

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, MARCH 28, 2005**

The Regular Town Board Meeting was opened at 7:42 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
Charles Richardson, Director of Finance
Suzanne Barclay, Exec Asst. to Supervisor
Teresa M. Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
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
Bert von Wurmb, Building Inspector
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

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Rich Rose, Superintendent of Parks and Recreation, was commended for his achievement in receiving the status of a Certified Parks and Recreational Professional from the NYS Recreation and Parks Society.

A committee has been formed to create a scholarship fund for John Bellew. There will be a golf outing on June 14th (details to follow).

James Dean, Chairman of the Enforcement Committee, Keep Rockland Beautiful, hopes to educate and encourage the enforcement of litter laws. He stressed the importance of empowering people to take responsibility for improving quality of life by eliminating litter. Highway departments are the most important partners in litter prevention, especially on *the Great American Cleanup Day in Rockland County, April 16th*. There will be an information forum on enforcing litter laws *April 6th from 9a.m. to 1 p.m.* at the Fire Training Center. Jim Dean stressed that success on this project depends on all of us being involved and volunteering our time.

Supervisor Kleiner spoke about the Consent Order from NYSDEC. Tonight the Town Board will set a Public Hearing to discuss a Town-Wide Sewer District. Ron Delo was asked to give a review of the \$22.2 million upgrades of the work to be done. A long discussion took place about this issue as well as discussing the incorporated the river villages.

Councilman Troy asked if the incorporated Village of Nyack is included in this work automatically or if the village must be included?

Supervisor Kleiner said he attended a meeting concerning security and crime issues in downtown Nyack and there will be further discussion for solutions concerning these issues.

Public Comment

Eileen Larkin, Palisades, spoke about establishing a Sewer District and legal matters pertaining to establishing this district.

Ruth Weber, Upper Grandview Association, spoke about bonding, increase in taxes and the need for public referendums.

Shelly Morgan, Tappan, is concerned about non-resident Soccer teams playtime and use of Orangetown fields.

Catherine Dodge, Orangeburg, questioned the comparison of present and past sewer rates regarding 1-family homes. Why are the charges different?

Andrew Wiley, Pearl River, expressed his concerns of STEJ, senior housing, zone changes, increase of density, sewers, pools, fields and clear cutting. All of this is causing taxes to increase.

Watson Morgan, Blauvelt, supports participation of costs for use of Orangetown fields. The Town Board should attend STEJ's final review with the Planning Board base on environmental and safety concerns.

Donald Brenner, Orangeburg, recommends a Sewer Advisory Committee be created to help make any decisions regarding Sewer repairs or replacements. Over 50% of violations occurred in the riverside villages. These villages were informed, for many years, to cleanup these issues. By accepting this liability, the Town maybe placing itself in great jeopardy and serious financial disaster.

Betsy Brenner, Orangeburg, the Town Board should not dismiss Donald Brenner, past director of Orangetown's Public Works department, who has extraordinary information regarding the Town's sewer system.

Judy Goodrich, Upper Grandview, will people who have a septic and not connected to any sewers be affected by this bonding?

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RESOLUTION NO. 237

CLOSE 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 is hereby closed.

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

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RESOLUTION NO. 238

TOWN BOARD/CALENDAR CHANGE

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

RESOLVED, that the Regular Town Board Meeting scheduled for April 11th has been rescheduled to April 12, 2005.

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

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RESOLUTION NO. 239

PR PARKS/CARNIVAL/AID

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

RESOLVED, that the request of the Pearl River Parks & Activity Committee to provide trash receptacles and four portable toilets (two handicapped accessible) and required personnel and to waive all required fees for the May 5-8, 2005 Carnival to be charged to Acct. # A7550/50011/50457 is hereby approved.

