

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, MAY 9, 2005**

The 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
Councilman Thomas A. Morr

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
Robert Magrino, Deputy Town Attorney
Dennis Michaels, Deputy Town Attorney
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
John Giardello, Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings
Michael Bettman, Fire Safety Inspector, Fire Prev. Bur.

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The Pledge of Allegiance to the Flag was led by the Town Board.

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Public Comment

Ellen McCarty, Tappan, spoke regarding the retaining wall on her property and asked if any money left in escrow could be used for plantings on her side of the wall?

Andrew Wiley, Pearl River, questioned why the Town Board is forming a CDA, which may cause a need for an application in the future. He is against a Special Permit for the site south of Lowes'.

Shelly Morgan, Tappan, said the Community Advisory Committee should be inclusive of all towns.

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RESOLUTION NO. 327

CLOSE PUBLIC COMMENT

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

RESOLVED, that the public comment portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 328

**ALARM SYSTEMS/CHAPTER 1C
SECT 1C-6/PH TO AMEND/OPEN**

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

RESOLVED, that the public hearing to amend Chapter 1C-Section 1C-6 of the Town Code of the Town of Orangetown entitled "Alarm Systems" adding thereto as follows is hereby opened:

Resolution No. 328 – Continued**Section 1C-6 Suspension or revocation of alarm user permits**

D. Any person that causes a false alarm at a residential or commercial premise that utilizes an alarm system shall constitute a violation of this section whether or not said person is the owner of the premises or has an alarm user permit.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Postings; copies are labeled Exhibit 5-A-05, and made a part of these minutes.

Mike Bettman, Fire Safety Inspector, and Robert Magrino, Deputy Town Attorney, answered questions explaining the number of violations and the change in the law.

The public comment portion was opened and there were no public comments.

RESOLUTION NO. 329**ALARM SYSTEMS/CHAPTER 1C
SECT 1C-6/PH TO AMEND/CLOSE**

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

RESOLVED, that this public hearing is hereby closed.

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

RESOLUTION NO. 330**ALARM SYSTEMS/CHAPTER 1C
SECT 1C-6/TOWN BOARD/ADOPT**

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

RESOLVED, that a local law to amend Chapter 1C-Section 1C-6 of the Town Code of the Town of Orangetown entitled "Alarm Systems" adding thereto as follows is hereby adopted:

Section 1C-6 Suspension or revocation of alarm user permits

D. Any person that causes a false alarm at a residential or commercial premise that utilizes an alarm system shall constitute a violation of this section whether or not said person is the owner of the premises or has an alarm user permit.

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

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RESOLUTION NO. 331**POLICE REGULATION/VEHICLES &
TRAFFIC/CHAPTER 39 SECT 39-6/PH
TO AMEND/OPEN**

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

RESOLVED, that the public hearing to amend Chapter 39, Section 39-6, A of the Town Code of the Town of Orangetown entitled "Vehicles and Traffic" as approved by Town Board Resolution 695 of 2004 by adding as follows is hereby opened:

Resolution No. 331 – Continued**39-6. Prohibition of parking on designated highways.**

B. In the Hamlet of Orangeburg:

(36) On the north side of Hunt Road along its entire length, except off-pavement parking shall be allowed beginning at a point 650' west of the intersection of Blaisdell Road then continuing westerly for a distance of 1,135'.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Postings; copies are labeled Exhibit 5-B-05, and made a part of these minutes.

The reason for this change is to accommodate parking while addressing safety.

The public comment portion was opened and there were no public comments.

RESOLUTION NO. 332**POLICE REGULATION/VEHICLES & TRAFFIC/CHAPTER 39 SECT 39-6/PH TO AMEND/CLOSE**

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, Morr
Supervisor Kleiner
Noes: None

RESOLUTION NO. 333**POLICE REGULATION/VEHICLES & TRAFFIC/CHAPTER 39 SECT 39-6 TOWN BOARD/ADOPT**

Councilman Morr offered the following resolution, which was seconded by Councilwoman Manning and on a roll call was adopted:

RESOLVED, that a local law to amend Chapter 39, Section 39-6, A of the Town Code of the Town of Orangetown entitled "Vehicles and Traffic" as approved by Town Board Resolution 695 of 2004 by adding as follows is hereby adopted:

39-7. Prohibition of parking on designated highways.

