

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, APRIL 10, 2006**

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

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

Also present: Charlotte Madigan, Town Clerk
Teresa Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
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.
Terrance Sullivan, Police Captain
Marie Boyle, Deputy 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 Charlotte Madigan, Town Clerk.

The Town Board met with the two remaining potential developers for RPC and should be able to pick a developer by the end of Spring.

Public Comment

Ruth Weber, Upper Grandview Association, is happy the public portion is reinstated. She is against the cost increase from \$2 million to \$6 million for the ball fields. The Land Use Boards should have known the cost estimates for the fields.

Genevieve Coffey, Pearl River, is against the Town Board spending and Bonding. She asked about her FOIL requests to the Supervisor's Office.

Andrew Wiley, Pearl River, said the original Bond caused a 3% increase and now the amended Bond has over a 4% increase. The Bond was increased without any public hearing or public comment. He asked what materials are used for fill in the ball fields?

Martin Duffy, Pearl River, did not receive help from Orangetown to remove a tree, which is on the same property that the Town needs for easement to control the Cherry Brook drainage. He finally received a berm from the Town, which helps to redirect water overflow in the street.

Irving Baum, Orangeburg, spoke in favor of all Auxiliary members being exempt from golf permit fees at Blue Hill and Broadacres courses.

Carol Silverstein, Orangeburg, is against outside Orangetown residents receiving golf permits. This will eliminate monies needed for the up keep of the Blue Hill Golf Course.

RESOLUTION NO. 284

CLOSED 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
Supervisor Kleiner
Noes: None
Absent: Councilperson Morr

James Dean, Superintendent of Highways, gave a presentation stressing the importance of keeping our streets clean. Everything we do has a direct effect on our environment. The cleaner we keep our streets of debris, the cleaner we keep our streams, lakes, rivers and oceans. This year the Highway Department has developed a Clean Streets-Clean Streams Campaign. Anyone interested in volunteering, please call the Highway Department at 845-359-6500, any help will be greatly appreciated.

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RESOLUTION NO. 285

**CHERRY BROOK DRAINAGE
EMINENT DOMAIN/PH/ADJOURNED**

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

WHEREAS, The Town Board of the Town of Orangetown, New York previously scheduled a Public Hearing, pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York, to be held on April 10, 2006 at 8:00 p.m. regarding the acquisition of easements in furtherance of the Cherry Brook Drainage Improvement Project, be it

RESOLVED, that the Town Board hereby adjourns said hearing and schedules same to occur on May 8, 2006 at 8:10 p.m. on the aforesaid matter and for such other action on the part of said Board as may be required by law or proper in the premises, and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published at least ten (10) but not more than thirty (30) days before the hearing date in at least five (5) successive issues of an official daily newspaper and/or in at least five (5) successive issues of a daily newspaper of general circulation in the Town of Orangetown, and, further, to cause a notice of said public hearing to be sent, at least ten (10) but not more than thirty (30) days before the hearing date, by certified mail, return receipt requested, to each assessment record billing owner of real property to which the Town may be acquiring an interest for such public project, such notices to be in a form to be drafted in the discretion of the Town Attorney.

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

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RESOLUTION NO. 286

**PHASE I/CAPITAL IMPROVEMENT
SEWER DISTRICT WASTEWATER
FACILITIES/EMINENT DOMAIN
PH/ADJOURNED**

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

WHEREAS, The Town Board of the Town of Orangetown, New York previously scheduled a Public Hearing, pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York, to be held on April 10, 2006 at 8:10 p.m. regarding the acquisition of easements and real property in furtherance of Phase I of the Capital Improvement Plan for the Sewer Wastewater Facilities, be it

RESOLVED, that the Town Board hereby adjourns said hearing and schedules same to occur on May 8, 2006 at 8:20 p.m. on the aforesaid matter and for such other action on the part of said Board as may be required by law or proper in the premises, and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published at least ten (10) but not more than thirty (30) days before the hearing date in at least five (5) successive issues of an official daily newspaper and/or in at least five (5) successive issues of a daily newspaper of general circulation in the Town of Orangetown, and, further, to cause a notice of said public hearing to be sent, at least ten (10) but not more than thirty (30) days before the hearing date, by certified mail, return receipt requested, to each assessment

Resolution No. 286 - Continued

record-billing owner of real property to which the Town may be acquiring an interest for such public project, such notices to be in a form to be drafted in the discretion of the Town Attorney.

