

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, SEPTEMBER 24, 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
Absent: 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
Mary McCloskey, Assessor's Office
John Giardiello, P.E., Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

The Town received a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for supplying full disclosure and compliance with all accounting principles.

Nicholas DeSantis of Bennett Kielsen Storch and DeSantis said the Town reported 2006 net assets of \$83,759,767, liabilities of \$58,140,200 and Orangetown received \$3,430,505 in state aid. Capital assets amounted to \$22,399,142 with an infrastructure valued at \$51,005,555 and bond anticipation notes payable of \$31,325,000. DeSantis also said the Town debt was still relatively low for a town this size.

Supervisor Kleiner announced Congressman Engel successfully passed an amendment to the FAA Authorization Bill, which requires an independent study to determine if the agency's airspace redesign plan will actually accomplish what it is set out to do. Congressman Engel, Congresswoman Lowey and others called on the NRC to grant a 60-day extension for intervenor-a petitions to be filed in connection with the license renewal process of Indian Point, which the NRC granted. Petitions will now be accepted until November 30, 2007.

James Dean, Superintendent of Highways, spoke about the work being done by the County in the Tappan Center and introduced Mr. Peng, County Project Manager. Mr. Peng gave an overview and an explanation of the work that is being done and why it will take so long. The basement of the Manse Barn is being used as a temporary field office. Drainage issues have been worked on so far and Orange & Rockland are putting in new gas lines, while the streets are dug up. This project will take close to a year to complete.

Public Comment (RTBM)

AnnMarie Uhl, Sparkill Civic Association (SCA), presented a Resolution of the SCA encouraging the Town Board to decline and cease any development of Sparkill, especially Depot Square, as a DOT-funded commuter lot to avoid the risk of integrity and balance of the existing uses.

Eileen Larkin, Palisades, requested an updated contract with Cablevision and feels Sparkill parking should be for Sparkill residents.

Andrew Wiley, Pearl River, is against waiving building fees for Christian Fellowship. He spoke of the importance of a very comprehensive SEQRA process for RPC and he questioned E. Lewis, PR and Central Ave, Nyack sewer replacement.

RESOLUTION NO. 625

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 of this meeting is hereby closed.

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

* * *

RESOLUTION NO. 626

**OPEN PH /SECTION 24C-15
ABONDONED/75 MOUNTAINVIEW
PEARL RIVER**

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

RESOLVED, that the public hearing to consider action pursuant to Section 24C-15 of the Town Code with regard to the abandoned property located at 75 Mountainview Ave., Pearl River is hereby opened.

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

Public Comment

Joan Bourke, Pearl River, questioned if property will only be cleaned once and what will happen if work is not successful or if other improvements are needed? This is very dangerous and enforcement is necessary.

Andrew Wiley, Pearl River, believes a stop work order was issued and he asked if this issue had to be resolved before the Town does any work.

Michael MaGuire, Pearl River, stressed the need to stabilize and fence in the site because of the property erosion and a dangerous open pit.

RESOLUTION NO. 627

**CLOSE PH/ SECTION 24C-15
ABONDONED PROPERTY/75
MOUNTAINVIEW/PEARL RIVER**

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

RESOLVED, that this public hearing is hereby closed.

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

* * *

RESOLUTION NO. 628

**DESIGNATION OF LEAD AGENCY/
SECTION 24C-15 ABONDONED
PROPERTY/75 MOUNTAINVIEW
PEARL RIVER**

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

Resolution No. 628 - Continued

RESOLVED, that the Town of Orangetown hereby declares itself Lead Agency in this matter.

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

* * *

RESOLUTION NO. 629

**SEQRA DECL/SECTION 24C-15
ABONDONED PROPERTY/75
MOUNTAINVIEW AVE/PEARL RIVER**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, copy is labeled Exhibit 9-A-07 and made a part of these minutes.

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

* * *

RESOLUTION NO. 630

**TOWN BOARD DECISION/ SECTION
24C-15 ABONDONED PROPERTY
75 MOUNTAINVIEW AVE/PR**

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

RESOLVED, upon the failure of the owner, tenant or occupant with Notice to correct conditions complained of and upon the Public Hearing held and closed on September 24, 2007, the Town Board of the Town Orangetown directs that vermin, nuisance, hazard, debris, litter and illegally parked or stored vehicle(s), as those terms are defined in Chapter 24C of the Town Code, be removed by the Town of Orangetown, its designee or agent, or a private contractor, at the property known and designated as: 75 Mountainview Avenue, Pearl River, NY, Section 69.17, Block 5, Lot 1.2.

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

* * *

RESOLUTION NO. 631

**2008 TENTATIVE BUDGET
RECEIVED/FILED/DISTRIBUTED**

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

RESOLVED, that the 2008 Tentative Budget is filed with the Town Clerk and distributed to the Town Board.

