

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, FEBRUARY 14, 2005**

The Regular Town Board Meeting was opened at 7:40 p.m. Supervisor Kleiner presided. The Supervisor called the Roll. Present were:

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

Also present: Teresa Sebastian, Deputy Town Clerk
Eliot Tozer, Deputy Supervisor
Suzanne Barclay, Executive Asst. to Supvr.
Charles Richardson, Director of Finance
Teresa M. Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
James Dean, Superintendent of Highways
Stephan Munno, Highway Administrative Assistant
Mike Yannazzone, Highway Maintenance Supervisor III
Ron Delo, Dept. Environmental Mgt. & Eng.
Robert Simon, Receiver of Taxes
Kevin Nulty, Chief of Police
Mary McCloskey, Assessor's Office
John Giardello, Director, OBZPAE

The Pledge of Allegiance to the Flag was led by Supervisor Kleiner.

The following Highway Awards were presented by James Dean, Superintendent of Highways:

Inspiration for Adopt-A-Spot – Eleanor Bertha, Inge Horn and Joyce Beisgen
Covent Rd, Blue Hill Rd, Sickletown Rd.

First Official Adopt-A-Spot – “Growing Together in Bloom”
Ethan Allen Court, Orangeburg

Adopt-A-Road – Blauvelt Lion's Leos, Nat'l Broadcasting Society, St Thomas Aquinas College
Area around South Orangetown Middle School and Kings Hwy (Rt 303 – Hickey St.)

Special Beautification Award – Beng Leong, Organic Recycling, Inc.
Rt 303 Drive In Marquee - Orangeburg

Summer School Summer Work Program – Staff Supervisors: Sy Samuels, Kyle Hassle, Shulton Whitley; Students: Steven Acosta, Stephen Albrecht, Mathew Brasen, Jennifer Delgado, Robert Gallego, Halexis Jones, Leo Levine, Richard Light, Max Miller, David Mintz, Richard Moraczewski, and Alex Weisberg.
Work Experience at the Highway Dept.

Highway Hero Award – Michael Catania
Helped with the trench-collapsed rescue on Lester Dr.

Highway Perfect Attendance – Mike Yannazzone and Christopher Feroldi.

Sr. Peggy Scarano of the CDBG Committee presented the following three applications for CDBG funding: *South Rockland Interfaith Volunteer Caregivers, Inc.*, requested \$23,836 for transportation to medical appointments, food shopping and errands; food shopping brought in for the homebound; friendly visits and telephone reassurance.

Dowling Housing Corp., requested \$75,000 for a Standby Emergency Generator.

Venture Center, Sparkill, requested \$250,000 for parking lot grading, paving, installation of required parking lot lighting, renovation of existing bathrooms, addition of a new bathroom, improvement of indoor lighting and installation of an automatic handicapped door.

Supervisor Kleiner announced that a Bidders Conference with developers interested in submitting proposals for the redevelopment of Rockland Psychiatric Center (RPC) will be held

on Wednesday, February 16th at 10 a.m. STEJ has agreed to purchase the property at RPC and the Town has agreed to give them a six (6) month extension to close on the sale of the property.

Public Hearing

RESOLUTION NO. 124

**LL AMENDING PLANNED
ADULT COMMUNITY (PAC)
ZONE/OPEN PH**

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

RESOLVED, that the public hearing to consider a proposed Local Law amending the Planned Adult Community (PAC) zone, Chapter 43, Article 4.6 of the Town Code of the Town of Orangetown with respect to the number of apartment style units to be permitted with a single building, and reserving to the Town Board the right to review any proposed site development plan and/or proposed subdivision plat prior to the granting of preliminary approval of such plan and/or plat by the Town Planning Board is hereby opened.

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

Teresa Sebastian, Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting, copies are labeled Exhibit 2-A-05 and made a part of these minutes.

Supervisor Kleiner explained that the amendment would give the Town Board additional reviewing authority over senior housing plans before and after the Planning Board reviews them. The amendment would also allow the Planning Board to determine the number of units in a development.

The public portion was opened and the following residents spoke:

Andrew Wiley, Pearl River, feels the all the high destiny changes the character of the Town and is a stress on the Town's infrastructure. Repair of the Town's drainage/sewer system should be done before any further development.

