

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, NOVEMBER 27, 2006**

This Regular Town Board Meeting was opened at 7:40 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Marie Manning
Councilman Thomas A. Morr
Absent: Councilman Denis O'Donnell

Also present: Charlotte Madigan, Town Clerk
Teresa Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
John Loftus, 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
Mary McCloskey, Assessor's Office
John Giardello, Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

The Supervisor received a letter from the NYS Office of Parks and Historic Preservation informing the Town, that the Major John Andre Monument in Tappan will now be listed on the National Registry of Historic Places. Supervisor Kleiner said the Joseph Clark Rail Trail Bridge will be dedicated and open on Thursday, November 30, 2006 around 11:30 a.m.

Public Comment

Andrew Wiley, Pearl River, asked when will the Cablevision Franchise Agreement be voted on? Eileen Larkin, Palisades, believes all meetings with Verizon and Cablevision should be opened to the public. She requested the names of the Ethics Committee? Harry Landou, Orangeburg, spoke regarding Verizon and Cablevision. Gail Raffaele, Tappan, asked what is being done regarding Verizon and Cablevision and asked why the leaves for non-for-profits are being picked up before taxpaying residents?

RESOLUTION NO. 778

CLOSE PUBLIC PORTION

Councilman Troy 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 Troy, Manning, Morr
Supervisor Kleiner
Noes: None
Absent: Councilman O'Donnell

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RESOLUTION NO. 779

**OPEN PH/GATTO LANE ZONE
CHANGE/GATTO LANE LLC**

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

Resolution No. 779 - Continued

RESOLVED, that the public hearing to consider a petition for a zone change from R-40 Low Density residence to R-15 Single Family Homes for property located on Gatto Lane, Pearl River (68.07-2-1) is hereby opened.

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

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

The public portion was opened and the following people spoke:

Donald Brenner, Attorney, presented a report regarding the specifics concerning this project and asked the Town Board to make a ruling on this project. The report is available in the Town Clerk's Office for review.

Andrew Wiley, Pearl River, is against this zone change. He believes the sewers and roads are not adequate. If this property remains R40, it will remain just as profitable.

Eileen Larkin, Palisades, is against this zone change. She asked if the County will comment on this and if all comments are available for public view? She believes a Restrictive Covenant should be placed on this project and the Pearl River Theater should remain in Mr. Lane's hands.

Andrew Davidson, Nanuet, is an adjacent property owner and is against this zone change. Properties surrounding this project have Deed Restrictions and Easements. He believes the Theater should not be part of this agreement.

Bill Curry, Pearl River, is an abutting property owner and he strongly opposes this zone change. He asked if the R22 homes would be in Orangetown or Ramapo?

Bill Basciano, Pearl River, is against this zone change. Flooding currently takes place and this will only add to it.

Lois Bernard, Pearl River, is against this zone change. The sewer system and the roads will not be able to handle the increase.

Vincent Kissel, Pearl River, hand delivered a letter and a petition from all the residents of Gatto Lane against this zone change. He is concerned with traffic, representation of zoning on neighboring parcels, surface runoff, drainage, sewer capacity, the burden to the Nanuet Schools and emergency vehicles access to this area.

Gail Raffaele, Tappan, questioned the legality of the zone change and the letter dated, October 23rd sent to Skyview Plaza Development and Gatto Lane, LLC. She referred to the offer in that letter, if the requested zone change were to be granted, you would convey to the Town property in Pearl River, commonly known as the Old Pearl River Theatre, for the sum of One Dollar (\$1.00).

Lauren Kissel, Pearl River, is against this zone change and believes the property should stay R-40.

Randy Johnson, Chestnut Ridge, is against this zone change. This cul de sac exits into Ramapo and traffic will be a problem. This property should remain R-40.

Michael Fury, Sr., representing the Pearl River Theater Development Corp., said the theater group is excited if the Town acquires the Theater because it will be easier to develop but the two proposals should be judged separately and the group is neutral regarding the zone change.

Robert Arturi, Pearl River, spoke regarding emergency vehicles unable to navigate in this small area and he said refurbishing the theater would be too costly.

Stanley Gedney, Gatto Lane, requested clarification of the process of a zone change and the developer's contribution to the Town.

Seamus Ward, Gatto Lane, requested clarification of R-22 vs. R-15 zone and requested the old trees remain.

Diane Diffley, Gatto Lane, is concerned about the safety for her children during construction, the wildlife in the surrounding woods and the narrow road.

