

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, NOVEMBER 28, 2005**

This Regular Town Board Meeting was opened at 7:25 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.  
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.

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**Public Comment**

Walter Ostermeir, Pearl River, asked when senior housing will be available. Senior Citizens need housing now.

Fred Baldus, Pearl River, is against party lines vote regarding removal of the Planning Board member.

Eileen Larkin, Palisades, asked who the principles are for the Orangeburg Commons. She said tax dollars should not be used for the ball fields.

Andrew Wiley, Pearl River, quoted current zone law, which would mean denying Pearl River movie theater application.

Carol Silverstein, Orangeburg, asked Supervisor Kleiner if he was going to serve out his term?

Mary Cardenas, Town Historian, said the Seth House has been on its property since 1752 and would like to see this historic home remain on this site. She stressed the importance of recognizing the historic value of this home.

Mary Jo Wilde, Pearl River, spoke regarding ARC developers and she would like to see this site remain open space.

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**RESOLUTION NO. 738**

**CLOSED PUBLIC COMMENT**

Councilman O'Donnell 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 O'Donnell, Troy, Manning, Morr  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 739****SEWER DISTRICT RATES  
OPEN PH**

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

RESOLVED, that the public hearing to consider a proposed local law amending existing Local Laws to amend how the rate is to be calculated for each property within the newly formed Sewer District is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-J-05, and made a part of these minutes.

The intent of this law is two-fold, one to switch from a 100% advalorem system to a factors in "use" by using a unit charge system. This will be a more equitable system and more fair to be used as a charge per unit.

Councilman Troy indicated that this law does not reflect non-for-profit or school districts.

Ron Delo, Director, Dept. Environmental Mgt. & Eng., explained that future funds maybe need due to increase in costs and early in 2006 final designs should be completed.

The public portion was opened and the following people spoke:  
Catherine Dodge, Orangeburg, asked questions about the debt service, water usage and what 1 unit is equal to. She also wanted know if we have our own sewer dept, why do we pay the county?

**RESOLUTION NO. 740****SEWER DISTRICT RATES  
CLOSE PUBLIC COMMENT**

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

RESOLVED, that the public portion for the sewer district rates is hereby closed.

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

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**RESOLUTION NO. 741****SEWER DISTRICT RATES/  
LEAD AGENCY**

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

RESOLVED, that the Town Board declares itself Lead Agency for the Sewer District Rates.

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

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**RESOLUTION NO. 742****SEWER DISTRICT RATES  
SEQRA DECLARATION**

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

**Resolution No. 742 – Continued**

RESOLVED, that a negative SEQRA Declaration is hereby adopted for the Sewer District Rates, a copy is labeled Exhibit 11-K-05 and made a part of these minutes.

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

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**RESOLUTION NO. 743**

**SEWER DISTRICT RATES/ 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 a proposed local law amending existing Local Laws to amend how the rate is to be calculated for each property within the newly formed Sewer District.

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

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**RESOLUTION NO. 744**

**THE POINTE AT LAKE TAPPAN/ARC PROPERTIES PAC FLOATING ZONE /SEQRA DECLARATION**

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

RESOLVED, that a SEQRA Declaration is hereby reserved until December 5, 2005.

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

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**RESOLUTION NO. 745**

**THE POINTE AT LAKE TAPPAN/ARC PROPERTIES PAC FLOATING ZONE/TB RESERVED**

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

RESOLVED, that the Town Board's decision to consider the zone change application from ARC Properties for The Pointe at Lake Tappan, Veterans Memorial Parkway, Pearl River, NY (73.10-1-4,5,6), for a zone change for a portion of the property from Office Park (OP) to Planned Adult Community Floating Zone (PAC), pursuant to Local Law No. 1, 2004, Subsection 4.6.1 of Chapter 43 of the Code of the Town of Orangetown is hereby reserved to December 5, 2005.