Tom Cicarelli, Pearl River, against senior housing on Middletown Rd because of existing drainage problems.

Eileen Larkin, Palisades, asked for clarification of the amendment?

Mary McCloskey, Blauvelt, stated senior housing has been being planned for 7 years. She begged the Town Board to move forward.

Robert Dell, Tappan, agrees with the amendment and suggested better communication between the Town Board, Planning Board and developers.

A lengthy discussion took place between the Town Board and John S. Edwards, First Deputy Town Attorney, clarifying this amendment.

RESOLUTION NO. 125

**LL AMENDING PLANNED
ADULT COMMUNITY (PAC)
ZONE/CLOSE PH**

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 126**LL AMENDING PLANNED
ADULT COMMUNITY (PAC)
ZONE/LEAD AGENCY**

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

RESOLVED, that the Town Board is designated as Lead Agency for this amendment to the Planned Adult Community (PAC) Zone.

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

RESOLUTION NO. 127**SEQRA DECLARATION/ LL
AMENDING PLANNED ADULT
COMMUNITY (PAC) ZONE**

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, a copy is labeled Exhibit 2-B-05 and made a part of these minutes.

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

RESOLUTION NO. 128**ADOPTED/ LL AMENDING
PLANNED ADULT COMMUNITY
(PAC) ZONE**

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

RESOLVED, that a proposed Local Law amending the Planned Adult Community (PAC) zone, Chapter 43, Article 4.6 of the Town Code of the Town of Orangetown with respect to the number of apartment style units to be permitted with a single building, and reserving to the Town Board the right to review any proposed site development plan and/or proposed subdivision plat prior to the granting of preliminary approval of such plan and/or plat by the Town Planning Board is hereby adopted.

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

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Public Comment

Shelly Morgan, Tappan, spoke again regarding the \$50,000 from Piermont for the Collins property. Eileen Larkin, Palisades, asked where is the Palisades Trail-Way, if it is accessible for Emergency Vehicles and asked for the estimated cost to the budget? She asked for the dollar figure for the amendment to LMS contract for recreation fields at RPC.

Robert Dell, Tappan, questioned the wisdom of paving the trails and is against this paving.

Andrew Wiley, Pearl River, wishes for several market appraisals to be done for any Town-Owned land being sold. He is against the fields being bonded and he spoke about the possibility of the Town grading the fields. He feels no work should be done on the fields, until we see if there is a referendum. He questioned a conflict of interest regarding Sr. Peggy Scarano?

Tom Healy, Pearl River, questioned the status of the Cherry Brook Drainage Improvements and suggested the infrastructure repairs be bonded.

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RESOLUTION NO. 129**CLOSE PUBLIC COMMENT**

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

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RESOLUTION NO. 130**CAPITAL PROJECT ACCT
CHERRY BOOK DRAINAGE**

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

RESOLVED, that a capital project account is hereby created for the Cherry Brook Drainage Improvements with an initial budget of \$17,500 for planning, Account No. H5130022/50200.

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

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RESOLUTION NO. 131**PLANNING BOARD
CHAIRMAN/BRUCE BOND**

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

RESOLVED, that Bruce Bond is hereby re-appointed as Chairman of the Planning Board, term expiring December 31, 2005.

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

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RESOLUTION NO. 132**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items six (6) through forty-four (44), except items eleven (11) and twenty-seven (27), are hereby combined.

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

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RESOLUTION NO. 133**CDBG APPLICATIONS
ACCEPTED**

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

RESOLVED, that the Town Board accepts the recommendations of the Town's CDBG Committee for 2005 applications to be submitted to the County of Rockland Community Development Office for consideration and approval.

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

RESOLUTION NO. 134**LAND USE BOARD/PH DATE
ATTENDANCE REQUIRMENTS**

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

RESOLVED, that the date of March 2, 2005, 8:00 p.m. is set for a Public Hearing to establish a local law to set attendance requirements for land use board members.

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

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RESOLUTION NO. 135**WILLIAM MOWERSON
RE-APPOINT/ZBA**

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

RESOLVED, that William Mowerson is hereby re-appointed to the ZBA for a five-year term, effective February 15, 2005 - December 31, 2009.

