

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, JUNE 25, 2007**

This Regular Town Board Meeting was opened at 7:40 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
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Robert Zimmerman, Police Captain
Robert Simon, Receiver of Taxes
John Giardiello, P.E., Director, OBZPAE

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

Supervisor Kleiner and the Town Board thanked Assemblywoman Ellen Jaffe and Senator Thomas Morahan for carrying legislation that will allow the Town Board to purchase a 6 acre piece of land, Staff Court, at the Rockland Psychiatric Center. This will allow the Town to have a continuous piece of land, which will allow the Town to maximize the economic development of that piece land and insure the development will be consisted with the rest of the development. The legislation allows the Town first rights to negotiate with the State.

An Arbitration Award was announced with regard to the Orangetown PBA, Police Officers. The Town Board agreed with 10 items and the PBA union agreed with 5 items. It's a two-year contract with a 4% wage increase each year as well as other changes. The Town Board is very please with the operations of the Police Department.

Public Comment (RTBM)

Esta Baitler, Sparkill, thanked the Town for the sidewalks along Route 340. This was a safety issue and important to all residents.

Michael Mandell, Pearl River, said the senior complexes currently offered are too expensive for seniors in our area. The Town needs to offer them reasonable affordable housing.

Eileen Larkin, Palisades, spoke regarding affordable senior housing and the public lands in RPC. She asked when will the Town sign with a developer and how will the land be used?

Andrew Wiley, Pearl River, requested more information be put on the website regarding proposed local laws, bonds and indebtness. He questioned whether the Pearl River School District taxpayers will be reimbursed if RPC property is sold?

RESOLUTION NO. 421

CLOSED PUBLIC COMMENT

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

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

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

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RESOLUTION NO. 422

OPEN PH/VEHICLES AND TRAFFIC PROHIBIT PARKING/TURN-AROUND MANHATTAN WOODS

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

RESOLVED, that the public hearing to consider amending Chapter 39 "Vehicles and Traffic", and adding Section 39-6 to prohibit parking in the turn-around entrance to the "Manhattan Woods" residential subdivision on Ahlmeyer Drive, West Nyack is hereby opened.

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

The Town Clerk presented the affidavit of publication and the notice of posting, copies are labeled Exhibit 6-B-07 and made a part of these minutes.

The public portion was opened and there were no public comments.

RESOLUTION NO. 423

CLOSED PUBLIC COMMENT VEHICLES AND TRAFFIC/PROHIBIT PARKING/TURN-AROUND MANHATTAN WOODS

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

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

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

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RESOLUTION NO. 424

ADOPT/VEHICLES AND TRAFFIC PROHIBIT PARKING/TURN-AROUND MANHATTAN WOODS

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

RESOLVED, that the amendment to Chapter 39 "Vehicles and Traffic", and adding Section 39-6 to prohibit parking in the turn-around entrance to the "Manhattan Woods" residential subdivision on Ahlmeyer Drive, West Nyack is hereby adopted.

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

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Ron Delo, Director of the Dept. Environmental Mgt. & Eng., and Mike Tamblin, Stearns & Wheler, LLC, Environmental Engineers, gave an update and explained why there is an increase in costs. A copy of his memorandum to the Town Board and a copy of a status report is labeled Exhibit 6-C-07 and made a part of these minutes.

RESOLUTION NO. 425

SET PUBLIC HEARING DATE SEWER DISTRICT/WASTEWATER TREATMENT PLANT UPGRADES

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

Resolution No. 425 - Continued

RESOLVED, that a public hearing is scheduled for July 10, 2007 at 8:05 p.m. for a certain amended map, plan and report, including a revised estimate of cost to the establishment of the Sewer District and various improvements to the wastewater treatment plant and other equipment.

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

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RESOLUTION NO. 426**OPEN PH/RECREATION/LIO ZONE
CHAPTER 43/SECTION 3.11/CODE**

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

RESOLVED, that the public hearing to consider amending Chapter 43, "Zoning" of the Town Code and Section 3.11 of the Table of General Use Regulations, LIO District to allow indoor commercial tennis and other related racquet sports use facilities is hereby opened.

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

The Town Clerk presented the affidavit of publication and the notice of posting, copies are labeled Exhibit 6-D-07 and made a part of these minutes.

The public portion was opened and the following people spoke:

Robert Magrino, Deputy Town Attorney, explained the County Planning has not seen this proposal, therefore were unable to comment on this proposal. He recommends that no action be taken until the Town receives their comments.

Donald Brenner, Attorney, commented this is a modification to get better use of the LIO zone. His clients would like to build tennis courts instead of a warehouse and the proposal meets all the conditions required in a LIO zone. If this zone change is adopted, the applicant will have to apply for a Special Conditional Permit with the Planning Board.

