

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JANUARY 23, 2006**

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
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
Paul Witte, Code Enforcement, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Supervisor Kleiner said he will be meeting Thursday with the Pearl River Chamber and others who are interested in preserving the PR Theatre.

The Town Board is waiting for two submissions from the developers for RPC.

John Orcutt and Kate Slavin, acting as liaisons between the public and the Transit Authority, gave a presentation for options regarding the TZ Bridge.

Public Comment (RTBM)

Jonathan Howard, Orangeburg and member of the Safe Energy is an opponent of Indian Point. Pam Cantor, Piermont, is in favor of a resolution and joining five counties against the re-licensing of Indian Point.

David Howard, TZHS student is also against the re-licensing of Indian Point.

Daray Casteleino, "Riverkeeper", is against re-licensing of Indian Point.

Andrew Wiley, Pearl River, spoke about permit fees, the engineering costs for the ball fields and if this engineering was put out for competitive bid. He's against wavier of fees for the March of Dimes.

Fran Oldenburger, Blauvelt, is against the re-licensing of Indian Point.

Nick Frustaci, Orangetown, is against Lisa Grosbeck being appointed to the Blue Hill Golf Course Advisory Committee.

* * *

RESOLUTION NO. 90

CLOSED PUBLIC COMMENT

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

RESOLVED, that the public comment portion is hereby closed.

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

RESOLUTION NO. 91**MICHAEL A. YANNAZZONE
APPOINT/POLICE OFFICER**

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, and per the authorization of Rockland County Commissioner of Personnel Patricia Prendergast, Michael A. Yannazzone is hereby appointed from Rockland County Civil Service List # (OC) 04200 Police Officer to the "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, effective January 24, 2006.

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

Noes: None

Michael A. Yannazzone was sworn-in by the Town Clerk, Charlotte Madigan.

* * *

RESOLUTION NO. 92**OPEN PUBLIC HEARING/PEARL
RIVER/PARKING LOTS, MUNICIPAL
CHAPTER 24/PARKING METERS –
CHAPTER 26**

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

RESOLVED, that the 8:00 pm public hearing to consider adoption/enactment of two proposed Local Laws amending existing Local Laws, Chapter 24 entitled "Parking Lots, Municipal" and Chapter 26 entitled "Parking Meters", 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 1-D-06, and made a part of these minutes.

Deputy Town Attorney, Kevin T. Mulhearn presented the amendments to this Local Law. Councilman Troy explained that the intent of this law is to meet the request of the Chamber and the Merchants. In answer to their requests, the Town hired Paul Kelly to coordinate this effort and notices in the Our Town newspaper will educate the public.

The public portion was opened and the following people spoke:

Felice Morris, Pearl River, has a post office box and believes that the public parking in front of the Post Office should be free with a ½ hour time limit. Fifteen minutes is not sufficient, especially during the holidays.

Dr. Ronald Backman, Pearl River, asked where his employees should park, what exactly is Merchant parking, and where does the municipal property start and end?

Andrew Wiley, Pearl River, said there is no Pearl River Parking District or Parking Authority and he is concerned that this law will not cover all the issues.

Pete Fornabbaio, Pearl River, asked what are the future plans for the commuter lot on South William St.?

RESOLUTION NO. 93

CLOSE PUBLIC COMMENT

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

RESOLVED, that the public portion is hereby closed.

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

* * *

RESOLUTION NO. 94

**PUBLIC HEARING/PEARL RIVER
PARKING LOTS, MUNICIPAL
CHAPTER 24/PARKING METERS –
CHAPTER 26/ADOPTED**

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

RESOLVED, that the Town Board hereby adopts the two proposed Local Laws amending existing Local Laws, Chapter 24 entitled "Parking Lots, Municipal" and Chapter 26 entitled "Parking Meters".

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

* * *

RESOLUTION NO. 95

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items four (48) through thirty (30) except items 10 and 22 hereby combined.

