

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, SEPTEMBER 10, 2007**

This Regular Town Board Meeting was opened at 6:00 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
Ann Maestri, Supervisor of Fiscal Services
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Zimmerman, Police Captain
Robert Simon, Receiver of Taxes
Brian Kenney, Assessor
Mary McCloskey, Assessor's Office
Rick Oliver, Code Enforcement Officer

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

RESOLUTION NO. 589

ENTER BUDGET HEARINGS

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

RESOLVED, that the Town Board hereby entered Budget Hearings at 6:00 p.m.

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

Noes: None

Resolution No(s). 590 – 591 see Special Town Board Meeting, Budget Hearings minutes.

Supervisor Kleiner announced there will be a Memorial Observance, September 11, 7:00 p.m. on the Town Hall Lawn and the 2006 Comprehensive Annual Financial Report (CAFR) is on the website. Patricia Castelli was presented with a Certificate for her dedication as a member of one of the Land Use Boards.

The FAA announced their decision on the preferred option, which confirmed the environmental process that preceded it. The preferred option is for 300 – 500 planes will fly over portions of Rockland and Ramapo airspace, where planes have not flown before in great quality. At that time the County Executive announced, the County would pursue a lawsuit. Ramapo's Supervisor and Supervisor Kleiner informed the County that they could be helpful requesting the FAA to go back to the drawing board to come up with another system to address the crowded airspace. Supervisor Kleiner spoke directly to Senator Clinton and she indicated she would help achieve the results we are seeking. Also Supervisor Kleiner has been in contact with Attorney General Cuomo because the Attorney General Blumenthal in Connecticut has indicated that a suit would be brought to protect Connecticut residents.

Supervisor Kleiner made it clear that the RPC housing development is for Active Adult (over age 55 years). At the closing, the developer will pay the Town \$24 million, which will be used for tax reduction, debt reduction and necessary capital projects. At this time, the Town is waiting

for a planning services proposal from John, Saccardi of Saccardi & Schiff for re-zoning of the RPC property. The re-zoning of the property will take several months because it's subject to a full environmental impact process under the State Environmental Quality Review Act.

Kevin Nulty, Chief of Police, introduced two new Police Officers, Sean O'Connor and Anthony Palazolo and congratulated them and their families. Charlotte Madigan, Town Clerk, administered them the Oath of Office.

RESOLUTION NO. 592

**ASSIGN/YOUTH DETECTIVE DUTIES
PETER MAHER**

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, Peter Maher is hereby promoted to Detective and assign the duties of Youth Detective effective September 15, 2007, at a salary of \$106,459.

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

Police Officer Peter Maher was promoted to Detective, Police Officer Michael Moroney was promoted to Lieutenant and Police Officer Christopher Strattner was promoted to Sergeant.

Public Comment

Eileen Larkin, Palisades, spoke regarding the Palisades Community Center, the Troy discussion regarding community funding and the paint on her street. She questioned the status of the Cablevision contract?

Arnold Shore, Orangeburg, is still against the purchase of RPC and the Pearl River school taxes being too high.

Jo-Ann Coffey-Fasulo, Orangetown, would like a clear and conscious explanation of tax cost regarding RPC and asked what has been the amount lost to the Pearl River School District?

Alex DiMenna, Blauvelt, spoke about how his grandmother struggles to pay her taxes and that she may have to give up her home of 40 years because of the cost of living and taxes.

Richard DeBlas, Pearl River, spoke regarding taxes in the 55 and over communities. The Hollows townhouses being built are too large and costly for seniors and there seems to be a disparity of taxes regarding homes being built and plots of property.

Tom Quinn, Tappan, presented a Petition of Concerned from the Volunteer Fire Association of Tappan, Reformed Church of Tappan, Tappantown Town Historical Society, South Orangetown Ambulance Corps and local residents regarding traffic and parking in the Hamlet of Tappan.

Michael Mandel, Pearl River, feels voting on Countywide Assessing is premature because this has not gone before the legislation and should be open to a public hearing.

Tom LaValle, President of Tappan Historical Merchants, said even though the merchants need parking a survey should be done and it should include "No Parking" at the Manse Barn or the Reformed Church.

