

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, OCTOBER 11, 2006**

This Regular Town Board Meeting was opened at 7:37 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
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
Mary McCloskey, Assessor's Office
John Giardello, Director, OBZPAE

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

Supervisor Kleiner said the Town Board will finish their review of the budget by October 23rd and that a public hearing is scheduled for the Preliminary Budget on November 6th.

Public Comment

Shelly Morgan, Tappan, questioned the co-sponsored funding for the Orangetown Patriots and the South Orangetown After-School Enrichment program.

Eileen Larkin, Palisades, questioned the rent for the playgroups and Kids Corner and asked for a response to her letter.

Ann Marie Hahr, Pearl River, is very disappointed with the Building Dept. misplacing her file and the problems caused by this dept.

Watson Morgan, Blauvelt, questioned the change order for block walls at the baseball fields and believes the Town should increase the amount of grant money for the shade tree planting program.

RESOLUTION NO. 680

CLOSE PUBLIC PORTION

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

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RESOLUTION NO. 681

**NYACK PARK CONSERVANCY/NEW
YEAR'S EVE/FIREWORKS/TABLED**

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

Resolution No. 681 - Continued

RESOLVED, that the request of the Nyack Park Conservancy for \$2,000 towards a fire works display on New Year's Eve is hereby tabled.

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

Noes: None

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RESOLUTION NO. 682**SOUTH ORANGETOWN ROTARY
TENNIS TOURNAMENT/AID APPROVED**

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

RESOLVED, that the request of the South Orangetown Rotary for two portable toilets for their annual tennis tournament on October 7-8, 2006 is hereby approved.

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

Noes: None

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RESOLUTION NO. 683**ST AEDAN'S CHURCH/BUILDING DEPT
AND PLANNING BD FEES/WAIVED**

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

RESOLVED, that the request of St. Aedan's Church to waive the Building Department and Planning Board fees for their addition of eight (8) classrooms and interior improvements to the existing Parish Center on Reld Drive, Pearl River is hereby approved.

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

Noes: None

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RESOLUTION NO. 684**SET PUBLIC HEARING DATE
AMENDING CHAPTER 39 -"VEHICLES
& TRAFFIC" OF TOWN CODE/TAPPAN**

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

RESOLVED, that a public hearing is set for November 13, 2006, 8:00 p.m. to consider an amendment to Chapter 39 of the Town Code entitled "Vehicles and Traffic". This amendment prohibits stopping, standing or parking in specified places in the hamlet of Tappan.

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

Noes: None

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RESOLUTION NO. 685**AUTHORIZE APPLICATION/AGREEMENT
FOR PROJECT FINANCING/NY CLEAN
WATER STATE REVOLVING FUND/DEME**

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

Resolution No. 685 - Continued

WHEREAS, the Town of Orangetown herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as: Capital Improvement Plan – Orangetown’s Wastewater Infrastructure as identified as CWSRF Project Number C35345-04-00 herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY the Town Board of the Town of Orangetown as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understanding and assurances contained in said application.
2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required: Ronald C. Delo, P.E., DEE, Director, Dept. Environmental Mgt. & Eng.
3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, NY 12207-2997.
5. This Resolution shall take effect immediately.

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

Noes: None

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RESOLUTION NO. 686**RPC/BASEBALL FIELDS/CHANGE ORDER
KEYSTONE BLOCK WALLS/APPROVED**

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

RESOLVED, that a change order in the amount of \$14,758.00 for the installation of two keystone block walls totaling 218 linear feet at the baseball fields to be constructed by W. Harris & Son Inc. is hereby approved.

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

Noes: None

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RESOLUTION NO. 687**NYS DEC/CLEAN WATER/CLEAN AIR
BOND ACT 1996/DEME/APPROVED**

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

WHEREAS, the Town of Orangetown herein called the "Municipality," after thorough consideration of the various aspects of the problem of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, related to a Storm Water District and Phase II Storm Water Permit Implementation, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorized State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Orangetown Town Board

1. That Ronald C. Delo, PE, DEE, Director, Dept. Environmental Mgt. & Eng., or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution takes effect immediately.

