

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, OCTOBER 24, 2005**

The Regular Town Board Meeting was opened at 7:38 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
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

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

Supervisor Kleiner informed everyone that Wyeth agrees to the terms and conditions for a purchase/lease agreement for the property located on Crooked Hill Rd for Cherry Brook Drainage Project I. The Town Board will be meeting with the three developers for RPC between now and the next meeting and they will also be meeting with John Saccardi to discuss creating a new zone in Sparkill concerning vacant parcels and particulars to neighborhoods.

Public Comment (RTBM)

Shelly Morgan, Tappan, spoke about Denis Troy's advertisement maintaining the Quality of Life in Orangetown.

Eileen Larkin, Palisades, questioned hearing officer fees and putting the budget in the libraries for public view. She reminded the Town Board of the meeting regarding the juvenile detention facility being considered to move to Rockleigh, NJ.

Genevieve Coffey, Pearl River, read a list of grievances of water runoff from the subdivision next to her property. She said proper drainage should not divert to her property and she believes the water doesn't naturally flow toward her property.

Andrew Wiley, Pearl River, thanked the Town Board for purchasing Wyeth property for a drain basin. This will help with the Cherry Brook flooding. He spoke on parking, PAC zone, cost of properties and waiving fees.

Mike Mandell, Pearl River, suggested the Town Board to look at parking beneath the Mew's structure. He believes there could be appropriate good spaces.

RESOLUTION NO. 660

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

RESOLUTION NO. 661**THE MEWS AT PEARL RIVER
SKYVIEW PLAZA DEVELOPMT
(PR THEATER) PAC FLOATING
ZONE/OPEN PUBLIC HEARING**

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

RESOLVED, that the public hearing to consider the request for a zone change for Skyview Plaza Development Corporation, The Mews at Pearl River, 21 E Central Avenue, Pearl River (68.16-6-62), from a Community Shopping (CS) Zone District to a Planned Adult Community (PAC) Floating Zone, pursuant to Local Law No. 1, 2004, Subsection 4.6.1 of Chapter 43 of the Town code is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 10-B-05, and made a part of these minutes.

The public portion was opened and the following people spoke:
Donald Brenner, Attorney, explained that this public hearing should be rescheduled because abutting property owners were not properly notified and parking issues need to be resolved.

RESOLUTION NO. 662**THE MEWS AT PEARL RIVER
SKYVIEW PLAZA DEVELOPMT
(PR THEATER) PAC FLOATING
ZONE/CONTINUED/ADJOURNED**

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

RESOLVED, that the public hearing to consider the request for a zone change for Skyview Plaza Development Corporation, The Mews at Pearl River, 21 E Central Avenue, Pearl River (68.16-6-62), from a Community Shopping (CS) Zone District to a Planned Adult Community (PAC) Floating Zone, pursuant to Local Law No. 1, 2004, Subsection 4.6.1 of Chapter 43 of the Town code is hereby continued and adjourned to November 21, 2005, 8:05 p.m.

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

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RESOLUTION NO. 663**2006 PRELIMINARY BUDGET
OPEN PUBLIC HEARING**

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

RESOLVED, that the public hearing to consider the 2006 Preliminary Budget is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 10-C-05, and made a part of these minutes.

Charles Richardson, Director of Finance, explained the October 24, 2005, (a copy is labeled Exhibit 10-C1-05 and made a part of these minutes), changes in the budget reducing the budget

to \$56.2 million and answered question for the public and Town Board. The Town Board tried to keep the increase at a minimum recognizing the quality of health and safety.

The public portion was opened and the following people spoke:

Lynn Garcia, Sparkill, spoke regarding high taxes and believes town employees should contribute to their benefits. She is also against full-time benefits for the Town Board.

Michael Mandel, Pearl River, thanked the Town Board for the quick action regarding Cherry Brook. He spoke about the large bond for the sewer system and is against NJ using our sewers.

Arnold Shore, Orangeburg, The Town Board should not have approved full-time benefits for themselves and employees should contribute to health benefits.

Shelly Morgan, Tappan, asked what NJ pays Orangetown for use of sewers?

Eileen Larkin, Palisades, spoke about the contract with cablevision, the construction of the fields and believes employees should contribute to health benefits.

Bob Gundersen, Nyack, is against cuts in Police Department. He believes personnel cuts will cause more overtime. Officers working specifically in Nyack know the residents, which is a positive influence

Irving Feiner, Nyack, budget meetings are repetitious year after year. If taxes were levied fairly, taxes would be reduced for the average homeowner.

