

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, SEPTEMBER 11, 2006**

This Regular Town Board Meeting was opened at 7:30 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
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Robert Zimmerman, Police Captain
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
Paul Witte, Building Department
Rich Rose, Superintendent of Parks, Recreation and Buildings

The Pledge of Allegiance to the Flag was led by Ben Roujanski.

Councilman O'Donnell said - How can we, as the elected officials, who do not pay into our health care, expect our employees to do so? He said one of the items on the negotiating table with the Police Dept. is employees pay a percent of their health insurance. It is his opinion, the elected officials, department heads, town attorney, deputy town attorneys, town judges, and all employees outside the bargaining unit contribute 15 percent of the monthly premium the town pays for medical insurance.

Supervisor Kleiner responded that he has been speaking with the Director of Finance about discretionary contributions from these same groups and there will be a recommendation in the 2007 budget.

Supervisor Kleiner spoke about Verizon's cable service and South Orangetown's Schools new fields at the high school.

RESOLUTION NO. 613

**APPOINT/ASSISTANT COURT
CLERK/MAUREEN MCGRATH**

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

RESOLVED, upon the recommendation of the Town Justices, Maureen McGrath is hereby appointed to the position of Assistant Court Clerk in the Justice Department, permanent from EL List #04069, grade 12-1, at an annual salary of \$45,094.00, effective September 12, 2006.

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

Public Comment

Maureen Echemendia, Orangeburg, spoke regarding health benefits and feels the police do not need to retire with full benefits because they are paid well above others in Orangetown. Eileen Larkin, Palisades, referred to an article regarding the child-care center at RPC and asked if rent was being paid? She is against Orangetown taxpayers paying for children to attend this

center because the greater percentage of the children are not from the Town of Orangetown. She is concerned about traffic on Route 303, tax certioraris and commercial rateables.

Genevieve Coffey, Pearl River, presented pictures of alleged violations against the subdivision abutting her property, which are not being addressed. She said laws protect property owners against construction and these laws should be enforced.

Ellen McCarty, Tappan, said after eight years she has achieved her goal of tree planting and thanked Jim Dean and the Highway Dept.

Ruth Weber, Upper Grandview, feels the freedom to enjoy her property is under attack. Town government should be run more efficiently, equitably and cost effectively.

Carol Silverstein, Orangeburg, agrees all should contribute to health benefits.

Ben Roujanski, Orangeburg, asked the Board to consider how health benefit deductions are determined for retirees on fixed incomes, police, employees and contracts.

Vincent Deleo, Pearl River, also agrees all should contribute to health benefits. Seniors are being taxed out of their homes and something needs to be done.

RESOLUTION NO. 614

**OPEN PH/CHAPTER 7A/CONDUCT –
PUBLIC AREAS**

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

RESOLVED, that the 8:00 p.m. public hearing to consider amendments to Chapter 7A of the Town Code, entitled "Conduct – Public Areas" is hereby opened.

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

Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 9-A-06 and made a part of these minutes.

Rich Rose, Superintendent of Parks, said the amendments to the Town Code are to address several changes in the public parks.

Public Comment

Andrew Wiley, Pearl River, asked if there is a separate code for fees?

Eileen Larkin, Palisades, suggested the Town provide plastic bags for the dogs.

Catherine Dodge, chairperson of UPDC, said there is a member from the field committee on this committee so that there is a connection between the two and a law is needed regarding the motorized cars and airplanes.

RESOLUTION NO. 615

**CLOSE PH/CHAPTER 7A/CONDUCT –
PUBLIC AREAS**

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

RESOLVED, that the public comment portion and this public hearing is hereby closed.

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

Noes: None

RESOLUTION NO. 616

**TOWN BOARD DECISION/CHAPTER 7A
CONDUCT/PUBLIC AREAS/ADOPTED**

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

Resolution No. 616 - Continued

RESOLVED, that the Town Board adopts amendments to Chapter 7A of the Town Code, entitled "Conduct – Public Areas".

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

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RESOLUTION NO. 617**OPEN PH/INDUSTRIAL
PRETREATMENT PROGRAM**

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

RESOLVED, that the 8:05 p.m. public hearing to consider amendments to Chapter 30, entitled "Sewers" to the Town Code for the industrial pretreatment program is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 9-B-06 and made a part of these minutes.

