

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, JANUARY 8, 2007**

This Regular Town Board Meeting was opened at 7:35 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
Robert Simon, Receiver of Taxes
Brian Kenney, Assessor
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.

Supervisor Kleiner announced the CDBG Project Presentations will be held on January 22, 2007. Ron Delo, Director, Dept. Environmental Mgt. & Eng., took an opportunity to show appreciation to two very exceptional employees, with over a combination of 72 years of service. William Fitzgerald (over 35 yrs) and Gary Gordon (over 37 yrs) were recognized for their dedication to the well-being, health and safety of the Town. Ron Delo, the Town Board and the Charlotte Madigan, Town Clerk, wished each of them a long, healthy, and prosperous retirement and extended a sincere thanks to them for all they have done for the Town.

Public Comment

Eileen Larkin, Palisades, spoke about the SOSD selling certain properties, senior housing, impact this may have on the schools and increases in taxes. The school district and the Town should have an open dialect and she requested the public be updated regarding RPC.

Margaret Grace, Piermont, is part of Piermont's ADHOC committee regarding land use in the village. She spoke about the protection of the ridgeline in Piermont, the visual character and the impact that Piermont has on Orangetown. The committee is embarking on open space and purchase of properties and would like to work with the County and Town.

Arnold Shore, Orangeburg, is concerned with the purchase of RPC and the ability to receive tax rateables to help eliminate high tax increases.

Donald Brenner, Attorney, spoke highly about the two dedicated DEME employees, who he hired, and hopes the Town will hire people of the same caliber.

Gail Raffaele, Tappan, said she spoke to the Town Attorney about FOIL procedures and if a solution was made? She believes the Town Board should know every detail about Town government.

Andrew Wiley, Pearl River, questioned the partial letter of credit from STEJ. He believes senior housing on the RPC site will be a plague to the Town with the increase in cars and traffic. He also spoke about a referendum, if RPC property is to be sold.

RESOLUTION NO. 21

CLOSED PUBLIC COMMENT

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

Resolution No. 21 - Continued

RESOLVED, that the public comment portion of this meeting is hereby closed.

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

Donald Brenner, Attorney representing his client, requested two withdrawal letters for the PAC zone change be read into the record.

RESOLUTION NO. 22**SKYVIEW PLAZA DEVELOPMT THE
MEWS AT PEARL RIVER ZONE
CHANGE/WITHDRAWAL**

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

RESOLVED, that the withdrawal letters from Skyview Plaza Development Corporation dated December 28, 2006 and January 5, 2007 for a zone change (PAC) petition for the property located at 21 East Central Avenue, Pearl River (S/B/L 68.16-6-62) are hereby accepted and the minutes of that proceeding is hereby closed.

RESOLVED FURTHER, that any future application would require the filing of a new petition.

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

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RESOLUTION NO. 23**OPEN PH/COMMUNITY DEVELOPMT
BLOCK GRANT/ACCEPT COMMENT**

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

RESOLVED, that the public hearing to accept comment on the Community Development Block Grant Program administered by the Rockland County Department of Community Development is hereby opened.

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

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Public portion:

Gail Raffaele, Tappan, objected to persons not paying taxes being on the CDBG Committee. Andrew Wiley, Pearl River, asked if the applications on January 22, 2007 will available for public review.

RESOLUTION NO. 24**CLOSE PH/COMMUNITY
DEVELOPMT BLOCK GRANT**

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

RESOLVED, that the public hearing to accept comment on the Community Development Block Grant Program administered by the Rockland County Department of Community Development is hereby closed.

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

RESOLUTION NO. 25**APPOINT/TOWN ASSESSOR
BRIAN KENNEY**

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

RESOLVED, that Brian Kenney is hereby appointed as the Town Assessor for a six term from October 1, 2007 to September 30, 2013.

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

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RESOLUTION NO. 26**ORANGEBURG FIRE DISTRICT
PURCHASE FUEL/TOWN/AUTHORIZED**

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

RESOLVED, that the Orangeburg Fire District is hereby authorized to purchase fuel from the Town Highway Department for the approximately one-year construction period of their new station.

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

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RESOLUTION NO. 27**PEARL RIVER PARKS & ACTIVITY
COMMITTEE/FIREWORKS/AID**

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

RESOLVED, that the request of the Pearl River Parks & Activity Committee Inc. for three yards of sand, trash receptacles and clean up of field, barricades, and four portable toilets (two handicapped accessible) for the 4th of July Fireworks Display and Celebration on Wednesday, July 4, 2007 (rain date of July 5, 2007) to be charged to Account #A7550/50457 is hereby approved.