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

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RESOLUTION NO. 136**STU WALVISCH/ACABOR
RE-APPOINTED**

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

RESOLVED, that Stu Walvisch is hereby re-appointed to ACABOR for a three-year term, effective February 15, 2005 – December 31, 2007.

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

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RESOLUTION NO. 137**THANO SCHOPPEL/HABR
RE-APPOINTED**

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

RESOLVED, that Thano Schoppel is hereby re-appointed to HABR for a three-year term, effective February 15, 2005 – December 31, 2007.

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

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RESOLUTION NO. 138**WILLIAM WALTHER/HABR
RE-APPOINTED**

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

Resolution No. 138 - Continued

RESOLVED, that William Walther is hereby re-appointed to HABR for a three-year term, effective February 15, 2005 – December 31, 2007.

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

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RESOLUTION NO. 139**JOHN DUFFY/CHAIRMAN/ZBA
RE-APPOINTED**

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

RESOLVED, that John Duffy is hereby re-appointed Chairman of the ZBA, term expiring December 31, 2005.

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

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RESOLUTION NO. 140**FRANK FRANCOBANDERA
CHAIRMAN/ACABOR**

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

RESOLVED, that Frank Francobandera is hereby appointed Chairman of ACABOR, term expiring December 31, 2005.

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

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RESOLUTION NO. 141**ED FITZPATRICK/2005 CABLE
TV COMMITTEE**

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

RESOLVED, that Ed Fitzpatrick is hereby appointed to the 2005 *Cable TV Committee*, term expiring December 31, 2005.

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

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RESOLUTION NO. 142**FRANCINE OLDENBURGER
2005 CABLE TV COMMITTEE**

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

RESOLVED, that Francine Oldenburger is hereby appointed to the 2005 *Cable TV Committee*, term expiring December 31, 2005.

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

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RESOLUTION NO. 143**2005 SUBSTANCE ABUSE
COMMITTEE**

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

RESOLVED, that the following members are hereby appointed to the *2005 Substance Abuse Committee*, term expiring December 31, 2005.

Jaye Glick	Bonnie Hand	Betsy Hastedt
Evelyn Itzkow	Denise Zumpano	

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

Noes: None

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RESOLUTION NO. 144**FRANK FORNARIO/BOARD OF
ASSESSMENT REVIEW**

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

RESOLVED, that Frank Fornario is hereby re-appointed to the Board of Assessment Review for a five-year term, effective October 1, 2004 – September 30, 2009.

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

Noes: None

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RESOLUTION NO. 145**PATRICK JOSEPH WRAFTER
BROADACRES GOLF/RPC
CONTRACT RENEWAL**

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

RESOLVED, that the Supervisor is hereby authorized to sign a contract renewal for Patrick Joseph Wrafter for management of Broadacres Golf Course, March 1st – December 31, 2005 at the same monthly rate of \$5,200.00.

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

Noes: None

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RESOLUTION NO. 146**COUNTY OF ROCKLAND/CDBG
COOPERATION AGREEMENT**

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

RESOLVED, that the Supervisor is hereby authorized to execute a cooperation agreement with the County of Rockland to renew participation in the Community Development Block Grant (CDBG) program and the HOME Investment Partnership program for the years 2006-2008.

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

Noes: None

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RESOLUTION NO. 147**REFUNDING/SERIAL BONDS
AUTHORIZATION**

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

Resolution No. 147 – Continued

RESOLVED, that the Refunding of certain outstanding serial bonds for the Town, stating the plan of refunding, appropriating an amount not to exceed \$2,500,000 is hereby authorized. A copy of the Extract of Minutes is labeled Exhibit 2-C-05 and made a part of these minutes.

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

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RESOLUTION NO. 148

**PRINCETON EXCESS & SURPLUS
 INSURANCE/INSURANCE CONTRT**

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

RESOLVED, that an excess insurance contract for 2005 is hereby awarded to a consortium led by Princeton Excess and Surplus Insurance in the amount of \$800,055 including New York State fees, to be charged to Account #MS172249/50457.