Ayes: Councilpersons Troy, Morr, Donnell
Supervisor Kleiner
Noes: None
Absent: Councilwoman Manning

RESOLUTION NO. 240

**PR PARKS/FIREWORKS
CELEBRATION/AID/APPROVE**

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

RESOLVED, that the request of the Pearl River Parks & Activity Committee to provide three yards of sand, barricades, trash receptacles, four portable toilets (two handicapped accessible), use of the sound system, required personnel and to waive all permit fees for the 4th of July Fireworks Display and Celebration on Monday, July 4th (rain date – July 5th) to be charged to Acct. #A7550/50011/50457 is hereby approved.

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

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RESOLUTION NO. 241

**NAURAUHANK MASONIC GUILD
WAIVE BUILDING FEES/APPROVE**

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

RESOLVED, that the request of the Naurauhank Masonic Guild to waive building permit fees of approximately \$200.00 for installation of a chain link fence on the property line is hereby approved.

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

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RESOLUTION NO. 242

**NYSDEC CONSENT ORDER
PAYMENT \$7,500/CIVIL PENALTY**

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

RESOLVED, that payment in the amount of \$7,500.00 to New York State Department of Environmental Conservation (NYSDEC) for a civil penalty incurred for sanitary sewer overflow events at the Sewer District #2 Sewage Treatment Plant and execution of the Consent Order with NYSDEC, to be charged to Account No. MS193049/50457 is hereby approved.

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

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RESOLUTION NO. 243

**SETTING PUBLIC HEARING
REGARDING THE CREATION
OF A SEWER DISTRICT; ORDER
PURSUANT TO TOWN LAW
SECTION 209-d(1)**

Councilman Troy offered the following Resolution, which was seconded by Councilman Morr and on roll call was adopted:

WHEREAS, a proposal has been made to the Town Board of the Town of Orangetown, New York to establish a Sewer District within the unincorporated portion of the Town of Orangetown, New York, as well as within all incorporated Villages within the Town, as well as within the Village of Upper Nyack,

Resolution No. 243 – Continued

WHEREAS, the Town Board, on January 24, 2005, through Resolution No. 91 of that year, authorized and directed the Director of the Department of Environmental Management and Engineering, so long as said individual was a duly licensed Professional Engineer, within the State of New York, to prepare, or supervise the preparation of, a general map, plan, and report concerning the proposed district; that said preparation be performed without any money being borrowed, appropriated or expended for this purpose; that the manner and detail of said general map, plan and report be determined by said Director within the parameters of the Town Law, and that said general map, plan and report be filed in the Office of the Town Clerk upon completion thereof, be it

RESOLVED that on Tuesday, April 12, 2005 at 8:00 p.m. a public hearing will be held with regard to the formation of a Sewer District within the unincorporated portion of the Town of Orangetown, New York, as well as within all incorporated Villages within the Town, as well as within the Village of Upper Nyack, and be it

FURTHER RESOLVED that the Town Board, pursuant to Section 209-d(1) of the Town Law, hereby issues an Order, and enters same into the minutes of its proceedings, stating all of the following: that a description of the boundaries of the proposed district is noted on a certain one page map with attached descriptions which is on file in the Office of the Town Clerk, that there are no improvements proposed as part of the creation of the Sewer District, and as such, no monies will be expended for improvements as part of the creation of the Sewer District, that the estimated cost of hook-up fees shall remain the same as prior to the establishment of the Sewer District, and as noted in the Town Code of the Town of Orangetown, that the establishment of the Sewer District will result in no costs to the typical property, that there is no proposed method of financing to be employed due to that fact that no monies are to be expended in establishing the district, and that a map, plan and report describing same are on file in the Office of the Town Clerk for public inspection.

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

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RESOLUTION NO. 244**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items seven (7) through nineteen (19) are hereby combined.

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

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RESOLUTION NO. 245**SEWER DEPT LABORER
FERNANDO SEMINELLI**

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

RESOLVED, that Fernando Seminelli is hereby appointed to the vacant laborer position in the Sewer Department effective April 4, 2005, grade 9-4, at an annual salary of \$44,920.

