

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, APRIL 23, 2007**

This Regular Town Board Meeting was opened at 7:45 p.m. Supervisor Kleiner presided and called the Roll. Present were:

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

Also present: Teresa Accetta-Pugh, Deputy 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
Stephen Munno, Administrative Assistant
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
John Giardiello, P.E., Director, OBZPAE

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

Supervisor Kleiner announced the Public Service Commission has approved the Verizon Franchise Agreement. On May 2nd, 7:30 p.m. at Town Hall there will be an information meeting regarding Traffic Calming on Lexington Avenue.

Public Comment (RTBM)

Michael Mandel, Pearl River, spoke regarding raw sewage backing up along the Cherry Brook park stream and wants to know what the Town is going to do.

Eileen Larkin, Palisades, requested the names of the Ethic Committee and the status of RPC. She asked about the Empire Zone and Euromed Inc., a company in the zone.

Chief Dave Schnitzer, Blauvelt Fire Dept., asked for help to stop the flooding on Valenza Lane & Marsico Ct. He dedicates a truck and a crew each time it rains and his department has spent over 500 man-hours at that location.

Michael Feagan, Blauvelt Fire Dept., also spoke regarding the flooding and believes the drainage pipe at the end of the road is not large enough. He's concerned emergency vehicles will not be able to get through.

Sal Valenza, Blauvelt, thanked the Fire Dept. for their help and asked the Town for help with a solution to the flooding on Valenza Lane and Marsico Ct. He feels the culvert is too small.

Greg Aronson, Blauvelt, also spoke about the flooding on Valenza Lane & Marsico Ct. and asked the Town for help with a solution.

Barbara Kaplan, Blauvelt, said she knows the pumping station has failed at least three or four times and she is concerned emergency vehicles would not be able to get through.

Joseph Zappulla, Blauvelt, said the flooding on Valenza Lane and Marsico Ct. has been going on for years. He has lost property due to the lake overflowing and the stream that is across his property keeps increasing.

Gail Raffaele, Tappan, said the Town Board should stop focusing on recreation and invest in safety and other quality-of-life issues.

Phyllis Frank, Nyack, appreciates the Town Board and she spoke about better representation, fairness and justice to Orangetown residents.

RESOLUTION NO. 294

CLOSED PUBLIC COMMENT

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

Resolution No. 294 – Continued

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

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

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RESOLUTION NO. 295

**OPEN PH/AMEND/CHAPTER 6
BUILDING ADMINISTRATION
CHAPTER 15 FIRE PREVENTION
CHAPTER 24C PROPERTY
MAINTENANCE**

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

RESOLVED, that the public hearing to consider a proposed local law amending the following existing Local Laws to comply with the minimum standards for the administration and enforcement of the State Uniform Fire Prevention and Building Code (Uniform Code) pursuant to 19 NYCRR 1203, Et al: Chapter 6 "Building Construction Administration"; Chapter 15 "Fire Prevention Code" and Chapter 24C "Property Maintenance" is hereby opened.

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

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Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 4-A-07 and made a part of these minutes.

John Giardiello, P.E., Director, OBZPAE, explained this amendment is to update the Town's Code to comply with State requirements.

The public portion was opened and the following people spoke:
Gail Raffaele, Tappan, spoke about the Town's drainage easement on her property and believes the Town does not have right to fine property owners for injuries on their properties.
Eileen Larkin, Palisades, asked if existing businesses with dumpsters have been notified of this law. She also spoke about a time limit for large blue tarps on private property.
Andrew Wiley, Pearl River, requested if an amendment refers to a State Law, the State Law be available for review and asked if the Town had added any additional language that the State did not require.

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RESOLUTION NO. 296

**CLOSE PH/AMEND/CHAPTER 6
BUILDING ADMINISTRATION
CHAPTER 15 FIRE PREVENTION
CHAPTER 24C PROPERTY
MAINTENANCE**

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

RESOLVED, that this public hearing is hereby closed.

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

RESOLUTION NO. 297**ADOPT AMENDMENT/CHAPTER 6
BUILDING ADMINISTRATION
CHAPTER 15 FIRE PREVENTION
CHAPTER 24C PROPERTY
MAINTENANCE**

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

RESOLVED, that a proposed local law amending the following existing Local Laws to comply with the minimum standards for the administration and enforcement of the State Uniform Fire Prevention and Building Code (Uniform Code) pursuant to 19 NYCRR 1203, Et al: Chapter 6 "Building Construction Administration"; Chapter 15 "Fire Prevention Code" and Chapter 24C "Property Maintenance" is hereby adopted.