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

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**RESOLUTION NO. 746****BOND RESOLUTION \$22.1 MIL  
TOWN'S SEWER PLANT**

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

RESOLVED, that a bond resolution in the amount of \$22.1 million, amending a bond resolution adopted on July 18, 2005, for capital repairs to the Town's sewer plant and infrastructure is hereby authorized. A copy of the Extract of Minutes is labeled Exhibit 11-L-05, and made a part of these minutes.

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

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**RESOLUTION NO. 747****VEHICLE TRUCK W/COMBO  
JET RODDER & MANHOLE  
CLEANER/AWARD BID**

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

WHEREAS, the Director of the Dept. of Environmental Management & Engineering duly advertised for sealed bids for a vehicle with high pressure jet rodder and vacuum manhole cleaner, which were received and publicly opened on November 23, 2005. The Director made a recommendation to the Town Board; a copy is labeled Exhibit 11-M-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Jet Vac, Inc., the lowest qualified bidder, in the amount of \$194,120.00 to be charged to Account No. H8130032/50200.

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

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**RESOLUTION NO. 748****LEASE AGREEMENT/CLUB  
CAR, INC./GOLF CARTS**

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

RESOLVED, that the renewal of the Lease Agreement between the Town of Orangetown and Club Car, Inc., for a five year (2006-2010) lease period for golf carts (138 carts at \$115 per car, per month for six months only), for \$74,520 per year (108 carts at Blue Hill) to be charged to Account No. E7250004/50444, and \$20,700 per year (30 carts at Broadacres) to be charged to Account No. ER7250004/50444 is hereby authorized.

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

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**RESOLUTION NO. 749****BNM PROPERTIES, LLC  
PICCINI INDUSTRIES LTD  
PILOT AGREEMENT**

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

WHEREAS, the Town of Orangetown wishes to encourage the business opportunities available in the Town by providing tax benefits through an individual PAYMENT IN LIEU OF TAXES ("PILOT") agreement; and

**Resolution No. 749 – Continued**

WHEREAS, BNM Properties, LLC, a New York limited liability company (“Lessee”) and Piccini Industries, Ltd. (“Sublessee”), a New York corporation, leasing manufacturing space at 37 Ramland Road, Orangeburg, NY (Pearl River Union Free School District) will cause property to be deeded to the Rockland County Industrial Development Agency and will lease the property back from the Rockland County Industrial Development Agency, which will provide benefits for expanding its business in the Town; and

WHEREAS, the Pearl River Union Free School District has approved and signed the Payment in Lieu of Taxes Agreement; now, Therefore Be It

RESOLVED, that the attached tax schedule for five subsequent tax years will provide an incentive to BNM Properties, LLC, and Piccini Industries, Ltd., and therefore a benefit to all taxpayers of the Town of Orangetown, and Be It

RESOLVED FURTHER, that the Town Board of the Town of Orangetown hereby accepts the terms of the PILOT agreement and will provide yearly tax bills to the property owner for the amounts indicated and will apportion out payments to the School and County based on the relative percentage of the combined tax rates for each of the years involved, and, Be It

RESOLVED FURTHER, that the Town Supervisor is hereby authorized to execute and deliver a Pilot in Lieu of Taxes (PILOT) agreement to the Rockland County Industrial Development Agency or BNM Properties, LLC and Piccini Industries, Ltd., Tax Map No: 76.08, Block 1, Lot 6, for property located in Orangeburg, New York.

ASSESSED VALUE: \$1,800,000

SCHOOL YEAR	% Reduction of 2005 Assessed Value	State, County & Town Tax Fiscal Year	% Reduction of 2005 Assessed Value
2006-2007	40% = \$1,800,000	2007	40% = \$1,800,000
2007-2008	40% = \$1,080,000	2008	40% = \$1,080,000
2008-2009	10% = \$1,620,000	2009	10% = \$1,620,000
2009-2010	5% = \$1,710,000	2010	5% = \$1,710,000
2010-2011	5% = \$1,710,000	2011	5% = \$1,710,000

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

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**RESOLUTION NO. 750**

**MOUNTAINVIEW AVE/PEARL RIVER/ROAD WIDENING DEED/RECEIVED/FILED**

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

RESOLVED, that upon the recommendation of the Town Attorney’s Office, the Highway and Environmental Management and Engineering Departments, a copy of the Road-Widening Deed for a 3.5 foot wide road-widening strip along the easterly right-of-way line of Mountainview Avenue, Pearl River in the Wieting Subdivision is hereby accepted, received and filed in the Town Clerk’s Office.

