

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 9, 2007**

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

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

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  
Mary McCloskey, Assessor's Office  
Rick Oliver, Code Enforcement Officer  
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Supervisor Kleiner announced: Sunday, October 14<sup>th</sup>, at 12:30 p.m. there will be a rally to oppose the FAA Flight Plan at the Central Avenue Field in Pearl River.  
Monday, October 15<sup>th</sup> at 8:00 p.m., the Town Board will hold 2008 Budget meetings with the South Orangetown libraries and the Rockland Paramedics will take place.

Gerri Levy, Rockland Housing Action Coalition (RHAC), explained the proposal to market and sell six (6) affordable homes being developed under the PAC zone on the RPC site. RHAC will compose all narratives and appear at Town/planning and zoning meetings, would administer Orangetown's affordable housing program based on the PAC zoning regulations utilizing priority according to the Town Board, will present informational seminars about this program, will carefully screen all applicants, will work with local banks and the State of New York Mortgage Agency (SONYMA) to ensure low interest loans, will enroll prospective home buyers in their financial/homeownership counseling programs, will assist income eligible homebuyers to obtain down payment and closing cost assistant grants, will help homebuyers obtain legal council, will work with the developer to ensure homes are sold and closed in a timely manner and will record deed restrictions.

John Saccardi of Saccardi & Schiff has prepared a draft for the zoning of the new ordinances for the RPC site. Supervisor Kleiner viewed it with John Giardiello, Suzanne Barclay and John Edwards. John Saccardi proposes a RPC-H (housing) District, which is similar to PAC zoning and other statues unique to the zone. After further review and revisions, the Town Board will declare itself lead agency and circulate it for 30-days.

#### Public Comment

Michael Mandel, Pearl River, is the \$56,500 being redirected to electrical work on the soccer fields part of the original contracting?

Thomas Sullivan, Pearl River, spoke about the importance of the FAA protest rally, the testimony of the House sub-committee said this will make things worse. He presented a petition of over 2000 signatures opposing any planes flying over Pearl River, Chestnut Ridge and Ramapo. He asked the Town to update their Website regarding this information and stated residents should publicly show support and boycott Newark Airport.

Andrew Wiley, Pearl River, has concerns regarding the Pearl River movie theater site of height, parking and floor ratio. They should go to the ZBA for variances and this project will undo all parking issues that have been resolved.

Eileen Larkin, Palisades, is concerned about an outside agency making decisions for the Affordable Housing selection. This is private property developed by a private contractor. Donald Brenner, Attorney, said the RHAC proposal should be made available to the public before a vote and the Town Board needs to include the Town's statute. Shelly Morgan, Tappan, feels selection for the affordable housing should be limited to Orangetown residents. This was successfully done before for the Tappan Military Housing.

**RESOLUTION NO. 661****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, Morr  
Supervisor Kleiner  
Noes: None  
Absent: Councilperson O'Donnell

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**RESOLUTION NO. 662****APPOINT/POLICE OFFICER  
LAWRENCE AYERS**

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, Lawrence Ayers is hereby appointed from Rockland County Civil Service List No. (OC) 04200 Police Officer, to the position of Police Officer/Permanent, at an annual salary of \$38,929.00 effective October 15, 2007.

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

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**RESOLUTION NO. 663****APPOINT/POLICE OFFICER  
GREGORY BAISLEY**

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, Gregory Baisley is hereby appointed from Rockland County Civil Service List No. (OC) 04200 Police Officer, to the position of Police Officer/Permanent, at an annual salary of \$38,929.00 effective October 15, 2007.

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

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**RESOLUTION NO. 664****OPEN PH/AMEND CODE TO  
ENFORCE CERTAIN PARTS OF THE  
TOWN CODE/SIDEWALKS**

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

**Resolution No. 664 - Continued**

RESOLVED, that the public hearing to permit the Office of Building, Zoning, Planning Administration and Enforcement, including Building Inspectors and Code Enforcement Officers, to enforce certain portions of the Town Code concerning sidewalks is hereby opened.

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

The Town Clerk presented the affidavit of publication and the notice of posting, copies are labeled Exhibit 10-A-07 and made a part of these minutes.

**Public portion:**

William Reddy, Deputy Town Attorney, introduced and explained the proposed local law regarding authorization to enforce certain portions of the Town Code.

Michael Mandel, Pearl River, is against granting OBZPAE authority. New construction, renovations and other uncorrected problems should be the primary focus of the OBZPAE.

Andrew Wiley, Pearl River, has concerns that some people may feel targeted. He asked if this is for residential or commercial properties and if politics will play a part in the fines?

Eileen Larkin, Palisades, is against this proposed change and feels the penalty is too extreme.

**RESOLUTION NO. 665****CLOSE PH/AMEND CODE TO ENFORCE CERTAIN PARTS OF THE TOWN CODE/SIDEWALKS**

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

RESOLVED, that the public hearing to permit the Office of Building, Zoning, Planning Administration and Enforcement, including Building Inspectors and Code Enforcement Officers, to enforce certain portions of the Town Code concerning sidewalks is hereby closed.

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

**RESOLUTION NO. 666****TB DECISION/AMEND CODE TO ENFORCE CERTAIN PARTS OF THE TOWN CODE/SIDEWALKS**

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

RESOLVED, that the public hearing to permit the Office of Building, Zoning, Planning Administration and Enforcement, including Building Inspectors and Code Enforcement Officers, to enforce certain portions of the Town Code concerning sidewalks is hereby closed.