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

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RESOLUTION NO. 287

**AUXILIARY POLICE/VOLUNTEER
 FIRE/VOLUNTEER AMBULANCE
 CORPS/GOLF PERMITS EXEMPTED**

Councilman Troy offered the following resolution, to amend the original resolution to include all active members of the volunteers for the Auxiliary Police, the Fire Department and the Ambulance Corps to include both residence and non-residence, which was seconded by Councilman O'Donnell and on a roll call was adopted:

RESOLVED, that all active certified members of the Orangetown Auxiliary Police, active members of the volunteer Fire departments and active members of the volunteer Ambulance Corps are hereby exempted from the annual golf permit fees at Blue Hill and Broadacres Golf Courses.

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

Rich Rose, Superintendent of Parks, in answer to the Town Board questions, explained the present practice re. Volunteers and the cost to the town. He also stated that he would be against giving non-residence the resident rates as well as no charge for the Blue Hill Golf permit. Carol Silverstein, Blue Hill Golf Course Committee, also believes it would be a poor fiscal choice to issue a non-resident permit to out of town residents. Councilman Troy stated that it is important to recognize all Fire, Police and Ambulance volunteers including those that may have moved out of town but still continue to volunteer in the Town of Orangetown. Councilman O'Donnell, agreed that all active volunteers should be afforded the right to golf at resident fees regardless where they live. Councilwoman Manning concerned about giving non-residence resident status voted no. Supervisor Kleiner after discussing this item with the Police Captain explained that it was difficult to recruit police volunteers, which is the reason for the high numbers of non-residents on the police auxiliary.

RESOLUTION NO. 287A

**AUXILIARY POLICE/VOLUNTEER
 FIRE/VOLUNTEER AMBULANCE
 CORPS/GOLF PERMITS EXEMPTED**

Councilman Troy offered the following resolution, for all active members of the volunteers for the Auxiliary Police, the Fire Department and the Ambulance Corps, both residence and non-residence, which was seconded by Councilman O'Donnell and was adopted:

RESOLVED, that all active certified members of the Orangetown Auxiliary Police, active members of the volunteer Fire departments and active members of the volunteer Ambulance Corps are hereby exempted from the annual golf permit fees at Blue Hill and Broadacres Golf Courses.

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

RESOLUTION NO. 288**ARCHITECTURE/COMMUNITY
APPEARANCE BD OF REVIEW
APPOINT LARRY VAIL**

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

RESOLVED, that Larry Vail is hereby appointed to the Architecture and Community Appearance Board of Review for the period April 10, 2006 to December 31, 2008.

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

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RESOLUTION NO. 289**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session to discuss a particular personnel item.

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

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RESOLUTION NO. 290**RE-ENTERED RTBM**

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

RESOLVED, that the Town Board re-entered the RTBM.

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

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RESOLUTION NO. 291**STAY MAINTENANCE MECHANICS I
RECLASSIFY TO GRADE 15**

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

RESOLVED, that the effective date of Town Board Resolution #269, which provides for an upgrade of Maintenance Mechanic I grade 13 positions to grade 15, is hereby stayed.

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

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RESOLUTION NO. 292**SPECIAL PERMIT APPLICATION
ACCEPTED/FB ORANGETOWN, LLC
ORANGEBURG COMMONS MIXED
USE DEVELOPMENT PROJECT**

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

Resolution No. 292 - Continued

RESOLVED, that a Special Permit application from FB Orangetown, LLC for the proposed Orangeburg Commons Mixed Use Development project for property located on Route 303, Orangeburg for a threshold review by the Town Attorney, the Director of the OZBPAAE, and the Town Assessor to determine compliance with the Zoning Code is hereby accepted.

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

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RESOLUTION NO. 293 COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items fifteen (15) through twenty-eight (28) are hereby combined.

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

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RESOLUTION NO. 294 ROCKLAND COUNTY SEWER DISTRICT NO. 1/CONNECTION 51 LEBER RD, BLAUVELT AUTHORIZED

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

RESOLVED, that an out-of-district sewer connection to the County of Rockland Sewer District No. 1 for property located at 51 Leber Road, Blauvelt (S/B/L 70.06-1-34) is hereby authorized.

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

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RESOLUTION NO. 295 CO-SPONSORED FUNDING/APPROVED PALISADES/SPARKILL BASEBALL LEAGUE - \$3,250.00

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings and the Youth Recreation Advisory Committee, co-sponsored funding is hereby approved to the Palisades/Sparkill Baseball League in the amount of \$3,250, to be charge to Account No. A7310/50482.

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

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RESOLUTION NO. 296**YOUNG LUNGS AT PLAY PROGRAM
AUTHORIZE SIGNS/PLAYGROUNDS**

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

RESOLVED, that the Superintendent of Parks, Recreation and Building Maintenance is hereby authorized to implement the "Young Lungs at Play" program in cooperation with the Rockland County Health Department and post all areas within 50 feet of playground equipment in all Town parks, in accordance with Section 7A-13 of the Town Code.

