

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, SEPTEMBER 26, 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
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
John Giardello, Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings
Paul Witte, Code Enforcement Officer

The Pledge of Allegiance to the Flag was led by the Pearl River Little League State Champions.

Three Pearl River Little League Girls Softball State Champions teams were acknowledged and commended for their dedication and hard work. The Town Board and Town Clerk awarded a certificate to the following ladies.

9-10 year olds

Samantha Alicandri, Emily Aristizabal, Allison Cook, Meaghan Digiovanni, Kelly Guerci, Brianna Harrington, Casey McGarvey, Kiera McMullan, Paige O'Flynn, Marissa Scognamiglio, Kristen Scrima, Molly Shine and Amanda Sullivan.
Manager-Jim Sullivan and Coaches Kathy Scrima, Mike McGarvey and Pam Farsetta

11 year olds

Colleen Clarke, Emily Harmon, Nicole Leote, Gema Mahoney, Taylor McGee, Shannon McKiernan, Kristyn Neroda, Katie O'Flynn, Liz Prigge, Victoria Pucci, Christa Scognamiglio and Kerry Sullivan.
Manager-Ed Neroda and Coaches Sinead O'Flynn and Vic Pucci

13-14 year olds who advanced to the Eastern Regionals

Dana Carroll, Nicole Corbiere, Kim Hurley, Noreen Jordan, Jackie Kelly, Molly Meehan, Krystina Poloni, Maura Power, Josephine Pucci, Katie Scrima, Kelly Tarsnane and Jessica Traas.
Manager-Dan Scrima and Coaches Karen Carroll, Vic Pucci and Len Poloni

Les Storch of Bennett, Kielson, Storch, DeSantis presented his 2004 audit of Orangetown's financial records. A Certificate of Achievement for Excellence in Financial Reporting was awarded to the Town from the Governmental Finance Officers Association. At the end of 2004, the Town's financial assets totaled \$5,523,038 and liabilities totaled \$1,156,569 (\$837,642 owed to other funds & \$1 million set aside to balance the 2005 budget). The Police Fund had a reserve balance of \$500,000, the Sewer Department had a reserve of \$600,000 and the Highway Department had an \$800,000 reserve. All showing that the Town's funds, at the end of 2004, were in excellent financial condition.

John Saccardi of Saccardi & Schiff and Terry Rice of Rice & Amon gave an overview of the proposed Orangeburg Commons Site Plan for the property located next to Lowes. The proposed complex consists of two small hotels, retail space, a restaurant and a drive-thru bank. In order for this proposal to be approved, the Town Board has to first approve an amendment to the

zoning that would permit mixed-use developments at certain highway interchange locations and second, a Special Permit for a mixed-use development, which will be done at a future public hearing. The Town Board said development of this property has been important for several years because of its location and a clean ratable.

Jim Dean, Superintendent of Highways, spoke about a volunteer program called the "Litter Marshal Program". This program allows volunteers who witness someone littering, to obtain specific information and report it to a designated municipality authority. The authority will issue a "Warning" or a "Litter Violation Notice" resulting with a maximum penalty of \$500 and/or 90 days of community service per an incident.

On September 28th the Town Board, department heads and members of the Community Advisory Committee will tour four residential developments, which were planned and built by the three developers who have submitted proposals for RPC.

On October 17th, 7:00 p.m., a public participation meeting concerning drainage and flooding problems will be held.

The Town and Wyeth have signed a Lease Access Agreement for the Cherry Brook Drainage Phase I project, which will enable this project to move forward.

Supervisor Kleiner gladly released the 2006 Tentative Budget to the Town Board. He said the result was principally the hard work and diligence of the Finance Director and the Supervisor of Fiscal Services. Even though, Town taxes may increase by 3.6%, this Tentative Budget is the most fiscally prudent budget that can be and still be able to provide the services that residents deserve.

Public Comment

Gail Raffaele, Tappan, spoke about the increase in utility costs & taxes and that the Town should only spend money that is essential. She is against the Litter Marshal program being anonymous, the Employee Assistance Contract with Nyack Hospital and raises for the Town Board.

Andrew Wiley, Pearl River, is against the Parking Enforcement Supervisor position and raises for the Town Board. He does not believe the meters will be revenue mutual and he said Pearl River people are against the diagonal parking.

Esta Baitler, Sparkill, stressed the need for Phase II of the Route 340 sidewalks to start now.

Carol Silverstein, Golf Committee, chairperson, is against BHGC hiring a scheduling clerk. She believes an additional person is not necessary. This will only increase taxes & add new costs for benefits. She would like to see a BHGC master plan and the possible implementation of an automatic tee time system.

Shelly Morgan, Tappan, asked if Broadacres Golf Course is making money?