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

* * *

RESOLUTION NO. 96

**MARCH OF DIMES/SHOW MOBILE
WALK AMERICA – APRIL 30**

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

RESOLVED, that the request of the March of Dimes for the use of the show mobile for a \$250.00 fee with the labor costs waived for Walk America, Sunday, April 30, 2006, to be charged to Account No. A7550/50457, is hereby approved.

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

* * *

RESOLUTION NO. 97

**PARKS/RECREATION DEVEL
ADVISORY COMMITTEE/APPOINT**

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

Resolution No. 97 –Continued

RESOLVED, that Micki Leader and Watson Morgan are hereby appointed to the Parks and Recreation Development Advisory Committee.

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

* * *

RESOLUTION NO. 98**OPEN SPACE COMMITTEE/APPOINT**

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

RESOLVED, that Fran Oldenburger, Micki Leader and Watson Morgan are hereby appointed to the Open Space Committee.

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

* * *

RESOLUTION NO. 99**VOLUNTEER HEALTH ADVISORY
COMMITTEE/APPOINT**

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

RESOLVED, that Paul Morer is hereby appointed to the Volunteer Health Advisory Committee.

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

* * *

RESOLUTION NO. 100**COMMUNITY DEVELOPMENT
BLOCK GRANT COMMITTEE
APPOINT**

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

RESOLVED, that Dennis Leote and Eliot Tozer are hereby appointed to the Community Development Block Grant Committee.

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

* * *

RESOLUTION NO. 101**BLUE HILL GOLF COURSE
ADVISORY COMMITTEE/APPOINT**

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

RESOLVED, that Lisa Grosbeck is hereby appointed to the Blue Hill Golf Course Advisory Committee.

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

* * *

RESOLUTION NO. 102

PUMPING STATIONS/SET PUBLIC HEARING DATE/TABLED

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and on a roll call was tabled:

RESOLVED, that the date of February 14, 2006, 8:10 pm to schedule a public hearing for \$1,290,000 of improvements to sewer pumping stations is hereby tabled.

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

* * *

RESOLUTION NO. 103

ACCEPT MAP/PLAN/REPORT/PHASE II PUMPING STATION IMPROVEMENTS STEARNS & WHELER/JANUARY 2006

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

RESOLVED, that the report entitled "Map/Plan/Report, Phase II Pumping Station Improvements," by Stearns and Wheler, January, 2006 is hereby accepted.

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

* * *

RESOLUTION NO. 104

RPC/APPROVE/HDR ENGINEERS COST PROPOSAL

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

RESOLVED, that the cost proposal from HDR Engineers in the amount of \$287,790 for provision of various services for RPC property is hereby approved as follows:

- 2006 Construction Services - \$223,000
- Utility Analysis - \$18,290
- Shared Infrastructure Design - \$29,500
- Permits and Regulatory Approvals - \$17,000

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

* * *

RESOLUTION NO. 105

APPROVE/MASER CONSULTING PA PROPOSAL/TOWNWIDE DRAINAGE SANITARY/GIS SYSTEM

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

RESOLVED, that the proposal from Maser Consulting, P.A., Hackettstown, NJ, for professional services to construct the Town-wide Drainage and Sanitary system GIS dataset is hereby approved as follows:

- Drainage system mapping - \$35,750.00.
- Sanitary system mapping - \$39,000.00

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

* * *

RESOLUTION NO. 106**APPROVE/JUNGLE LASERS, LLC
PROPOSAL/TOWN'S GIS SYSTEM
UPDATES**

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

RESOLVED, that the proposal from Jungle Lasers, LLC, Allenhurst, NJ, to update the Town's GIS database with information from the following is hereby approved:

- residential building permit applications at \$10 each for Jungle Lasers and \$10 for Maser Consulting,
- commercial building permit applications at \$165 each for Jungle Lasers and \$25 for Maser Consulting,
- highway and sewer permit applications at \$5 each for Jungle Lasers and \$5 for Maser Consulting,
- Zoning and Planning Board applications at \$50 each for Jungle Lasers and \$15 for Maser Consulting

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

Noes: None

* * *

RESOLUTION NO. 107**RICHARD WASSERMAN, ESQ/RETAIN
SERVICES/CAPITAL SEWER CONST**

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

RESOLVED, that the services of Richard Wasserman, Esq. are hereby retained for legal services, for an amount not to exceed \$25,000, for the capital sewer construction projects with notice of approvals monthly to the Town Board.