Hector May, Orangeburg, spoke regarding Homestead & Non-Homestead base proportions and high taxes. He feels the Town Board needs to reduce expenses and an austerity budget is needed.

Ken Wheeler, Tappan Library Pres., spoke about the library cuts and the library's future needs.

Bill Hahn, Orangeburg Library Pres., feels the compromise is fair.

Vince Perri, Pearl River, asked for an explanation of the budget regarding golf green fees?

Georgia Lipson, Orangeburg wanted to know if 88 police officers were enough for the safety of the community.

Andrew Wiley, Pearl River, are the libraries paying a fair rental to the Town and nonprofits should not receive town funding.

Watson Morgan, Blauvelt, is against cuts to the libraries, which are a valuable asset to the town.

RESOLUTION NO. 664

**2006 PRELIMINARY BUDGET
CLOSE PUBLIC COMMENT**

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

RESOLVED, that the public portion for the 2006 Preliminary Budget is hereby closed.

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

Noes: None

RESOLUTION NO. 665

**2006 PRELIMINARY BUDGET
TOWN BOARD DECISION/ADOPT**

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

RESOLVED, that the Town Board hereby adopts the 2006 Preliminary Budget as the Final Budget for 2006 for the Town of Orangetown.

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

Noes: None

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RESOLUTION NO. 666

**CHERRY BROOK DRAINAGE
PROJECT I/ LEAD AGENCY**

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

Resolution No. 666 – Continued

RESOLVED, that the Town Board declares itself Lead Agency for Cherry Brook Drainage Project I.

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

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RESOLUTION NO. 667**CHERRY BROOK DRAINAGE
PROJECT I/SEQRA DECLARATION**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 10-D-05 and made a part of these minutes, for Cherry Brook Drainage Project I.

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

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RESOLUTION NO. 668**WYETH HOLDINGS CORP
PURCHASE/LEASE AGREEMENT
CROOKED HILL RD/CHERRY
BROOK DRAINAGE PROJECT I**

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

RESOLVED, that the Supervisor is hereby authorized to sign a purchase and lease agreement (in a form and substance approved by the Office of Town Attorney) with Wyeth Holdings Corporation for 4.7 acres for property located on Crooked Hill Rd designated on Orangetown Tax Map as 68.12-3-21 in the amount of \$750,000 for Cherry Brook Drainage Project I.

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

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RESOLUTION NO. 669**CHERRY BROOK DRAINAGE
PROJECT I/BOND RESOLUTION**

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

RESOLVED, that a bond resolution in the amount of \$750,000 to purchase 4.7 acres (designated on Orangetown Tax Maps as 68.12-3-21) from Wyeth Holdings Corporation for Cherry Brook Drainage Project I is hereby authorized, a copy of the Extract of Minutes is labeled Exhibit 10-E-05 and made a part of these minutes.

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

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RESOLUTION NO. 670**RE-LICENSING INDIAN POINT 2
AND INDIAN POINT 3/TABLED**

Councilman Morr offered the following resolution, which was seconded by Councilman O'Donnell and on a roll call was tabled:

Resolution No. 670 – Continued

RESOLVED, that a motion to table the approval of a memorializing resolution opposing the re-licensing of Indian Point 2 and Indian Point was tabled.

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

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RESOLUTION NO. 671

SHADYSIDE AVENUE SEWER REPLACEMENT/EXPENDITURE INCREASE/PUBLIC HEARING

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

RESOLVED, that the public hearing that was set for October 24 for the expenditure of funds for Shadyside Avenue Sewer Replacement in the amount of \$395,000 to reflect higher estimated construction costs is hereby rescheduled to November 14, 2005, 8:15 p.m.

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

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RESOLUTION NO. 672

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items fifteen (15) through twenty-eight (28) are hereby combined.

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

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RESOLUTION NO. 673

WORKSHOP/RESCHEDULE NOVEMBER 7 AND 9

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

RESOLVED, that the Town Board workshop November 7 at 8:00 p.m. is hereby rescheduled to November 9 at 8:00 p.m.

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

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RESOLUTION NO. 674

DEVELOPERS CAPITAL CONTRIBUTION/PUBLIC PARKING & ESTABLISH OVERNIGHT PARKING/SET PUBLIC HEARING

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

Resolution No. 674 – Continued

RESOLVED, that the date of November 21, 2005, 8:00 p.m. is set for a public hearing to consider a local law requiring capital contribution from developers in hamlet centers to fund public parking and establish a permit system for overnight parking.

