

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, NOVEMBER 13, 2006**

This Regular Town Board Meeting was opened at 7:45 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis O'Donnell
Councilman Denis Troy (arrived 8:20 p.m.)
Councilwoman Marie Manning
Councilman Thomas A. Morr

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
John S. Edwards, First Deputy Town Attorney
William Reddy, Deputy Town Attorney
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
Paul Witte, Assistant Building Inspector
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Presentation

Donald and Betsy Brenner of Orangeburg, were recognized by the Town Board to thank them for their donation to the Town for "The Town of Orangetown Veteran's Road Dedication," program. The Brenner's donation has provided for a plaque to be added to 62 street signs, which will hold the full name of the deceased, when they were born, the capacity in which they served and the date of their death. This will not only honor them and their families but will provide the history to all of us so that we can appreciate the historic honor of our deceased veterans. The Brenner's thanked James Dean, Superintendent of Highways, for all his help and hard work to accomplish this endeavor.

Public Comment

Eileen Larkin, Palisades, discussed lower taxes in Old Tappan, New Jersey using regular negotiations regarding health benefits and she spoke about the RPC newsletter.

Carol Silverstein, Orangeburg, discussed budget items and offered changes equaling over \$300,000.

Michael Mandel, Pearl River, discussed budget items, reducing overtime, questioned the increase for the parking authority and he suggested using the web site to eliminate paper.

Andrew Wiley, Pearl River, spoke about Bans and Bonds, and Caretaker rents for Town-owned properties.

Watson Morgan, Blauvelt, discussed Library Funding and budgets for next year.

Nick Frustaci, Piermont, asked who the agreement will be with for the Blue Hill Golf Course restaurant?

RESOLUTION NO. 751

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, Morr
Supervisor Kleiner
Noes: None
Absent: Councilman Troy

RESOLUTION NO. 752**OPEN PH/VEHICLES & TRAFFIC
PROHIBITTING/STOPPING
STANDING/PARKING IN TAPPAN**

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

RESOLVED, that the public hearing to consider an amendment to Chapter 39 of the Town Code entitled "Vehicles and Traffic" is hereby opened. This amendment prohibits stopping, standing or parking in specified places in the Hamlet of Tappan.

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 11-C-06 and made a part of these minutes.

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

RESOLUTION NO. 753**CLOSED 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. 754**TB DECISION ADOPTS/VEHICLES &
TRAFFIC PROHIBITTING/STOPPING
STANDING/PARKING IN TAPPAN**

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

RESOLVED, that the Town Board hereby adopts an amendment to Chapter 39 of the Town Code entitled "Vehicles and Traffic". This amendment prohibits stopping, standing or parking in specified places in the Hamlet of Tappan.

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

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RESOLUTION NO. 755**OPEN PH/AMEND FINE SCHEDULE
FOR VARIOUS BUILDING/ZONING
FIRE PREVENTION VIOLATIONS**

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

RESOLVED, that the public hearing to consider a local law amending the fine schedule for various building, zoning and fire prevention violations is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-D-06 and made a part of these minutes.

The public portion was opened and the following people spoke:

Andrew Wiley, Pearl River, asked what are the major changes?

Donald Brenner, Orangeburg, is against these changes. He believes certain mechanics are being created which may adversely affect the health, welfare and safety of the property owners and the community.

William Reddy, Deputy Town Attorney, explained that the purpose is to increase fines, jail time and to condense Chapters in the Town Code.

RESOLUTION NO. 756**CLOSED PUBLIC COMMENT**

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

RESOLVED, that the public comment portion is hereby closed.

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

Noes: None

RESOLUTION NO. 757**TB DECISION ADOPTS/AMENDING
THE FINE SCHEDULE FOR VARIOUS
BUILDING/ZONING/FIRE
PREVENTION VIOLATIONS**

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

RESOLVED, that the Town Board hereby adopts a local law amending the fine schedule for various building, zoning and fire prevention violations.

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

Noes: None

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RESOLUTION NO. 758**2007 PRELIMINARY BUDGET
ADOPTED**

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

RESOLVED, that the Town Board hereby adopts the 2007 Preliminary Budget as the Final Budget for 2007 for the Town of Orangetown.

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

Noes: None

Thom Kleiner and the Town Board unanimously adopted a \$58.1 million budget that will, by average, cost property owners about \$54 more then last year. Last years budget was \$56.3 million. This represents a 2.7% increase.

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RESOLUTION NO. 759**APPOINT/BOARD OF ETHICS
THOMAS W. HYLAND**

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

Resolution No. 759 - Continued

RESOLVED, that Thomas W. Hyland is hereby appointed to the Town's Board of Ethics for a 5-year term, effective November 14, 2006.

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

RESOLUTION NO. 760**FOOD/BEVERAGE OPERATION AT
BLUE HILL GOLF/AUTHORIZE
AGREEMENT**

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

RESOLVED, that the Supervisor is hereby authorized to execute an agreement for the food and beverage operation at Blue Hill Golf Course.

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

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RESOLUTION NO. 761**TOWN'S ENERGY SERVICE
COMPANY/SIEMENS
INC/AUTHORIZE AGREEMENT**

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

RESOLVED, that the Supervisor is hereby authorized to sign an agreement with Siemens Inc. as the Town's Energy Service Company and an energy audit of Town facilities is hereby authorized.