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

RESOLUTION NO. 246

**TIME/MATERIAL FOR REPAIR
REPLACEMENT OF SEWERS &
STREET LATERALS/MIKE DUTRA
EXCAVATING INC/AWARDED**

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

Whereas, the Director of the Dept. of Environmental Management & Engineering duly advertised for sealed bids for time and materials for repair and replacement of sewers including street laterals with the Orangetown Sewer District, which were received and publicly opened on March 16, 2005, and

Whereas, these bids were referred to the Dept. of En Environmental Management & Engineering, for recommendation and report, a copy is labeled Exhibit 3-H-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that the bid for time and materials for repair and replacement of sewers including street laterals with the Orangetown Sewer District is hereby awarded to Mike Dutra Excavating, Inc., the lowest qualified bidder, to be charged to Account No. G8120/50410.

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

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RESOLUTION NO. 247

**SOCCER FIELDS/PROFESSIONAL
SERVICES/LMS/AWARDED**

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

RESOLVED, that an Agreement for Professional Services is hereby awarded to Lawler, Matusky & Skelly, the lowest qualified bidder, for an amount not to exceed \$60,500 for the development of soccer fields on Town property at Rockland Psychiatric Center to be charged to Account No. H7110742/50200.

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

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RESOLUTION NO. 248

2005 BUDGET ADJUSTMENT

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

RESOLVED, that the following budget adjustments to reflect revenues not included in the 2005 budget are hereby approved.

Unclassified Police Revenue Acct. (Youth Court donation) #B0277016 42770	+\$1,763
Youth Bureau Operating Expenses, Acct. #B3120164 50469	+\$1,763
State Aid Other – Selective Traffic Enforcement (STEP) Grant Account # B0396017/43094	+6,400
Police Overtime Account # B3120161/50012	+6,400
State Aid (NYS Archives Grant) Account #B0396017/43089	+\$10,535
Safety Inspection Capital Outlay Account #B3620172/50200	+\$10,535

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

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RESOLUTION NO. 249**SENIOR CLERK/TYPIST/JUSTICE
KATHLEEN O'HARA**

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

RESOLVED, that Kathleen O'Hara is hereby appointed from provisional Senior Clerk/Typist in the Justice Department to permanent from List #02089, effective March 29, 2005, grade 5-14, annual salary \$43,675.00.

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

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RESOLUTION NO. 250**COMMERCIAL VEHICLE
ENFORCEMENT SCHOOL
PERMISSION GRANTED/POLICE**

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

RESOLVED, that permission is hereby granted for two police officers to attend the workshop entitled: "Commercial Vehicle Enforcement School" presented by the Massachusetts State Police Academy, from April 11-22, 2005 in New Braintree, MA, at a cost of \$800 to be charged to Acct.: B3120/50441/50480.

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

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RESOLUTION NO. 251**NOBLE NINTH'S PICNIC GROUNDS
2005 SUMMER DAY CAMP PROG**

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

RESOLVED, that the letter extension agreement with the Noble Ninth, Inc., dated March 9, 2005, for use of the Noble Ninth's Picnic Grounds for the Town of Orange town's 2005 Summer Day Camp Program from July 5 through August 12, 2005 under the same terms and conditions as set forth in a certain agreement entered into between the Town of Orangetown and the German Masonic Home Corporation dated May 18, 1991 is hereby approved.

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

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RESOLUTION NO. 252**PERFORMANCE BOND/DRISCOLL
SUBDIVISION/REPLACEMENT
TRACKING # 04-11-68.12:2:5.1 & 5.2**

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

RESOLVED, that upon the recommendation of the Town Attorney, the replacement Performance Bond in the sum of \$14,328.00 from Waltz Developers Corp., as "Principal," and collateralized by Alden B. Smith attorney escrow check no. 3312 in the amount of \$14,328.00 payable to the Town of Orangetown, as "Obligee," which has been forwarded to the Finance

Resolution No. 252 – Continued

Office, in connection with a certain subdivision known as “Driscoll Subdivision,” (Tracking No. 04-11-68.12:2:5.1 & 5.2) and which said Performance Bond is in proper form and has been approved by the Town Attorney’s Office from a legal standpoint is hereby accepted, received and filed in the Town Clerk’s Office.