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

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**RESOLUTION NO. 667****RPC/HOLLAND & KNIGHT LLP ENVIRONMENTAL LIABILITY**

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

**Resolution No. 667 - Continued**

RESOLVED, that the invoice submitted by Holland & Knight LLP in the amount of \$2,794.50 for services rendered regarding environmental liability for Town land at Rockland Psychiatric Center is hereby approved.

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

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**RESOLUTION NO. 668**

**WAIVE FEES/PALISADES  
COMMUNITY CENTER/APPROVED**

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

RESOLVED, that the request of the Palisades Community Center for a waiver of the \$165.00 ZBA fee and the \$50.00 HABR fee as part of the Building Permit fee for the renovation of the building.

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

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**RESOLUTION NO. 669**

**POLICE REGULATION/AMEND  
TOWN BOARD RES NO. 573/06**

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

RESOLVED, that the Town Board Resolution No. 573/06 is hereby amended to read:

RESOLVED, that temporary parking along both sides of Dutch Hill Road, Orangeburg, for Tappan Zee High School faculty is hereby approved to December 1, 2007.

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

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**RESOLUTION NO. 670**

**APPROVE/GRANT OF RIGHT OF  
WAY EASEMENT/ORANGE &  
ROCKLAND UTILITIES/TOWN  
SOCCER FIELDS/RPC**

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

RESOLVED, that a Grant of Right of Way for an easement to Orange and Rockland Utilities, Inc. for the installation of the electrical service from Old Orangeburg Road to the electrical building for the Town's soccer fields is hereby approved.

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

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**RESOLUTION NO. 671**

**ACCEPT/RECEIVE/FILE/ROAD  
WIDENING DEEDS/RESTRICTIVE  
COVENANT/TITLE INS POLICY  
GIBBONS SUBDIVISION**

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

RESOLVED, that the 5' Road Widening Strip and the 9.375' Road Widening Strip Deeds, Restrictive Covenant and Title Insurance Policy for the Gibbons Subdivision at 260 Blauvelt Road, Blauvelt, NY (S/B/L/ 70.13-2-94) is hereby accepted, received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 672**

**AMEND CONTRACT/REALIFE LAND  
IMPROVEMENTS/FANSHAWE/OMM  
SOCCER FIELDS/RPC**

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

RESOLVED, that the Contract between the Town and Realife Land Improvement, Inc., relating to the construction of the soccer fields at RPC to delete certain drainage improvements at, or relating to, the field now improved by artificial turf, thereby reducing the contract amount by \$56,500.00, and amending the Contract with Fanshawe, Inc., for electrical improvements at the soccer fields at an increased cost of \$56,500.00 and amending the Contract between OMM and the Town of Orangetown accordingly is hereby approved.

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

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**RESOLUTION NO. 673**

**POLICE/ACCEPT RESIGNATION  
ADAM PERPER/DISPATCHER**

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

RESOLVED, that the Town Board hereby accepts with regret, Police Dispatcher, Adam Perper's resignation, effective October 10, 2007.

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

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**RESOLUTION NO. 674**

**APPROVE/BPA-HARBRIDGE  
GASB-45/ACTUARIAL SERVICES**

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

**Resolution No. 674 - Continued**

RESOLVED, that a contract with BPA-Harbridge of Syracuse, New York for actuarial services related to GASB 45, at a cost of \$8,000 in 2008 and \$2,000 in 2009 to be charged to Account No. A1622004/50457 is hereby approved.

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

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**RESOLUTION NO. 675****FINANCE/OFFICE SAFE/SURPLUS**

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

RESOLVED, that the Finance Office safe is declared surplus for auction or scrap.

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

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**RESOLUTION NO. 676****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 for September 24, 2007 are hereby accepted.

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

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**RESOLUTION NO. 677****BOND \$3,945,000/CLOSING  
DOCUMENTS RECREATIONAL  
AREA/RPC/RECEIVE/FILE**

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

RESOLVED, that signed copies of Orrick, Herrington & Sutcliffe LLP's approving opinion and closing documents for Bond Anticipation Renewal Note Certificate Dated October 4, 2007, authorizing the issuance of a \$3,945,000 for original improvement of a recreational area at RPC and to pay part of the cost of various machinery and apparatus in the Town are received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 678****APPROVE/YANKEE CONSTRUCTION  
CONTRACT/SAYLER HOUSE**

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

**Resolution No. 678 - Continued**

RESOLVED, that the contract for \$97,500 for Yankee Construction Company of New York for repairs to the Sayler House roof to be charged to Account No. h7520002/50200 is hereby approved.

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

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**RESOLUTION NO. 679****APPROVE PAYMENTS/ORANGETOWN NEWSLETTER/ARTIN ARTS/STAR PRESS/ORANGEBURG POST OFFICE**

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

RESOLVED, that the Supervisor is hereby authorized to pay Artin Arts in the amount of \$350 for formatting of the Orangetown newsletter; Quality Graphics in the amount of \$350 for the layout and design; Star Press in the amount of \$2,400 for four-color printing and the Orangeburg Post Office in the amount of \$3,650 for bulk mailing of 20,350 pieces to Orangetown households for a total of \$6,746 to be charged to Account No. A8989654/50457.

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

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**RESOLUTION NO. 680****ADJOURNMENT/MEMORY ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this Regular Town Board Meeting, in memory of Mary Zayac, Nanuet and entered the Audit Meeting at 9:20 p.m.

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

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**Charlotte Madigan, Town Clerk**