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

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RESOLUTION NO. 149

**GALLAHER BASSETT/CLAIMS
 ADMINSTRATION/INSURANCE
 CONTRACT**

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

RESOLVED, that a claims administration contract for 2005 is hereby awarded to Gallagher Bassett in the amount of \$78,412 to be charged to account #MS171049/50457.

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

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RESOLUTION NO. 150

**COUNTY OF ROCKLAND
 FIREARMS TRAINING
 FACILITY/REIMBURSEMENT**

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

RESOLVED, that the Supervisor is hereby authorized to sign an agreement with the County of Rockland to reimburse the County for the Town's share of the development of a firearms training facility on the Tilcon property in the Town of Haverstraw for one-half of the face amount of the \$570,000 bond, or a total sum of \$285,000, at an estimated annual cost of \$10,000 per year for five years from the Town of Orangetown to be charged to Account No. B3120/50441.

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

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RESOLUTION NO. 151

**C RICHARSON/ANN MAESTRI
 PERMISSION GRANTED/GFOA**

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

Resolution No. 151 – Continued

RESOLVED, that permission is granted to Charles Richardson and Ann Maestri to attend the New York State GFOA conference in Albany, NY, on April 6-7 at a cost of \$900.00 to be charged to Acct. #1310/50441/50480.

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

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RESOLUTION NO. 152**AMEND RESOLUTION NO. 59/2005**

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

RESOLVED, that Resolution No. 59 of 2005 regarding advertising for the bidding of windows for the DePew House is hereby amended by changing the date that bids are to be received from Feb 2, 2005 to Feb 16, 2005.

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

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RESOLUTION NO. 153**2004 BUDGET
TRANSFERS/APPROVED**

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

RESOLVED, that the 2004 budget transfer as shown on Exhibit 2-D-05 are hereby approved.

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

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RESOLUTION NO. 154**CAPITAL PROJECT ACCT
RECREATION FIELDS/RPC**

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

RESOLVED, that capital project accounts are hereby created for the Recreation Fields on Town Owned property at RPC, Account Nos. H7110742/50200 and H039800/43684.

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

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RESOLUTION NO. 155**WEB SITE DESIGN/CONTRACT
XONOS INC/APPROVED**

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

RESOLVED, that the contract with Xonos Inc. for web site design at a cost of \$7,500 to be charged to Account No. A16622/50457 is hereby approved.

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

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RESOLUTION NO. 156**ANNUAL OPEN HOUSE
HIGHWAY DEPT**

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

RESOLVED, that the Highway Department is hereby authorized to host their 9th Annual Open House on Saturday, May 14th, 2005 from 10:00 a.m. to 12:00 p.m. at the Highway Department facility.

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

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RESOLUTION NO. 157**CORNELL COOPERATIVE EXT
EDUCATION/EPA PHASE II
STORMWATER REGULATIONS**

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

RESOLVED, that the contract with Cornell Cooperative Extension for the Education and Outreach Program for the EPA Phase 2 Stormwater regulations, in the amount of \$6,800, to be split among the following account numbers is hereby renewed.

Account Nos: A1440/50457, A5010/50457, B3620/50457

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

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RESOLUTION NO. 158**CLERK (PT)/PERSONNEL
EILEEN FITZPATRICK
ESTABLISHED/APPOINT**

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

RESOLVED, that the position of Clerk (PT) in the Personnel Department is hereby established, and Eileen Fitzpatrick is hereby appointed to this position, effective February 15, 2005, 16 hours per week, at a rate of \$15.00 per hour.

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

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RESOLUTION NO. 159**CLERK (PT)/HIGHWAY DEPT
HELEN WILSON
ESTABLISHED/APPOINT**

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

RESOLVED, that the position of Clerk (PT) in the Highway Department is hereby established, and Helen Wilson is hereby appointed to this position, effective February 15, 2005, 16 hours per week, at a rate of \$15.00 per hour.

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

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RESOLUTION NO. 160**CLERK (PT)/SUPERVISOR'S
LINDA KINGSTON
ESTABLISHED/APPOINT**

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

RESOLVED, that the position of Clerk (PT) in the Supervisor's Office is hereby established, and Linda Kingston is hereby appointed to this position, effective February 22, 2005, 16 hours per week, at a rate of \$15.00 per hour.