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

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RESOLUTION NO. 675**POLICE REGULATION/"NO
PARKING"/OLD TAPPAN RD**

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

RESOLVED, that the installation of "No Parking" signs on the north side of Old Tappan Road, Tappan, east and west of the entrance to the Manse Barn for a distance of 35 feet is hereby approved.

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

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RESOLUTION NO. 676**HOOK LIFT SYSTEM/MODERN
MACHINERY/ BID AWARDED**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for a hook lift system, which were received and publicly opened and read on September 21, 2005. The Superintendent of Highways made a recommendation to the Town Board; a copy is labeled Exhibit 10-F-05 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Modern Machinery, Bohemia, NY, the lowest qualified bidder, in the amount of \$36,890 to be charged to Account No. H5130042/50200.

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

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RESOLUTION NO. 677**PREFORMED PAVEMENT
MARKINGS/FLINT TRADING
INC. BID AWARDED**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for performed pavement markings, which were received and publicly opened and read aloud on October 5, 2005. The Superintendent of Highways made a recommendation to the Town Board; a copy is labeled Exhibit 10-G-05 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Flint Trading, Inc., the lowest qualified bidder, in amounts as listed on the bid sheet to be charged to Account No. D511004/50457.

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

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RESOLUTION NO. 678**CREATION OF SEWER
DISTRICT FINAL ORDER
ESTABLISHING**

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

RESOLVED, that authorization is granted for the final order establishing the creation of the Town of Orangetown Sewer District, a copy of the Extract of Minutes is labeled Exhibit 10-H-05 and made a part of these minutes.

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

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RESOLUTION NO. 679**ESTBLISH SEWER DISTRICT
USER CHARGE SYS/SET
PUBLIC HEARING**

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

RESOLVED, that November 28, 2005, 8:00 p.m. is set for a public hearing to consider revisions to the Town Code to establish a Sewer District user charge system.

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

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RESOLUTION NO. 680**RETAIN ALFRED CAVA
SERVICES/TERMINATION OF
BENEFITS/FORMER POLICE
OFFICER/GML SECT 207C**

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

RESOLVED, that permission is hereby granted to the Town Attorney to designate and retain the services of Alfred Cava to act as the hearing officer in the Matter of the Termination of Benefits Being Paid to a Certain Former Town Police Officer Pursuant to G.M.L. Section 207-c at a cost of \$950.00 per day.

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

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RESOLUTION NO. 681**CARETAKER AGREEMENTS
BLUE HILL/BORST PARK**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings, the Supervisor is hereby authorized to approve the extension of the caretaker agreements at Blue Hill and Borst Park for the period of November 1, 2005 to October 31, 2006 with a 7% increase

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

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RESOLUTION NO. 682**CARETAKER AGREEMENT
THOMAS IACOBELLIS/NIKE PK**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings, the Supervisor is hereby authorized to approve a Caretaker Agreement between the Town of Orangetown and Thomas Iacobellis for the Nike Park House in Orangeburg, under the same terms and conditions as the previous Caretaker Agreement, effective November 1, 2005 to October 31, 2006 with a 7% increase.

RESOLVED FURTHER, that the Supervisor is hereby authorized to execute same.

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

Noes: None

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RESOLUTION NO. 683**2005 TURF & GROUNDS EXPO
NOV 14-17/STUART SHARPLES**

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

RESOLVED, that permission is hereby granted to Stuart Sharples to attend the New York State Turfgrass Association, 2005 Turf & Grounds Expo in Rochester, NY, November 14-17 2005 at a cost of \$436.00 to be charged to Account No. E/7250/0441/0480.

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

Noes: None

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RESOLUTION NO. 684**DOWLING GARDENS/WAIVE
BUILDING PERMIT/PLANNING
BOARD/ACABOR REVIEW FEES**

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

RESOLVED, that any building permit, Planning Board, and ACABOR review fees at an estimated cost of \$1,500.00 for Dowling Gardens for installation of a generator are hereby waived.

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

Noes: None

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RESOLUTION NO. 685**2005 ELECTION INSPECTORS
AND POLLING PLACES**

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

RESOLVED, that upon the recommendation of the Town Clerk, the Election Inspectors and Polling Places for the 2005 Regular Election are hereby approved; a copy is labeled Exhibit 10-I-05 and made a part of these minutes.

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

Noes: None

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RESOLUTION NO. 686

ACCEPT MINUTES

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting minutes of October 11, 2005, and Special Town Board Meeting, Executive Session minutes of October 17, 2005 are hereby accepted.

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

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RESOLUTION NO. 687

ADJOURNMENT

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

RESOLVED, that this Regular Town Board Meeting adjourned at 9:53 p.m.

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

Charlotte Madigan, Town Clerk