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

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RESOLUTION NO. 298**OPEN PH/AMEND/SECTION 37-9
AUTHORIZE DIRECTOR OF OBZPAE
SECURE UNSAFE BUILDINGS**

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

RESOLVED, that the public hearing to consider a proposed local law amending existing local laws containing Section 37-9 to permit the Director of the Office of Building, Zoning and Planning Administration and Enforcement to repair, secure and/or demolish unsafe buildings in emergency situations without a Town Board Resolution is hereby opened.

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

Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 4-B-07 and made a part of these minutes.

John Giardiello, P.E., Director, OBZPAE, said this would only apply when a property owner or family member is unavailable when their property has severe damage and is unsafe.

The public portion was opened and the following people spoke:
Andrew Wiley, Pearl River, is against this because of concerns about future property issues and liability. He believes this authorization should be the Town Board's responsibility.
Gail Raffaele, Tappan, is against one person having authorization and feels this amendment creates a buffer for the Town Board.

RESOLUTION NO. 299**CLOSE PH/AMEND SECTION 37-9
AUTHORIZE DIRECTOR OF OBZPAE
SECURE UNSAFE BUILDINGS**

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

Resolution No. 299 - Continued

RESOLVED, that this public hearing is hereby closed.

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

RESOLUTION NO. 300**ADOPT AMENDMENT/SECTION 37-9
AUTHORIZE DIRECTOR OF OBZPAE
SECURE UNSAFE BUILDINGS**

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

RESOLVED, that a proposed local law amending existing local laws containing Section 37-9 to permit the Director of the Office of Building, Zoning and Planning Administration and Enforcement to repair, secure and/or demolish unsafe buildings in emergency situations without a Town Board Resolution is hereby adopted.

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

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RESOLUTION NO. 301**APPROVE/EMPIRE ZONES PROGRAM
EUROMED INC/25 CORPORATE DRIVE
ORANGEBURG/73.19-1-6**

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

WHEREAS, New York State has created the Economic Development Zone Program, now known as the Empire Zones Program to encourage industrial and commercial development in select municipalities across the State, and

WHEREAS, the Town of Orangetown, as an eligible municipality in conjunction with the County of Rockland, received designation of an Empire Zone as a distinct and separate contiguous areas pursuant to Section 957(d) of the general municipal law, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects, and

WHEREAS, the County of Rockland and the Town of Orangetown intend to amend the County Empire Zone boundaries to encourage industrial and commercial development and to allow for the designation of lands in the Town of Orangetown for a Regionally Significant Project, and

WHEREAS, Euromed, Inc., located at 25 Corporate Drive, Orangetown, New York meets the criteria of 957(d) of the general municipal law as a regionally significant project by creating 50 new manufacturing jobs for inclusion within the Rockland County Empire Zone in an area outside the distinct and separate contiguous areas, and

WHEREAS, the Town of Orangetown wishes to support and concur with the Empire Zone designation of Tax Parcel 73.19-1-6, as a Regionally Significant Project on behalf of Euromed, Inc., and

WHEREAS, all present local property tax benefits and exemptions will be eliminated for the local municipalities as the subject property will become fully taxable at the current assessment level, and

Resolution No. 301 – Continued

WHEREAS, the property owner will waive all rights to challenge and otherwise contest the tax assessment level for the subject property during the time limit of the Empire Zone designation, and

NOW, THEREFORE, RESOLVE that the Town of Orangetown Town Board, in its capacity as governing body of the Town of Orangetown, does hereby support and concur with the Rockland County Empire Zone to include the property more particularly described as Tax Parcel 73.19-1-6.

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

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RESOLUTION NO. 302**SET PUBLIC HEARING DATE
STORMWATER MGMT/EROSION AND
SEDIMENT CONTROL**

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

RESOLVED, that the date of May 29, 2007, 8:00 p.m. is hereby set to add to the Town Code a Local Law for Stormwater Management and Erosion & Sediment Control.