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

* * *

RESOLUTION NO. 632**(FAA) FEDERAL AVIATION
ADMINISTRATION/FAA REDESIGN
PROJECT/COUNTY ATTORNEY
LEGAL ADVISOR FOR TOWN**

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

WHEREAS, on September 4, 2007, the County of Rockland passed Resolution Number 471 of 2007, wherein the County Attorney was authorized to intervene in the matter of the Federal Aviation Administration's New York/New Jersey/Philadelphia Metropolitan Airspace Redesign Project (hereinafter "FAA Redesign Project") in order to protect the County's interest, and

WHEREAS, in accordance with Administrative Code § 5-77, the County Attorney retained the law firm of Holland & Knight, LLP. to provide legal services to the County Attorney in regard to challenging the FAA Redesign Project, and

WHEREAS, pursuant to the Administrative Code, the County Attorney may, upon the request of the governing body of any town, village, school district or special district and with the approval of the County Legislature, act as the legal advisor for such body, and

WHEREAS, by Resolution Number 471, the County Legislature specifically approved the County Attorney acting as the legal advisor for any town, village, school district or special district in the FAA Redesign Project, now, therefore, be it

RESOLVED, that the Town Board hereby requests that the County Attorney's Office act as the legal advisor for the Town, together with the Town Attorney's Office in the matter of the FAA Redesign Project.

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

* * *

RESOLUTION NO. 633**RE-APPOINT/BOARD OF ASSESSMENT
REVIEW/ELIZABETH MATTISON**

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

RESOLVED, that Elizabeth Mattison is hereby re-appointed to the Board of Assessment Review to a five-year term effective October 1, 2007 to September 30, 2012.

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

* * *

RESOLUTION NO. 634**AID/SOUTH ORANGETOWN ROTARY
CLUB/TENNIS TOURNAMENT**

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

RESOLVED, that the request of the South Orangetown Rotary Club for the use of three portable toilets for their 2007 Tennis Tournament on Oct. 6-8, 2007 at Tappan Zee High School, Orangeburg is hereby approved.

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

RESOLUTION NO. 635**APPOINT/BLAUVELT VOLUNTEER
FIRE COMP/SEAN E BUCK**

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

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

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

* * *

RESOLUTION NO. 636**LAND USE LEADERSHIP ALLIANCE
TRAINING/SUPPORT/SPONSORSHIP**

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

RESOLVED, that the Town Board supports the continuation and expansion of the Land Use Leadership Alliance training Program of the Land use Law Center of Pace University School of Law, offer official sponsorship of the training sessions conducted under the Center's programs and encourage other cities, towns and villages in the Hudson Valley region to offer their support and sponsorship of these land use training programs and to nominate local leaders for participation in these programs.

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

* * *

RESOLUTION NO. 637**RPC/ACCEPT/SACCARDI & SCHIFF
PROPOSAL/REZONING/SEQR
AUTHORIZE CONTRACT \$220,000**

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

RESOLVED, that the proposal from Saccardi & Schiff for preparation of the rezoning and conduct the SEQR process for 80 acres of Town land at RPC is hereby accepted and the Supervisor is authorized to execute a contract with Saccardi & Schiff the amount of which shall be reimbursed by the RPC developer as reflected in the predevelopment agreement signed on August 16, 2007.

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

* * *

RESOLUTION NO. 638**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items twelve (12) through twenty-seven (27) are hereby combined.

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

RESOLUTION NO. 639**AMEND RESOLUTION 526/2007
PEARL RIVER SPECIAL EDUCATION
FUNDRAISER**

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

RESOLVED, that Town Board Resolution #526 approving aid to the Pearl River Special Education Parent Teacher Association is to include two portable toilets (one handicapped- accessible) and trash receptacles for their September 29, 2007 fundraiser in Pearl River.

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

* * *

RESOLUTION NO. 640**APPROVED/WAIVE BUILDING
PERMIT FEES/DOMINICAN SISTERS
OF BLAUVELT/MOTHERHOUSE**

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

RESOLVED, that the request of the Dominican Sisters of Blauvelt to waive building and planning fees for renovations of parts of the existing Motherhouse on Western Highway is hereby approved.

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

* * *

RESOLUTION NO. 641**AWARD BID/SEWER REPLACEMENT
E LEWIS AVE-PR/CENTRAL AVE-
NYACK/WJL EQUITIES CORP**

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

WHEREAS, the Director of the Dept. Environmental Mgt. & Eng., duly advertised for sealed bids for the E. Lewis Ave, Pearl River and Central Ave., S. Nyack Sewer Replacement Project, which were received and publicly opened on September 5, 2007. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 9-B-07, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to WJL Equities Corporation of Eastchester, NY, the lowest responsive bidder, in the amount of \$199,000 to be charged to Account No. H8132513/50200.