Eileen Larkin, Palisades, is against most non-essential contributions and an anonymous Litter Marshal Program. She is in favor of money for CANDLE and asked if it could be more?

Andy Stewart, KRB, said reporting someone who is littering the neighborhood is not an invasion of privacy and the collaboration of Litter Marshal and the Police Department is important.

Dr. Ed Fisher, Orangeburg, wished everyone a Happy, Healthy and Prosperous New Year.

Fred Baldus, Pearl River, is against high Litter Marshal fines and parking zones. He questioned who chose Paul Kelly, why was he hired, why did he appear before Rotary and not at a RTBM and what off-street parking means?

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RESOLUTION NO. 601

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. 602**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items one (1) through twenty (20) are hereby combined.

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

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RESOLUTION NO. 603**FRIENDS OF THE NYACKS
MOSTLY MUSIC/AID**

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

RESOLVED, that the request of the Friends of the Nyacks for \$2,000 to fund the annual Mostly Music Festival, to be charged to Account No. A7550004/50457 is hereby approved.

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

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RESOLUTION NO. 604**KEEP ROCKLAND BEAUTIFUL
2005 FALL CLEANUP/AID**

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

RESOLVED, that \$1,800.00 is hereby awarded to Keep Rockland Beautiful to assist in the Fall Cleanup (October 1), to be charged to Account No. A8150004/50457.

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

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RESOLUTION NO. 605**CANDLE/SUBSTANCE ABUSE
PREVENTION/CONTRACT**

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

RESOLVED, that a contract with CANDLE, in the amount of \$15,000.00, for the provision of substance abuse prevention services to students and their families, to be charged to Account No. A4211004/50457 is hereby approved.

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

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RESOLUTION NO. 606**POLICE REGULATION/NO
PARKING/S MOISON/ERIE ST**

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

Resolution No. 606 – Continued

RESOLVED, that installation of “No Parking” signs on the west side of South Moison Road from Erie Street to McKenna Street the is hereby approved.

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

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RESOLUTION NO. 607**SHADYSIDE AVE SEWER
REPLACEMENT/SET PH**

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

RESOLVED, that the date of October 24, 2005, 8:15 p.m. is set for a public hearing to amend Bond Resolution #808/04 for Shadyside Avenue Sewer Replacement, for the amount of \$395,000 to reflect higher estimated construction costs.

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

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RESOLUTION NO. 608**STENCIL OVERLAY/AWARD
BID/YONKERS PAVING**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the purchase of stencil overlay, which were received and publicly opened on September 9, 2005. The Superintendent made a recommendation to the Town Board; a copy is labeled Exhibit 9-I-05, and made a part of theses minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Yonkers Paving of Yonkers, NY, the only qualified bidder, in the amount of \$28,295.50 to be charged to Account No. D5110044/50457.

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

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RESOLUTION NO. 609**HIGHWAY DEPT VEHICLE #32
2002 BOMBARDIER/SURPLUS**

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

RESOLVED, that the 2002 Bombardier vehicle (Highway Dept. #32) is declared surplus.

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

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RESOLUTION NO. 610**ROOF REPLACEMENT
ORANGEBURG LIBRARY &
TOWN'S OBZPAE/AWARD
BID/BEST ROOFING OF NJ**

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

Resolution No. 610 – Continued

WHEREAS, the Superintendent of Parks, Recreation and Buildings duly advertised for sealed bids for the furnishing removal and installation of a new roof at the Orangeburg Library and Town’s OBZPAE building, which were received and publicly opened on September 20, 2005. The Superintendent made a recommendation to the Town Board; a copy is labeled Exhibit 9-J-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Best Roofing of New Jersey, the lowest qualified bidder, in the amount of \$61,000.00 to be charged to Account No. H3620002/50200.

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

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RESOLUTION NO. 611

DEME/ESTABLISH MOTOR EQUIPMENT OPERATOR II

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

RESOLVED, that the position of Motor Equipment Operator II (a reclassification of Laborer position number 0289), in the Department of Environmental Management and Engineering is hereby established.

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

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RESOLUTION NO. 612

**APPOINT KEVIN MCGARVEY
 DEME/MOTOR EQUIPMENT OPERATOR II**

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

RESOLVED, that upon the Recommendation of the Rockland County Personnel Department, Kevin McGarvey is hereby appointed to the position of Motor Equipment Operator II, permanent, grade 12-5, annual salary of \$53,153.00, effective September 27, 2005.

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

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RESOLUTION NO. 613

**APPOINT/DIRECTOR/DEME
 RONALD C DELO/PERMANENT**

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

RESOLVED, that provisional employee Ronald C. Delo is hereby appointed to the position of Director of Environmental Management and Engineering, permanent, from Eligible List #05108, annual salary of \$140,733.00 (grade 32).

