

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, OCTOBER 23, 2006**

This Regular Town Board Meeting was opened at 7:05 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
Kevin Nulty, Chief of Police
Robert Zimmerman, Police Captain
Mary McCloskey, Assessor's Office
John Giardello, Director, OBZPAE

The Pledge of Allegiance to the Flag was led by Elizabeth Smith of the Youth Court.

RESOLUTION NO. 707

ENTER EXECUTIVE SESSION

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

RESOLVED, that the Town Board entered Executive Session at 7:30 p.m. to discuss contractual issues.

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

Noes: None

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Orangetown Youth Court Graduation

The Chief of Police, Kevin Nulty, introduced Marianne J. Walker, Esq., Youth Court Steering Committee Chairperson, Joseph McCormack, Esq., Youth Court Instructor and Detective Patrick Frawley, Youth Officer. They explained Youth Court gives its youth members' integrity, personal strength and confidentiality qualities. This program exists because of leadership and dedication. Youths learn various talents, along with accountability and responsibility, which will serve them well in life. The Supervisor, Town Board and Town Clerk presented the graduates with certificates and congratulated them along with their families for their dedication. The Town Board thanked Marianne Walker, Joseph McCormack, Detective Frawley and Addy Ducey, Principal Clerk, for their dedication and commitment to the Youth Court. Detective Daniel Costello was presented with an award for his leadership and contribution to the excellence of the Orangetown Youth Court program.

Public Comment

Michael Mandel, Pearl River, is against the Town contributing to the fireworks display that's being sponsored by the Nyack Park Conservancy.

Andrew Wiley, Pearl River, has concerns regarding Gatto Lane zone change and is against any zone change in connection with the Pearl River Theater.

Eileen Larkin, Palisades, received the Town's letter of response with reference to Kid's Corner Day Care at RPC and still asked what contract does Kid's Corner have with Orangetown?

Resolution No. (s) 708 - 709 see Executive Session minutes.

RESOLUTION NO. 710

CLOSE PUBLIC PORTION

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. 711

**2007 PRELIMINARY BUDGET
HEARING/TIME CHANGE**

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

RESOLVED, that the time of the November 6, 2006 Public Hearing for the 2007 Preliminary Budget is hereby changed to 8:05 p.m.

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

Noes: None

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RESOLUTION NO. 712

**NYACK PARK CONSERVANCY
FIREWORKS/AID APPROVED**

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

RESOLVED, that the request of the Nyack Park Conservancy for \$2,000 towards a fire works display on New Year's Eve is hereby approved.

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

Noes: None

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RESOLUTION NO. 713

**SUBSTANCE ABUSE SPEAKERS
PEARL RIVER & SOUTH
ORANGETOWN SCHOOLS/APPROVED**

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

RESOLVED, that the request of \$2,000 for substance abuse speakers for the Pearl River and South Orangetown School Districts is hereby approved.

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

Noes: None

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RESOLUTION NO. 714

**GATTO LANE, LLC/PUBLIC HEARING
DATE/NOVEMBER 27TH**

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

RESOLVED, that the date of November 27, 2006, 8:00 p.m. is hereby approved for a public hearing to consider the application of Gatto Lane, LLC to amend the Zoning Ordinance of

Resolution No. 714 - Continued

the Town of Orangetown from an R-40 district to and R-15 District (with conditions) for property located on Gatto Lane, Pearl River (S/B/L 68.07-2-1).

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

Noes: None

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RESOLUTION NO. 715**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items five (5) through twenty (20) except item nine (9) are hereby combined.

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

Noes: None

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RESOLUTION NO. 716**MCLAREN ENGINEERING/DESIGN
GREENBUSH RD/OLD TAPPAN RD**

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

RESOLVED, that McLaren Engineering is hereby authorized to provide professional services for engineering and design of improvements at the intersection of Greenbush Road at Old Tappan Road in Tappan, to be charged to Account No. H5110353/50300. Costs for Survey, Conceptual Design, Final Design Services and Design Services during construction are \$69,000.00 to be funded by a grant from NYS Dept of Transportation.

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

Noes: None

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RESOLUTION NO. 717**CURB/SIDEWALK CONSTRUCTION
AWARD BID/BELLAVISTA CONST**

Councilman O'Donnell 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 curb and sidewalk construction, replacement and repair, which were received and publicly opened on September 7, 2006. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 10-A-06, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Bellavista Construction of Ardsley, NY, the lowest qualified bidder, in the amount of \$169,504.00 to be charged to Account No. A5410002/50200.

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

Noes: None

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RESOLUTION NO. 718**NYS GREENGRASS ASSOC CONF
PERMISSION GRANTED/PARKS**

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

Resolution No. 718 - Continued

RESOLVED, that permission is hereby granted to Stuart Sharples to attend the NYS Greengrass Association Annual Conference in Rochester, NY from November 13-17, 2006 at a cost of \$583.50 to be charged to Acct. #7250/50441/0480.

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

Noes: None

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RESOLUTION NO. 719**ADV BIDS/CHEMICALS &
FERTILIZERS/PARKS DEPT**

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

RESOLVED, that the Superintendent of Parks & Recreation is hereby authorized to advertise for sealed bids for the purchase of chemicals and fertilizers for the Blue Hill Golf Course and the Parks Department and Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m. November 15, 2006 and will be publicly opened and read aloud at 11:00 a.m.

RESOLVED FURTHER, that a report of all bids received and recommendation concerning the award is to be made at a Regular Town Board Meeting.