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

* * *

RESOLUTION NO. 642**PARKS/YOUTH DEVELOPMENT
DELINQUENCY PREVENTION
FUNDING/NYS CHILDREN & FAMILY
SERVICES/APPLY FOR FUNDING**

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

Resolution No. 642 - Continued

RESOLVED, that the Supervisor is authorized to apply for funding through the Youth Development Delinquency Prevention Program of NYS Office of Children & Family Services for 2008.

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

* * *

RESOLUTION NO. 643**PARKS/APPROVE CO-SPONSORED
FUNDING/PALISADES/SPARKILL
BASEBALL/GIRLS GOLF**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings, the following co-sponsored funding applications are approved.

Palisades/Sparkill Baseball league - \$6,500
"Girls Golf" Program - \$2,000

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

* * *

RESOLUTION NO. 644**POLICE/DECLARE VEHICLES
SURPLUS**

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

RESOLVED, that the following vehicles are hereby declared surplus:

1999 WHITE VIN# FAFP71W5YX114600
1997 BLUE VIN# 2FALP71WXTX167546
1997 BLUE VIN# 2FALP71W6VX139102

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

* * *

RESOLUTION NO. 645**POLICE/ACCEPT UPDATED 2007
EMERGENCY OPERATING PLAN**

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

RESOLVED, that the updated 2007 Emergency Operating Plan prepared by the Orangetown Police Department.

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

* * *

RESOLUTION NO. 646**APPROVE/APPOINT JOEL M.
DOUGLAS/TRIPARTITE BOARD
GRIEVANCE PROCEEDING/TA**

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 and the CSEA, Joel M. Douglas of Valhalla, NY and as a member of the tripartite board, is hereby approved and appointed in the matter of a grievance proceeding brought by Matthew Johnson and James Michael Dillon at the rate of \$1,200 per day.

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

* * *

RESOLUTION NO. 647**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting, Executive Session minutes of August 13, 2007; Executive Session minutes of September 4, 2007; and Special Town Board Meeting and Audit Meeting minutes of September 10, 2007 are hereby accepted.

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

* * *

RESOLUTION NO. 648**POLICE/2008 SRO PROGRAM
AGREEM'T/RECEIVED/FILED**

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

RESOLVED, that a fully executed Agreement between the Town Police Department and the Town of Orangetown for the 2008 SRO Program is received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 649**DRUG ELIMINATION GRANT NO.
140424/OFFICIAL TENDER/NYACK
HOUSING AUTHORITY/RECEIVED
FILED/TOWN ATTORNEY**

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

RESOLVED, that an executed Contract marked "Official Tender" between the Village of Nyack Housing Authority and the Town of Orangetown for Drug Elimination Grant No. 140424 is received and filed in the Town Clerk's Office.

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

RESOLUTION NO. 650**MUSEUM/YANKEE CONSTRUCTION
NANNINI & CALLAHAN AGREEMENT
ROOF/SITE WORK/RECEIVED/FILED**

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

RESOLVED, that executed contracts between the Orangetown Historical Museum and Archives and Yankee Construction Company and Nannini & Callahan Excavating for roof and site work are received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 651**HANSEN SUBDIVISION/240
EHRHARDT RD/ROAD WIDENING
DEED/RECEIVED/FILED**

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

RESOLVED, that the 13.5' Road Widening deed for Hansen Subdivision, 240 Ehrhardt Road, Pearl River, NY (69.05-4-45), PB#06-30 is received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 652**ACCEPT RESIGNATION/ACABOR
STUART WALVISCH**

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

RESOLVED, that the Town Board accepts with regret, Stuart Walvisch's resignation from the Architecture and Community Appearance Board of Review, effective September 18, 2007.

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

* * *

RESOLUTION NO. 653**ESTABLISH ACCOUNTANT I
FINANCE OFFICE**

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

RESOLVED, that the position of Accountant I, in the Finance Department, grade 14, effective immediately is hereby established.

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

* * *

RESOLUTION NO. 654

**APPOINT/NATALIE P SCHUTTER
ACCOUNTANT I/FINANCE**

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

RESOLVED, that Natalie P. Schutter is hereby appointed to the position of Accountant I, in the Finance Department, permanent, from Eligible List #07000 (OC), with a mandatory 6 month probationary period, grade 14-1, annual salary \$49,121.00, effective September 25, 2007.

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

* * *

RESOLUTION NO. 655

**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 this Regular Town Board Meeting, in memory of Martin McDonagh, Councilman Morr's father-in-law, George A. Lynch, Jr., Sparkill, Rosemary Brennan, Pearl River, Victor Prezioso, Pearl River, and William (Bill) J. Kinsley, Pearl River and entered the Audit Meeting at 9:27 p.m.

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

Charlotte Madigan, Town Clerk