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

Noes: None

* * *

RESOLUTION NO. 108**APPROVAL OF CHANGE ORDERS
VARIOUS CONSTRUCTION PROJECTS
RONALD C DELO/AUTHORIZE**

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

RESOLVED, that Ron DeLo is hereby authorized to approve change orders for various construction projects up to \$10,000.

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

Noes: None

* * *

RESOLUTION NO. 109**2005 BUDGET TRANSFERS/APPROVED**

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

RESOLVED, that 2005 Budget Transfers, as shown in Exhibit 1-E-06 and made a part of these minutes, are hereby approved.

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

Noes: None

RESOLUTION NO. 110**2006-2007 INSURANCE CONTRACTS**

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

RESOLVED, that the following insurance contracts for 2006-2007 are hereby approved.

Princeton Excess and Surplus basic package - \$546,000
 Granite State (AID) excess liability - \$92,112
 Traveler's excess property - \$44,946
 Safety National excess workers compensation - \$62,617
 Gallagher Bassett claims services - \$75,270

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

Noes: None

* * *

RESOLUTION NO. 111**HIGHWAY OPEN HOUSE/AUTHORIZED**

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

RESOLVED, that the Highway Department is hereby authorized to host their 10th Annual Open House on Saturday, May 13, 2006 from 10:00 a.m. to 12:00 p.m. at the Highway Department facility.

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

Noes: None

* * *

RESOLUTION NO. 112**AMERICAN PUBLIC WORKS ASSOC
 ANNUAL EQUIP SHOW/HIGHWAY DEPT
 TO HOST/AUTHORIZED**

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

RESOLVED, that the Highway Department is hereby authorized to host the American Public Works Association Annual Equipment Show on Wednesday, May 24, 2006, from 10:00 a.m. to 3:00 p.m. at the Highway Department facility.

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

Noes: None

* * *

RESOLUTION NO. 113**INTERMUNICIPAL FUNDING AGREEMENT
 VILLAGES/POLICE CHIEF AUTHORIZED**

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

RESOLVED, that an Intermunicipal Agreement with the Villages of South Nyack and Piermont for funding is hereby approved;

RESOLVED FURTHER, that Kevin Nulty, Chief of the Orangetown Police Department, is hereby authorized to seek and to submit applications for available Intermunicipal and other funding and to act as the lead contact person in connection with any such applications and grants.

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

Noes: None

RESOLUTION NO. 114

**PIERMONT PLAZA REALTY/TAX
CERTIORARI SETTLEMENT**

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

RESOLVED, that settlement of the tax certiorari *Piermont Plaza Realty LLC.*, Tax Map designation, 75.55-1-1/10, et al., for tax assessment years 2001/2002; 2002/2003; 2003/2004; 2004/2005; and 2005/2006; for a total refund by the Town of \$2,910.00 is hereby approved. Interest on the Town's liability as a result of decrease is waived if payment is made within (60) days after a copy of the order, based upon the settlement on the Town.

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

* * *

RESOLUTION NO. 115

**PIERMONT PLAZA REALTY TAX
CERTIORARI STIPULATION/DENNIS
MICHAELS AUTHORIZED**

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

RESOLVED, that Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation for Piermont Plaza Realty, LLC.

