

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, APRIL 26, 2004**

The Regular Town Board Meeting was opened at 7:47 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
Suzanne Barclay, Executive Asst. to Supvr.
Teresa M. Kenny, Town Attorney
John Edwards, Deputy Town Attorney
Charles Richardson, Director of Finance
Kevin Nulty, Chief of Police
James Dean, Superintendent of Highways
Jaya Bhattacharyya, Environmental Mgt. & Eng.
Ronald C. Delo, Environmental Mgt. & Eng.
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
John Giardiello, Director, OBZPAE

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

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Supervisor Kleiner introduced Donald Brenner, attorney for the senior housing proposal, "The Hollows at Blue Hill." Mr. Brenner presented the traffic study, market analysis and a description of the units to be built. A number of residents who support senior housing asked the builders questions regarding common charges, builders give backs and restrictive covenants. This will be put on the next RTBM agenda.

RPC issues were discussed and Supervisor Kleiner expects Phase II & III from LMS to be done by the May 10th meeting.

Public Portion

Peter Molfetas, Congers, asked for an estimated time of when construction would be started and questioned the taxes?

Jean Blake, Meadows – Pearl River, requested we limit the age in the bylaws. How would the selection process take place regarding Orangetown residents?

Charles Mercer, Pearl River, said list to the builders should include preference of 1 or 2 bedrooms.

Paul Melone, Tappan, complimented the Rockland County Times, Robert Knight's article regarding Tappan and the Journal New has yet to include an article.

Dr. Paul Trinkoff, Sparkill, encourages builders to give back to the youth through ball fields.

Mary McCloskey, Blauvelt, said this presentation meets the criteria. Please move forward so that the over 55 group, who have contributed for many years to this community, can continue to remain in this community and stay close to their families.

Eileen Larkin, Palisades, is in favor of this presentation. She also mentioned on May 4, 2004, 7:30 p.m. you can meet Audrey Dawson, author of "Mine Hole" at the Palisades Community Center.

Andrew Wiley, Pearl River, feels prices are on the high side. Will there be deed restrictions regarding future development?

Tom Bertussi, Pearl River, believes taxes are too high for seniors' who have paid taxes all their lives.

Barbara Rosen, Tappan, feels the value of homes may decline with the market being flooded with seniors leaving their homes.

Mary Bently, supports the offer of the developers.

Ruth Vezzitti, Tappan, questioned the town's website and election chairperson's certification.

RESOLUTION NO. 300**CLOSE PUBLIC PORTION**

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

RESOLVED, that the public portion is hereby closed.

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

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Frank Simeone representing the Blauvelt Fire Department said that the actuary decides what dollars are needed. The Blauvelt Fire Department agreed to add the increase from their own funds. This increase will not affect the residents of Orangetown.

RESOLUTION NO. 301**APPROVE AMENDMENT
BLAUVELT FIRE DEPT**

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

RESOLVED, that the amendment of the Defined Benefit Service award program for the Blauvelt Fire Protection District of the Town of Orangetown, calling a Special Election on June 8, 2004, Directing Publication of Notices of Election and determining other matters in connection therewith is approved. Extract of Minutes is labeled Exhibit 4-F-04, and made a part of these minutes.

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

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RESOLUTION NO. 302**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items two (2) through twelve (12) are hereby combined.

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

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RESOLUTION NO. 303**AMEND RESOLUTION NO. 207
STORM WATER MANAGEM'T**

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

RESOLVED, that Resolution No. 207 dated 3/8/04, is amended as follows:

RESOLVED, that with the other four towns in Rockland County, share in the hiring of an Environmental Resource Educator to provide public education and outreach to Rockland County communities, regarding NYS Department of Environmental Conservation's storm water

Resolution No. 303 - Continued

management regulations in the amount of \$6,800 per town annually to be charged to Account No. A5010/50457.

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

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RESOLUTION NO. 304**APPROVE ACCOUNTANTS
MICHAEL A. GENITO**

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

RESOLVED, that the use of 4 independent accountants for audit preparation at a maximum hourly rate of \$60.00 as outlined in proposal from Michael A. Genito with funding not to exceed \$12,000 and to be charged to Account No. A1310/50457 is approved.

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

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RESOLUTION NO. 305**PERMISSION GRANTED
POLICE/EMPIRE STATE
TRAFFIC SAFETY**

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

RESOLVED, that permission is granted for one police officer to attend the Empire State Law Enforcement Traffic Safety Conference in Colonie, NY on April 28, 2004 at a cost of \$118.00 to be charged to B3120/0441-0480.

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

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RESOLUTION NO. 306**AUTHORIZE REPRESENTATIVE
NYS DEC/CHERRY BROOK BASIN**

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

RESOLVED, that James Dean, Superintendent of Highways is authorized to act as representative for the Town of Orangetown to execute Contract No. M030023, with the NYS DEC for drainage, boundary and topographical surveys of the Cherry Brook Basin. The Town agrees to appropriate \$17,500 for these surveys, which will be reimbursed by NYS DEC.