RESOLUTION NO. 427**CONTINUE PH/RECREATION/LIO
ZONE CHAPTER 43/SECTION 3.11**

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

RESOLVED, that the public hearing and public portion to consider amending Chapter 43, "Zoning" of the Town Code and Section 3.11 of the Table of General Use Regulations, LIO District to allow indoor commercial tennis and other related racquet sports use facilities is hereby continued to July 16, 2007, 8:10 p.m.

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

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RESOLUTION NO. 428**RESCHEDULE WORKSHOP
JULY 9TH / JULY 10TH**

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

Resolution No. 428 - Continued

RESOLVED, that the Workshop Meeting scheduled for Monday, July 9th is hereby rescheduled to Tuesday, July 10, 2007.

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

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RESOLUTION NO. 429**REQUEST/NYS PAROLE BOARD
PAULA BOHOVESKY**

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

RESOLVED, that a formal request is hereby to be sent to the New York State Parole Board not approve parole and release from prison the two men who were convicted of committing a heinous crime in 1980 which resulted in the death of Paula Bohovesky from Pearl River.

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

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RESOLUTION NO. 430**RECREATION AND PARKS MONTH**

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

RESOLVED, that the month of July is hereby proclaimed Recreation and Parks Month to recognize the contributions of our Parks and Recreation Department employees and volunteers for keeping public parks, open space and trails clean, safe and accessible for visitors, advocating for open space, in organizing youth activities and providing a variety of programs for all of our residents.

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

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RESOLUTION NO. 431**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items fifteen (15) through twenty-five (25) are hereby combined.

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

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RESOLUTION NO. 432**AWARD BID/HANDICAP CURB CUTS
BELLAVISTA CONSTRUCTION**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for handicap curb cuts, which were received and publicly opened on November 1, 2006. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 6-E-07, and made a part of these minutes. Now, Therefore, Be It

Resolution No. 432 - Continued

RESOLVED, that this bid is hereby awarded to Bellavista Construction Corp., of Ardsley NY, the lowest qualified bidder, at a cost of \$22,500 for nine ramps, of which \$21,250 will be funded by a CDBG grant and the \$1,250.00 balance to be paid by the Highway Department Capital Sidewalk Construction Account.

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

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RESOLUTION NO. 433**EASEMENT PETITIONS/SEWER
DISTRICT/WASTEWATER
TREATMENT FACILITIES**

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

RESOLVED, that the Town Attorney is hereby authorized to file a Petition, or Petitions, pursuant to EDPL § 402, in the Rockland County Supreme Court, in order to acquire permanent and/or temporary easements at the following properties in support of the following projects: with regard to the real property at Tax Map Section, Block and Lot 72.08-1-2 (located at or near the eastern edge of State Route 304, at or near the New Jersey border, Pearl River, NY), a permanent easement and a temporary easement in support of the Capital Improvement Plan for the Town of Orangetown Sewer District Wastewater Facilities; with regard to the real property at Tax Map S/B/L 72.08-1-6.11 (located at or near Sgt. Ingram Court, Pearl River), a permanent easement and a temporary easement in support of the Capital Improvement Plan for the Town of Orangetown Sewer District Wastewater Facilities.

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

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RESOLUTION NO. 434**TAX CERTIORARI SETTLEMENT
PROVIDENT BANK**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation regarding the tax certiorari proceeding Provident Bank v. The Town of Orangetown, et al., Tax Map designation 74.11-2-1 for the tax assessment year 2003 through 2006, for a total refund by the County of \$1,427, and for a total refund by the Town of \$7,087. Interest on the Town's liability as a result of assessment decrease or refund 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 Troy, Manning, O'Donnell, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 435**TAX CERTIORARI SETTLEMENT
CORNELL MANUFACTURING CO**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, to sign the Stipulation regarding the tax

Resolution No. 435 - Continued

certiorari proceeding Cornell Manufacturing Co. v. The Town of Orangetown, et al., Tax Map designation 73.20-1-26 for the tax assessment year 2003 through 2006, for a total refund by the County of \$3,285, and for a total refund by the Town of \$14,308. Interest on the Town's liability as a result of assessment decrease or refund 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 Troy, Manning, O'Donnell, Morr
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 436**PERFORMANCE BOND
DOLLER MINOR SUBDIVISION
ACCEPT/RECEIVE/FILE**