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

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RESOLUTION NO. 762**CHERRY BROOK DRAINAGE
IMPRVT/PHASE 2/AWARDED**

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

WHEREAS, the Director of the Dept. Environmental Management & Engineer duly advertised for sealed bids for construction of Phase 2 of the Cherry Brook Drainage Improvement project, which were received and publicly opened on November 3, 2006. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 11-E-06, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to McNamee Construction Corporation, the lowest qualified bidder, in the amount of \$2,147,000 to be charged to Account No. H513002250200.

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

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RESOLUTION NO. 763**LABOR RELATIONS CONSULTANT
MICHAEL RICHARDSON/CSEA
AUTHORIZE AGREEMENT**

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

RESOLVED, that the Supervisor is hereby authorized to enter into a Professional Services Agreement between the Town of Orangetown and Michael Richardson, Labor Relations Consultant, to provide consulting services for the CSEA contract negotiations at a rate of \$140.00 per hour.

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

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RESOLUTION NO. 764**TAX CERTIORARI SETTLEMENT
WENGER, NA/APPROVE/AUTHORIZE**

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

RESOLVED, that the tax certiorari proceeding Wenger, N.A. v. The Board of Assessors and the Board of Assessment Review of Town of Orangetown, 15-17 Corporate Dr., Orangeburg. Tax Map designations: 73.20-1-34 for tax assessment years 2001/02; 2002/03; 2003/04; 2004/05; and 2005/06, for a total refund by the County of \$7,992.00; for a total refund by the Town of \$35,046.00; and for a total refund by the Pearl River Union Free School District of \$107,791.00 is hereby approved. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty.

RESOLVED FURTHER, that Dennis Michaels, Deputy Town Attorney, is hereby authorized to assign the Order of Settlement.

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

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RESOLUTION NO. 765**PROHIBIT ILLICIT DISCHARGES
ACTIVITIES/CONNECTIONS/SET
PUBLIC HEARING DATE**

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

RESOLVED, that November 27, 2006, 8:05 p.m. is set for a public hearing to consider adopting a local law to prohibit illicit discharges, activities and connections to the Town's storm sewer system in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer System.

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

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RESOLUTION NO. 766**NAURAUSHAUN CREST SUBDIVISION
ROCKHILL BUILDING CORP
MCCANDLESS COURT/STREET
DEDICATION**

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

Resolution No. 766 - Continued

RESOLVED, that upon the recommendation of the Town Attorney, the Director of the Department of Environmental Management and Engineering and the Superintendent of Highways, the offer of dedication, on the previously filed Subdivision map, and Quitclaim Deeds to the Town of Orangetown; "McCandless Court", West Nyack, Town of Orangetown, County of Rockland, New York is hereby accepted as a Town Road for maintenance purposes and the Town Attorney is hereby authorized to forward all conveyance documentations to the Rockland County Clerk's office for recording.

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

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RESOLUTION NO. 767**CARETAKER AGREEMENTS
APPROVE EXTENSIONS**

Councilman O'Donnell offered the following resolution, which was seconded by Councilwoman Manning 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, Borst Park, and Nike Park House for the period of December 1, 2006 to November 30, 2007 with a 4% increase.

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

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RESOLUTION NO. 768**APPROVE/2006 CERTIFICATE OF
REGISTRATION FOR SEWER
WORK/COPPOLA SERVICES INC.**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Manning 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 2006 Certificate of Registration for Sewer Work to Coppola Services, Inc., Ringwood, New Jersey is hereby approved.

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

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RESOLUTION NO. 769**ACCEPT MINUTES**

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

RESOLVED, that Regular Town Board Meeting, Audit Meeting and Executives Session minutes for October 23, 2006; Special Town Board minutes for October 30, 2006 and Special Town Board and Executive Session minutes for November 6, 2006 are hereby accepted.

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

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RESOLUTION NO. 770**CO-SPONSORED FUNDING
AGREEMENT/S ORANGETOWN
AFTER-SCHOOL ENRICHMENT
RECEIVE/FILE**

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

RESOLVED, that the Co-Sponsored Funding Agreement between the South Orangetown After-School Enrichment Program and the Town of Orangetown is hereby 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. 771**AUTUMN LEAVES ESTATES a/k/a
KINGS RIDGE SUBDV/SGT
BOLLINGER CT/JOY BUILDINGERS
RECEIVE/FILE DOCUMENTS**

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

RESOLVED, that the following documents for Autumn Leaves Estates, Inc. a/k/a Kings Ridge Subdivision, Sgt. Bollinger Court, Tappan with Joy Builders, the Developer are hereby received and filed in the Town Clerk's Office:

- Recorded Deed for Sgt. Bollinger Court to the Town of Orangetown (County Clerk's Instr No. 2006-00054999)
- Recorded Access Easement to the Tappan Fire District (County Clerk's Instr. No. 2006-00055000)
- Recorded Utility Easement to the Town of Orangetown (County Clerk's Instr. No. 2006-00055001)
- Recorded Conservation Easement to the Town of Orangetown (County Clerk's Instr. No. 2006-00055002)

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

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RESOLUTION NO. 772**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned this meeting at 9:40 p.m. in memory of Theodore W. Jessup, Jr., Piermont, Mary (Maureen) Walker, Pearl River, and Thomas Peter Fullem, Nanuet.

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

Charlotte Madigan, Town Clerk