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

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RESOLUTION NO. 297**ESTABLISH/RECEPTIONIST
POSITION/HIGHWAY DEPT**

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

RESOLVED, that the position of Receptionist (LFT) is established in the Highway Department at a grade three.

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

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RESOLUTION NO. 298**ESTABLISH/NATIONAL INCIDENT
MANAGEMENT SYS (NIMS)**

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

RESOLVED, that the National Incident Management System (NIMS) as developed by the Department of Homeland Security as the Town of Orangetown standard for incident management is hereby established.

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

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RESOLUTION NO. 299**NYS ASSOC OF TAX RECEIVERS AND
COLLECTORS TRAINING SEMINAR
PERMISSION GRANTED**

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

RESOLVED, that permission is hereby granted to Robert R. Simon, the Receiver of Taxes, to attend the NYS Association of Tax Receivers and Collectors Annual Training Seminar from June 11-14, 2006 in Rochester, NY at a cost of \$989.24 to be charged to Acct. A1330 50441/0480.

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

RESOLUTION NO. 300

**CERTIFICATE OF REGISTRATION
FOR 2006 SEWER WORK/APPROVED**

Councilman O'Donnell offered the following resolution, which was seconded by Councilwoman Manning 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 2006 is hereby approved for the following:

MRJ Excavating, Inc.
R.R. Services Corporation d/b/a Roto-Rooter
S.H.F. Corporation

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

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RESOLUTION NO. 301

**COVENANT, HOLD HARMLESS AND
INDEMNIFICATION AGREEMENT
ARBOR HILL, LLC/AUTHORIZE**

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

RESOLVED, that the Supervisor is hereby authorized to sign the Covenant, Hold Harmless and Indemnification Agreement in favor of the Town of Orangetown with Arbor Hill, LLC as a condition of a Zoning Board of Appeals decision regarding construction of a deck on a Town Easement.

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

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RESOLUTION NO. 302

**SET PUBLIC HEARING DATE
AMENDING TOWN CODE
LIABILITY/PERSONAL INJURY
SIDEWALKS/BUSINESS/INDUSTRIAL
DISTRICTS**

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

RESOLVED, that a public hearing is set for May 8th at 8:30 p.m. to consider amending the Town Code to address liability for personal injury caused by sidewalks in business and industrial districts.

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

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RESOLUTION NO. 303

**SET PUBLIC HEARING DATE
AMENDING CHAPTER 14 OF THE
TOWN CODE/FEES/GIS SYS**

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

Resolution No. 303 - Continued

RESOLVED, that a public hearing is set for May 8th at 8:35 p.m. to amend Chapter 14 of the Town Code entitled "Fees" to establish the collection of fees to fund the Geographic Information System.

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

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RESOLUTION NO. 304**2006 BOND ANTICIPATION NOTE FOR
SEWER SYSTEM/RECEIVE/FILE**

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

RESOLVED, that the 2006 Bond Anticipation Notes for Sewer System Purposes, \$22,000,000, dated March 30, 2006 is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 305**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session minutes of March 27, 2006, and the Executive Session minutes of April 3, 2006 are hereby accepted.

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

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RESOLUTION NO. 306**JOHN BELLEW 5K RUN/WALK
AID APPROVED**

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

RESOLVED, that the request of John Sullivan, organizer of the John Bellew 5K Run/Walk in Pearl River on April 15, 2006 for the provision of trash receptacles, barricades and 4 (3 & 1 handicapped) portable toilets to be charged to Account No. A7520/50457 is hereby approved.

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

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RESOLUTION NO. 307**SURPLUS COMPUTER EQUIPMENT
RECEIVER OF TAXES/DECLARED**

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

Resolution No. 307 - Continued

RESOLVED, that the following computer equipment from the Receiver of Taxes is declared surplus:

Hewlett Packard DeskJet 870 CXI Printer
Town of Orangetown 00330
C4555A/US74I12084

Dell Monitor
MY08G1574760337HBX7V

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

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RESOLUTION NO. 308

**APPOINT/ORANGETOWN PARKS
DEVELOPMENT ADVISORY COMM
PETER DRESPEL**

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

RESOLVED, that Peter Drespel is hereby appointed to the Orangetown Parks Development Advisory Committee for 2006.

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

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RESOLUTION NO. 309

ADJOURNMENT/MEMORY

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

RESOLVED, that this Regular Town Board Meeting adjourned at 9:18 p.m. in memory of Richard Jahnes, Blauvelt, Mary Bachleda, Nanuet and Betty Melone, Tappan.

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

Charlotte Madigan, Town Clerk