RESOLUTION NO. 593

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. 594

COMBINE AGENDA ITEMS

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

Resolution No. 594 - Continued

RESOLVED, that agenda items one (1) through eighteen (18), except items eight (8) and ten (10) are hereby combined.

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

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RESOLUTION NO. 595**AID/DEL ARTE RESTAURANT
ITALIAN FESTIVAL**

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

RESOLVED, that Resolution #572/2007 regarding the Del Arte Restaurant Italian Festival is amended for the use of three portable toilets and the Showmobile on September 16, 2007 on Mountainview Avenue, Orangeburg, to be charged to Account No. A7550/50020/50457.

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

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RESOLUTION NO. 596**APPOINT/BLAUVELT VOLUNTEER
FIRE COMPANY/NICHOLAS KARAS**

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

RESOLVED, that upon the recommendation of the Blauvelt Volunteer Fire Company, Inc., Nicholas Karas is hereby appointed to the position of Firefighter in the Blauvelt Volunteer Fire Company, Inc.

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

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RESOLUTION NO. 597**APPROVE FIRE HYDRANT/EAST
CENTRAL AVE/PEARL RIVER**

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

RESOLVED, that upon the recommendation of the Fire Inspector, the installation by United Water of a fire hydrant on East Central Avenue, Pearl River is hereby approved.

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

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RESOLUTION NO. 598**APPROVE FIRE HYDRANT/ROUTE 304
PEARL RIVER**

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

RESOLVED, that upon the recommendation of the Fire Inspector, the installation by United Water of a fire hydrant on Route 304, Pearl River is hereby approved.

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

RESOLUTION NO. 599**AID/BLAUVELT LIONS CLUB
ANNUAL APPLE FESTIVAL**

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

RESOLVED, that the request of the Blauvelt Lions Club for two portable toilets for their Annual Apple Festival on September 23 (rain date September 30) in Flywheel Park, Piermont, to be charged to Account No. A7550/50020/50457 is hereby approved.

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

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RESOLUTION NO. 600**AID/VOLUNTEER FIRE ASSOCIATION
OF TAPPAN/100TH ANNIVERSARY**

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

RESOLVED, that the request of the Volunteer Fire Association of Tappan for five portable toilets for a Mardi Gras Parade to celebrate their 100th Anniversary on October 13, 2007 in Tappan, to be charged to Account No. A7550/50020/50457 is hereby approved.

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

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RESOLUTION NO. 601**AID/TAPPAN REFORMED CHURCH
FALL FESTIVAL**

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

RESOLVED, that the request of the Tappan Reformed Church for barricades and twelve (12) trash receptacles for a Fall Festival on September 29, 2007, to be charged to Account No. A7550/50020/50457 is hereby approved.

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

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RESOLUTION NO. 602**ASSESSOR/COUNTYWIDE ASSESSING
LEGISLATION/OPPOSES**

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

Whereas, the New York State Assembly has proposed legislation to amend the New York State Constitution to require a formal of countywide assessment, as stated in Assembly Bill No. A. 1572, sponsored by Assembly member Galef, and

Whereas the Town of Orangetown Town Board has read the aforementioned legislation and cannot support this proposed amendment to the New York State Constitution and, in fact, strongly opposes this attempt to remove the assessment process from local government, where it has been since early colonial times, and

Whereas, there has been no study published that confirms any dollar savings to the taxpayers or any improvement to the quality of the assessment process if transferred to the county form of government and, in fact, there is evidence it could become more costly to the taxpayers and produce burdens to the local property owner who may have to travel significant miles to a County Seat, and

Resolution No. 602 - Continued

Whereas the local assessor is an essential part of local government and their duties are no longer restricted to producing the assessment roll, but they are able to share their vast knowledge of the local community with other municipal departments and they have become the key person for property data, census information, E911 assistance, local planning history, GIS knowledge and many other areas;

Now, therefore resolve that the Town of Orangetown Town Board opposes Assembly Bill No. A. 1572 and the concept of countywide assessing.