C. In the Hamlet of Orangeburg:

(36) On the north side of Hunt Road along its entire length, except off-pavement parking shall be allowed beginning at a point 650' west of the intersection of Blaisdell Road then continuing westerly for a distance of 1,135'.

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

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RESOLUTION NO. 334**VEHICLES & TRAFFIC/CHAPTER 39 SECT 39-6/PH TO AMEND/OPEN**

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

Resolution No. 334 – Continued

RESOLVED, that the public hearing to amend Chapter 39, Section 39-6, A of the Town Code of the Town of Orangetown entitled “Vehicles and Traffic” as approved by Town Board Resolution 696 of 2004 by adding as follows is hereby opened:

39-6. Prohibition of parking on designated highways.

D. In the Hamlet of Blauvelt:

- (6) On the north side of Blauvelt Road, between Parkway Drive North and Van Wyck Road, except between Bluefields Lane and Theodore Roosevelt Drive where off-pavement parking shall be allowed.

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

Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Postings; copies are labeled Exhibit 5-C-05, and made a part of these minutes.

Public Comment

Watson Morgan, Blauvelt, suggested since the Town will be parking on the shoulder, perhaps the grading could be improved.

RESOLUTION NO. 335**POLICE REGULATION/VEHICLES &
TRAFFIC/CHAPTER 39 SECT 39-6
PH TO AMEND/CLOSE**

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

RESOLVED, that this public hearing is hereby closed.

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

Noes: None

RESOLUTION NO. 336**POLICE REGULATION/VEHICLES &
TRAFFIC/CHAPTER 39 SECT 39-6
TOWN BOARD/ADOPT**

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

RESOLVED, that a local law to amend Chapter 39, Section 39-6, A of the Town Code of the Town of Orangetown entitled “Vehicles and Traffic” as approved by Town Board Resolution 696 of 2004 by adding as follows is hereby adopted:

39-6. Prohibition of parking on designated highways.

E. In the Hamlet of Blauvelt:

- (6) On the north side of Blauvelt Road, between Parkway Drive North and Van Wyck Road, except between Bluefields Lane and Theodore Roosevelt Drive where off-pavement parking shall be allowed.

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

Noes: None

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RESOLUTION NO. 337**LI ZONE DISTRICT/MIX USES
INTENT/LEAD AGENCY/SITE
ADJACENT TO LOWES**

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

RESOLVED, that Town Board reviews the EAF and declares its intent to become Lead Agency for the LI Zone District and an amendment to allow mix uses and special permit for site south of Lowes (74.15-1-21).

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

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RESOLUTION NO. 338**RPC/COMMUNITY ADVISORY
COMMITTEE (CDA)/ADOPTED**

Councilman Morr made a motion, which was seconded by Councilman Troy to reduce the number of organizations by eliminating, STAC/Colleges, Rockland County Planning, Nyack Chamber, and Pearl River Rotary and combining Open Space and OPDAC and adding Building Trades Union.

RESOLVED, that the following organizations or constituencies and representatives are appointed to the Community Advisory Committee.

Open Space Committee/OPDAC	Catherine Dodge
Rockland Psychiatric Center	James Bopp
Senior Clubs	Phoebe Colwell
Pearl River School District	Quinton Van Wyden
South Orangetown Central School District	Dr. Joseph Zambito
Emergency services	Richard McGrath
Volunteer Architect	Joseph L Tonetti and/or Jan Degenshein
Pearl River Chamber	Kate Raffa
REDC /RBA	James B Tully and/or Al Samules
Building Trades Union	John Maria

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

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RESOLUTION NO. 339**RPC/COMMUNITY ADVISORY
COMMITTEE (CDA)/FAILED**

Supervisor Kleiner offered the following resolution, which was seconded by Councilwoman Manning and on a roll call failed to be adopted::

RESOLVED, that Larry Vale representing Open Space and Arlene Miller representing the Rockland County Planning Department be added representatives on the Community Advisory Committee.