Ron Delo, Director, Dept. Environmental Mgt. & Eng., said the reason for these amendments are to make the Town Code in compliance.

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

RESOLUTION NO. 618**CLOSE PH/INDUSTRIAL
PRETREATMENT PROGRAM**

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

RESOLVED, that the public comment portion and this public hearing is hereby closed.

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

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RESOLUTION NO. 619**TOWN BOARD DECISION/INDUSTRIAL
PRETREATMENT PROGRAM/ADOPTED**

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

RESOLVED, that the Town Board adopts amendments to Chapter 30, entitled "Sewers" to the Town Code for the industrial pretreatment program.

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

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RESOLUTION NO. 620**OPEN CONTINUATION PH/SPECIAL
PERMIT/MIX USE/ORANGEBURG
COMMONS**

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

Resolution No. 620 – Continued

RESOLVED, that the 8:10 p.m. public hearing, which is a continuation from August 14, 2006, to consider an application for a special permit under Chapter 43 of the Town Code for the proposed mixed-use development known as Orangeburg Commons located at 170 Route 303, Tappan, NY, and Tax Map No. 74.15-1-21 is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 9-C-06 and made a part of these minutes.

Mr. Rice, Attorney for applicant, said as the different organizations review updates, additional issues arise but he believes most issues have been dealt with. Mr. Collin's, Traffic & Transportation Engineer, recent letter to the Town Board summarizes the traffic study work that has been done. Other studies may be done in the future but these will not have a great impact. Justin Lim, Consulting Engineer for the Applicant, has met with Mr. Delo regarding drainage concerns and these concerns should be met by the end of the week. The PIP recently expressed to Supervisor Kleiner that they would rather have trees instead of bushes. Mr. Rice said from his prospective the plan has a minimal visual impact and the PIP may never be acceptant to the visual plans. To Mr. Rice's knowledge there hasn't been any additional response from the County Planning Board.

John S. Edwards, First Deputy Town Attorney, presented the Town Board with the findings, which must be signed, in order to move forward.

Public Comment

Andrew Wiley, Pearl River, has concerns regarding the height of the buildings vs. zoning, parking and drainage, and the number of total units.

Eileen Larkin, Palisades, asked for the total square footage, names of stores and if this will be part of the Empire Zone?

Watson Morgan, Blauvelt, spoke of the importance of a traffic study on Western Hwy and Highview, new train crossings & traffic devices and the need for DEC comments regarding clean up on the Orangeburg Commons site.

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RESOLUTION NO. 621**TOWN BOARD DECISION/SPECIAL PERMIT/MIX USE/ORANGEBURG COMMONS/CONTINUE**

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

RESOLVED, that the Town Board hereby continues this public hearing September 18, 2006, 8:00 p.m.

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

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RESOLUTION NO. 622**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items seventeen (17) through thirty-three (33) are hereby combined.

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

RESOLUTION NO. 623

**PEARL RIVER LIONS CLUB/AID
SEPTEMBER 9, 2006/APPROVED**

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

RESOLVED, that the request of the Pearl River Lions Club for the for the use of two portable toilets, eight trash barrels and one dumpster for their Annual Flea Market to be held at Central Avenue Field in Pearl River on September 9, 2006 is hereby approved.

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

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RESOLUTION NO. 624

**ORANGEBURG FIRE ASSOCIATION
DEL ARTE ITALIAN FESTIVAL
SEPTEMBER 17, 2006/APPROVED**

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

RESOLVED, that the request of the Orangeburg Volunteer Fire Association for the use of a snow fence, barricades, trash receptacles and two portable toilets for their Del Arte Italian Festival to be held at Del Arte Restaurant on Mountainview Avenue, Orangeburg, on September 17, 2006 is hereby approved.

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

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RESOLUTION NO. 625

**TOWN ZONING MAP/REVISED
UPDATED/ACCEPTED**

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

RESOLVED, that the revised and updated Town of Orangetown Zoning Map as the official zoning map is hereby accepted.

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

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RESOLUTION NO. 626

**FY 2006 SUBRECEIPIENT AGRMT
ROCKLAND CTY COMM DEVEL FOR
CURB CUTS AUTHORIZE SUPERVISOR**

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

RESOLVED, that the Supervisor is hereby authorized to execute the FY 2006 Sub-recipient Agreement between the Rockland County Office of Community Development and the Town of Orangetown for the installation of curb cuts throughout Orangetown in the amount of \$21,250.