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

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RESOLUTION NO. 161**STREET LIGHTS/TOWNLIN RD
SILVER BIRCH/ALLISON
DRIVES/APPROVED**

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

RESOLVED, that the installation of a street light to Pole No. 58900/39264 located on 2 Townline Road between Silver Birch and Allison Drives, and to Pole No. 58880/39267 at Townline and Silver Birch in Pearl River are hereby approved.

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

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RESOLUTION NO. 162**ENGEL SUBDIVISION/HEGARTY
HOMES/PERFORMANCE BOND
TRACKING NO. 01-05-68.20.3.33**

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

RESOLVED, that upon recommendation of the Town Attorney, Director of the Department of Environmental Management and Engineering and the Superintendent of Highways, Hegarty Homes, Inc. Performance Bond for the Engel Subdivision, Tracking No. 01-05-68.20.3.33, Section 68.20, Block 3, Lot 33, commonly known as 147 Grove Street, Pearl River (PB# 00-55, PB# 01-68, PB# 03-42, PB# 04-114), in the amount of \$4,548.00, is hereby accepted, received and filed in the Town Clerk's Office. A Bank Check from Edmund Lane, President of Hegarty Homes, Inc. collateralizes this Performance Bond, in the amount of \$4,548.00, which has been forward to the Finance Office.

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

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RESOLUTION NO. 163**NEW CINGULAR WIRELESS
d/b/a AT&T WIRELESS/LEASE
AGREEMENT/AMENDMENT**

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

RESOLVED, that the third Amendment to the New Cingular Wireless, PCS, LLC., d/b/a/ AT&T Wireless, Lease Agreement to permit an equipment upgrade consisting of the installation

Resolution No. 163 – Continued

of two (2) equipment cabinets at 26 Orangeburg Road, Orangeburg, NY, with a monthly increase of \$350.00, and thereafter, an annual rental increase of 4% for the remainder of the lease term is hereby approved.

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

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RESOLUTION NO. 164**VEHICLE & TRAFFIC
CHAPTER 39/SET PH DATE**

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

RESOLVED, that the date of March 2, 2005, 8:10 p.m. is set for a Public Hearing to amend Local Law No.3, 1964 (Chapter 39 of the Code of the Town of Orangetown entitled "Vehicles and Traffic") as follows:

*Add a new subsection "68" to paragraph "A" of Section 39-6:
39-6. Prohibition of parking on designated highways.*

A. In the Hamlet of Pearl River:

(68) On the north side of East Washington Avenue, between North William Street and John Street
Add a new subsection "10" to paragraph "C" of Section 39-6:
39-6. Prohibition of parking on designated highways.

C. In the Hamlet of Blauvelt:

(10) On the west side of North Moison Road, between Erie Street and a point 360 feet north of Erie Street.

*Add a new subsection "K" to Section 39-7:
Time Limitation on parking*

K. The parking or standing of vehicles for a period of longer than two hours, between the hours of 7:00 a.m. and 3:00 p.m. on days that school is in session, on East Central Avenue, and on Sparrow Lane, in the hamlet of Pearl River, is hereby prohibited.

Add a new subsection "70" to paragraph "B" of Section 39-8: Stop Intersections

B. In the Hamlet of Orangeburg

Greenbush Road and Highview Avenue for traffic proceeding north and south.

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

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RESOLUTION NO. 165**CLOSING DOCUMENTS/LAND
ACQUISITION BOND/R/F**

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

RESOLVED, that the Closing Documents for the \$6,645,000 Land Acquisition Bond Anticipation Note-2005, which closed in our offices on January 12, 2005 are received and filed in the Town Clerk's Office.

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

RESOLUTION NO. 166**RAIL-TRAIL UPGRADES
APPROVED**

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

WHEREAS, the New York State Department of Transportation proposes the construction of the Palisades Trail way and

WHEREAS, the New York State Department of Transportation will include as part of the Palisades Trail way project the paving and upgrading of the Joseph B. Clarke Rail-Trail between Oak Tree Road and South Greenbush Road in the Town of Orangetown and

WHEREAS, the State will include a paved surface along the Rail-Trail, a parking lot at Oak Tree Road, a bridge over Route 303, drainage improvements, signing, landscaping, bike racks, benches and retaining walls and

WHEREAS, the State will provide for the construction and installation of the above-mentioned work, as shown on the contract plans relating to the project.

