children's Society is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 593**STEARNS & WHELER
CONSULTING AGRMT PHASE I
CAPITAL IMPROVEMENTS
DEME/RECEIVE/FILE**

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

RESOLVED, that the fully executed Consulting Agreement for Professional Services for Phase 1 Capital Improvements, Orangetown's Wastewater Infrastructure with Stearns & Wheler, LLC is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 594**SKYVIEW PLAZA DEVEL
PEARL RIVER THEATER/AKA
THE MEWS/PAC ZONE CHANGE
PUBLIC HEARING/SET DATE**

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

RESOLVED, that the date of October 24, 2005, 8:00 p.m. is set for a public hearing to consider a PAC Zone Change for Skyview Plaza Development Corp, The Mews, for property known as the Pearl River Theater (68.16-6-62).

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

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RESOLUTION NO. 595

ADJOURNMENT/MEMORY

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

RESOLVED, that this Regular Town Board Meeting adjourned at 12:22 a.m. in memory of Robert J. Nulty, Police Chief's father, Betty Tozer, Deputy Supervisor's wife, Edward F. Guy, Pearl River, Harry Kelly, Pearl River, Robert J. Tuohy, Sparkill and Betty Carter, Pearl River.

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

Charlotte Madigan, Town Clerk