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

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RESOLUTION NO. 627**BOND RESOLUTION-\$810,000
DEME/HIGHWAY**

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

RESOLVED, that the issuance of a bond in the amount of \$810,000 for DEME (\$200,000) and Highway Department (\$610,000) for the purchase of heavy vehicles is hereby authorized. A copy of the Extract of Minutes is labeled Exhibit 9-B-06 and made a part of these minutes.

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

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RESOLUTION NO. 628**POLICE/PERMISSION GRANTED/ADV
ACCIDENT INVESTIGATION SCHOOL**

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

RESOLVED, that permission is hereby granted to two Police Officers to attend Advanced Accident Investigation School, in Syracuse, NY from October 30 - Nov. 4 and November 6 - 10, 2006 at a cost of \$2,350.00 to be charged to Acct. #B3120/50441/50480.

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

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RESOLUTION NO. 629**POLICE/PERMISSION GRANTED/NYS
NEW WORLD USER CONFERENCE**

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

RESOLVED, that permission is hereby granted to three Police Officers to attend the NYS New World User Conference, in Poughkeepsie, NY from October 4-5, 2006 at a cost of \$541.00 to be charged to Acct. #B3120/50441/50480.

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

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RESOLUTION NO. 630**TAX CERTIORARI SETTLEMENT
ORANGE & ROCKLAND/APPROVED**

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 Assessor, and upon prior approval of the Pearl River Union Free School District and South Orangetown Central School District, settlement of the tax certiorari proceeding Orange & Rockland Utilities, Inc. v. Town of Orangetown, Tax Map designations: 640-666-11 (Blue Hill Substation); 74.20-3-21 (Sparkill Substation); 660-666-18 (Transmission Line 701); and 645-666-52 (Transmission Line 702) for tax assessment year 2004/2005 (Index No. 4786/04) is hereby approved. Orange & Rockland Utilities, Inc. will discontinue the proceedings pending for assessment years 2001/2002 and 2002/2003, with prejudice and without costs, and will

Resolution No. 630 - Continued

withdraw its appeal to the Appellate Division, Second Department (Docket No. 2006-3176) with respect to the 2005 tax assessment roll. Upon reduction of the assessments for 2006 on the parcels 74.20-3-21; 640-666-11; 645-666-52; and 660-666-18 and the payment of any refunds, if necessary, due with respect thereto, Orange & Rockland will discontinue the proceeding pending for assessment roll 2003 with prejudice and without costs.

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

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RESOLUTION NO. 631**BLAUVELT FIRE COMP/ELECTION
J DENNISON/R KELLY/B MULLENS AND
M MULLENS**

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

RESOLVED, that the election of Jason Dennison, Raymond Kelly, Bryan Mullens and Marshall Mullens to the positions of Firefighters in the Blauvelt Volunteer Fire Company, Inc is hereby approved.

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

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RESOLUTION NO. 632**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 and Executive Session minutes of August 14, 2006 are hereby accepted.

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

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RESOLUTION NO. 633**EXEMPTION LETTER AGRMT
CARDIOVASCULAR RESEARCH
RECEIVE/FILE**

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

RESOLVED, that the fully executed original Property Tax Exemption Letter Agreement between Cardiovascular Research Foundation (73.20-1-30) and the Town of Orangetown, dated July 18, 2006, 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. 634**RESTRICTIVE COVENANT/BURROWS LN
ALBAN & ZYLFIY KUPI/RECEIVE/FILE**

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

Resolution No. 634 - Continued

RESOLVED, that the Declaration of Restrictive Covenant (copy) between Alban and Zylfiya Kupa residing at 20 Burrows Lane, Blauvelt, NY (70.09-3-35) and the Town of Orangetown, dated July 14, 2006, 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. 635**COUNTY NARCOTICS TASK FORCE
AGRMT/RECEIVE/FILE**

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

RESOLVED, that the fully executed Rockland County Narcotics Task Force Agreement between the County of Rockland and the Town of Orangetown, dated June 28, 2006 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. 636**RPC/STEJ, LLC/CLOSING DOCUMENTS
OLD ORANGEBURG RD/RECEIVE/FILE**

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

RESOLVED, that the following STEJ, LLC closing documents regarding property located along Old Orangeburg Rd and formerly part of Rockland Psychiatric Center (73.11-1-2) are received and filed in the Town Clerk's Office.