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

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RESOLUTION NO. 28**BLAUVELT VOLUNTEER FIRE
APPOINT FIREFIGHTERS/ADAM
ALPERT/RYAN DEFLUMERE**

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

RESOLVED, that the election of Adam Alpert and Ryan Deflumere to the position of Firefighter in the Blauvelt Volunteer Fire Company, Inc. is hereby approved.

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

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RESOLUTION NO. 29**YOUTH RECREATION ASSESSMENT
ADVISORY COMMITTEE/APPOINT**

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

Resolution No. 29 - Continued

RESOLVED, that the following are hereby appointed to the Youth Recreation Assessment Advisory Committee:

Peter Drespel	Terry O'Keefe
Conrad Fitzpatrick, Vice Chairman	Jeff McNichol, Chair
Bob Iorio	Mike Shine
Dan Iorio	Kevin Powers

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

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RESOLUTION NO. 30**TRAFFIC ADVISORY BOARD/APPOINT**

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

RESOLVED, that Guy Devincenzo is hereby appointed to the Traffic Advisory Board.

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

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RESOLUTION NO. 31**APPOINT/BUREAU OF FIRE PREVENTION**

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

RESOLVED, that Douglas Sampath is hereby appointed to the Bureau of Fire Prevention.

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

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RESOLUTION NO. 32**AMEND RESOLUTION #270/2006
HIGHWAY COST/RPC BALL FIELDS**

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

RESOLVED, that Resolution No. 270/2006, which reimbursed the Highway Department for costs associated with the RPC ball field construction, is hereby amended from \$33,957.36 to \$39,873.61.

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

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RESOLUTION NO. 33**ESTABLISH POSITION/ASSISTANT
BUILDING INSPECTOR**

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

Resolution No. 33 - Continued

RESOLVED, that the position of Assistant Building Inspector is hereby established in the Building Department, grade 15, effective January 9, 2007.

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

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RESOLUTION NO. 34**ASSISTANT BUILDING INSPECTOR
MICHAEL MANZARE/APPOINT**

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

RESOLVED, that Michael Manzare is hereby appointed to the position of Assistant Building Inspector in the Building Department, permanent with a mandatory six month probationary period, from Eligible List #05113 grade 15-1, annual salary \$51,574.00, effective January 9, 2007.

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

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RESOLUTION NO. 35**ESTABLISH POSITION/DEME
CHIEF OPERATOR**

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

RESOLVED, that the position of Chief Operator, grade 4 (Wastewater) is hereby established in the Department of Environmental Management and Engineering, effective January 9, 2007.

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

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RESOLUTION NO. 36**SENIOR CLERK/TYPIST/JUSTICE
APPOINT/JACQUELINE OLSEN**

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

RESOLVED, that Jacqueline Olsen is hereby appointed to the position of Senior Clerk/Typist in the Justice Department, permanent with a mandatory six month probationary period, from Eligible List #05083, grade 5-1, annual salary \$32,793.00, effective January 17, 2007.

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

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RESOLUTION NO. 37**ALBERT VALUATION GROUP
APPRAISAL/ NANUET UNION FREE
SCHOOL/WYETH HOLDINGS CORP**

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

Resolution No. 37 - Continued

RESOLVED, that the Town join the Nanuet Union Free School District in retaining the expert appraisal consultant firm, Albert Valuation Group, to prepare a preliminary appraisal review and report consisting of the current inventory of improvements to the Wyeth Holdings Corporation property (as of March 2, 2006 taxable status date) and to consult with the Town and School District (Phase I) at a fee not to exceed \$24,000, and to prepare an abbreviated preliminary draft appraisal report (Phase II) at a price not to exceed \$12,000, with the School District and Town equally sharing the costs is hereby approved.

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

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RESOLUTION NO. 38**RESCIND RESOLUTION NO. 17/2007
RESCHEDULE CONSERVATION
EASEMENT PUBLIC HEARING**

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

RESOLVED, that Resolution No. 17/2007 is hereby rescinded and the public hearing regarding conservation easements in the Town Code is rescheduled for February 13, 2007, 8:00 p.m.