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

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RESOLUTION NO. 614**CONTRACT/EMPLOYEE
ASSISTANCE/NYACK HOSPITAL**

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

RESOLVED, that an Employee Assistance Contract with Nyack Hospital in the amount of \$7,950.00 for the period of October 1, 2005 through September 30, 2006 to be charged to Account No. A1622004/50457 is hereby approved.

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

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RESOLUTION NO. 615**AUTHORIZE/ASSIGNMENT OF
SEWER LINE EASEMENT -
ROCKLAND COUNTY SEWER
DIST/ MANHATTAN WOODS
CORPORATION**

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

RESOLVED, that the Town Supervisor is hereby authorized to execute the Assignment of Sewer Line and Easement, Assumption and Release from the Town of Orangetown to the County of Rockland Sewer District #1, the said sewer line and easement having previously been conveyed and delivered to the Assignor by the Manhattan Woods Corporation by instrument duly recorded in the Office of the Rockland County Clerk at Book 0514, at Pages 1227 etc, seq.

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

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RESOLUTION NO. 616**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board and Audit Meeting minutes of September 12, 2005 and Special Town Board Meeting minutes of September 20, 2005 are hereby accepted.

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

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RESOLUTION NO. 617**CO-SPONSORED FUNDING
AGRMT/S ORANGETOWN
AFTER SCHOOL ENRICHMENT
PROGRAM/RECEIVE/FILE**

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

RESOLVED, that the Co-Sponsored Funding Agreement between the Town of Orangetown and South Orangetown After School Enrichment Program is received and filed in the Town Clerk's Office.

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

RESOLUTION NO. 618

**HURRICANE KATRINA RELIEF
KEVIN O'CONNELL/SALARY**

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

RESOLVED, that the Town of Orangetown is hereby authorized to pay DEME employee Kevin O'Connell his regular salary as a Town employee for the one-month period during which he serves as a volunteer in the clean up of Hurricane Katrina, if his salary is not otherwise covered by FEMA.

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

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RESOLUTION NO. 619

**OMM SOCCER FESTIVAL
PORT O SANS ETC/AID**

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

RESOLVED, that the request from OMM for use of the Town's radar detector and display, snow fencing, electric cart, trash receptacles and 4 port-o-sans for the October 9th Soccer Festival at Veteran's Memorial Park is hereby approved.

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

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RESOLUTION NO. 620

**ORANGETOWN LITTER
MARSHALS/APPROVED**

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

RESOLVED, that the Orangetown Litter Marshals, a volunteer organization, to contribute toward the development of a more attractive and litter-free Town Highway R.O.W. as described in the Town of Orangetown Highway Department Litter Marshal Guide Lines, by reporting the necessary information as particularly set forth in and pursuant to the guidelines of the Town of Orangetown Highway Department Litter Marshal Kit, dated September 26, 2005 is hereby authorized and approved.

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

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RESOLUTION NO. 621

**FBI ACADEMY/POLICE
LIEUTENANT/AUTHORIZED**

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

RESOLVED, that a police lieutenant is hereby authorized to attend the FBI National Academy in Quantico, VA for the period of October 2nd through December 16th with expenses to be paid by the FBI Academy.

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

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RESOLUTION NO. 622

**TOWN HALL BUILDING
EMERGENCY/REPAIR
REPLACEMENT/AC
COMPRESSOR**

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

RESOLVED, that an emergency repair/replacement of compressor on chiller for the Town Hall/Police Department building is hereby authorized.

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

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RESOLUTION NO. 623

**ORANGEBURG COMMONS
ZONE CHANGE MIXED USE
LEAD AGENCY**

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

RESOLVED, that Town Board declares itself to be Lead Agency for purposes of reviewing environmental impacts of amending the Town's Zoning Code to allow mixed uses at certain interchange locations and approving a special permit for the proposed Orangeburg Commons (74.15-1-21).

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

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RESOLUTION NO. 624

**ORANGEBURG COMMONS
ZONE CHANGE MIXED USE
ENVIRONMENTAL ASSESSMT
PART 2 & 3/ACCEPT/REFER**

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

RESOLVED, that Part 2 and 3 of the Environmental Assessment Form for the proposed Orangeburg Commons (74.15-1-21) prepared by Stuart Turner and Associates is hereby accepted and referred to appropriate Town departments and John Saccardi for review and consideration.

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

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RESOLUTION NO. 625

ADJOURNMENT/MEMORY

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

RESOLVED, that this Regular Town Board Meeting adjourned at 9:50 p.m. in memory of Daniel M. O'Reilly, Nanuet.

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

Charlotte Madigan, Town Clerk