NOW, THEREFORE,

BE IT RESOLVED that the Town of Orangetown will be responsible for any repairs, improvements or maintenance work to the Rail-Trail once constructed. This will include but is not limited to the paved surface of the rail-trail, the parking lot at Oak Tree Road, clear areas, drainage, signing, landscaping and appurtenances. The responsibility of the Town of Orangetown regarding the bridge over Route 303 and the ramps leading to the bridge over Route 303 will be limited to the wearing surface.

BE IT FURTHER RESOLVED that the clerk of this Town Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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

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RESOLUTION NO. 167**LMS/RECREATION FIELDS/RPC
AMEND SCOPE OF SERVICES**

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

RESOLVED, that the scope of services of the LMS contract for recreational fields at Rockland Psychiatric Center (RPC) is hereby amended.

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

* * *

RESOLUTION NO. 168**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting minutes of January 24, 2005, Special Town Board Meeting minutes of February 7, 2005 and Executive Session minutes of February 7, 2005 are hereby accepted.

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

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RESOLUTION NO. 169

**REPAIR/REPLACEMENT
SEWERS/STREET
LATERALS/ADV BIDS**

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

RESOLVED, that the Director of the Dept. Environmental Mgt. & Eng. is hereby authorized to advertise for sealed bids for the *repair and replacement of sewers including street laterals on a time and materials basis with the bids stipulating hourly rates for labor, equipment and a markup on materials*, and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m., Wednesday, March 16, 2005, and be publicly opened and read aloud at 11:00 a.m., and Be It

RESOLVED FURTHER, that a report of all bids received and recommendation concerning the award is to be made at a Regular Town Board Meeting.

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

Noes: None

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RESOLUTION NO. 170

**ROCKLAND COUNTY
SEWER DIST #1/SICKLES
FARM SUBDIVISION**

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

RESOLVED, that upon the recommendation of the Director of Environmental Management and Engineering, "Out of District" sewer service is to be provided by Rockland County Sewer District No. 1 (RCSD#1) for the "Sickles Farm Subdivision (69.08-1-2) since the Town has no sewer facilities in the area of said Subdivision and RCSD#1 has sewer facilities in the immediate vicinity thereof.

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

Noes: None

* * *

RESOLUTION NO. 171

**LMS/CHERRY BROOK
BASIN/ENGINEERING SERS**

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

RESOLVED, that the Supervisor is hereby authorized to sign a contract with LMS for engineering services associated with a drainage study of the entire Cherry Brook basin in Pearl River, from the New Jersey state line to its upper most point north of the Wyeth plant site along Middletown Rd., not to exceed \$34,000 and to be charged to Account No. H5130022/50200.

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

Noes: None

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RESOLUTION NO. 172

**STEJ, LLC/CLOSING DATE
EXTENSION-SIX MONTHS**

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

WHEREAS, that STEJ, LLC has decided to exercise its option to purchase the real property, consisting of 16,878+ acres of vacant land, from the Town,

Resolution No. 172 - Continued

WHEREAS, STEJ, LLC has agreed to waive any and all contingencies relating to the purchase of the property as provided for in the two hundred (200) day option period,

WHEREAS, STEJ, LLC also agrees to pay the sum of \$30,000 .00 to the Town of Orangetown in consideration of this extension. Payment of this sum shall be made on or before March 1, 2005,

WHEREAS, STEJ, LLC authorizes the release of the option fee in the amount of \$125,000.00 to the Town of Orangetown,

RESOLVED, that the Town has agreed to extend the closing date for six (6) months from March 1, 2005 to August 31, 2005.

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

Noes: None

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RESOLUTION NO. 173

ADJOURNMENT/MEMORY

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

RESOLVED, that this meeting hereby adjourned at 10:40 p.m. in memory of John Sullivan, Blauvelt.

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

Noes: None

Teresa Sebastian, Deputy Town Clerk