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

RESOLVED, that the Subdivision Performance Bond in the sum of \$131,250 dated January 30, 2007 from Kenneth L. Doller and Marian B. Doller, as "Principal," Irrevocable Letter of Credit #2201 dated January 30, 2007 from Union State Bank, as "Issuer," in favor of the Town of Orangetown, as "Beneficiary," in connection with a certain subdivision known as the "Doller Minor Subdivision" located at 150 Kings Highway Orangeburg (s/b/1/ 74.16-1-3) is hereby accepted, 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. 437**BARGAIN AND SALE DEED
ROCKLAND HOSPITAL GUILD
ACCEPT/RECEIVE/FILE**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office, the Highway Department and the Department of Environmental Management and Engineering, the Bargain and Sale Deed conveying a 10' road widening strip (s/b/1/ 73.12-1-3) to the Town of Orangetown from the Rockland Hospital Guild is hereby accepted, 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. 438**APPROVE/FIRE HYDRANT/BLAUVELT
ROUTE 303/WALNUT STREET**

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

RESOLVED, that upon the request by NYS Department of Environmental Conservation, George Monberger, the recommendation of United Water New York and the Town of Orangetown Fire Inspector, the installation of one (1) fire hydrant on the corner of Route 303 and Walnut Street, Blauvelt, which shall be paid for by United Water is hereby approved.

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

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RESOLUTION NO. 439**ACCEPT MINUTES**

Councilman Troy 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 June 11, 2007 and Special Town Board Meeting and Executive Session minutes of June 18, 2007 are hereby accepted.

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

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RESOLUTION NO. 440**DEME/NOTICES TO PROCEED
CONTRACT NO(S) WWTP-06-1P
WWTP-06-3G/JETT INDUSTRIES**

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

RESOLVED, that the two Notices to Proceed to Jett Industries for Contract No(s). WWTP-06-1G – General, WWTP Improvements and WWTP-06-3G – General Contract for the Hunt Road Pumping Station Improvements are 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. 441**DEME/NOTICES TO PROCEED
CONTRACT NO. WWTP-06-1P
HAUSER BROTHERS INC**

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

RESOLVED, that the Notice to Proceed to Hauser Brothers Inc. for Contract No. WWTP-06-1P – Plumbing, WWTP Improvements and Hunt Road Pumping Station Improvements 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. 442**DEME/EASEMENT AGREEMENT
CHERRY BROOK CONDOMINIUMS
RECEIVED AND FILED**

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

RESOLVED, that the Easement Agreement between Cherry Brook Condominiums and the Town of Orangetown for properties designated as s/b/l 72.08-2-1 and 72.08-2-3, which has been recorded in the Rockland County Clerk's Office as Instrument No. 2007-00023182 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. 443**APPOINT POLICE OFFICER
DANIEL RYAN**

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

RESOLVED, that upon the recommendation of the Chief of Police, Daniel Ryan, from Rockland County Civil Service List # (OC) 04200, is hereby appointed to the position of Police Officer/Permanent, effective July 9, 2007, at a salary of \$35,992.00.

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

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RESOLUTION NO. 444**APPOINT POLICE OFFICER
ROBERT B. MCGRATH**

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

RESOLVED, that upon the recommendation of the Chief of Police, Robert B. McGrath, from Rockland County Civil Service List # (OC) 04200, is hereby appointed to the position of Police Officer/Permanent, effective July 9, 2007, at a salary of \$35,992.00.

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

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RESOLUTION NO. 445**APPOINT POLICE OFFICER
SEAN J. O'CONNOR**

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

RESOLVED, that upon the recommendation of the Chief of Police, Sean J. O'Connor, from Rockland County Civil Service List # (OC) 04200, is hereby appointed to the position of Police Officer/Permanent, effective August 13, 2007, at a salary of \$35,992.00.

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

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RESOLUTION NO. 446**APPOINT TEMPORARY POLICE
OFFICER/CHRISTOPHER R.
CONNOLLY**

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

RESOLVED, that upon the recommendation of the Chief of Police, and per the authorization of Rockland County Commissioner of Personnel, Patricia Prendergast, Christopher R. Connolly, from Rockland County Civil Service List # (OC) "04200 Police Officer", is hereby appointed to "Temporary" position of "Police Officer" for the sole purpose of allowing him to attend the Rockland County Police and Public Safety Academy, at a salary of \$32,993.00, effective July 30, 2007.

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

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RESOLUTION NO. 447

**NOMINATE POLICE OFFICER
ANTHONY PALAZOLO JR**

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

RESOLVED, that upon the recommendation of the Chief of Police, Anthony Palazolo, Jr., from Rockland County Civil Service List # (OC) 04200 Police Officer, is hereby nominated to the position of Police Officer/Permanent pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 448

**ACCEPT/AUTHORIZE STIPULATION
TOWN EMPLOYEE NO. 1230**

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

RESOLVED, that the stipulation for Town Employee No. 1230 is hereby accepted and is hereby authorized to be executed.

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

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RESOLUTION NO. 449

**ADJOURNMENT/MEMORY
ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned the Regular Town Board Meeting in memory of Daniel Breen, Pearl River and Deborah Pinzow, Pearl River and entered the Audit Meeting at 9:11 p.m.

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

Charlotte Madigan, Town Clerk