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

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RESOLUTION NO. 303**ACCEPT RESIGNATION/JOHN
DUFFY/ZONING BOARD OF APPEALS**

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

RESOLVED, that the resignation of John Duffy from the Town Zoning Board of Appeals, effective April 24, 2007, is hereby accepted.

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

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RESOLUTION NO. 304**APPOINT/JOHN DUFFY/PROJECT
REVIEW COMMITTEE**

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

RESOLVED, that John Duffy is hereby appointed to the Project Review Committee, effective April 24, 2007 – December 31, 2007.

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

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RESOLUTION NO. 305**APPOINT/JOHN DOHERTY/ZONING BOARD OF APPEALS**

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

RESOLVED, that John Doherty is hereby appointed to the Town's Zoning Board of Appeals, effective April 24, 2007 – December 31, 2011.

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

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RESOLUTION NO. 306**APPOINT/BRUCE BOND/PLANNING BOARD/2007 CHAIRMAN**

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

RESOLVED, that Bruce Bond is hereby appointed chairman of the Town's Planning Board for 2007.

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

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RESOLUTION NO. 307**APPOINT/WILLIAM MOWERSON/2007 CHAIRMAN/ZONING BOARD OF APPEALS**

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

RESOLVED, that William Mowerson is hereby appointed chairman of the Town's Zoning Board of Appeals for 2007.

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

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RESOLUTION NO. 308**APPOINT/DANIEL HLAVAC/2007 CHAIRMAN/ACABOR**

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

RESOLVED, that Daniel Hlavac is hereby appointed chairman of ACABOR for 2007.

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

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RESOLUTION NO. 309**POLICE REGULATION/NO PARKING SIGNS/OLD ORANGEBURG ROAD**

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

Resolution No. 309 - Continued

RESOLVED, that "No Parking" signs are hereby authorized on either side of Old Orangeburg Road starting at the one-way section and moving west until the end.

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

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RESOLUTION NO. 310**APPROVE/CERTIFICATE OF REGISTRATION/DEME**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, approve a Certificate of Registration for 2007 Sewer work to the following:

True Green Industries, Inc., 233 Germonds Road, West Nyack, NY
Leo Begnoche III Landscape Contractors, LLC, 19 Westview Ave., Congers, NY

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

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RESOLUTION NO. 311**APPOINT/MAINTENANCE SUPERVISOR WILLIAM DIZZINE/DEME**

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

RESOLVED, that employee, William Dizzine, is hereby appointed to the position of Maintenance Supervisor (Sewerage Systems) in the Department of Environmental Management and Engineering, pending approval by Rockland County personnel, provisional, grade 20-25, annual salary \$100,530.00, effective April 24, 2007.

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

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RESOLUTION NO. 312**APPOINT/SENIOR CLERK TYPIST VERONICA MURPHY/JUSTICE**

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

RESOLVED, that employee, Veronica Murphy, is hereby appointed to the position of Senior Clerk Typist in the Justice Department, provisional, grade 5-5, annual salary \$39,161.00, effective April 30, 2007.

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

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RESOLUTION NO. 313**POLICE/PERMISSION GRANTED
BASIC SWAT SCHOOL**

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

RESOLVED, that permission is hereby granted for one police officer to attend Basic SWAT School from April 23-27 and April 30-May4, 2007 in Fort Dix, NC at a cost of \$930.00 to be charged to Acct.# B3120164/50440.

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

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RESOLUTION NO. 314**POLICE/PERMISSION GRANTED
ACCIDENT INVESTIGATION SCHOOL**

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

RESOLVED, that permission is hereby granted for one police officer to attend Accident Investigation School from June 4-8, 2007 in Albany, NY at a cost of \$1,046.00 to be charged to Acct.# B3120/0441/0480.

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

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RESOLUTION NO. 315**POLICE/PERMISSION GRANTED
FBI NATIONAL POLICE ACADEMY**

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

RESOLVED, that permission is hereby granted for one police officer to attend the FBI National Police Academy from July 8 - September 14, 2007 in Quantico, VA at no cost.