RESOLVED FURTHER, the original deed to be forwarded for recording in the Rockland County Clerk’s Office by the Town Attorney’s Office.

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

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**RESOLUTION NO. 751**

**PERFORMANCE BOND/TROOP  
WOODS SUBDV/ HEGARTY  
HOMES/RECEIVED/FILED**

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

RESOLVED, that the Subdivision Performance Bond in the sum of \$413,005.25 from Hegarty Homes, Inc., as “Principal,” in favor of the Town of Orangetown, as “Obligee,” in connection with a certain subdivision known as the “Troop Woods Subdivision (70.14-2-47),” and which said Performance Bond is collateralized by Bond No. B98809013255 from the Principal dated April 29, 2005, issued by American Southern Insurance Company and made payable to the order of the Town of Orangetown is hereby accepted, received and filed in the Town Clerk’s Office.

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

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**RESOLUTION NO. 752**

**ROUTE 303/RYDES UNLIMITED  
SITE PLAN (RODRIGUEZ)  
RECEIVED/FILED**

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

RESOLVED, that upon the recommendation of the Town Attorney’s Office, the Highway and Environmental Management and Engineering Departments, a copy of the Road-Widening Deed for a 12.5 foot wide road-widening strip along the westerly right-of-way line of Route 303, Orangeburg, for Rydes Unlimited Site Plan (Rodriguez) designated as Tax Map No. 74.07, Block 1, Lot 7 is hereby accepted, received and filed in the Town Clerk’s Office.

RESOLVED FURTHER, the original deed to be forwarded for recording in the Rockland County Clerk’s Office by the Town Attorney’s Office.

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

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**RESOLUTION NO. 753**

**RESCIND RESOLUTION NO.  
732/05/COMPREHENSIVE  
PARKING PLAN FOR PEARL  
RIVER PARKING METER DIST.**

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

RESOLVED, that Resolution No. 732/05 the adoption of a new section to the existing Chapter 24 (“Parking Lots, Municipal”) of the Town Code to be entitled “Comprehensive Parking Plan for the Pearl River Parking Meter District” is hereby rescinded.

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

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**RESOLUTION NO. 754**

**LEASE AGREEMENTS/PARK  
RESIDENCE/RECEIVED/FILED**

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

RESOLVED, that the following Lease Agreements are hereby received and filed in the Town Clerk's Office.

Steven Bello/Blue Hill Golf Course Residence  
Thomas Iacobellis/Nike Site Residence  
Anthony Limandri/Borst Memorial Park Residence

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

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**RESOLUTION NO. 755**

**INSTALLATION/FIRE HYDRANT  
SICKLETOWN ROAD/APPROVED**

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

RESOLVED, that upon the recommendation of the Pearl River Fire Dept. and the Town of Orangetown Fire Inspector, the installation of one (1) fire hydrant es Sickletown Road approximately 270' s/o Fifth Avenue is hereby approved.

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

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**RESOLUTION NO. 756**

**JOSEPH WOOLEY, ESQ/HEARING  
OFFICER/POLICE/APPOINTED**

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

RESOLVED, that Joseph Wooley, Esq., with offices at 15-6 Granada Crescent, White Plains, NY is hereby appointed to act as a hearing officer in the disciplinary hearing of a police officer, at a rate of \$195.00 per hour, in accordance with and pursuant to the previsions of the Rockland County Police Act.

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

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**RESOLUTION NO. 757**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that this Regular Town Board Meeting adjourned at 8:45 p.m. in memory of Margaret T. Wassmer, formerly of Blauvelt and Gunhild Schelin, Tappan.

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

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**Charlotte Madigan, Town Clerk**