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

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RESOLUTION NO. 603**DEME/APPOINT/ENGINEER I
JOSEPH MENDICINO**

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

RESOLVED, that Joseph Mendicino is hereby appointed to the position of Engineer I in the Department of Environmental Management & Engineering, provisional, Grade 14-1, annual salary \$49,121, effective 9/25/07.

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

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RESOLUTION NO. 604**POLICE/PERMISSION GRANTED
NYS PIN ADVISORY COMM MEETING**

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

RESOLVED, that permission is hereby granted for one police officer to attend the 2007 NYS PIN Advisory Committee Meeting on November 1-2, 2007 in Albany, NY at a cost of \$264 to be charged to Acct. # B/3120/50441/0480.

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

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RESOLUTION NO. 605**FINANCE/ESP-SHARP PHOTOCOPIERS
THREE YEAR LEASE**

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

RESOLVED, that it is hereby approved to lease three photocopiers from ESP/Sharp for three years at a total cost of \$771.29 per a month including maintenance, beginning October 1, 2007, to be charged to Account No(s). A1355/50444, A1622/50444 and A1420/50444.

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

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RESOLUTION NO. 606**SET PUBLIC HEARING DATE
AUTHORIZATION TO ENFORCE
CERTAIN PORTIONS OF TOWN CODE**

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

RESOLVED, that a public hearing is scheduled for October 9, 2007 at 8:00 p.m. to consider amending § 32-4, 32-6, 32-14, 32-18, 32-19 of the Town Code of the Town of Orangetown so that the Office of Building, Zoning, Planning Administration and Enforcement, including Building Inspectors and Code Enforcement Officers, may enforce certain portions of the Town Code that concern sidewalks, and so that penalties for violating relevant sections of the Town Code be made uniform with penalties for other areas of the Town Code, and so that the term "litter and debris" can be defined in order to clarify its meaning.

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

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RESOLUTION NO. 607**SET PUBLIC HEARING DATE
75 MOUNTAINVIEW AVE/PEARL
RIVER/AUTHORIZE WORK**

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

RESOLVED, that a public hearing is scheduled for September 24, 2007 at 8:00 p.m. pursuant to Chapter 24C-15 of the Town Code for the Town of Orangetown to consider performing work at the property known as S/B/L 69.17-5-1.2 at 75 Mountainview Avenue, Pearl River.

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

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RESOLUTION NO. 608**POLICE/ACCEPT RETIREMENT
PO KEVIN HIGGINS**

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

RESOLVED, that the Town Board accepts with regret PO Kevin Higgins' resignation/retirement from the Orangetown Police Department, effective August 17, 2007.

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

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RESOLUTION NO. 609**POLICE/ACCEPT RETIREMENT
JACQUELINE CHESMAN**

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

RESOLVED, that the Town Board accepts with regret Jacqueline Chesman's resignation/retirement from the Orangetown Police Department, effective September 13, 2007.

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

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RESOLUTION NO. 610**NOTICE TO PROCEED/MITSUBISHI
CONSTRUCTION/WWTP-06-2G
RECEIVE/FILE**

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

RESOLVED, that the Notice to Proceed between Mitsubishi Construction Corp and the Town for the Wastewater Treatment Plant and Hunt Road Pumping Station Improvement (Contract No. WWTP-06-2G) 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. 611**TITLE POLICY/MCCALL ABSTRACT
CARTERET GROUP/BROAD SKY PROP
BRAEBURN SUBDIVISION/ALEXA CT
RECEIVE/FILE**

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

RESOLVED, that the Title Policy: 2002C95419 T/O McCall Abstract (Chicago Title) 7210632-32045 from the Carteret Group, Inc. (f/k/a Broad Sky Properties Inc.) for the Braeburn Subdivision, Alexa Court, Pearl River 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. 612**FINANCE/AMEND 2007 BUDGET**

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

RESOLVED, that the 2007 budget is hereby amended to reflect \$95,000 in Recycling Revenue, Account No. B0230017/42300.

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

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RESOLUTION NO. 613**ADJOURNMENT/ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this Regular Town Board Meeting and entered the Audit Meeting.

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

Charlotte Madigan, Town Clerk