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

RESOLUTION NO. 307**ADV BIDS/USED MULTI-PURPOSE
ANTI-ICING TANK TRUCK/HWY**

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

RESOLVED, that James Dean, Superintendent of Highways is hereby authorized to advertise for sealed bids for *a used multi-purpose anti-icing tank truck* and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m., May 11, 2004, and be publicly opened and read aloud at 11:00 a.m., and Be It

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
Supervisor Kleiner
Noes: None
Absent: Councilman Morr

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RESOLUTION NO. 308**ADV BIDS/POTASSIUM
PERMANGANATE/ENV/ENG**

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

RESOLVED, that the Dept. of Environmental Mgt. & Eng. is hereby authorized to advertise for sealed bids for potassium permanganate and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m., May 11, 2004, and be publicly opened and read aloud at 11:00 a.m., and Be It

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
Supervisor Kleiner
Noes: None
Absent: Councilman Morr

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RESOLUTION NO. 309**DEDICATION/PVT LOVETT CT
ACROSS THE POND SUBDIV**

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, the Department of Environmental Management and Engineering and the Superintendent of Highways, the Town accepts the offer of dedication of *Pvt. Lovett Court* in the *Across the Pond Subdivision* as a Town road, for maintenance purposes, as said internal roadway is shown, depicted or designated on Filed Map No. 7148 and as described in the Deed.

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

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RESOLUTION NO. 310**ACCEPT/RECEIVE/FORWARD
DEEDS/PVT LOVETT CT/ACROSS
THE POND SUBDIVISON**

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

Resolution No. 310 – Continued

RESOLVED, that the following Deeds are accepted, Received and forwarded to Town Attorney's Office to record in the Rockland County Clerk's Office: (1) original executed deed, in recordable form, from *Across the Pond Properties, Inc.*, as Grantor, in favor of the Town of Orangetown, as Grantee, to which is annexed Schedule A (dedication of *Pvt. Lovett Court*), Schedule A-1 (gratuitous Road Widening of Van Wyck Road and Fifth Avenue), and Schedule A-2 (on site Pump Station) and (2) original executed Deed of Easement, in recordable form, from *Across the Pond Properties, Inc.*, as Grantor, in favor of the Town of Orangetown, as Grantee, to which is annexed Schedule A (20' Sanitary Sewer Easement through Lots 7 and 8 in this Subdivision) and Schedule A-1 (20' Drainage Easement through Lots 10, 11, 12 & 13 in this Subdivision).

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

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RESOLUTION NO. 311**APPROVE/SETTLEMENT
AMERICAN HOME PRODUCTS**

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

RESOLVED, that the Stipulation of Settlement for the Assessment years 2002 and 1992 between the Town of Orangetown and American Home Products, Inc. is hereby approved. The Stipulation of Settlement reduces the assessment by 116,220,746 for 2002 and the stipulation provides that upon receipt of the applicable refund by the property owner, that the 1992/93 tax year proceedings will be discontinued.

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

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RESOLUTION NO. 312**APPROVE/SETTLEMENT
VIOLETTE MYRTIL/TORT CLAIM**

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

RESOLVED, that upon the recommendation of the Office of the Town Attorney, and upon the report and recommendation of William B. Turner, Senior Claims Representative, Gallagher Bassett Services, Inc. (Town of Orangetown's insurance carrier), the settlement of the tort lawsuit brought by Violette Myrtil against the Town of Orangetown, concerning an automobile accident, which occurred on February 7, 2003 on North Middletown Road, Pearl River, New York, in the amount of \$12,500.00 and payment for which is to be made therefore is approved.

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

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RESOLUTION NO. 313**ACCEPT MINUTES**

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

Resolution No. 313 – Continued

RESOLVED, that the Workshop/Executive Session minutes of April 7, 2004, Regular Town Board Meeting minutes of April 12, 2004, Audit/Executive Session minutes of April 12, 2004, Executive Session minutes of April 19, 2004 and Police Commission minutes of April 21, 2004 are accepted.

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

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RESOLUTION NO. 314

**APPROVE FUNDING
 PROJECT GRADUATION**

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

RESOLVED, that upon the recommendation of the Finance Director, the following contributions, to be charged to Account No. A4211/50457, for Project Graduation are hereby approved.

Nanuet High School	\$ 450
Nyack High School	\$1,250
Pearl River High School	\$2,500
Tappan Zee High School	\$2,500
Albertus Magnus	\$ 250
Total	\$6,950

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

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RESOLUTION NO. 315

**ACCEPT DONATION/BILLY
 KAYSER FUND/VETERANS PK**

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

RESOLVED, that a donation of \$3,595 from the Billy Kayser Fund for a scoreboard at the Babe Ruth field at Veteran's Memorial Park is accepted.

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

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RESOLUTION NO. 316

**APPOINT/ANNE KOCH/BOARD
 OF ASSESSMENT REVIEW**

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

RESOLVED, that Anne Koch is hereby appointed to the Board of Assessment Review for a 5-year term, effective October 1, 2003 to October 1, 2008.

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

RESOLUTION NO. 317

ADJOURNMENT/MEMORY

Supervisor Kleiner offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that this meeting is hereby adjourned at 10:13 p. m., in memory of James Farrell, brother of Marie Boyle, Deputy Receiver of Taxes.

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

Charlotte Madigan, Town Clerk