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

Supervisor Kleiner stated for the record his disappointment in eliminating Larry Vale's and Arlene Miller's expertise from the Community Advisory Committee.

RESOLUTION NO. 340**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items twelve (12) through twenty-six (26) are hereby combined.

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

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RESOLUTION NO. 341**NY WATER ENVIRONMENT ASSOC
TECHNICAL CONFERENCE/RON
DELO/PERMISSION GRANTED**

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

RESOLVED, that permission is granted to DEME Director Ronald C. Delo to attend the New York Water Environment Association's Spring Technical Conference and Exhibition from June 5-8, 2005 in Grand Island, NY at a cost of \$1,150 to be charged to #A1440/50441.

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

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RESOLUTION NO. 342**BID/ POLYMER FOR BELT PRESS
DEWATERING/RESCIND
RESOLUTION NO. 735/05/RE-AWARD**

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

RESOLVED, that Resolution No. 735, which awarded the bid for the purchase of polymer for belt press dewatering to Atlantic Coast Polymers, Inc. is hereby rescinded and award this bid to Slack Chemical of Carthage, NY, in the amount of \$11.51 per gallon to be charged to Account No. G8130/50449.

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

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RESOLUTION NO. 343**BIRCH ST/PEARL RIVER/FIRE
HYDRANT APPROVAL**

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

RESOLVED, that upon the recommendation of the Pearl River Fire Department and the Town of Orangetown Fire Inspector, the installation of one fire hydrant, at the end of Birch Street approximately 530' south of existing hydrant No. 5-273 is hereby approved.

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

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RESOLUTION NO. 344**MICHAEL A CARAVELLA/GREENS
KEEPER/PERMANENT**

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

RESOLVED, that provisional employee, Michael A. Caravella, is hereby appointed to the position of greens keeper, permanent, from Eligible List #05009, effective May 3, 2005.

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

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RESOLUTION NO. 345**CHRISTIN CAFARELLO/POLICE
MATRON PART TIME**

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

RESOLVED, that Christin Cafarello is hereby appointed to the position of police matron (pt) at an hourly rate of \$25.00 effective May 10, 2005.

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

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RESOLUTION NO. 346**FRANK ALLEGO/GROUNDS
WORKER/PARKS/RECREATION**

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

RESOLVED, that Frank Allegro, Grounds worker Parks & Recreation, is hereby appointed to the position of Grounds worker at Blue Hill, no grade or salary change, effective Monday, May 16, 2005.

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

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RESOLUTION NO. 347**POLICE COMPUTER
MAINTENANCE CONTRACT**

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

RESOLVED, that the Police computer maintenance contract at the base rate of \$51.00 per hour with Dynex Solutions of New York, NY, the lowest of three quotes received is hereby approved.

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

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RESOLUTION NO. 348**CERTIFICATE OF
REGISTRATION/SEWER WORK**

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 and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration (Sewer Work) for 2005 is approved for MRJ Excavating, Inc., 7 Beaver Court, New City, NY.

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

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RESOLUTION NO. 349**METROPOLITAN TRANSIT
AUTHORITY (MTA)/RAILROAD
PLACE/PEARL RIVER/PHASE II**

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

RESOLVED, that pursuant to the agreement between the Town and the Metropolitan Transit Authority (MTA) executed by the Town Supervisor on October 27, 1998 as authorized by Town Board Resolutions 98-200 and 98-726, the Town Supervisor is authorized to execute a "proceed" agreement with Metro-North authorizing the Town Highway Department to proceed with Phase II of improvements to the area known as Railroad Place in Pearl River, NY, for the purpose of providing public commuter parking, the estimated cost of which (\$38,358.84) is to be reimbursed by the MTA pursuant to the original agreement with expenses to be charged to H898974/50300 and revenues recorded in H027700/42770.