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

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RESOLUTION NO. 316**TAX CERTIORARI SETTLEMENT
ARIAKE USA INC**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Consent Judgment of the tax certiorari proceeding Ariake USA, Inc. v. the Board of Assessors and the Board of Assessment Review of the Town of Orangetown Tax Map Designation 73.20-1-36 for the tax assessment year 2003/04, for a total refund by the County of \$2,614.00, for a total refund by the Town of \$11,093.00. Interest of the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

RESOLUTION NO. 317

**COUNTY/TOWN/SPECIAL DISTRICT
TAXES/PAY IN INSTALLMENTS
RECEIVER OF TAXES**

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

RESOLVE, that County, Town, and Special District taxes constituting, in the aggregate, an amount in excess of \$50, may be paid in four equal installments in accordance with the following schedule:

A first installment, including a service charge of 5% of such installment, shall be paid on or before January 15th without interest to the Receiver of Taxes for the Town of Orangetown;

A second installment, including a service charge of 5% of such installment, shall be paid on or before April 15th to the Commissioner of Finance of the County of Rockland;

A third installment, including a service charge of 5% of such installment, shall be paid on or before July 15th to the Commissioner of Finance of the County of Rockland;

A fourth, and final, installment, including a service charge of 5% of such installment, shall be paid on or before October 15th to the Commissioner of Finance of the County of Rockland, and be it,

FURTHER RESOLVE, that notices made by the Receiver of Taxes of the Town of Orangetown pursuant to § 920 of the Real Property Tax Law, Warrants for the collection of taxes, exclusive of warrants for school district taxes only, and Statements of Taxes, exclusive of Statements of Taxes for school district taxes only, shall state that taxes, exclusive of school district taxes, may be paid in installments, with the notice, warrant, and statement providing appropriate instructions, And be it,

FURTHER RESOLVE, that as concerns payments that are made after the respective due dates aforesaid, interest payments shall be paid to the Commissioner of Finance of the County of Rockland in accordance with § 355-7 of the Laws of Rockland County, And be it,

FURTHER RESOLVE, that the failure or neglect to pay the first installment as provided for in § 355-7(D) shall be construed as an election to pay the total amount of taxes in one payment in the manner provided for by law.

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

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RESOLUTION NO. 318

**DOLLER MINOR SUBDIVISION
ROAD WIDENING DEED/R/F**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Director of the Department of Environmental Management and Engineering and the Superintendent of Highways, the Bargain and Sale Deed which conveys a 13.6' road widening strip (Section 74.16, Block 1, part of Lot 3) for the Doller Minor Subdivision to the Town of Orangetown is hereby accepted, received, and filed,

RESOLVED FURTHER, that the Town Attorney is hereby authorized to forward said conveying document for recording in the Rockland County Clerk's Office.

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

RESOLUTION NO. 319**AGREEMENT/TOWN/BLAUVELT
VOLUNTEER FIRE COMPANY
RECEIVE/FILE**

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

RESOLVED, that an executed agreement between the Town of Orangetown and the Blauvelt Volunteer Fire Company for fire protection is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 320**AMEND RESOLUTION NO 680/2005
HEARING OFFICER/ALFRED CAVA**

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

RESOLVED, that Town Board Resolution No. 680 of October 24, 2005 is amended as follows: The Town Board hereby designates and retains the services of Alfred Cava, with offices at 5 Seneca Drive, Ridgefield, CT. 06877, to act as the hearing officer in the Matter of the Termination of Benefits being paid to a certain former Town Police Officer (former payroll number 1345), pursuant to GML Section 207-c at a cost of \$1,000.00 per day.

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

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RESOLUTION NO. 321**DECISION/TERMINATION OF
BENEFITS/POLICE/EMPLOYEE
PAYROLL 1345**

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

WHEREAS, the Town Board having received a copy of a draft interim decision and transcript of the Town of Orangetown Police Commission Executive Session meeting of June 29, 2005, on March 7, 2007 and having had an opportunity to carefully review such decision and transcript,

IT IS RESOLVED, that the Town Board hereby approves the interim decision, dated April 23, 2007, regarding the termination of benefits being paid to a certain former Town Police Officer (former payroll number 1345).

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

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RESOLUTION NO. 322

ADJOURNMENT/MEMORY

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

RESOLVED, that this meeting hereby adjourned at 9:32 p.m. in memory of Rev. James B. Parsons, Nyack; Bridget Mary Dolly Smith, Blauvelt; and Vernon Healy, Pearl River.

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

Teresa Accetta-Pugh, Deputy Town Clerk