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

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RESOLUTION NO. 39**BLAUVELT VOLUNTEER FIRE CO
FIRE PROTECTION/AUTHORIZED**

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

WHEREAS, the Town Board of the Town of Orangetown has received the proposed budget from the Blauvelt Volunteer Fire Company, Inc., to contract with the Town of Orangetown to furnish fire protection to the Blauvelt Fire Protection District for the year beginning January 1, 2007 and ending December 31, 2011, at an annual cost set forth as follows:

For 2007 - \$766,450.00, plus Workers Compensation insurance costs
For 2008 - \$792,800.00, plus Workers Compensation insurance costs
For 2009 - \$805,375.00, plus Workers Compensation insurance costs
For 2010 - \$817,700.00, plus Workers Compensation insurance costs
For 2011 - \$829,575.00, plus Workers Compensation insurance costs

WHEREAS, it appears necessary and desirable and in the best interests of the Blauvelt Fire Protection District to accept the offer of the Blauvelt Volunteer Fire Company, Inc., to furnish fire protection to the Blauvelt Fire Protection District; Now, Therefore, Be It

RESOLVED, that the Town Board hereby approves the proposed budget of the Blauvelt Volunteer Fire Company, Inc., to contract with the Town of Orangetown to furnish fire protection to the Blauvelt Fire Protection District for the year beginning January 1, 2007 and ending December 31, 2011, at an annual cost as set forth above for the periods indicated.

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

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RESOLUTION NO. 40**LETTER OF CREDIT/SPORTS
FACILITY/STEJ/RPC/R/F**

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

RESOLVED, that the Original Letter of Credit posted by STEJ in the sum of \$350,000 representing partial security for the installation of the water and sewer public infrastructure improvements necessary for the development of its proposed sports facility at RPC in accordance with the letter agreement dated October 17, 2005 and executed by STEJ at closing on November 10, 2005 is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 41**PROFESSIONAL SERVICES AGRMT
LABOR RELATIONS/CSEA/R/F**

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

RESOLVED, that the Professional Services Agreement for Labor Relations for Collective Bargaining between the Town of Orangetown and the CSEA Collective Bargaining Unit is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 42**LETTER OF CREDIT/AGREEMENT
BACK NINE LLC/BLUE HILL GOLF
COURSE RESTAURANT LICENSE
RECEIVED/FILED**

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

RESOLVED, that the Letter of Credit and signed agreement between Back Nine, LLC and the Town of Orangetown for a restaurant license at Blue Hill Golf Course is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 43**AMENDMENT AGREEMENT
ROCKLAND CTY SOLID WASTE
COMPACTOR/RECYCLABLES
REBATE/RECEIVED/FILED**

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

RESOLVED, that the original fully executed Amendment to Agreement between the Town of Orangetown and the Rockland County Solid Waste Management Authority regarding the compactor at the Orangetown Highway Department and for the Recyclables Rebate for Cardboard/Commingled Paper is received and filed in the Town Clerk's Office.

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

RESOLUTION NO. 44**PROFESSIONAL SERVICES
AGRMT/DVIRKA/BARTILUCCI
SPARKILL WELL HEAD
TREATMENT/RECEIVED/FILED**

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

RESOLVED, that the Professional Services Agreement between Dvirka and Bartilucci Consulting Engineers and the Town of Orangetown regarding Sparkill Well Head Treatment is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 45**FIRE DISTRICTS ANNUAL
ELECTION RESULTS
RECEIVED/FILED**

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

RESOLVED, that the annual Election results of December 12, 2006 for the following Fire Districts are is received and filed in the Town Clerk's Office.

Nyack Joint Fire District
Orangeburg Fire District
Pearl River Fire District
Sparkill-Palisades Fire District
Tappan Fire District
Central Nyack Fire District

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

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RESOLUTION NO. 46**INVESTIGATE/US ENVIRONMENTAL
PROTECTION/NYS DEC/PIPC/MBTE
CONTAMINATION/GAS STATION**

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

RESOLVED, that the U.S. Environmental Protection Agency investigate the lack of progress made by the NYS DEC and the Palisades Interstate Parkway Commission (PIPC) regarding the remediation of the MBTE contamination of the gas station site owned by the PIPC located adjacent to Exit 5 of the PIPC.

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

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RESOLUTION NO. 47**TASK FORCE FORMATION/WATER
SUPPLY/TOWN SUPERVISORS**

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

Resolution No. 47 - Continued

RESOLVED, that the County of Rockland form a Task Force consisting of the five Town Supervisors chaired by Christopher P. St. Lawrence to review the current and future water supply needs of the County to ensure that the County will have an adequate supply of safe, clean water for future needs and investigate the feasibility and cost effectiveness of using treated effluent from wastewater treatment plants to recharge the County's groundwater.

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

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RESOLUTION NO. 48

ADJOURNMENT/MEMORY

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

RESOLVED, that this meeting hereby adjourned at 8:55 p.m. in memory of Edward Rabbit, Pearl River and Mel Klein, Lance Klein's father.

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

Charlotte Madigan, Town Clerk