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

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RESOLUTION NO. 350**MAIER REALTY COMPANY
SETTLEMENT TAX CERTIORARI**

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's Office and the Assessor, and upon prior approval of the South Orangetown School District, settlement of the tax certiorari proceeding known as *Maier Realty Company, Inc. v. South Orangetown School District, The Assessor of the Town of Orangetown, Treasurer of Rockland County, New York and The Board of Assessment Review for the Town of Orangetown*, Tax Map No. 70.15, Block 1, Lot 48, for 2000, from \$367,000 to \$320,000 for a refund by the Town of \$579.85; and for 2001, from \$367,000 to \$320,000 for a refund by the Town of \$612.31; and for 2002, from \$367,000 to \$320,000 for a refund by the Town of \$608.01. 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, is served on the Town is hereby approved.

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

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RESOLUTION NO. 351**PAR BUILDERS, INC/MASSIS
PARSEGHIA ET AL/ TAX
CERTIORARI SETTLEMENT**

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's Office and the Assessor, and upon prior approval of the Nyack Central School District, settlement of the tax certiorari proceeding known as, *PAR Builders, Inc. Massis Parseghia et al. v. The Assessor, The Board of Assessors and the Board of Assessment Review of the Town of Orangetown and the Town of Orangetown* Tax Map No. 65.36-1-51, for 2001, from \$2,200,000 to \$1,761,800 for a refund by the Town of \$4,219.00; and for 2002, from \$2,200,000 to \$1,668,000 for a refund by the Town of \$5,096.00; 2003, from \$2,200,000 to \$1,584,700 for a refund by the Town of \$6,635.00; and for 2004 from \$2,200,00 to \$1,495,200 for a refund by the Town of \$7,731.00. 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, is served on the Town is hereby approved.

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

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RESOLUTION NO. 352**G & G HOLDINGS SUBDIVISION
PERFORMANCE BOND/ACCEPT
RECEIVE/FILE/DEPOSITED**

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's Office, Director of the Department of Environmental Management and Engineering and the Superintendent of Highways, Subdivision Performance Bond in the sum of \$28,902.00 from G & G Holdings, LLC, as "Principal", in favor of the Town of Orangetown, as "Obligee", in connection with a certain subdivision known as the "G & G Holdings Subdivision", Section 71.09, Block 1, Lots 2.1 and 2.2, commonly known as 1098 Route 9W, Upper Grandview (PB#02-50, PB#04-102) is accepted, received and filed in the Town Clerk's Office, and which said Performance Bond is collateralized by a Cashier's Check No. 0027702618 from the Principal dated May 4, 2005, issued by JP Morgan Chase Bank and made payable to the order of the Town of Orangetown, which the Director of Finance is hereby authorized to deposit the original said check in a segregated Town Bank account.

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

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RESOLUTION NO. 353**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 and Audit Meeting minutes of April 25, 2005 and Executive Session minutes of May 2, 2005 are hereby accepted.

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

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RESOLUTION NO. 354**CERTIFICATE OF TITLE AND
OWNER'S POLICY OF TITLE
INSURANCE/O'RIORDAN SUBDV
RECEIVED/FILED**

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

RESOLVED, that the original Certificate of Title and Owner's Policy of Title Insurance with respect to road widening strip for the O'Riordan Subdivision, 65 Campbell Avenue, Tappan, Section 77.11, Block 2, Lot 81 is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 355**2005 HIGHWAY SCHOOL
PERMISSION GRANTED**

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

RESOLVED, that permission is granted to James Dean, Stephen Munno, Mike Yannazzone and Bill Bodensstab to attend the 2005 Highway School, Ithaca, NY, June 5-8, 2005 at a cost of \$1,454.00 to be charged to Account No. A5010/50441/50480.

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

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RESOLUTION NO. 356**ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting hereby adjourned at 9:10 p.m. in memory of Helen Vilbig, Blauvelt, Ann Conklin, Blauvelt and Ruth Rothman, Blauvelt.

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

Charlotte Madigan, Town Clerk