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RESOLUTION NO. 780**CONTINUE PUBLIC COMMENT**

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

Resolution No. 780 – Continued

RESOLVED, that the public comment portion of this public hearing will continue on December 11, 2006.

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

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RESOLUTION NO. 781**TB DECISION/GATTO LANE ZONE
CHANGE/GATTO LANE LLC**

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

RESOLVED, that this public hearing is to be continued December 11, 2006, 8:00 p.m.

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

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RESOLUTION NO. 782**OPEN PH/PROHIBITION OF ILLICIT
DISCHARGES/ACTIVITIES/CONNECTIONS
STORM SEWER SYSTEM**

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

RESOLVED, that the public hearing to consider a proposed local law adding a new chapter to the Town Code entitled, Chapter 30C "Prohibition of Illicit Discharges, Activities and Connects to Separate Storm Sewer System" is hereby opened.

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

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

The public portion was opened and the following people spoke.

John Loftus, Deputy Town Attorney, presented to the Town Board an explanation of this Local Law.

Andrew Wiley, Pearl River, believes the Stormwater Management Officer, Ron Delo, Director, Dept. Environmental Mgt. & Eng., should be added to the final draft.

Eileen Larkin, Palisades, asked for clarification of certain wording.

RESOLUTION NO. 783**CLOSE PUBLIC COMMENT**

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

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

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

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RESOLUTION NO. 784**DESIGNATION OF LEAD AGENCY**

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

RESOLVED, that the Town Board hereby declares itself Lead Agency in this matter.

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

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RESOLUTION NO. 785**NEGATIVE SEQRA DECLARATION**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 11-H-06 and made a part of these minutes.

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

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RESOLUTION NO. 786**DESIGNATE STORMWATER
MANAGEMENT OFFICER**

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

RESOLVED, that Ron Delo, Director, Dept. Environmental Mgt. & Eng., is hereby designated as the Stormwater Management Officer.

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

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RESOLUTION NO. 787**TB DECISION/PROHIBITION OF
ILLICIT/DISCHARGES/ACTIVITIES
CONNECTIONS/STORM SEWER
SYSTEM**

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

RESOLVED, that the Town Board hereby adopts a proposed local law adding a new chapter to the Town Code entitled, Chapter 30C "Prohibition of Illicit Discharges, Activities and Connects to a Separate Storm Sewer System".

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

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RESOLUTION NO. 788**AWARD BID/INDUSTRIAL SERVICE
UNIFORMS/AMERICAN WEAR
UNIFORMS/HIGHWAY DEPT**

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

Resolution No. 788 – Continued

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Industrial Service Uniforms, which were received and publicly opened on November 16, 2006. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 11-I-06 and made a part of these minutes.

RESOLVED, that this bid is hereby awarded to American Wear Uniforms, East Orange, New Jersey, the only qualified bidder, for Option 2, at a price of \$2.79 per employee per week to be charged to Account Nos. D5140054-50465 and A5132004-50457.

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

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RESOLUTION NO. 789

**AWARD BID/CHEMICALS/FERTILIZERS
 BLUE HILL/BROADACRES GOLF**

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

WHEREAS, the Superintendent of Parks, Recreation and Building Maintenance duly advertised for sealed bids for Chemicals and Fertilizers for the Blue Hill and Broadacres Golf courses, which were received and publicly opened on November 15, 2006. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 11-J-06 and made a part of these minutes.

RESOLVED, that this bid is hereby awarded to the following lowest qualified bidders and to be charged to Blue Hill Golf Course, Account No. E725000450449/460 and Broadacres Golf Course, Account No. ER725100450449/460.

	Item No(s)	Total
Fertl-Soil, Scotch Plains, NJ	10, 11, 13	\$ 9,138.80
Lesco, Inc., Cleveland, OH	1, 6, 8	\$ 12,590.00
Metro Turf Specialists, New Paltz, NY	7, 12, 17, 21	\$ 35,557.60
Matrix Turf Solutions, Warners, NY	2, 3, 4, 15, 18, 19, 20	\$ 19,815.50
Grass Roots Turf Products, Mt. Freedom, NJ	5, 9, 14	\$ 6,191.00
Harrells, Inc., Lakeland FL	16, 23, 24	\$ 13,523.00
Terre Co., Clifton, NJ	22	<u>\$ 29,400.00</u>
	Total	\$126,216.00

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

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RESOLUTION NO. 790

**AWARD RFP/COMPUTERIZED TEE
 TIME SYSTEM/VERMONT SYSTEMS**

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

RESOLVED, that the Request for Proposals for a computerized tee time system is hereby award to Vermont Systems in the amount of \$45,833.50 to be charged to Account Nos. E7250002-50200 and ER725102-50200.