1. Rockland County Clerk Recording Cover Sheet (Rockwest Abstract LTD) Declaration of Restrictive Covenant Relating to Premises Located in the Town of Orangetown bearing Tax Map Designation Section 73.12, Block 1, Lot 3.2. (original)
2. Copy of Town Board Resolution No. 435, Authorizing Sale to STEJ, LLC;
3. Copy of Quitclaim Deed From Town to STEJ, LLC;
4. Copy of TP-584 Transfer Gains Affidavit;
5. Copy of Equalization and Assessment Form;
6. Copies of Checks Delivered at Closing;
7. Copy of Environmental Insurance Policy;
8. Original Country Bank Irrevocable Letter of Credit No. 83065-05 in Favor of Town, Pursuant to 2 of the Option Contract of Sale (Original Filed With the Town Clerk);
9. Copy of Declaration of Restrictive Covenant in Favor of Town, Relating to use of Premises, Pursuant to 35 of Option Contract of Sale (Original to be Recorded by Rockwest Abstract Ltd.);
10. Copy of Declaration of Restrictive Covenant in Favor of STEJ, LLC, Relating to Non-competition by Town or its Successors-in-Interest in Specified Activities on RPC Property Use of Premises, Pursuant to 35 of Option Contract of Sale (Original to Be Recorded by Rockwest Abstract Ltd.);
11. Copy of Town Board Resolution No. 655, Authorizing Supervisor to Execute Subordination Agreement;
12. Copy of Subordination Agreement, Relating to Excess Profits Clause Found at 32 of Option Contract;
13. Copy of Town Board Resolution No. 657, Approving Infrastructure Agreement with STEJ, LLC, Allowing STEJ to Construct Shared Infrastructure (Without Accompanying Plans) (Original Letter With Accompanying Signed Plans to be Filed with Town Clerk);

Resolution No. 636 - Continued

14. Original Letter Agreement, Dated October 17, 2005 Between Town and STEJ, Relating to Shared Infrastructure (Approved by Town Board Resolution 657 and Executed by Supervisor at Closing); (Option Contract)
15. Copy of Letter Agreement, Dated November 8, 2005, Excluding Premises From 216 Acres Burdened by NYSUDC Declaration of Restrictive Covenant;
16. Copy of Letter Agreement, Dated November 10, 2005, Indemnifying STEJ and Title Company Against Loses Relating to Outstanding Judgment Against Town of Orangetown;
17. Copy of Letter, Dated August 30, 2005, From Town to STEJ, Identifying and Computing Consultant Costs Due and Owing at Closing from STEJ;
18. Copy of Memorandum, Dated August 29, 2005, From John S. Edwards to Supervisor and Town Board, Computing Consultant Costs, With Backup Documents;
19. Letter Agreement Dated November 10, 2005, Relating to Removal of Stump Debris by Town Contractor from Premises;
20. Copy of Certified Survey of Premises by Jay A. Greenwell, PLS, LLC, Dated June 21, 2005, Last Revised November 4, 2005;
21. Rockwest Abstract Ltd. Title Report No. CRC-11708;
22. Fidelity Loan Policy of Title Insurance (Policy #1412-1102104).

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

Noes: None

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RESOLUTION NO. 637**SCHOOL RESOURCE OFFICER
PROGRAM AGRMT/RECEIVE/FILE**

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

RESOLVED, that the fully executed agreement for the School Resource Officer Program between the Town of Orangetown Police Department, the Town of Orangetown and the Rockland County Board of Cooperative Education Services 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. 638**PIERMONT FIRE DEPT/SPARKILL
SKATING POND/CHRISTMAS TREE SALE
REPAIR TO SHED/APPROVED**

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

RESOLVED, that the use of the "Sparkill Skating Pond" parcel and its facilities by the Piermont Fire Department from December 1-24, 2006 for their annual Christmas tree sale is hereby approved and repair to the small shed and the pond, at no cost to the Town, pending receipt of a Certificate of Insurance for said activities is hereby authorized.

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

Noes: None

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RESOLUTION NO. 639

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned this meeting at 10:05 p.m. in memory of Dolly Cavanagh, Tappan, Mary Sullivan, Pearl River, Alfred M. Murphy, Nyack and Patrice Ryan Ott, Pearl River.

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

Charlotte Madigan, Town Clerk