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

Noes: None

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RESOLUTION NO. 688**AMERICAN EXPRESS PURCHASING
CARDS/AUTHORIZED**

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

RESOLVED, that authorization is hereby granted for the application of a Town American Express purchasing card.

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

Noes: None

RESOLUTION NO. 689

**AMEND RESOLUTION NO. 478/2005
PHASE 1/SEWER CONTRACT**

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

RESOLVED, that Town Board Resolution No. 478/2005, is amended by reducing the Stearns and Wheler base contract from \$2.0 million to \$1,849,000.00 for Phase I/Sewer Contract.

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

Noes: None

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RESOLUTION NO. 690

**AMEND RESOLUTION NO. 385/2006
PHASE 1/SEWER CONTRACT**

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

RESOLVED, that Town Board Resolution No. 385/2006, is amended by increasing the Stearns and Wheler contract, for additional work from \$316,230.00 to \$471,000.00 for Phase I/Sewer Contract.

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

Noes: None

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RESOLUTION NO. 691

**ROCKLAND CTY STORMWATER
CONSORTIUM/MEMBERSHIP**

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

RESOLVED, that the Town Board of Town of Orangetown is hereby authorized to become a member in the Rockland County Stormwater Consortium for the purpose of providing for the health, safety and general welfare of the citizens of the Town of Orangetown.

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

Noes: None

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RESOLUTION NO. 692

**NYS OFFICE OF PARKS, RECREATION
& HISTORIC PRESERVATION
RECREATIONAL TRAILS PROGRAM
AUTHORIZE FUNDING APPLICATION**

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

RESOLVED, that the Supervisor is hereby authorized to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational Trails Program and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Orangetown.

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

Noes: None

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RESOLUTION NO. 693**NYSDEC/URBAN COMMUNITY
FORESTRY/SHADE TREE PLANTING
AUTHORIZE FUNDING APPLICATION**

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

RESOLVED, that the Supervisor is hereby authorized to file an application for a grant under the Urban and Community Forestry program of the NYSDEC for the Shade Tree planting program.

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

Noes: None

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RESOLUTION NO. 694**2006-2007 STEPS TO A HEALTHIER NY
AUTHORIZE FUNDING APPLICATION**

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

RESOLVED, that the Supervisor is hereby authorized to file an application for a grant under the 2006-07 Steps to a Healthier New York program.

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

Noes: None

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RESOLUTION NO. 695**CO-SPONSORED FUNDING/APPROVED
S ORANGETOWN AFTER-SCHOOL
ENRICHMENT**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings, co-sponsored funding is hereby approved for the South Orangetown After-School Enrichment, in the amount of \$1,500.00, to be charged to Account No. A7310/50482.

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

Noes: None

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RESOLUTION NO. 696**ACCEPT MINUTES**

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

RESOLVED, that the Special Town Board Meeting and Public Hearing minutes of September 18, 2006; Regular Town Board Meeting and Audit Meeting minutes of September 25, 2006 and Executive Session minutes of October 3, 2006 are hereby accepted.

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

Noes: None

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RESOLUTION NO. 697**POLICE CAPTAIN'S AGREEMENT
ROBERT ZIMMERMAN/RECEIVE AND
FILE IN THE TOWN CLERK'S OFFICE**

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

Resolution No. 697 - Continued

RESOLVED, that the Police Captain's agreement between the Town of Orangetown and Robert Zimmerman is hereby received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 698

**POLICE ADMINISTRATIVE
LIEUTENANT'S AGREEMENT
DONALD BUTTERWORTH/RECEIVE
AND FILE IN THE TOWN CLERK'S
OFFICE**

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

RESOLVED, that the Police Administrative Lieutenant's Agreement between the Town of Orangetown and Donald Butterworth is hereby received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 699

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned this meeting at 8:25 p.m.

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

Charlotte Madigan, Town Clerk