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

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RESOLUTION NO. 791

**APPOINT/DOUGLAS W SCHMIDT
BUILDING PLANS EXAMINER**

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

RESOLVED, that Douglas W. Schmidt is hereby appointed to the position of Building Plans Examiner in the Building Department, provisional, grade 15-1, at an annual salary of \$51,574.00, effective November 28, 2006.

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

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RESOLUTION NO. 792

**APPOINT/MATTHEW CONNOLLY
ASST MAINTENANCE MECHANIC**

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

RESOLVED, that Matthew Connolly is hereby appointed to the position of Assistant Maintenance Mechanic in the Department of Environmental and Engineering (reclassification of Laborer position #0435) permanent, with a mandatory 6 month probationary period, grade 11, at an annual salary of \$54,880.00, effective November 28, 2006.

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

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RESOLUTION NO. 793

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items sixteen (16) through twenty-one (21) are hereby combined.

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

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RESOLUTION NO. 794

**AUTHORIZE AMENDMENT ROCKLAND
CTY SOLID WASTE/COMPACTOR
RECYCLABLES REBATE/CARDBOARD
COMMINGLED PAPER**

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

RESOLVED, that the Supervisor is hereby authorized to sign the Amendment to the Agreement Between the Town of Orangetown and the Rockland County Solid Waste Management Authority regarding the Compactor at Orangetown Highway Department and Recyclables Rebate for Cardboard/Commingled Paper.

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

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RESOLUTION NO. 795**LETTER OF AGREEMENT/DRAINAGE
MCLAREN ENGINEERING GROUP
RECEIVED AND FILED**

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

RESOLVED, that the Letter of Agreement for the intersection and drainage improvements to Greenbush Rd. at/or near Old Tappan Rd, Orangetown with McLaren Engineering Group is hereby received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 796**PROPOSED 2007 BLAUVELT/PEARL
RIVER FIRE BUDGETS/RECEIVED/FILED**

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

RESOLVED, that the proposed 2007 budgets for the Blauvelt Volunteer Fire Co. and the Pearl River Fire District are hereby received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 797**NAURAUSHAUN CREST SUBDIVISION
MCCANDLESS CT/ROCKHILL
BUIDLING/DRAINAGE
EASEMENT/RECEIVED/FILED**

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

RESOLVED, that the 15' wide Drainage Easement to the Town of Orangetown from Rockhill Building Corp. with respect to Nauraushaun Crest Subdivision, McCandless Ct, West Nyack (69.07-1-18) is hereby received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 798**INTERMUNICIPAL AGRMT/ROCKLAND
CTY/CREATION OF REGULATED
STORMWATER CONSORTIUM
RECEIVED/FILED**

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

Resolution No. 798 - Continued

RESOLVED, that the an original Intermunicipal Agreement between the Town of Orangetown and Rockland County Stormwater Consortium for the Creation of a Regulated Stormwater Consortium is hereby received and filed in the Town Clerk’s Office.

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

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RESOLUTION NO. 799

PARKS/CARETAKER LEASE AGREEMENT/RECEIVED/FILED

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

RESOLVED, that the following documents are hereby received and filed in the Town Clerk’s Office:

- Original, fully executed Lease Agreement between the Town and Steven Bello (Blue Hill Cottage), together with State Farm’s Rental Insurance Certificate.
- Original, fully executed Lease Agreement between the Town and Thomas Iacobellis (Nike Lane House), together with All State’s Rental Insurance Certificate.
- Original, fully executed Lease Agreement between the Town and Anthony Limandri (Borst Park House), together with State Farm’s Rental Insurance Certificate.

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

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Resolution No.(s) 800 – 804 please see Audit Meeting and Executive Session minutes.

RESOLUTION NO. 805

POLICE/NOMINATE/RICHARD HOLIHAN/POLICE OFFICER

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

RESOLVED, that upon the recommendation of the Chief of Police, nominate Richard Holihan from Rockland County Civil Service List #(OC) 04200 Police Officer, to the position of Police Officer/Permanent pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 806

POLICE/NOMINATE/ANTHONY PALAZOLO/POLICE OFFICER

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

Resolution No. 806 - Continued

RESOLVED, that upon the recommendation of the Chief of Police, nominate Anthony Palazolo from Rockland County Civil Service List #(OC) 04200 Police Officer, to the position of Police Officer/Permanent pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 807

ADJOURNMENT

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 11:27 p.m.

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

Charlotte Madigan, Town Clerk