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

Noes: None

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RESOLUTION NO. 720**APPOINT CODE ENFORCEMENT
OFFICER II/RICHARD OLIVER**

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

RESOLVED, that provisional employee, Richard Oliver is hereby appointed to the position of Code Enforcement Officer II in the Building Department, permanent with mandatory six-month probationary period, grade 13-1, at an annual salary of \$46,996.00, effective October 24, 2006.

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

Noes: None

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RESOLUTION NO. 721**APPOINT SENIOR CLERK/TYPIST
JUSTICE DEPT/PATRICIA QUINN**

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

RESOLVED, that Patricia Quinn is hereby appointed to the position of Senior Clerk/Typist in the Justice Department, permanent with a mandatory six-month probationary period, Grade 5-1, at an annual salary of \$32,793.00, effective October 30, 2006.

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

Noes: None

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RESOLUTION NO. 722**SENIOR CITIZENS EXEMPTIONS
SET PUBLIC HEARING DATE**

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

Resolution No. 722 - Continued

RESOLVED, that a public hearing is scheduled for November 6, 2006, 8:00 p.m. to consider the option to increase the income sliding scale amounts for Senior Citizens Exemptions.

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

Noes: None

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RESOLUTION NO. 723**TAX CERTIORARI SETTLEMENT
GETTYMART, INC, #385/APPROVED**

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 and the Assessor, and upon prior approval of the South Orangetown School District, settlement of the tax certiorari proceeding Gettymart, Inc, #385 v. The Board of Assessors and/or The Assessor of the Town of Orangetown and The Board of Assessment Review, Tax Map designation, 74.07-1-7, for tax assessment years 2002/2003 and 2003/2004; for a total refund by the Town of \$721.00 is hereby approved. 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 being served on the Town.

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

Noes: None

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RESOLUTION NO. 724**TAX CERTIORARI SETTLEMENT
GOULD BRADFORD F/K/A GOULD
MELVILLE LLC F/KA/ GOULD
INVESTORS LP/APPROVED**

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 and the Assessor, and upon prior approval of the Nyack Union Free School District, settlement of the tax certiorari proceeding Gould Bradford f/k/a Gould Melville LLC f/k/a Gould Investors, LP v. The Board of Assessors and the Board of Assessment Review of the Town of Orangetown, and The Nyack Union Free School District, Tax Map designation, 66.78-1-29, for tax assessment years 2002/2003; 2003/2004; 2004/2005; 2005/2006; and 2006/2007 for a total refund by the Town of \$15,268.00 is hereby approved. 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 being served on the Town.

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

Noes: None

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RESOLUTION NO. 725**FINE SCHEDULE/BUILDING/ZONING
FIRE PREVENTION/VIOLATIONS
SET PUBLIC HEARING DATE**

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

RESOLVED, that a public hearing is scheduled for November 13, 2006, 8:10 p.m. to consider a local law amending the fine schedule for various building, zoning and fire prevention violations in the Town Code.

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

Noes: None

RESOLUTION NO. 726**PIERCE PARK HOME SUBDIVISION
PERFORMANCE BOND/ACCEPT
RECEIVE/FILE**

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

RESOLVED, that the Subdivision Performance Bond in the sum of \$96,750.00 dated October 10, 2006 from George Alatas and William Helmke, as "principal," and Irrevocable Letter of Credit #2257 dated September 14, 2006 from Provident Bank, as "Issuer," in favor of the Town of Orangetown, as "Obligee/Beneficiary," in connection with a certain subdivision known as the "Pierce Park Home Subdivision" is accepted, received and filed in the Town Clerk's Office.

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

Noes: None

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RESOLUTION NO. 727**GREEN STREET SUBDIVISION
PERFORMANCE BOND/RELEASE**

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

RESOLVED, that upon the recommendation of the Highway Department, Environmental Management and Engineering, the Town Attorney's Office and the Planning Board (PB306-66), the release of Green Street Subdivision, Tappan (77.06-2-20, 21, 22) Performance Bond No. 00095681 in the sum of \$91,175.00 from The Carteret Group, as Principal, and International Fidelity Insurance Company, as Surety, in favor of the Town of Orangetown, as Obligee is hereby authorized.

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

Noes: None

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RESOLUTION NO. 728**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session minutes of October 10, 2006 and Executive Session minutes of October 16, 2006 are hereby accepted.

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

Noes: None

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RESOLUTION NO. 729**COLUMBIA UNIVERSITY'S LAMONT
DOHERTY OBSERVATORY
DECLARATION OF COVENANT
RECEIVED/FILED**

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

RESOLVED, that a fully executed Declaration of Covenant for the Annual Inspection and Maintenance of Storm Water Control Facilities (LDEO – New Geochemistry Building) between Columbia University's Lamont Doherty Observatory Campus and the Town of Orangetown is received and filed in the Town Clerk's Office.

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

Noes: None

RESOLUTION NO. 730**HOLD HARMLESS AGREEMENT
DOMINICAN COLLEGE OF
BLAUVELT/RECEIVED/FILED**

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

RESOLVED, that a Hold Harmless Agreement between Dominican College of Blauvelt and the Town of Orangetown for their re-subdivision plan according to PB#06-75 is received and filed in the Town Clerk's Office.

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

Noes: None

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RESOLUTION NO. 731**2007 PRELIMINARY BUDGET
CHANGES CONSIDERED**

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

RESOLVED, that changes to the 2007 Preliminary Budget were considered by the Town Board.

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

Noes: None

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RESOLUTION NO. 732**2007 PRELIMINARY BUDGET
W/CHANGES/FILED/TOWN CLERK'S**

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

RESOLVED, that the 2007 Preliminary Budget with changes 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. 733**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned this meeting at 9:30 p.m. in memory of Peter Fatta ("Pete the Barber"), Pearl River.

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

Noes: None

Charlotte Madigan, Town Clerk