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

* * *

RESOLUTION NO. 116

**ORANGEBURG SALISBURY CORP
TAX CERTIORARI SETTLEMENT**

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

RESOLVED, that settlement of the tax certiorari, Orangeburg Salisbury Corp., Section Block/Lot 74.07-1-15.1 and Section/Block/Lot 74.07-1-10 is hereby approved as follows:

Section/ Block/Lot 74.07-1-15.1

<u>Tax Years</u>	<u>From</u>	<u>To</u>	
2002	\$9,141,800	\$9,141,800	
2003	\$9,141,800	\$7,500,000	(-\$1,641,800)
2004	\$9,141,800	\$7,350,000	(-\$1,791,800)
2005	\$9,141,800	\$6,950,000	(-\$2,191,800)

Section/Block/Lot 74.07-1-10

2002-2005	\$ 152,600	remains the same (no refund)
-----------	------------	------------------------------

For a refund by the Town of \$72,366.00. Interest on 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 on the Town.

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

* * *

RESOLUTION NO. 117

**ORANGE & ROCKLAND UTILITIES
TAX CERT/ARCHIE D FELLEZNER
EXPERT WITNESS/RETAINED**

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

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a retainer agreement with Fellenzer Engineering LLP, of Middletown, New York, as the Town's litigation expert consultant to provide litigation support and to act as an expert trial witness, regarding the on-going tax certiorari proceeding between Orange & Rockland Utilities, Inc. as taxpayer, against the Town of Orangetown as assessing unit, according to the Letter Agreement, Fee Schedule and General Terms and Conditions of Agreement, dated November 14, 2005.

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

* * *

RESOLUTION NO. 118

**GRAZIANO SITE PLAN/BARGAIN
SALE DEED/RECEIVE/FILE**

Councilman O'Donnell 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 Department of Environmental Management and Engineering and the Superintendent of Highways, the Bargain and Sale Deed conveying a Road-Widening strip along the south side of Greenbush Road in reference to the Graziano Site Plan (PB #05-62), 30 Greenbush Rd, Orangeburg, NY (74.11-1-19) is hereby accepted, received and filed in the Town Clerk's Office

RESOLVED FURTHER, that the Town Attorney's Office is hereby authorized to record such documentation in the Rockland County Clerk's Office.

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

* * *

RESOLUTION NO. 119

**AMEND RESOLUTION NO 756/05
JOSEPH WOOLEY ESQ
DISCIPLINARY HEARING OFFICER**

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

RESOLVED, that Resolution No. 756/05 is hereby amended as follows:

Joseph Wooley, Esq., with offices at 15-6 Granada Crescent, White Plains, New York, 10603, is hereby appointed to act as a hearing officer in the disciplinary hearing of the police officer with Employee Number 1373 at a rate of \$195.00 per hour, in accordance with and pursuant to the provisions of the Rockland County Police Act.

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

* * *

RESOLUTION NO. 120

**ROUTE 340 SIDEWALK CAPITAL
INCREASE BUDGET**

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

Resolution No. 120 - Continued

RESOLVED that Route 340 Sidewalk Capital Project budget is hereby increased to \$278,000.

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

* * *

RESOLUTION NO. 121

**BECKMANN APPRAISALS INC
CHERRY BROOK DRAINAGE
PROJECT/RETAINED**

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

RESOLVED that the proposal, as amended January 23, 2006, from Beckmann Appraisals, Inc. is hereby accepted and the Supervisor is hereby authorized to sign a contract with Beckmann Appraisals, Inc. for professional services to make appraisals, acquire title and assist in the acquisition of real property, necessary for capital improvements to the Town's Wastewater Infrastructure and the Cherry Brook Drainage Improvement Project at a cost not to exceed \$120,000.

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

* * *

RESOLUTION NO. 122

ADJOURNMENT/MEMORY

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

RESOLVED, that this Regular Town Board Meeting adjourned at 9:43 p.m. in memory of Dennis Flemming, Pearl River, George Worth, Orangeburg, Dr. David W. Langerman, Nyack and John Shay, Blauvelt.

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

Charlotte Madigan, Town Clerk