The aforesaid Performance Bond represents a replacement of, and is given as a substitution for, that certain Performance Bond in the sum of \$14,328.00 from the prior owner of this Subdivision, Desiree Driscoll and Patrick Driscoll, as “Principals,” in favor of the Town of Orangetown, as “Obligee”, a collateralized by Passbook Savings Account No. 01300722 with Union State bank in the name of Desiree Driscoll in the amount of \$14,500.00; said Performance Bond being then in proper legal form and amount for filing, was accepted, received and filed via Town Board Resolution No. 824, adopted at its Regular Town Board Meeting of December 13, 2004.

Ayes: Councilpersons Troy, Morr, O’Donnell
 Supervisor Kleiner
 Noes: None
 Absent: Councilwoman Manning

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RESOLUTION NO. 253

**PERFORMANCE BOND/DRISCOLL
 SUBDIVISION/RELEASE
 TRACKING # 04-11-68.12:2:5.1 & 5.2**

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

RESOLVED, that upon the recommendation of the Town Attorney, the release of the original Driscoll Subdivision Performance Bond in the sum of \$14,328.00 and the Union State Passbook, Account No. 01300722, given as collateral security therefore, which is presently being held and was filed in the Town Clerk’s Office via Resolution No. 824 (2004) is hereby authorized.

Ayes: Councilpersons Troy, Morr, O’Donnell
 Supervisor Kleiner
 Noes: None
 Absent: Councilwoman Manning

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RESOLUTION NO. 254

**GREEN HORIZON DEVELOPMENT
 STERNGASS SUBDIVISION/DEEDS
 SANITARY SEWER PUMPING
 STATION & ACCESS EASEMENT**

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

RESOLVED, that upon the recommendation of the Town Attorney, (i) copy of the original executed Deed, in recordable form, from Green Horizon Development Corp., (Sterngass Subdivision, {72.08-1-6.12} w/s of Sgt. Ingram Ct.) as Grantor, in favor of the Town of Orangetown, as Grantee conveying to the Town the “Sanitary Sewer Pumping Station” (Lot 12) in this Subdivision together with an Access Easement over and across Lot 11 as described in Schedule “A” annexed to said Deed; and (ii) original Easement and Right-of-Way over and across Lot 1 in this Subdivision from Qi De Chen, as Grantor, in favor of the Town of Orangetown, as Grantee is hereby received and filed in the Town Clerk’s Office.

RESOLVED FURTHER, that the Town Attorney’s Office is hereby authorized to forward said original documents for recording in the Rockland County Clerk’s Office.

Ayes: Councilpersons Troy, Morr, O’Donnell
 Supervisor Kleiner
 Noes: None
 Absent: Councilwoman Manning

RESOLUTION NO. 255**2005 ASSOCIATION OF TOWN
CLERKS CONFERENCE
PERMISSION GRANTED**

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

RESOLVED, that permission is hereby granted to the Town Clerk to attend the "Town Clerks Association 2005 Conference," April 17-20, 2005 in Buffalo, NY at a cost of \$994 to be charged to Acct.: A1410/50441/50480.

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

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RESOLUTION NO. 256**CONTRACT FOR EVALUATION OF
THE SECONDARY CLARIFIERS
DEME/ RECEIVED & FILED**

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

RESOLVED, that the contract for Evaluation of the Secondary Clarifiers, Orangetown Sewage Treatment Plant is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 257**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting, Executive Session minutes of March 14, 2005 and Executive Session minutes of March 21, 2005 are hereby accepted.

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

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RESOLUTION NO. 258**ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting is hereby adjourned at 9:25 p.m. in memory of Jean Linderman, Palisades, and Robert Pavlik, Nyack.

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

Charlotte Madigan, Town Clerk